

In the Senate of the United States,

July 10, 1996.

Resolved, That the bill from the House of Representatives (H.R. 3230) entitled “An Act to authorize appropriations for fiscal year 1997 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

AMENDMENTS:

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 1997”.*

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

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

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

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

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

5 (b) *TABLE OF CONTENTS.—The table of contents for*
6 *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.

Sec. 4. General limitation.

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

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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.

Sec. 109. Defense Nuclear Agency.

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Sec. 111. Multiyear procurement of Javelin missile system.

Sec. 112. Army assistance for Chemical Demilitarization Citizens' Advisory Com-
missions.

Sec. 113. Study regarding neutralization of the chemical weapons stockpile.

Sec. 114. Permanent authority to carry out arms initiative.

Sec. 115. Type classification of Electro Optic Augmentation (EOA) system.

Sec. 116. Bradley TOW 2 Test Program sets.

Sec. 117. Demilitarization of assembled chemical munitions.

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Sec. 121. EA-6B aircraft reactive jammer program.

Sec. 122. Penguin missile program.

Sec. 123. Nuclear attack submarine programs.

Sec. 124. Arleigh Burke class destroyer program.

Sec. 125. Maritime prepositioning ship program enhancement.

Sec. 126. Additional exception from cost limitation for Seawolf submarine pro-
gram.

Sec. 127. Radar modernization.

Subtitle D—Air Force Programs

Sec. 131. Multiyear contracting authority for the C-17 aircraft program.

Subtitle E—Reserve Components

Sec. 141. Assessments of modernization priorities of the reserve components.

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.

Sec. 203. Defense Nuclear Agency.

Sec. 204. Funds for research, development, test, and evaluation relating to humanitarian demining technologies.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.

Sec. 212. Department of Defense Space Architect.

Sec. 213. Space-based infrared system program.

Sec. 214. Research for advanced submarine technology.

Sec. 215. Clementine 2 micro-satellite development program.

Sec. 216. Tier III minus unmanned aerial vehicle.

Sec. 217. Defense airborne reconnaissance program.

Sec. 218. Cost analysis of F-22 aircraft program.

Sec. 219. F-22 aircraft program reports.

Sec. 220. Nonlethal weapons and technologies programs.

Sec. 221. Counterproliferation support program.

Sec. 222. Federally funded research and development centers and university-affiliated research centers.

Sec. 223. Advanced submarine technologies.

Sec. 224. Funding for basic research in nuclear seismic monitoring.

Sec. 225. Cyclone class craft self-defense.

Sec. 226. Computer-assisted education and training.

Sec. 227. Seamless High Off-Chip Connectivity.

Sec. 228. Cost-benefit analysis of F/A-18E/F aircraft program.

Sec. 229. National Polar-Orbiting Operational Environmental Satellite System.

Sec. 230. Surgical strike vehicle for use against hardened and deeply buried targets.

Subtitle C—Ballistic Missile Defense

Sec. 231. Conversion of ABM treaty to multilateral treaty.

Sec. 232. Funding for upper tier theater missile defense systems.

Sec. 233. Elimination of requirements for certain items to be included in the annual report on the ballistic missile defense program.

Sec. 234. ABM treaty defined.

Sec. 235. Scorpius space launch technology program.

Sec. 236. Corps SAM/MEADS program.

Sec. 237. Annual report on threat of attack by ballistic missiles carrying nuclear, chemical, or biological warheads.

Sec. 238. Air Force national missile defense plan.

Sec. 239. Extension of prohibition on use of funds to implement an international agreement concerning theater missile defense systems.

Subtitle D—Other Matters

Sec. 241. Live-fire survivability testing of F-22 aircraft.
Sec. 242. Live-fire survivability testing of V-22 aircraft.
Sec. 243. Amendment to University Research Initiative Support Program.
Sec. 244. Desalting technologies.

Subtitle E—National Oceanographic Partnership

Sec. 251. Short title.
Sec. 252. National Oceanographic Partnership Program.

TITLE III—OPERATION AND MAINTENANCE

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Sec. 302. Working capital funds.
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Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Civil Air Patrol.
Sec. 306. SR-71 contingency reconnaissance force.

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Sec. 312. National Defense Sealift Fund.
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Sec. 322. Increase in percentage limitation on contractor performance of depot-level maintenance and repair workloads.
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Sec. 326. Annual report on competitive procedures.
Sec. 327. Annual risk assessments regarding private performance of depot-level maintenance work.
Sec. 328. Extension of authority for naval shipyards and aviation depots to engage in defense-related production and services.
Sec. 329. Limitation on use of funds for F-18 aircraft depot maintenance.
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Sec. 342. Defense contractors covered by requirement for reports on contractor reimbursement costs for response actions.

- Sec. 343. Repeal of redundant notification and consultation requirements regarding remedial investigations and feasibility studies at certain installations to be closed under the base closure laws.*
- Sec. 344. Payment of certain stipulated civil penalties.*
- Sec. 345. Authority to withhold listing of Federal facilities on National Priorities List.*
- Sec. 346. Authority to transfer contaminated Federal property before completion of required remedial actions.*
- Sec. 347. Clarification of meaning of uncontaminated property for purposes of transfer by the United States.*
- Sec. 348. Shipboard solid waste control.*
- Sec. 349. Cooperative agreements for the management of cultural resources on military installations.*
- Sec. 350. Report on withdrawal of public lands at El Centro Naval Air Facility, California.*
- Sec. 351. Use of hunting and fishing permit fees collected at closed military reservations.*
- Sec. 352. Authority for agreements with Indian tribes for services under Environmental Restoration Program.*

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- Sec. 362. Authorized use of recruiting funds.*
- Sec. 363. Noncompetitive procurement of brand-name commercial items for resale in commissary stores.*
- Sec. 364. Administration of midshipmen's store and other Naval Academy support activities as nonappropriated fund instrumentalities.*
- Sec. 365. Assistance to committees involved in inauguration of the President.*
- Sec. 366. Department of Defense support for sporting events.*
- Sec. 367. Renovation of building for Defense Finance and Accounting Service Center, Fort Benjamin Harrison, Indiana.*
- Sec. 368. Computer Emergency Response Team at Software Engineering Institute.*
- Sec. 369. Reimbursement under agreement for instruction of civilian students at Foreign Language Institute of the Defense Language Institute.*
- Sec. 370. Authority of Air National Guard to provide certain services at Lincoln Municipal Airport, Lincoln Nebraska.*

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- Sec. 401. End strengths for active forces.*
- Sec. 402. Temporary flexibility relating to permanent end strength levels.*
- Sec. 403. Authorized strengths for commissioned officers in grades O-4, O-5, and O-6.*
- Sec. 404. Extension of requirement for recommendations regarding appointments to joint 4-star officer positions.*
- Sec. 405. Increase in authorized number of general officers on active duty in the Marine Corps.*

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.*
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.*

Sec. 413. Personnel management relating to assignment to service in the Selective Service System.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

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Sec. 502. Exception to baccalaureate degree requirement for appointment in the Naval Reserve in grades above O-2.

Sec. 503. Time for award of degrees by unaccredited educational institutions for graduates to be considered educationally qualified for appointment as Reserve officers in grade O-3.

Sec. 504. Chief Warrant Officer promotions.

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Sec. 506. Grade of Chief of Naval Research.

Sec. 507. Service credit for senior ROTC cadets and midshipmen in simultaneous membership program.

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Sec. 515. Retirement of Reserves disabled by injury or disease incurred or aggravated during overnight stay between inactive duty training periods.

Sec. 516. Reserve credit for participation in the Health Professions Scholarship and Financial Assistance Program.

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Sec. 518. Modified end strength authorization for military technicians for the Air National Guard for fiscal year 1997.

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Sec. 523. Prohibition on reorganization of Army ROTC Cadet Command of termination of Senior ROTC units pending report on ROTC.

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Sec. 532. Limitations on recall of retired members to active duty.

Sec. 533. Disability coverage for officers granted excess leave for educational purposes.

- Sec. 534. Uniform policy regarding retention of members who are permanently nonworldwide assignable.*
- Sec. 535. Authority to extend period for enlistment in regular component under the delayed entry program.*
- Sec. 536. Career service reenlistments for members with at least 10 years of service.*
- Sec. 537. Revisions to missing persons authorities.*
- Sec. 538. Inapplicability of Soldiers' and Sailors' Civil Relief Act of 1940 to the period of limitations for filing claims for corrections of military records.*
- Sec. 539. Medal of Honor for certain African-American soldiers who served in World War II.*
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- Sec. 561. Applicability to Public Health Service of prohibition on crediting cadet or midshipmen service at the service academies.*
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- Sec. 571. Authority to expand law enforcement placement program to include firefighters.*
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- Sec. 602. Rate of cadet and midshipman pay.*
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- Sec. 604. Basic allowance for quarters for members assigned to sea duty.*
- Sec. 605. Uniform applicability of discretion to deny an election not to occupy Government quarters.*
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- Sec. 607. Waiver of time limitations for claim for pay and allowances.*

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- Sec. 624. Funding for transportation of household effects of Public Health Service officers.*

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- Sec. 632. Allotment of retired or retainer pay.*
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- Sec. 634. Annuities for certain military surviving spouses.*
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- Sec. 636. Prevention of circumvention of court order by waiver of retired pay to enhance civil service retirement annuity.*

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- Sec. 642. Waiver of recoupment of amounts withheld for tax purposes from certain separation pay received by involuntarily separated members and former members of the Armed Forces.*
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- Sec. 702. Dental insurance plan for military retirees and certain dependents.*

- Sec. 703. Uniform composite health care system software.*
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- Sec. 706. Comptroller General review of health care activities of the Department of Defense relating to Persian Gulf illnesses.*
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- Sec. 722. Inclusion of designated providers in uniformed services health care delivery system.*
- Sec. 723. Provision of uniform benefit by designated providers.*
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- Sec. 801. Procurement technical assistance programs.*
- Sec. 802. Extension of pilot mentor-protégé program.*
- Sec. 803. Modification of authority to carry out certain prototype projects.*
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- Sec. 805. Procurements to be made from small arms industrial base firms.*
- Sec. 806. Exception to prohibition on procurement of foreign goods.*
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- Sec. 906. Role of Director of Central Intelligence in appointment and evaluation of certain intelligence officials.*
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- Sec. 1086. Technical amendment.*
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Sec. 1415. Authority to transport a privately owned motor vehicle within the continental United States
Sec. 1416. Authority to pay limited relocation allowances to an employee who is performing an extended assignment.
Sec. 1417. Authority to pay a home marketing incentive.
Sec. 1418. Conforming amendments.

Subtitle B—Miscellaneous Provisions

- Sec. 1431. Repeal of the long-distance telephone call certification requirement.*
Sec. 1432. Transfer of authority to issue regulations.
Sec. 1433. Report on assessment of cost savings.
Sec. 1434. Effective date; issuance of regulations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.*

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.*
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Plan for repairs and stabilization of the historic district at the Forest Glen Annex of Walter Reed Medical Center, Maryland.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.*
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Defense access roads.
Sec. 2205. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.*
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.*
- Sec. 2402. Military housing planning and design.*
- Sec. 2403. Improvements to military family housing units.*
- Sec. 2404. Military housing improvement program.*
- Sec. 2405. Energy conservation projects.*
- Sec. 2406. Authorization of appropriations, Defense Agencies.*

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.*
- Sec. 2502. Authorization of appropriations, NATO.*
- Sec. 2503. Redesignation of North Atlantic Treaty Organization Infrastructure program.*

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.*
- Sec. 2602. Funding for construction and improvement of reserve centers in the State of Washington.*

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

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.*
- Sec. 2702. Extension of authorizations of certain fiscal year 1994 projects.*
- Sec. 2703. Extension of authorizations of certain fiscal year 1993 projects.*
- Sec. 2704. Extension of authorizations of certain fiscal year 1992 projects.*
- Sec. 2705. Prohibition on use of funds for certain projects.*
- Sec. 2706. Effective date.*

TITLE XXVIII—GENERAL PROVISIONS

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

- Sec. 2801. Increase in certain thresholds for unspecified minor construction projects.*
- Sec. 2802. Clarification of authority to improve military family housing.*
- Sec. 2803. Authority to grant easements for rights-of-way.*

Subtitle B—Defense Base Closure and Realignment

- Sec. 2811. Restoration of authority under 1988 base closure law to transfer property and facilities to other entities in the Department of Defense.*
- Sec. 2812. Agreements for services at installations after closure.*

Subtitle C—Land Conveyances

- Sec. 2821. Transfer of lands, Arlington National Cemetery, Arlington, Virginia.*
- Sec. 2822. Land transfer, Potomac Annex, District of Columbia.*
- Sec. 2823. Land conveyance, Army Reserve Center, Montpelier, Vermont.*
- Sec. 2824. Land conveyance, former Naval Reserve Facility, Lewes, Delaware.*

- Sec. 2825. Land conveyance, Radar Bomb Scoring Site, Belle Fourche, South Dakota.*
- Sec. 2826. Conveyance of primate research complex, Holloman Air Force Base, New Mexico.*
- Sec. 2827. Demonstration project for installation and operation of electric power distribution system at Youngstown Air Reserve Station, Ohio.*
- Sec. 2828. Transfer of jurisdiction and land conveyance, Fort Sill, Oklahoma.*
- Sec. 2829. Renovation of the Pentagon Reservation.*
- Sec. 2830. Land conveyance, William Langer Jewel Bearing Plant, Rolla, North Dakota.*
- Sec. 2831. Reaffirmation of land conveyances, Fort Sheridan, Illinois.*
- Sec. 2832. Land conveyance, Crafts Brothers Reserve Training Center, Manchester, New Hampshire.*
- Sec. 2833. Land transfer, Vernon Ranger District, Kisatchie National Forest, Louisiana.*
- Sec. 2834. Land conveyance, Air Force Plant No. 85, Columbus, Ohio.*
- Sec. 2835. Land conveyance, Pine Bluff Arsenal, Arkansas.*
- Sec. 2836. Modification of boundaries of White Sands National Monument and White Sands Missile Range.*
- Sec. 2837. Bandelier National Monument.*

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.*
- Sec. 3102. Environmental restoration and waste management.*
- Sec. 3103. Other defense activities.*
- Sec. 3104. Defense nuclear waste disposal.*

Subtitle B—Recurring General Provisions

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

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Tritium production.*
- Sec. 3132. Modernization and consolidation of tritium recycling facilities.*
- Sec. 3133. Modification of requirements for manufacturing infrastructure for re-fabrication and certification of nuclear weapons stockpile.*
- Sec. 3134. Limitation on use of funds for certain research and development purposes.*
- Sec. 3135. Accelerated schedule for isolating high-level nuclear waste at the Defense Waste Processing Facility, Savannah River Site.*

- Sec. 3136. Processing of high-level nuclear waste and spent nuclear fuel rods.*
- Sec. 3137. Fellowship program for development of skills critical to Department of Energy nuclear weapons complex.*
- Sec. 3138. Payment of costs of operation and maintenance of infrastructure at Nevada Test Site.*

Subtitle D—Other Matters

- Sec. 3151. Requirement for annual five-year budget for the national security programs of the Department of Energy.*
- Sec. 3152. Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1997.*
- Sec. 3153. Repeal of requirement relating to accounting procedures for Department of Energy funds.*
- Sec. 3154. Plans for activities to process nuclear materials and clean up nuclear waste at the Savannah River Site.*
- Sec. 3155. Update of report on nuclear test readiness postures.*
- Sec. 3156. Reports on critical difficulties at nuclear weapons laboratories and nuclear weapons production plants.*
- Sec. 3157. Extension of applicability of notice-and-wait requirement regarding proposed cooperation agreements.*
- Sec. 3158. Sense of Congress relating to redesignation of Defense Environmental Restoration and Waste Management Program.*
- Sec. 3159. Commission on Maintaining United States Nuclear Weapons Expertise.*
- Sec. 3160. Sense of Senate regarding reliability and safety of remaining nuclear forces.*
- Sec. 3161. Report on Department of Energy liability at Department superfund sites.*
- Sec. 3162. Fiscal year 1998 funding for Greenville Road Improvement Project, Livermore, California.*
- Sec. 3163. Opportunity for review and comment by State of Oregon regarding certain remedial actions at Hanford Reservation, Washington.*
- Sec. 3164. Sense of Senate on Hanford memorandum of understanding.*
- Sec. 3165. Foreign environmental technology.*
- Sec. 3166. Study on worker protection at the Mound Facility.*

Subtitle E—Environmental Restoration at Defense Nuclear Facilities

- Sec. 3171. Short title.*
- Sec. 3172. Applicability.*
- Sec. 3173. Designation of covered facilities as environmental cleanup demonstration areas.*
- Sec. 3174. Site managers.*
- Sec. 3175. Department of Energy orders.*
- Sec. 3176. Demonstrations of technology for remediation of defense nuclear waste.*
- Sec. 3177. Reports to Congress.*
- Sec. 3178. Termination.*
- Sec. 3179. Definitions.*

Subtitle F—Waste Isolation Pilot Plant Land Withdrawal Act Amendments.

- Sec. 3181. Short title and reference.*
- Sec. 3182. Definitions.*

- Sec. 3183. Test phase and retrieval plans.*
Sec. 3184. Management plan.
Sec. 3185. Test phase activities.
Sec. 3186. Disposal operations.
Sec. 3187. Environmental Protection Agency disposal regulations.
Sec. 3188. Compliance with environmental laws and regulations.
Sec. 3189. Retrievability.
Sec. 3190. Decommissioning of WIPP
Sec. 3191. Economic assistance and miscellaneous payments.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.*

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of stockpile funds.*
Sec. 3302. Disposal of certain materials in National Defense Stockpile.
Sec. 3303. Additional authority to dispose of materials in National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.*

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. Short title.*
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures in accordance with other laws.

TITLE XXXVI—MISCELLANEOUS PROVISION

- Sec. 3601. Sense of the Senate regarding the reopening of Pennsylvania Avenue.*

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 **SEC. 4. GENERAL LIMITATION.**

2 *Notwithstanding any other provision of this Act, the*
3 *total amount authorized to be appropriated for fiscal year*
4 *1997 for the national defense function under the provisions*
5 *of this Act is \$265,583,000,000.*

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

11 **SEC. 101. ARMY.**

12 *Funds are hereby authorized to be appropriated for fis-*
13 *cal year 1997 for procurement for the Army as follows:*

14 *(1) For aircraft, \$1,508,515,000.*

15 *(2) For missiles, \$1,160,829,000.*

16 *(3) For weapons and tracked combat vehicles,*
17 *\$1,460,115,000.*

18 *(4) For ammunition, \$1,156,728,000.*

19 *(5) For other procurement, \$3,298,940,000.*

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

21 *(a) NAVY.—Funds are hereby authorized to be appro-*
22 *priated for fiscal year 1997 for procurement for the Navy*
23 *as follows:*

24 *(1) For aircraft, \$6,911,352,000.*

25 *(2) For weapons, including missiles and tor-*
26 *pedoes, \$1,513,263,000.*

1 (3) For shipbuilding and conversion,
2 \$6,567,330,000.

3 (4) For other procurement, \$3,005,040,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 1997 for procurement for
6 the Marine Corps in the amount of \$816,107,000.

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

8 Funds are hereby authorized to be appropriated for fis-
9 cal year 1997 for procurement for the Air Force as follows:

10 (1) For aircraft, \$7,003,528,000.

11 (2) For missiles, \$2,847,177,000.

12 (3) For other procurement, \$5,889,519,000.

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

14 Funds are hereby authorized to be appropriated for fis-
15 cal year 1997 for Defense-wide procurement in the amount
16 of \$1,908,012,000.

17 **SEC. 105. RESERVE COMPONENTS.**

18 Funds are hereby authorized to be appropriated for fis-
19 cal year 1997 for procurement of aircraft, vehicles, commu-
20 nications equipment, and other equipment for the reserve
21 components of the Armed Forces as follows:

22 (1) For the Army National Guard, \$224,000,000.

23 (2) For the Air National Guard, \$305,800,000.

24 (3) For the Army Reserve, \$90,000,000.

25 (4) For the Naval Reserve, \$40,000,000.

1 (5) *For the Air Force Reserve, \$40,000,000.*

2 (6) *For the Marine Corps Reserve, \$60,000,000.*

3 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 1997 for procurement for the Inspector General of*
6 *the Department of Defense in the amount of \$2,000,000.*

7 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

8 *There is hereby authorized to be appropriated for fiscal*
9 *year 1997 the amount of \$802,847,000 for—*

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

14 (2) *the destruction of chemical warfare materiel*
15 *of the United States that is not covered by section*
16 *1412 of such Act.*

17 **SEC. 108. DEFENSE HEALTH PROGRAM.**

18 *Funds are hereby authorized to be appropriated for fis-*
19 *cal year 1997 for the Department of Defense for procure-*
20 *ment for carrying out health care programs, projects, and*
21 *activities of the Department of Defense in the total amount*
22 *of \$269,470,000.*

1 **SEC. 109. DEFENSE NUCLEAR AGENCY.**

2 *Of the amounts authorized to be appropriated for the*
3 *Department of Defense under section 104, \$7,900,000 shall*
4 *be available for the Defense Nuclear Agency.*

5 **Subtitle B—Army Programs**

6 **SEC. 111. MULTIYEAR PROCUREMENT OF JAVELIN MISSILE**
7 **SYSTEM.**

8 *The Secretary of the Army may, in accordance with*
9 *section 2306b of title 10, United States Code, enter into*
10 *multiyear procurement contracts for the procurement of the*
11 *Javelin missile system.*

12 **SEC. 112. ARMY ASSISTANCE FOR CHEMICAL DEMILITARIZA-**
13 **TION CITIZENS' ADVISORY COMMISSIONS.**

14 *Subsections (b) and (f) of section 172 of the National*
15 *Defense Authorization Act for Fiscal Year 1993 (Public*
16 *Law 102-484; 106 Stat. 2341; 50 U.S.C. 1521 note) are*
17 *each amended by striking out "Assistant Secretary of the*
18 *Army (Installations, Logistics and Environment)" and in-*
19 *serting in lieu thereof "Assistant Secretary of the Army*
20 *(Research, Development and Acquisition)".*

21 **SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE**
22 **CHEMICAL WEAPONS STOCKPILE.**

23 *(a) STUDY.—The Secretary of Defense shall conduct a*
24 *study to determine the cost of incineration of the current*
25 *chemical munitions stockpile by building incinerators at*
26 *each existing facility compared to the proposed cost of dis-*

1 *mantling those same munitions, neutralizing them at each*
2 *storage site and transporting the neutralized remains and*
3 *all munitions parts to a centrally located incinerator with-*
4 *in the United States for incineration.*

5 (b) *REPORT.*—*Not later than 180 days after the date*
6 *of the enactment of this Act, the Secretary shall submit to*
7 *the appropriate committees of the Congress a report on the*
8 *study carried out under subsection (a).*

9 **SEC. 114. PERMANENT AUTHORITY TO CARRY OUT ARMS**
10 **INITIATIVE.**

11 *Section 193(a) of the Armament Retooling and Manu-*
12 *facturing Support Initiative Act of 1992 (subtitle H of title*
13 *I of Public Law 102–484; 10 U.S.C. 2501 note) is amended*
14 *by striking out “During fiscal years 1993 through 1996”,*
15 *and inserting in lieu thereof “During fiscal years 1993*
16 *through 1998”.*

17 **SEC. 115. TYPE CLASSIFICATION OF ELECTRO OPTIC AUG-**
18 **MENTATION (EOA) SYSTEM.**

19 (a) *REQUIREMENT.*—*The Secretary of the Army shall*
20 *type classify the Electro Optic Augmentation (EOA) sys-*
21 *tem.*

22 (b) *FUNDING.*—*Of the amounts authorized to be appro-*
23 *priated for the Army by this division, \$100,000 shall made*
24 *be available to the Armored Systems Modernization Pro-*

1 gram manager for the type classification required by sub-
2 section (a).

3 **SEC. 116. BRADLEY TOW 2 TEST PROGRAM SETS.**

4 *Of the funds authorized to be appropriated under sec-*
5 *tion 101(3) of the National Defense Authorization Act for*
6 *Fiscal Year 1996 (110 Stat. 204), \$6,000,000 is available*
7 *for the procurement of Bradley TOW 2 Test Program sets.*

8 **SEC. 117. DEMILITARIZATION OF ASSEMBLED CHEMICAL**
9 **MUNITIONS.**

10 (a) *PILOT PROGRAM.*—*The Secretary of Defense shall*
11 *conduct a pilot program to identify and demonstrate fea-*
12 *sible alternatives to incineration for the demilitarization of*
13 *assembled chemical munitions.*

14 (b) *PROGRAM REQUIREMENTS.*—(1) *The Secretary of*
15 *Defense shall designate an executive agent to carry out the*
16 *pilot program required to be conducted under subsection*
17 *(a).*

18 (2) *The executive agent shall—*

19 (A) *be an officer or executive of the United*
20 *States Government;*

21 (B) *be accountable to the Secretary of Defense;*
22 *and*

23 (C) *not be, or have been, in direct or immediate*
24 *control of the chemical weapon stockpile demilitariza-*
25 *tion program established by 1412 of the Department*

1 *of Defense Authorization Act, 1986 (50 U.S.C. 1521)*
2 *or the alternative disposal process program carried*
3 *out under sections 174 and 175 of the National De-*
4 *fense Authorization Act for Fiscal Year 1993 (Public*
5 *Law 102-484; 50 U.S.C. 1521 note).*

6 *(3) The executive agent may—*

7 *(A) carry out the pilot program directly;*

8 *(B) enter into a contract with a private entity*
9 *to carry out the pilot program; or*

10 *(C) transfer funds to another department or*
11 *agency of the Federal Government in order to provide*
12 *for such department or agency to carry out the pilot*
13 *program.*

14 *(4) A department or agency that carries out the pilot*
15 *program under paragraph (3)(C) may not, for purposes of*
16 *the pilot program, contract with or competitively select the*
17 *organization within the Army that exercises direct or im-*
18 *mediate management control over either program referred*
19 *to in paragraph (2)(C).*

20 *(5) The pilot program shall terminate not later than*
21 *September 30, 2000.*

22 *(c) ANNUAL REPORT.—Not later than December 15 of*
23 *each year in which the Secretary carries out the pilot pro-*
24 *gram, the Secretary shall submit to Congress a report on*

1 *the activities under the pilot program during the preceding*
2 *fiscal year.*

3 (d) *EVALUATION AND REPORT.*—*Not later than De-*
4 *cember 31, 2000, the Secretary of Defense shall—*

5 (1) *evaluate each demilitarization alternative*
6 *identified and demonstrated under the pilot program*
7 *to determine whether that alternative—*

8 (A) *is as safe and cost efficient as inciner-*
9 *ation for disposing of assembled chemical muni-*
10 *tions; and*

11 (B) *meets the requirements of section 1412*
12 *of the Department of Defense Authorization Act,*
13 *1986; and*

14 (2) *submit to Congress a report containing the*
15 *evaluation.*

16 (e) *LIMITATION ON LONG LEAD CONTRACTING.*—(1)
17 *Notwithstanding any other provision of law and except as*
18 *provided in paragraph (2), the Secretary may not enter*
19 *into any contract for the purchase of long lead materials*
20 *considered to be baseline incineration specific materials for*
21 *the construction of an incinerator at any site in Kentucky*
22 *or Colorado, within one year of the date of enactment of*
23 *this Act or, thereafter until the executive agent designated*
24 *for the pilot program submits an application for such per-*
25 *mits as are necessary under the law of the State of Kentucky*

1 *or the law of the State of Colorado, as the case may be,*
2 *for the construction at that site of a plant for demilitariza-*
3 *tion of assembled chemical munitions by means of an alter-*
4 *native to incineration.*

5 (2) *Provided, however, That the Secretary may enter*
6 *into a contract described in paragraph (1) beginning 60*
7 *days after the date on which the Secretary submits to Con-*
8 *gress—*

9 (A) *the report required by subsection (d)(2); and*
10 (B) *the certification of the executive agent that*
11 *there exists no alternative technology as safe and cost*
12 *efficient as incineration for demilitarizing chemical*
13 *munitions at non-bulk sites that can meet the require-*
14 *ments of section 1412 of the Department of Defense*
15 *Authorization Act, 1986.*

16 (f) *ASSEMBLED CHEMICAL MUNITION DEFINED.—For*
17 *the purpose of this section, the term “assembled chemical*
18 *munition” means an entire chemical munition, including*
19 *component parts, chemical agent, propellant, and explosive.*

20 (g) *FUNDING.—(1) Of the amount authorized to be ap-*
21 *propriated under section 107, \$60,000,000 shall be available*
22 *for the pilot program under this section. Such funds may*
23 *not be derived from funds to be made available under the*
24 *chemical demilitarization program for the alternative tech-*
25 *nologies research and development program at bulk sites.*

1 (2) *Funds made available for the pilot program pursu-*
 2 *ant to paragraph (1) shall be made available to the execu-*
 3 *tive agent for use for the pilot program.*

4 ***Subtitle C—Navy Programs***

5 ***SEC. 121. EA-6B AIRCRAFT REACTIVE JAMMER PROGRAM.***

6 (a) *LIMITATION.*—*None of the funds appropriated pur-*
 7 *suant to section 102(a)(1) for modifications or upgrades of*
 8 *EA-6B aircraft may be obligated, other than for a reactive*
 9 *jammer program for such aircraft, until 30 days after the*
 10 *date on which the Secretary of the Navy submits to the con-*
 11 *gressional defense committees in writing—*

12 (1) *a certification that some or all of such funds*
 13 *have been obligated for a reactive jammer program*
 14 *for EA-6B aircraft; and*

15 (2) *a report that sets forth a detailed, well-de-*
 16 *finied program for—*

17 (A) *developing a reactive jamming capabil-*
 18 *ity for EA-6B aircraft; and*

19 (B) *upgrading the EA-6B aircraft of the*
 20 *Navy to incorporate the reactive jamming capa-*
 21 *bility.*

22 (b) *CONTINGENT TRANSFER OF FUNDS TO AIR*
 23 *FORCE.*—(1) *If the Secretary of the Navy has not submitted*
 24 *the certification and report described in subsection (a) to*
 25 *the congressional defense committees before June 1, 1997,*

1 *then, on that date, the Secretary of Defense shall transfer*
2 *to Air Force, out of appropriations available to the Navy*
3 *for fiscal year 1997 for procurement of aircraft, the amount*
4 *equal to the amount appropriated to the Navy for fiscal*
5 *year 1997 for modifications and upgrades of EA-6B air-*
6 *craft.*

7 (2) *Funds transferred to the Air Force pursuant to*
8 *paragraph (1) shall be available for maintaining and up-*
9 *grading the jamming capability of EF-111 aircraft.*

10 **SEC. 122. PENGUIN MISSILE PROGRAM.**

11 (a) *MULTIYEAR PROCUREMENT AUTHORITY.*—*The*
12 *Secretary of the Navy may, in accordance with section*
13 *2306b of title 10, United States Code, enter into multiyear*
14 *procurement contracts for the procurement of not more than*
15 *106 Penguin missile systems.*

16 (b) *LIMITATION ON TOTAL COST.*—*The total amount*
17 *obligated or expended for procurement of Penguin missile*
18 *systems under contracts under subsection (a) may not ex-*
19 *ceed \$84,800,000.*

20 **SEC. 123. NUCLEAR ATTACK SUBMARINE PROGRAMS.**

21 (a) *AMOUNTS AUTHORIZED.*—(1) *Of the amount au-*
22 *thorized to be appropriated by section 102(a)(3)—*

23 (A) *\$804,100,000 shall be available for construc-*
24 *tion of the third vessel (designated SSN-23) in the*
25 *Seawolf attack submarine class;*

1 (B) \$296,200,000 shall be available for long-lead
2 and advance construction and procurement of compo-
3 nents for construction of a submarine (previously des-
4 ignated by the Navy as the New Attack Submarine)
5 beginning in fiscal year 1998 to be built by Electric
6 Boat Division; and

7 (C) \$701,000,000 shall be available for long-lead
8 and advance construction and procurement of compo-
9 nents for construction of a second submarine (pre-
10 viously designated by the Navy as the New Attack
11 Submarine) beginning in fiscal year 1999 to be built
12 by Newport News Shipbuilding.

13 (2) In addition to the purposes for which the amount
14 authorized to be appropriated by section 102(a)(3) is avail-
15 able under subparagraphs (B) and (C) of paragraph (1),
16 the amounts available under such subparagraphs are also
17 available for contracts with Electric Boat Division and
18 Newport News Shipbuilding to carry out the provisions of
19 the “Memorandum of Agreement Among the Department of
20 the Navy, Electric Boat Corporation (EB) and Newport
21 News Shipbuilding and Drydock Company (NNS) Concern-
22 ing the New Attack Submarine”, dated April 5, 1996, relat-
23 ing to design data transfer, design improvements, inte-
24 grated process teams, and updated design base.

1 **(b) CONTRACTS AUTHORIZED.**—(1) *The Secretary of*
2 *the Navy is authorized, using funds available pursuant to*
3 *subparagraphs (B) and (C) of subsection (a)(1), to enter*
4 *into contracts with Electric Boat Division and Newport*
5 *News Shipbuilding, and suppliers of components, during*
6 *fiscal year 1997 for—*

7 **(A)** *the procurement of long-lead components for*
8 *the submarines referred to in such subparagraphs;*
9 *and*

10 **(B)** *advance construction of such components*
11 *and other components for such submarines.*

12 **(2)** *The Secretary of the Navy may enter into a con-*
13 *tract or contracts under this section with the shipbuilder*
14 *of the submarine referred to in subsection (a)(1)(B) only*
15 *if the Secretary enters into a contract or contracts under*
16 *this section with the shipbuilder of the submarine referred*
17 *to in subsection (a)(1)(C).*

18 **(c) COMPETITION AND LIMITATIONS ON OBLIGA-**
19 **TIONS.**—(1)**(A)** *Of the amounts made available pursuant to*
20 *subsection (a)(1), not more than \$100,000,000 may be obli-*
21 *gated or expended until the Secretary of Defense certifies*
22 *in writing to the Committee on Armed Services of the Sen-*
23 *ate and the Committee on National Security of the House*
24 *of Representatives that procurement of nuclear attack sub-*
25 *marines described in subparagraph (B) will be provided for*

1 *under one or more contracts that are entered into after a*
2 *competition between Electric Boat Division and Newport*
3 *News Shipbuilding in which the Secretary of the Navy solic-*
4 *its competitive proposals and awards the contract or con-*
5 *tracts on the basis of price.*

6 *(B) The submarines referred to in subparagraph (A)*
7 *are nuclear attack submarines that are to be constructed*
8 *beginning—*

9 *(i) after fiscal year 1999; or*

10 *(ii) if four submarines are to be procured as pro-*
11 *vided for in the plan required under section 131(c) of*
12 *the National Defense Authorization Act for Fiscal*
13 *Year 1996 (Public Law 104–106; 110 Stat. 209),*
14 *after fiscal year 2001.*

15 *(2) Of the amounts made available pursuant to sub-*
16 *section (a)(1), not more than \$100,000,000 may be obli-*
17 *gated or expended until the Under Secretary of Defense for*
18 *Acquisition and Technology submits to the committees re-*
19 *ferred to in paragraph (1) a written report that describes*
20 *in detail—*

21 *(A) the oversight activities undertaken by the*
22 *Under Secretary up to the date of the report pursuant*
23 *to section 131(b)(2)(C) of the National Defense Au-*
24 *thorization Act for Fiscal Year 1996 (Public Law*
25 *104–106; 110 Stat. 207), and the plans for the future*

1 *development and improvement of the nuclear attack*
2 *submarine program of the Navy;*

3 *(B) the implementation of, and activities con-*
4 *ducted under, the program required to be established*
5 *by the Director of the Defense Advanced Research*
6 *Projects Agency by section 131(i) of such Act (110*
7 *Stat. 210) for the development and demonstration of*
8 *advanced submarine technologies and a rapid proto-*
9 *type acquisition strategy for both land-based and at-*
10 *sea subsystem and system demonstrations of such*
11 *technologies; and*

12 *(C) all research, development, test, and evalua-*
13 *tion programs, projects, or activities within the De-*
14 *partment of Defense which, in the opinion of the*
15 *Under Secretary, are designed to contribute to the de-*
16 *velopment and demonstration of advanced submarine*
17 *technologies leading to a more capable, more afford-*
18 *able nuclear attack submarine, together with a spe-*
19 *cific identification of ongoing involvement, and plans*
20 *for future involvement, in any such program, project,*
21 *or activity by Electric Boat Division, Newport News*
22 *Shipbuilding, or both.*

23 *(d) REFERENCES TO SHIPBUILDERS.—For purposes of*
24 *this section—*

1 (1) *the shipbuilder referred to as “Electric Boat*
2 *Division” is the Electric Boat Division of the General*
3 *Dynamics Corporation; and*

4 (2) *the shipbuilder referred to as “Newport News*
5 *Shipbuilding” is the Newport News Shipbuilding and*
6 *Drydock Company.*

7 (e) *NEXT ATTACK SUBMARINE AFTER NEW ATTACK*
8 *SUBMARINE.—The Secretary of Defense shall modify the*
9 *plan (relating to development of a program leading to pro-*
10 *duction of a more capable and less expensive submarine*
11 *than the New Attack Submarine) that was submitted to*
12 *Congress pursuant to section 131(c) of Public Law 104–*
13 *106 (110 Stat. 208) in order to provide in such plan for*
14 *selection of a design for a next submarine for serial produc-*
15 *tion not earlier than fiscal year 2000 (rather than fiscal*
16 *year 2003, as provided in paragraph (3)(B) of such section*
17 *131(c)).*

18 **SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

19 (a) *FUNDING.—(1) Subject to paragraph (3), funds*
20 *authorized to be appropriated by section 102(a)(3) may be*
21 *made available for contracts entered into in fiscal year 1996*
22 *under subsection (b)(1) of section 135 of the National De-*
23 *fense Authorization Act for Fiscal Year 1996 (Public Law*
24 *104–106; 110 Stat. 211) for construction for the third of*
25 *the three Arleigh Burke class destroyers covered by that sub-*

1 *section. Such funds are in addition to amounts made avail-*
2 *able for such contracts by the second sentence of subsection*
3 *(a) of that section.*

4 *(2) Subject to paragraph (3), funds authorized to be*
5 *appropriated by section 102(a)(3) may be made available*
6 *for contracts entered into in fiscal year 1997 under sub-*
7 *section (b)(2) of such section 135 for construction (including*
8 *advance procurement) for the Arleigh Burke class destroyers*
9 *covered by such subsection (b)(2).*

10 *(3) The aggregate amount of funds available under*
11 *paragraphs (1) and (2) for contracts referred to in such*
12 *paragraphs may not exceed \$3,483,030,000.*

13 *(4) Within the amount authorized to be appropriated*
14 *by section 102(a)(3), \$750,000,000 is authorized to be ap-*
15 *propriated for advance procurement for construction for the*
16 *Arleigh Burke class destroyers authorized by subsection (b).*

17 *(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF*
18 *TWELVE VESSELS.—The Secretary of the Navy is author-*
19 *ized, pursuant to section 2306b of title 10, United States*
20 *Code, to enter into multiyear contracts for the procurement*
21 *of a total of 12 Arleigh Burke class destroyers at a procure-*
22 *ment rate of three ships in each of fiscal years, 1998, 1999,*
23 *2000, and 2001 in accordance with this subsection and sub-*
24 *sections (a)(4) and (c), subject to the availability of appro-*
25 *priations for such destroyers. A contract for construction*

1 *of one or more vessels that is entered into in accordance*
2 *with this subsection shall include a clause that limits the*
3 *liability of the Government to the contractor for any termi-*
4 *nation of the contract.*

5 **SEC. 125. MARITIME PREPOSITIONING SHIP PROGRAM EN-**
6 **HANCEMENT.**

7 *Section 2218(f) of title 10, United States Code, shall*
8 *not apply in the case of the purchase of three ships for the*
9 *purpose of enhancing Marine Corps prepositioning ship*
10 *squadrons.*

11 **SEC. 126. ADDITIONAL EXCEPTION FROM COST LIMITATION**
12 **FOR SEAWOLF SUBMARINE PROGRAM.**

13 *Section 133 of the National Defense Authorization Act*
14 *for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211)*
15 *is amended—*

16 *(1) in subsection (a), by striking out “subsection*
17 *(b)” and inserting in lieu thereof “subsections (b) and*
18 *(c)”;* and

19 *(2) by striking out subsection (c) and inserting*
20 *in lieu thereof the following:*

21 *“(c) COSTS NOT INCLUDED.—The previous obligations*
22 *of \$745,700,000 for the SSN–23, SSN–24, and SSN–25 sub-*
23 *marines, out of funds appropriated for fiscal years 1990,*
24 *1991, and 1992, that were subsequently canceled (as a result*
25 *of a cancellation of such submarines) shall not be taken into*

1 *account in the application of the limitation in subsection*
 2 *(a).”.*

3 **SEC. 127. RADAR MODERNIZATION.**

4 *Funds appropriated for the Navy for fiscal years before*
 5 *fiscal year 1997 may not be used for development and pro-*
 6 *curement of the Pulse Doppler Upgrade modification to the*
 7 *AN/SPS-48E radar system.*

8 ***Subtitle D—Air Force Programs***

9 **SEC. 131. MULTIYEAR CONTRACTING AUTHORITY FOR THE**
 10 **C-17 AIRCRAFT PROGRAM.**

11 *(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Sec-*
 12 *retary of the Air Force may, pursuant to section 2306b of*
 13 *title 10, United States Code (except as provided in sub-*
 14 *section (b)(1)), enter into one or more multiyear contracts*
 15 *for the procurement of not more than a total of 80 C-17*
 16 *aircraft.*

17 *(b) CONTRACT PERIOD.—(1) Notwithstanding section*
 18 *2306b(k) of title 10, United States Code, the period covered*
 19 *by a contract entered into on a multiyear basis under the*
 20 *authority of subsection (a) may exceed five years, but may*
 21 *not exceed seven years.*

22 *(2) Paragraph (1) shall not be construed as prohibit-*
 23 *ing the Secretary of the Air Force from entering into a*
 24 *multiyear contract for a period of less than seven years.*

1 *In determining to do so, the Secretary shall consider wheth-*
2 *er—*

3 (A) *sufficient funding is provided for in the fu-*
4 *ture-years defense program for procurement, within*
5 *the shorter period, of the total number of aircraft to*
6 *be procured (within the number set forth in subsection*
7 *(a)); and*

8 (B) *the contractor is capable of delivering that*
9 *total number of aircraft within the shorter period.*

10 (c) *OPTION TO CONVERT TO ONE-YEAR PROCURE-*
11 *MENTS.—Each multiyear contract for the procurement of*
12 *C-17 aircraft authorized by subsection (a) shall include a*
13 *clause that permits the Secretary of the Air Force—*

14 (1) *to terminate the contract as of September 30,*
15 *1998, without a modification in the price of each air-*
16 *craft and without incurring any obligation to pay the*
17 *contractor termination costs; and*

18 (2) *to then enter into follow-on one-year con-*
19 *tracts with the contractor for the procurement of C-*
20 *17 aircraft (within the total number of aircraft au-*
21 *thorized under subsection (a)) at a negotiated price*
22 *that is not to exceed the price that is negotiated before*
23 *September 30, 1998, for the annual production con-*
24 *tract for the C-17 aircraft in lot VIII and subsequent*
25 *lots.*

1 **Subtitle E—Reserve Components**

2 **SEC. 141. ASSESSMENTS OF MODERNIZATION PRIORITIES**
3 **OF THE RESERVE COMPONENTS.**

4 (a) *ASSESSMENTS REQUIRED.*—*Not later than Decem-*
5 *ber 1, 1996, each officer referred to in subsection (b) shall*
6 *submit to the congressional defense committees an assess-*
7 *ment of the modernization priorities established for the re-*
8 *serve component or reserve components for which that offi-*
9 *cer is responsible.*

10 (b) *RESPONSIBLE OFFICERS.*—*The officers required to*
11 *submit a report under subsection (a) are as follows:*

12 (1) *The Chief of the National Guard Bureau.*

13 (2) *The Chief of Army Reserve.*

14 (3) *The Chief of Air Force Reserve.*

15 (4) *The Director of Naval Reserve.*

16 (5) *The Commanding General, Marine Forces*
17 *Reserve.*

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

4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 1997 for the use of the Department of Defense for*
9 *research, development, test, and evaluation as follows:*

10 *(1) For the Army, \$4,958,140,000.*

11 *(2) For the Navy, \$9,041,534,000.*

12 *(3) For the Air Force, \$14,786,356,000.*

13 *(4) For Defense-wide activities, \$9,699,542,000,*
14 *of which—*

15 *(A) \$252,038,000 is authorized for the ac-*
16 *tivities of the Director, Test and Evaluation; and*

17 *(B) \$21,968,000 is authorized for the Direc-*
18 *tor of Operational Test and Evaluation.*

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

21 *(a) FISCAL YEAR 1997.—Of the amounts authorized*
22 *to be appropriated by section 201, \$4,005,787,000 shall be*
23 *available for basic research and exploratory development*
24 *projects.*

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

6 **SEC. 203. DEFENSE NUCLEAR AGENCY.**

7 Of the amounts authorized to be appropriated for the
 8 Department of Defense under section 201, \$221,330,000
 9 shall be available for the Defense Nuclear Agency.

10 **SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST,**
 11 **AND EVALUATION RELATING TO HUMANI-**
 12 **TARIAN DEMINING TECHNOLOGIES.**

13 Of the amounts authorized to be appropriated by sec-
 14 tion 201(4), \$18,000,000 shall be available for research, de-
 15 velopment, test, and evaluation activities relating to hu-
 16 manitarian demining technologies (PE0603120D), to be ad-
 17 ministered by the Assistant Secretary of Defense for Special
 18 Operations and Low Intensity Conflict.

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

21 **SEC. 211. SPACE LAUNCH MODERNIZATION.**

22 (a) *FUNDING.*—Funds appropriated pursuant to the
 23 authorization of appropriations in section 201(3) are au-
 24 thorized to be made available for space launch moderniza-
 25 tion for purposes and in amounts as follows:

1 (1) *For the Evolved Expendable Launch Vehicle*
2 *program, \$44,457,000.*

3 (2) *For a competitive reusable launch vehicle*
4 *technology program, \$25,000,000.*

5 (b) *LIMITATIONS.—(1) Of the funds made available for*
6 *the reusable launch vehicle technology program pursuant to*
7 *subsection (a)(2), the total amount obligated for such pur-*
8 *pose may not exceed the total amount allocated in the fiscal*
9 *year 1997 current operating plan of the National Aero-*
10 *navtics and Space Administration for the Reusable Space*
11 *Launch program of the National Aeronautics and Space*
12 *Administration.*

13 (2) *None of the funds made available for the Evolved*
14 *Expendable Launch Vehicle program pursuant to subsection*
15 *(a)(1) may be obligated until the Secretary of Defense cer-*
16 *tifies to Congress that the Secretary has made available for*
17 *obligation the funds, if any, that are made available for*
18 *the reusable launch vehicle technology program pursuant to*
19 *subsection (a)(2).*

20 **SEC. 212. DEPARTMENT OF DEFENSE SPACE ARCHITECT.**

21 (a) *REQUIRED PROGRAM ELEMENT.—The Secretary of*
22 *Defense shall include the kinetic energy tactical anti-sat-*
23 *ellite program of the Department of Defense as an element*
24 *of the space control architecture being developed by the De-*
25 *partment of Defense Space Architect.*

1 (b) *LIMITATION ON USE OF FUNDS.*—None of the funds
2 authorized to be appropriated pursuant to this Act, or oth-
3 erwise made available to the Department of Defense for fis-
4 cal year 1997, may be obligated or expended for the Depart-
5 ment of Defense Space Architect until the Secretary of De-
6 fense certifies to Congress that—

7 (1) the Secretary is complying with the require-
8 ment in subsection (a);

9 (2) funds appropriated for the kinetic energy
10 tactical anti-satellite program for fiscal year 1996
11 have been obligated in accordance with section 218 of
12 Public Law 104–106 and the Joint Explanatory
13 Statement of the Committee of Conference accompany-
14 ing S. 1124 (House Report 104–450 (104th Congress,
15 second session)); and

16 (3) the Secretary has made available for obliga-
17 tion the funds appropriated for the kinetic energy tac-
18 tical anti-satellite program for fiscal year 1997 in ac-
19 cordance with this Act.

20 **SEC. 213. SPACE-BASED INFRARED SYSTEM PROGRAM.**

21 (a) *FUNDING.*—Funds appropriated pursuant to the
22 authorization of appropriations in section 201(3) are au-
23 thorized to be made available for the Space-Based Infrared
24 System program for purposes and in amounts as follows:

25 (1) For Space Segment High, \$192,390,000.

1 **SEC. 215. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT**
2 **PROGRAM.**

3 (a) *AMOUNT FOR PROGRAM.*—Of the amount author-
4 ized to be appropriated under section 201(3), \$50,000,000
5 shall be available for the Clementine 2 micro-satellite near-
6 Earth asteroid interception mission.

7 (b) *LIMITATION.*—None of the funds authorized to be
8 appropriated pursuant to this Act for the global positioning
9 system (GPS) Block II F Satellite system may be obligated
10 until the Secretary of Defense certifies to Congress that—

11 (1) funds appropriated for fiscal year 1996 for
12 the Clementine 2 Micro-Satellite development pro-
13 gram have been obligated in accordance with Public
14 Law 104–106 and the Joint Explanatory Statement
15 of the Committee of Conference accompanying S. 1124
16 (House Report 104–450 (104th Congress, second ses-
17 sion)); and

18 (2) the Secretary has made available for obliga-
19 tion the funds appropriated for fiscal year 1997 for
20 the Clementine 2 micro-satellite development program
21 in accordance with this section.

22 **SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.**

23 No official of the Department of Defense may enter
24 into a contract for the procurement of (including advance
25 procurement for) a higher number of Dark Star (tier III)
26 low observable, high altitude endurance unmanned aerial

1 *vehicles than is necessary to complete procurement of a total*
2 *of three such vehicles until flight testing has been completed.*

3 **SEC. 217. DEFENSE AIRBORNE RECONNAISSANCE PRO-**
4 **GRAM.**

5 (a) *REPORT REQUIRED.*—*The Secretary of Defense*
6 *shall submit to Congress a report comparing the Predator*
7 *unmanned aerial vehicle program with the Dark Star (tier*
8 *III) low observable, high altitude endurance unmanned aer-*
9 *ial vehicle program. The report shall contain the following:*

10 (1) *A comparison of the capabilities of the Pred-*
11 *ator unmanned aerial vehicle with the capabilities of*
12 *the Dark Star unmanned aerial vehicle.*

13 (2) *A comparison of the costs of the Predator*
14 *program with the costs of the Dark Star program.*

15 (3) *A recommendation on which program should*
16 *be funded in the event that funds are authorized to*
17 *be appropriated, and are appropriated, for only one*
18 *of the two programs in the future.*

19 (b) *LIMITATION ON USE OF FUNDS PENDING SUBMIS-*
20 *SION OF REPORT.*—*Funds appropriated pursuant to sec-*
21 *tion 104 may not be obligated for any contract to be entered*
22 *into after the date of the enactment of this Act for the pro-*
23 *curement of Predator unmanned aerial vehicles until the*
24 *date that is 60 days after the date on which the Secretary*
25 *of Defense submits the report required by subsection (a).*

1 **SEC. 218. COST ANALYSIS OF F-22 AIRCRAFT PROGRAM.**

2 (a) *REVIEW OF PROGRAM.*—The Secretary of Defense
3 shall direct the Cost Analysis Improvement Group in the
4 Office of the Secretary of Defense to review the F-22 air-
5 craft program, analyze and estimate the production costs
6 of the program, and submit to the Secretary a report on
7 the results of the review. The report shall include—

8 (1) a comparison of—

9 (A) the results of the review, with

10 (B) the results of the last independent esti-
11 mate of production costs of the program that was
12 prepared by the Cost Analysis Improvement
13 Group in July 1991; and

14 (2) a description of any major changes in pro-
15 grammatic assumptions that have occurred since the
16 estimate referred to in paragraph (1)(B) was made,
17 including any major change in assumptions regard-
18 ing the program schedule, the quantity of aircraft to
19 be developed and acquired, and the annual rates of
20 production, together with an assessment of the effects
21 of such changes on the program.

22 (b) *REPORT.*—Not later than March 30, 1997, the Sec-
23 retary shall transmit to the congressional defense commit-
24 tees the report prepared under paragraph (1), together with
25 the Secretary's views on the matters covered by the report.

1 (c) *LIMITATION ON USE OF FUNDS PENDING SUBMIS-*
2 *SION OF REPORT.*—Not more than 92 percent of the funds
3 appropriated for the F–22 aircraft program pursuant to
4 the authorization of appropriations in section 103(1) may
5 be expended until the Secretary of Defense submits the re-
6 port required by subsection (b).

7 **SEC. 219. F–22 AIRCRAFT PROGRAM REPORTS.**

8 (a) *ANNUAL REPORT.*—(1) At the same time as the
9 President submits the budget for a fiscal year to Congress
10 pursuant to section 1105(a) of title 31, United States Code,
11 the Secretary of Defense shall submit to Congress a report
12 on event-based decisionmaking for the F–22 aircraft pro-
13 gram for that fiscal year. The Secretary shall submit the
14 report for fiscal year 1997 not later than October 1, 1996.

15 (2) The report for a fiscal year shall include the follow-
16 ing:

17 (A) A discussion of each decision (known as an
18 “event-based decision”) that is expected to be made
19 during that fiscal year regarding whether the F–22
20 program is to proceed into a new phase or into a new
21 administrative subdivision of a phase.

22 (B) The criteria (known as “exit criteria”) to be
23 applied, for purposes of making the event-based deci-
24 sion, in determining whether the F–22 aircraft pro-
25 gram has demonstrated the specific progress necessary

1 for proceeding into the new phase or administrative
2 subdivision of a phase.

3 **(b) REPORT ON EVENT-BASED DECISIONS.**—Not later
4 than 30 days after an event-based decision has been made
5 for the F-22 aircraft program, the Secretary of Defense
6 shall submit to Congress a report on the decision. The report
7 shall include the following:

8 (1) A discussion of the commitments made, and
9 the commitments to be made, under the program as
10 a result of the decision.

11 (2) The exit criteria applied for purposes of the
12 decision.

13 (3) How, in terms of the exit criteria, the pro-
14 gram demonstrated the specific progress justifying the
15 decision.

16 **SEC. 220. NONLETHAL WEAPONS AND TECHNOLOGIES PRO-**
17 **GRAMS.**

18 **(a) FUNDING.**—Of the amount authorized to be appro-
19 priated under section 201(2), \$15,000,000 shall be available
20 for joint service research, development, test, and evaluation
21 of nonlethal weapons and nonlethal technologies under the
22 program element established pursuant to subsection (b).

23 **(b) NEW PROGRAM ELEMENT REQUIRED.**—The Sec-
24 retary of Defense shall establish a new program element for
25 the funds authorized to be appropriated under subsection

1 (a). *The funds within that program element shall be admin-*
2 *istered by the executive agent designated for joint service*
3 *research, development, test, and evaluation of nonlethal*
4 *weapons and nonlethal technologies.*

5 (c) *LIMITATION PENDING RELEASE OF FUNDS.—(1)*
6 *None of the funds authorized to be appropriated for the De-*
7 *partment of Defense for fiscal year 1997 for foreign com-*
8 *parative testing (program element 605130D) may be obli-*
9 *gated until the funds authorized to be appropriated in sec-*
10 *tion 219(d) of the National Defense Authorization Act for*
11 *Fiscal Year 1996 (Public Law 104–106; 110 Stat. 223) are*
12 *released for obligation by the executive agent referred to in*
13 *subsection (b).*

14 (2) *Not more than 50 percent of the funds authorized*
15 *to be appropriated for the Department of Defense for fiscal*
16 *year 1997 for NATO research and development (program*
17 *element 603790D) may be obligated until the funds author-*
18 *ized to be appropriated in subsection (a) are released for*
19 *obligation by the executive agent referred to in subsection*
20 *(b).*

21 **SEC. 221. COUNTERPROLIFERATION SUPPORT PROGRAM.**

22 (a) *FUNDING.—Of the funds authorized to be appro-*
23 *priated to the Department of Defense under section 201(4),*
24 *\$176,200,000 shall be available for the Counterproliferation*

1 *Support Program, of which \$75,000,000 shall be available*
2 *for a tactical antisatellite technologies program.*

3 (b) *ADDITIONAL AUTHORITY TO TRANSFER AUTHOR-*
4 *IZATIONS.—(1) In addition to the transfer authority pro-*
5 *vided in section 1001, upon determination by the Secretary*
6 *of Defense that such action is necessary in the national in-*
7 *terest, the Secretary may transfer amounts of authoriza-*
8 *tions made available to the Department of Defense in this*
9 *division for fiscal year 1997 to counterproliferation pro-*
10 *grams, projects, and activities identified as areas for*
11 *progress by the Counterproliferation Program Review Com-*
12 *mittee established by section 1605 of the National Defense*
13 *Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751*
14 *note). Amounts of authorizations so transferred shall be*
15 *merged with and be available for the same purposes as the*
16 *authorization to which transferred.*

17 (2) *The total amount of authorizations transferred*
18 *under the authority of this subsection may not exceed*
19 *\$50,000,000.*

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

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

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

3 (4) A transfer made from one account to another under
4 the authority of this subsection shall be deemed to increase
5 the amount authorized for the account to which the amount
6 is transferred by an amount equal to the amount trans-
7 ferred.

8 (5) The Secretary of Defense shall promptly notify
9 Congress of transfers made under the authority of this sub-
10 section.

11 (c) *LIMITATION ON USE OF FUNDS FOR TECHNICAL*
12 *STUDIES AND ANALYSES PENDING RELEASE OF FUNDS.—*

13 (1) None of the funds authorized to be appropriated to the
14 Department of Defense for fiscal year 1997 for program ele-
15 ment 605104D, relating to technical studies and analyses,
16 may be obligated or expended until the funds referred to
17 in paragraph (2) have been released to the program man-
18 ager of the tactical anti-satellite technology program for im-
19 plementation of that program.

20 (2) The funds for release referred to in paragraph (1)
21 are as follows:

22 (A) Funds authorized to be appropriated by sec-
23 tion 218(a) of the National Defense Authorization Act
24 for Fiscal Year 1996 (Public Law 104–106; 110 Stat.

1 222) that are available for the program referred to in
2 paragraph (1).

3 (B) Funds authorized to be appropriated to the
4 Department for fiscal year 1997 by this Act for the
5 Counterproliferation Support Program that are to be
6 made available for that program.

7 **SEC. 222. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
8 **MENT CENTERS AND UNIVERSITY-AFFILI-**
9 **ATED RESEARCH CENTERS.**

10 (a) *CENTERS COVERED.*—Funds authorized to be ap-
11 propriated for the Department of Defense for fiscal year
12 1997 under section 201 may be obligated to procure work
13 from a federally funded research and development center (in
14 this section referred to as an “FFRDC”) or a university-
15 affiliated research center (in this section referred to as a
16 “UARC”) only in the case of a center named in the report
17 required by subsection (b) and, in the case of such a center,
18 only in an amount not in excess of the amount of the pro-
19 posed funding level set forth for that center in such report.

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

1 (A) the name of each FFRDC and UARC from
2 which work is proposed to be procured for the Depart-
3 ment of Defense for fiscal year 1997; and

4 (B) for each such center, the proposed funding
5 level and the estimated personnel level for fiscal year
6 1997.

7 (2) The total of the proposed funding levels set forth
8 in the report for all FFRDCs and UARCs may not exceed
9 the amount set forth in subsection (d).

10 (c) *LIMITATION PENDING SUBMISSION OF REPORT.*—
11 Not more than 15 percent of the funds authorized to be ap-
12 propriated for the Department of Defense for fiscal year
13 1997 for FFRDCs and UARCs under section 201 may be
14 obligated to procure work from an FFRDC or UARC until
15 the Secretary of Defense submits the report required by sub-
16 section (b).

17 (d) *FUNDING.*—Of the amounts authorized to be ap-
18 propriated by section 201, not more than a total of
19 \$1,668,850,000 may be obligated to procure services from
20 the FFRDCs and UARCs named in the report required by
21 subsection (b).

22 (e) *AUTHORITY TO WAIVE FUNDING LIMITATION.*—
23 The Secretary of Defense may waive the limitation regard-
24 ing the maximum funding amount that applies under sub-
25 section (a) to an FFRDC or UARC. Whenever the Secretary

1 *proposes to make such a waiver, the Secretary shall submit*
2 *to the Committee on Armed Services of the Senate and the*
3 *Committee on National Security of the House of Represent-*
4 *atives notice of the proposed waiver and the reasons for the*
5 *waiver. The waiver may then be made only after the end*
6 *of the 60-day period that begins on the date on which the*
7 *notice is submitted to those committees, unless the Secretary*
8 *determines that it is essential to the national security that*
9 *funds be obligated for work at that center in excess of that*
10 *limitation before the end of such period and notifies those*
11 *committees of that determination and the reasons for the*
12 *determination.*

13 **SEC. 223. ADVANCED SUBMARINE TECHNOLOGIES.**

14 *(a) AMOUNTS AUTHORIZED FROM NAVY RDT&E AC-*
15 *COUNT.—Of the amount authorized to be appropriated by*
16 *section 201(2)—*

17 *(1) \$489,443,000 is available for the design of*
18 *the submarine previously designated by the Navy as*
19 *the New Attack Submarine; and*

20 *(2) \$100,000,000 is available to address the in-*
21 *clusion on future nuclear attack submarines of core*
22 *advanced technologies, category I advanced tech-*
23 *nologies, and category II advanced technologies, as*
24 *such advanced technologies are identified by the Sec-*
25 *retary of Defense in Appendix C of the report of the*

1 *Secretary entitled “Report on Nuclear Attack Sub-*
2 *marine Procurement and Submarine Technology”,*
3 *submitted to Congress on March 26, 1996.*

4 *(b) CERTAIN TECHNOLOGIES TO BE EMPHASIZED.—*
5 *In using funds made available in accordance with sub-*
6 *section (a)(2), the Secretary of the Navy shall emphasize*
7 *research, development, test, and evaluation of the tech-*
8 *nologies identified by the Submarine Technology Assessment*
9 *Panel (in the final report of the panel to the Assistant Sec-*
10 *retary of the Navy for Research, Development, and Acquisi-*
11 *tion, dated March 15, 1996) as having the highest priority*
12 *for initial investment.*

13 *(c) SHIPYARDS INVOLVED IN TECHNOLOGY DEVELOP-*
14 *MENT.—To further implement the recommendations of the*
15 *Submarine Technology Assessment Panel, the Secretary of*
16 *the Navy shall ensure that the shipyards involved in the*
17 *construction of nuclear attack submarines are also prin-*
18 *cipal participants in the process of developing advanced*
19 *submarine technologies and including the technologies in fu-*
20 *ture submarine designs. The Secretary shall ensure that*
21 *those shipyards have access for such purpose (under proce-*
22 *dures prescribed by the Secretary) to the Navy laboratories*
23 *and the Office of Naval Intelligence and (in accordance with*
24 *arrangements to be made by the Secretary) to the Defense*
25 *Advanced Research Projects Agency.*

1 (d) *FUNDING FOR CONTRACTS UNDER 1996 AGREE-*
2 *MENT AMONG THE NAVY AND SHIPYARDS.*—*In addition to*
3 *the purposes of which the amount authorized to be appro-*
4 *priated by section 201(2) are available under paragraphs*
5 *(1) and (2) of subsection (a), the amounts available under*
6 *such paragraphs are also available for contracts with Elec-*
7 *tric Boat Division and Newport News Shipbuilding to*
8 *carry out the provisions of the “Memorandum of Agreement*
9 *Among the Department of the Navy, Electric Boat Corpora-*
10 *tion (EB), and Newport News Shipbuilding and Drydock*
11 *Company (NNS) Concerning the New Attack Submarine”,*
12 *dated April 5, 1996, for research and development activities*
13 *under that memorandum of agreement.*

14 **SEC. 224. FUNDING FOR BASIC RESEARCH IN NUCLEAR**
15 **SEISMIC MONITORING.**

16 *Of the amount authorized to be appropriated by sec-*
17 *tion 201(3) and made available for arms control implemen-*
18 *tation for the Air Force (account PE0305145F), \$6,500,000*
19 *shall be available for basic research in nuclear seismic mon-*
20 *itoring.*

21 **SEC. 225. CYCLONE CLASS CRAFT SELF-DEFENSE.**

22 (a) *STUDY REQUIRED.*—*Not later than March 31,*
23 *1997, the Secretary of Defense shall—*

24 (1) *carry out a study of vessel self-defense op-*
25 *tions for the Cyclone class patrol craft; and*

1 (2) *submit to the Committee on Armed Services*
2 *of the Senate and the Committee on National Secu-*
3 *urity of the House of Representatives a report on the*
4 *results of the study.*

5 (b) *SOCOM INVOLVEMENT.*—*The Secretary shall*
6 *carry out the study through the Commander of the Special*
7 *Operations Command.*

8 (c) *SPECIFIC SYSTEM TO BE EVALUATED.*—*The study*
9 *under subsection (a) shall include an evaluation of the*
10 *BARAK ship self-defense missile system.*

11 **SEC. 226. COMPUTER-ASSISTED EDUCATION AND TRAINING.**

12 *Of the amount authorized to be appropriated under*
13 *section 201(4), \$10,000,000 shall be available under pro-*
14 *gram element 0601103D for computer-assisted education*
15 *and training at the Defense Advanced Research Projects*
16 *Agency.*

17 **SEC. 227. SEAMLESS HIGH OFF-CHIP CONNECTIVITY.**

18 *Of the amount authorized to be appropriated by this*
19 *Act, \$7,000,000 shall be available for the Defense Advanced*
20 *Research Projects Agency for research and development on*
21 *Seamless High Off-Chip Connectivity (SHOCC) under the*
22 *materials and electronic technology program*
23 *(PE 0602712E).*

1 **SEC. 228. COST-BENEFIT ANALYSIS OF F/A-18E/F AIRCRAFT**
2 **PROGRAM.**

3 (a) *REPORT ON PROGRAM.*—Not later than March 30,
4 1997, the Secretary of Defense shall submit to the congres-
5 sional defense committees a report on the F/A-
6 18E/F aircraft program.

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

9 (1) *A review of the F/A-18E/F aircraft program.*

10 (2) *An analysis and estimate of the production*
11 *costs of the program for the total number of aircraft*
12 *realistically expected to be procured at each of three*
13 *annual production rates as follows:*

14 (A) *18 aircraft.*

15 (B) *24 aircraft.*

16 (C) *36 aircraft.*

17 (3) *A comparison of the costs and benefits of the*
18 *program with the costs and benefits of the F/A-*
19 *18C/D aircraft program taking into account the oper-*
20 *ational combat effectiveness of the aircraft.*

21 (c) *LIMITATION ON USE OF FUNDS PENDING TRANS-*
22 *MITTAL OF REPORT.*—No more than 90 percent of the funds
23 authorized to be appropriated by this Act may be obligated
24 or expended for the procurement of F/A-18E/F aircraft be-
25 fore the date that is 30 days after the date on which the

1 congressional defense committees receive the report required
2 under subsection (a).

3 **SEC. 229. NATIONAL POLAR-ORBITING OPERATIONAL ENVI-**
4 **RONMENTAL SATELLITE SYSTEM.**

5 (a) *FUNDS AVAILABLE FOR POLAR-ORBITING OPER-*
6 *ATIONAL ENVIRONMENTAL SATELLITE SYSTEM.*—Of the
7 amount authorized to be appropriated under section 201(3),
8 \$29,024,000 is available for the National Polar-Orbiting
9 Operational Environmental Satellite System (Space) pro-
10 gram (PE 0603434F).

11 (b) *FUNDS AVAILABLE FOR INTERCONTINENTAL BAL-*
12 *LISTIC MISSILE.*—Of the amount authorized to be appro-
13 priated under section 201(3), \$212,895,000 is available for
14 the Intercontinental Ballistic Missile—EMD program (PE
15 0604851F).

16 **SEC. 230. SURGICAL STRIKE VEHICLE FOR USE AGAINST**
17 **HARDENED AND DEEPLY BURIED TARGETS.**

18 (a) *AMOUNT AUTHORIZED.*—Of the amount authorized
19 to be appropriated by section 201(4) for
20 counterproliferation support program \$3,000,000 shall be
21 made available to the Air Combat Command for research
22 and development into the near-term development of a capa-
23 bility to defeat hardened and deeply buried targets, includ-
24 ing tunnels and deeply buried facilities for the production

1 *and storage of chemical, biological, and nuclear weapons*
2 *and their delivery systems.*

3 (b) *REQUIREMENTS.*—*Nothing in this section shall be*
4 *construed as precluding the application of the requirements*
5 *of the Competition in Contracting Act.*

6 ***Subtitle C—Ballistic Missile***
7 ***Defense***

8 ***SEC. 231. CONVERSION OF ABM TREATY TO MULTILATERAL***
9 ***TREATY.***

10 (a) *FISCAL YEAR 1997.*—*It is the sense of the Senate*
11 *that during fiscal year 1997, the United States shall not*
12 *be bound by any international agreement entered into by*
13 *the President that would substantively modify the ABM*
14 *Treaty, including any agreement that would add one or*
15 *more countries as signatories to the treaty or would other-*
16 *wise convert the treaty from a bilateral treaty to a multilat-*
17 *eral treaty, unless the agreement is entered pursuant to the*
18 *treaty making power of the President under the Constitu-*
19 *tion.*

20 (b) *RELATIONSHIP TO OTHER LAW.*—*This section*
21 *shall not be construed as superseding section 232 of the Na-*
22 *tional Defense Authorization Act for Fiscal Year 1995 (Pub-*
23 *lic Law 103–337; 108 Stat. 2701) for any fiscal year other*
24 *than fiscal year 1997, including any fiscal year after fiscal*
25 *year 1997.*

1 **SEC. 232. FUNDING FOR UPPER TIER THEATER MISSILE DE-**
2 **FENSE SYSTEMS.**

3 (a) *FUNDING.*—*Funds authorized to be appropriated*
4 *under section 201(4) shall be available for purposes and in*
5 *amounts as follows:*

6 (1) *For the Theater High Altitude Area Defense*
7 *(THAAD) System, \$621,798,000.*

8 (2) *For the Navy Upper Tier (Theater Wide)*
9 *system, \$304,171,000.*

10 (b) *LIMITATION.*—*None of the funds appropriated or*
11 *otherwise made available for the Department of Defense*
12 *pursuant to this or any other Act may be obligated or ex-*
13 *pended by the Office of the Under Secretary of Defense for*
14 *Acquisition and Technology for official representation ac-*
15 *tivities, or related activities, until the Secretary of Defense*
16 *certifies to Congress that—*

17 (1) *the Secretary has made available for obliga-*
18 *tion the funds provided under subsection (a) for the*
19 *purposes specified in that subsection and in the*
20 *amounts appropriated pursuant to that subsection;*
21 *and*

22 (2) *the Secretary has included the Navy Upper*
23 *Tier theater missile defense system in the theater mis-*
24 *sile defense core program.*

1 **SEC. 233. ELIMINATION OF REQUIREMENTS FOR CERTAIN**
2 **ITEMS TO BE INCLUDED IN THE ANNUAL RE-**
3 **PORT ON THE BALLISTIC MISSILE DEFENSE**
4 **PROGRAM.**

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

8 *(1) by striking out paragraphs (3), (4), (7), (9),*
9 *and (10); and*

10 *(2) by redesignating paragraphs (5), (6), and*
11 *(8), as paragraphs (3), (4), and (5), respectively.*

12 **SEC. 234. ABM TREATY DEFINED.**

13 *In this subtitle, the term “ABM Treaty” means the*
14 *Treaty Between the United States of America and the*
15 *Union of Soviet Socialist Republics on the Limitation of*
16 *Anti-Ballistic Missile Systems, signed in Moscow on May*
17 *26, 1972, with related protocol, signed in Moscow on July*
18 *3, 1974.*

19 **SEC. 235. SCORPIUS SPACE LAUNCH TECHNOLOGY PRO-**
20 **GRAM.**

21 *Of the amount authorized to be appropriated under*
22 *section 201(4) for the Ballistic Missile Defense Organization*
23 *for Support Technologies/Follow-On Technologies (PE*
24 *63173C), up to \$7,500,000 is available for the Scorpion*
25 *space launch technology program.*

1 **SEC. 236. CORPS SAM/MEADS PROGRAM.**

2 (a) *FUNDING.*—Of the amount authorized to be appro-
3 priated under section 201(4)—

4 (1) \$56,200,000 is available for the Corps sur-
5 face-to-air missile (SAM)/Medium Extended Air De-
6 fense System (MEADS) program (PE63869C); and

7 (2) \$515,711,000 is available for Other Theater
8 Missile Defense programs, projects, and activities
9 (PE63872C).

10 (b) *INTERNATIONAL COOPERATION.*—The Secretary of
11 Defense may carry out the program referred to in subsection
12 (a) in accordance with the memorandum of understanding
13 entered into on May 25, 1996 by the governments of the
14 United States, Germany, and Italy regarding international
15 cooperation on such program (including any amendments
16 to the memorandum of understanding).

17 (c) *LIMITATIONS.*—Not more than \$15,000,000 of the
18 amount available for the Corps SAM/MEADS program
19 under subsection (a) may be obligated until the Secretary
20 of Defense submits to the congressional defense committees
21 the following:

22 (1) An initial program estimate for the Corps
23 SAM/MEADS program, including a tentative sched-
24 ule of major milestones and an estimate of the total
25 program cost through initial operational capability.

1 (2) *A report on the options associated with the*
2 *use of existing systems, technologies, and program*
3 *management mechanisms to satisfy the requirement*
4 *for the Corps surface-to-air missile, including an as-*
5 *essment of cost and schedule implications in relation*
6 *to the program estimate submitted under paragraph*
7 *(1).*

8 (3) *A certification that there will be no increase*
9 *in overall United States funding commitment to the*
10 *project definition and validation phase of the Corps*
11 *SAM/MEADS program as a result of the withdrawal*
12 *of France from participation in the program.*

13 **SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BAL-**
14 **LISTIC MISSILES CARRYING NUCLEAR, CHEM-**
15 **ICAL, OR BIOLOGICAL WARHEADS.**

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

17 (1) *The worldwide proliferation of ballistic mis-*
18 *siles is a potential threat to the United States na-*
19 *tional interests overseas and challenges United States*
20 *defense planning.*

21 (2) *In the absence of a national missile defense,*
22 *the United States remains vulnerable to long-range*
23 *missile threats.*

24 (3) *Russia has a ground-based missile defense*
25 *system deployed around Moscow.*

1 (4) *Several countries, including Iraq, Iran, and*
2 *North Korea may soon be technologically capable of*
3 *threatening the United States and Russia with ballis-*
4 *tic missile attack.*

5 (b) *REPORT REQUIRED.—(1) Each year, the President*
6 *shall submit to Congress a report on the threats to the Unit-*
7 *ed States of attack by ballistic missiles carrying nuclear,*
8 *biological, or chemical warheads.*

9 (2) *The President shall submit the first report not later*
10 *than 180 days after the date of the enactment of this Act.*

11 (c) *CONTENT OF REPORT.—The report shall contain*
12 *the following:*

13 (1) *A list of all countries thought to have nu-*
14 *clear, chemical, or biological weapons, the estimated*
15 *numbers of such weapons that each country has, and*
16 *the destructive potential of the weapons.*

17 (2) *A list of all countries thought to have ballis-*
18 *tic missiles, the estimated number of such missiles*
19 *that each country has, and an assessment of the abil-*
20 *ity of those countries to integrate their ballistic mis-*
21 *sile capabilities with their nuclear, chemical, or bio-*
22 *logical weapons technologies.*

23 (3) *A comparison of the United States civil de-*
24 *fense capabilities with the civil defense capabilities of*
25 *each country that has nuclear, chemical, or biological*

1 *weapons and ballistic missiles capable of delivering*
2 *such weapons.*

3 *(4) An estimate of the number of American fa-*
4 *talities and injuries that could result, and an esti-*
5 *mate of the value of property that could be lost, from*
6 *an attack on the United States by ballistic missiles*
7 *carrying nuclear, chemical, or biological weapons if*
8 *the United States were left undefended by a national*
9 *missile defense system covering all 50 States.*

10 *(5) Assuming the use of any existing theater bal-*
11 *listic missile defense system for defense of the United*
12 *States, a list of the States that would be left exposed*
13 *to nuclear ballistic missile attacks and the criteria*
14 *used to determine which States would be left exposed.*

15 *(6) The means by which the United States is*
16 *preparing to defend itself against the potential threat*
17 *of ballistic missile attacks by North Korea, Iran, Iraq,*
18 *and other countries obtaining ballistic missiles capa-*
19 *ble of delivering nuclear, chemical, and biological*
20 *weapons in the near future.*

21 *(7) For each country that is capable of attacking*
22 *the United States with ballistic missiles carrying a*
23 *nuclear, biological, or chemical weapon, a comparison*
24 *of—*

1 (A) *the vulnerability of the United States to*
2 *such an attack if theater missile defenses were*
3 *used to defend against the attack; and*

4 (B) *the vulnerability of the United States to*
5 *such an attack if a national missile defense were*
6 *in place to defend against the attack.*

7 **SEC. 238. AIR FORCE NATIONAL MISSILE DEFENSE PLAN.**

8 (a) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*
9 *ate that—*

10 (1) *the Air Force proposal for a Minuteman*
11 *based national missile defense system is an important*
12 *national missile defense option and is worthy of seri-*
13 *ous consideration; and*

14 (2) *the Secretary of Defense should give the Air*
15 *Force National Missile Defense Proposal full consider-*
16 *ation.*

17 (b) *REPORT.*—*Not later than 120 days after the enact-*
18 *ment of this Act, the Secretary of Defense shall provide the*
19 *congressional defense committees a report on the following*
20 *matters in relation to the Air Force National Missile De-*
21 *fense Proposal:*

22 (1) *The cost and operational effectiveness of a*
23 *system that could be developed pursuant to the Air*
24 *Forces' plan.*

1 (2) *The Arms Control implications of such sys-*
2 *tem.*

3 (3) *Growth potential to meet future threats.*

4 (4) *The Secretary's recommendation for improve-*
5 *ments to the Air Force's plan.*

6 **SEC. 239. EXTENSION OF PROHIBITION ON USE OF FUNDS**
7 **TO IMPLEMENT AN INTERNATIONAL AGREE-**
8 **MENT CONCERNING THEATER MISSILE DE-**
9 **FENSE SYSTEMS.**

10 *Section 235(c) of the National Defense Authorization*
11 *Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.*
12 *232) is amended in the matter preceding paragraph (1) by*
13 *inserting “or 1997” after “fiscal year 1996”.*

14 ***Subtitle D—Other Matters***

15 **SEC. 241. LIVE-FIRE SURVIVABILITY TESTING OF F-22 AIR-**
16 **CRAFT.**

17 (a) *AUTHORITY FOR RETROACTIVE WAIVER.—The*
18 *Secretary of Defense may, in accordance with section*
19 *2366(c) of title 10, United States Code, waive for the F-*
20 *22 aircraft program the survivability tests required by that*
21 *section, notwithstanding that such program has entered*
22 *full-scale engineering development.*

23 (b) *REPORTING REQUIREMENT.—(1) If the Secretary*
24 *of Defense submits in accordance with section 2366(c)(1)*
25 *of title 10, United States Code, a certification that live-fire*

1 *testing of the F-22 aircraft would be unreasonably expen-*
2 *sive and impractical, the Secretary of Defense shall require*
3 *that F-22 aircraft components and subsystems be made*
4 *available for any alternative live-fire test program.*

5 (2) *The components and subsystem required by the*
6 *Secretary to be made available for such a program shall*
7 *be components that—*

8 (A) *could affect the survivability of the F-22 air-*
9 *craft; and*

10 (B) *are sufficiently large and realistic that*
11 *meaningful conclusions about the survivability of F-*
12 *22 aircraft can be drawn from the test results.*

13 (c) *FUNDING.—Funds available for the F-22 aircraft*
14 *program may be used for carrying out any alternative live-*
15 *fire testing program for F-22 aircraft.*

16 **SEC. 242. LIVE-FIRE SURVIVABILITY TESTING OF V-22 AIR-**
17 **CRAFT.**

18 (a) *AUTHORITY FOR RETROACTIVE WAIVER.—The*
19 *Secretary of Defense may, in accordance with section*
20 *2366(c) of title 10, United States Code, waive for the V-*
21 *22 aircraft program the survivability tests required by that*
22 *section, notwithstanding that such program has entered en-*
23 *gineering and manufacturing development.*

24 (b) *ALTERNATIVE SURVIVABILITY TEST REQUIRE-*
25 *MENTS.—If the Secretary of Defense submits in accordance*

1 *with section 2366(c)(1) of title 10, United States Code, a*
2 *certification that live-fire testing of the V-22 aircraft would*
3 *be unreasonably expensive and impractical, the Secretary*
4 *of Defense shall require that a sufficient number of compo-*
5 *nents critical to the survivability of the V-22 aircraft be*
6 *tested in an alternative live-fire test program involving re-*
7 *alistic threat environments that meaningful conclusions*
8 *about the survivability of V-22 aircraft can be drawn from*
9 *the test results.*

10 *(c) FUNDING.—Funds available for the V-22 aircraft*
11 *program may be used for carrying out any alternative live-*
12 *fire testing program for V-22 aircraft.*

13 **SEC. 243. AMENDMENT TO UNIVERSITY RESEARCH INITIA-**
14 **TIVE SUPPORT PROGRAM.**

15 *Section 802(c) of the National Defense Authorization*
16 *Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat.*
17 *1701; 10 U.S.C. 2358 note) is amended by striking out “fis-*
18 *cal years before the fiscal year in which the institution sub-*
19 *mits a proposal” and inserting in lieu thereof “most recent*
20 *fiscal years for which complete statistics are available when*
21 *proposals are requested”.*

22 **SEC. 244. DESALTING TECHNOLOGIES.**

23 *(a) FINDINGS.—Congress makes the following findings:*
24 *(1) Access to scarce fresh water is likely to be a*
25 *cause of future military conflicts in the Middle East*

1 *and has a direct impact on stability and security in*
2 *the region.*

3 *(2) The Middle East is an area of vital and stra-*
4 *tegic importance to the United States.*

5 *(3) The United States has played a military role*
6 *in the Middle East, most recently in the Persian Gulf*
7 *War, and may likely be called upon again to deter*
8 *aggression in the region.*

9 *(4) United States troops have used desalting*
10 *technologies to guarantee the availability of fresh*
11 *water in past deployments in the Middle East.*

12 *(5) Adequate, efficient, and cheap access to high-*
13 *quality fresh water will be vital to maintaining the*
14 *readiness and sustainability of United States troops,*
15 *and those of our allies.*

16 *(b) SENSE OF SENATE.—It is the sense of the Senate*
17 *that, as improved access to fresh water will be an important*
18 *factor in helping prevent future conflicts in the Middle*
19 *East, the United States should, in cooperation with its al-*
20 *lies, promote and invest in technologies to reduce the costs*
21 *of converting saline water into fresh water.*

22 *(c) FUNDING FOR RESEARCH AND DEVELOPMENT.—*
23 *Of the amounts authorized to be appropriated by this title,*
24 *the Secretary shall place greater emphasis on making funds*
25 *available for research and development into efficient and*

1 *economical processes and methods for converting saline*
 2 *water into fresh water.*

3 **Subtitle E—National**
 4 **Oceanographic Partnership**

5 **SEC. 251. SHORT TITLE.**

6 *This subtitle may be cited as the “National Oceano-*
 7 *graphic Partnership Act”.*

8 **SEC. 252. NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-**
 9 **GRAM.**

10 *(a) PROGRAM REQUIRED.—(1) Subtitle C of title 10,*
 11 *United States Code, is amended by inserting after chapter*
 12 *663 the following new chapter:*

13 **“CHAPTER 665—NATIONAL OCEANO-**
 14 **GRAPHIC PARTNERSHIP PROGRAM**

“Sec.

“7901. National Oceanographic Partnership Program.

“7902. National Ocean Research Leadership Council.

“7903. Partnership program projects.

15 **“§ 7901. National Oceanographic Partnership Pro-**
 16 **gram**

17 *“(a) ESTABLISHMENT.—The Secretary of the Navy*
 18 *shall establish a program to be known as the ‘National*
 19 *Oceanographic Partnership Program’.*

20 *“(b) PURPOSES.—The purposes of the program are as*
 21 *follows:*

22 *“(1) To promote the national goals of assuring*
 23 *national security, advancing economic development,*

1 *protecting quality of life, and strengthening science*
2 *education and communication through improved*
3 *knowledge of the ocean.*

4 “(2) *To coordinate and strengthen oceanographic*
5 *efforts in support of those goals by—*

6 “(A) *identifying and carrying out partner-*
7 *ships among Federal agencies, institutions of*
8 *higher education, industry, and other members of*
9 *the oceanographic scientific community in the*
10 *areas of data, resources, education, and commu-*
11 *nication; and*

12 “(B) *reporting annually to Congress on the*
13 *program.*

14 “(c) *NATIONAL COASTAL DATA CENTER.—(1) The Sec-*
15 *retary of the Navy shall establish a National Coastal Data*
16 *Center at each of two educational institutions that are ei-*
17 *ther well-established oceanographic institutes or graduate*
18 *schools of oceanography. The Secretary shall select for the*
19 *center one institution located at or near the east coast of*
20 *the continental United States and one institution located*
21 *at or near the west coast of the continental United States.*

22 “(2) *The purpose of the center is to collect, maintain,*
23 *and make available for research and educational purposes*
24 *information on coastal oceanographic phenomena.*

1 “(3) *The Secretary shall complete the establishment of*
2 *the National Coastal Data Center not later than one year*
3 *after the date of the enactment of the National Defense Au-*
4 *thorization Act for Fiscal Year 1997.*

5 “**§ 7902. National Ocean Research Leadership Council**

6 “(a) *COUNCIL.—There is a National Ocean Research*
7 *Leadership Council (hereinafter in this chapter referred to*
8 *as the “Council”).*

9 “(b) *MEMBERSHIP.—The Council is composed of the*
10 *following members:*

11 “(1) *The Secretary of the Navy who shall be the*
12 *chairman of the Council.*

13 “(2) *The Administrator of the National Oceanic*
14 *and Atmospheric Administration, who shall be the*
15 *vice chairman of the Council.*

16 “(3) *The Director of the National Science Foun-*
17 *dation.*

18 “(4) *The Administrator of the National Aero-*
19 *navitics and Space Administration.*

20 “(5) *The Commandant of the Coast Guard.*

21 “(6) *With their consent, the President of the Na-*
22 *tional Academy of Sciences, the President of the Na-*
23 *tional Academy of Engineering, and the President of*
24 *the Institute of Medicine.*

1 “(7) Up to five members appointed by the Chair-
2 man from among individuals who will represent the
3 views of ocean industries, institutions of higher edu-
4 cation, and State governments.

5 “(c) *TERM OF OFFICE.*—The term of office of a mem-
6 ber of the Council appointed under paragraph (7) of sub-
7 section (b) shall be two years, except that any person ap-
8 pointed to fill a vacancy occurring before the expiration of
9 the term for which his predecessor was appointed shall be
10 appointed for the remainder of such term.

11 “(d) *ANNUAL REPORT.*—Not later than March 1 of
12 each year, the Council shall submit to Congress a report
13 on the National Oceanographic Partnership Program. The
14 report shall contain the following:

15 “(1) A description of activities of the program
16 carried out during the fiscal year before the fiscal
17 year in which the report is prepared. The description
18 also shall include a list of the members of the Ocean
19 Research Partnership Coordinating Group (estab-
20 lished pursuant to subsection (e)), the Ocean Research
21 Advisory Panel (established pursuant to subsection
22 (f)), and any working groups in existence during the
23 fiscal year covered.

1 “(2) *A general outline of the activities planned*
2 *for the program during the fiscal year in which the*
3 *report is prepared.*

4 “(3) *A summary of projects continued from the*
5 *fiscal year before the fiscal year in which the report*
6 *is prepared and projects expected to be started during*
7 *the fiscal year in which the report is prepared and*
8 *during the following fiscal year.*

9 “(4) *A description of the involvement of the pro-*
10 *gram with Federal interagency coordinating entities.*

11 “(5) *The amounts requested, in the budget sub-*
12 *mitted to Congress pursuant to section 1105(a) of title*
13 *31 for the fiscal year following the fiscal year in*
14 *which the report is prepared, for the programs,*
15 *projects, and activities of the program and the esti-*
16 *mated expenditures under such programs, projects,*
17 *and activities during such following fiscal year.*

18 “(e) *OCEAN RESEARCH PARTNERSHIP COORDINATING*
19 *GROUP.—(1) The Council shall establish an Ocean Research*
20 *Partnership Coordinating Group consisting of not more*
21 *than 10 members appointed by the Council from among of-*
22 *ficers and employees of the Government, persons employed*
23 *in the maritime industry, educators at institutions of high-*
24 *er education, and officers and employees of State govern-*
25 *ments.*

1 “(2) *The Council shall designate a member of the Co-*
2 *ordinating Group to serve as Chairman of the group.*

3 “(3) *The Council shall assign to the Coordinating*
4 *Group responsibilities that the Council considers appro-*
5 *priate. The Coordinating Group shall be subject to the au-*
6 *thority, direction, and control of the Council in the perform-*
7 *ance the assigned responsibilities.*

8 “(f) *OCEAN RESEARCH ADVISORY PANEL.—(1) The*
9 *Council shall establish an Ocean Research Advisory Panel*
10 *consisting of members appointed by the Council from*
11 *among persons eminent in the fields of oceanography, ocean*
12 *sciences, or marine policy (or related fields) who are rep-*
13 *resentative of the interests of governments, institutions of*
14 *higher education, and industry in the matters covered by*
15 *the purposes of the National Oceanographic Partnership*
16 *Program (as set forth in section 7901(b) of this title).*

17 “(2) *The Council shall assign to the Advisory Panel*
18 *responsibilities that the Council consider appropriate. The*
19 *Coordinating Group shall be subject the authority, direc-*
20 *tion, and control of the Council to in the performance of*
21 *the assigned responsibilities.*

22 **“§ 7903. Partnership program projects**

23 “(a) *SELECTION OF PARTNERSHIP PROJECTS.—The*
24 *National Ocean Research Leadership Council shall select*
25 *the partnership projects that are to be considered eligible*

1 *for support under the National Oceanographic Partnership*
 2 *Program. A project partnership may be established by any*
 3 *instrument that the Council considers appropriate, includ-*
 4 *ing a memorandum of understanding, a cooperative re-*
 5 *search and development agreement, and any similar instru-*
 6 *ment.*

7 “(b) *CONTRACT AND GRANT AUTHORITY.—(1) The*
 8 *Council may authorize one or more of the departments and*
 9 *agencies of the Federal Government represented on the*
 10 *Council to enter into contracts or to make grants for the*
 11 *support of partnership projects selected under subsection*
 12 *(a).*

13 “(2) *Funds appropriated or otherwise made available*
 14 *for the National Oceanographic Partnership Program may*
 15 *be used for contracts entered into or grants awarded under*
 16 *authority provided pursuant to paragraph (1).”.*

17 (2) *The table of chapters at the beginning of subtitle*
 18 *C of title 10, United States Code, and at the beginning of*
 19 *part IV of such subtitle, are each amended by inserting after*
 20 *the item relating to chapter 663 the following:*

 “**665. National Oceanographic Partnership Program 7901”.**

21 (b) *INITIAL APPOINTMENTS OF COUNCIL MEMBERS.—*
 22 *The Chairman of the National Ocean Research Leadership*
 23 *Council established under section 7902 of title 10, United*
 24 *States Code, as added by subsection (a)(1), shall make the*

1 *appointments required by subsection (b)(7) of such section*
2 *not later than December 1, 1996.*

3 (c) *FIRST ANNUAL REPORT OF NATIONAL OCEAN RE-*
4 *SEARCH LEADERSHIP COUNCIL.—The first annual report*
5 *required by section 7902(d) of title 10, United States Code,*
6 *as added by subsection (a)(1), shall be submitted to Con-*
7 *gress not later than March 1, 1997. The first report shall*
8 *include, in addition to the information required by such*
9 *section, information about the terms of office, procedures,*
10 *and responsibilities of the Ocean Research Advisory Panel*
11 *established by the Council.*

12 (d) *FUNDING.—Of the funds authorized to be appro-*
13 *priated by section 201(2), \$13,000,000 shall be available for*
14 *the National Oceanographic Partnership Program.*

15 ***TITLE III—OPERATION AND***
16 ***MAINTENANCE***

17 ***Subtitle A—Authorization of***
18 ***Appropriations***

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

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 1997 for the use of the Armed Forces and other*
22 *activities and agencies of the Department of Defense for ex-*
23 *penses, not otherwise provided for, for operation and main-*
24 *tenance, in amounts as follows:*

25 (1) *For the Army, \$18,147,623,000.*

- 1 (2) *For the Navy, \$20,298,339,000.*
- 2 (3) *For the Marine Corps, \$2,279,477,000.*
- 3 (4) *For the Air Force, \$17,949,339,000.*
- 4 (5) *For Defense-wide activities, \$9,863,942,000.*
- 5 (6) *For the Army Reserve, \$1,094,436,000.*
- 6 (7) *For the Naval Reserve, \$851,027,000.*
- 7 (8) *For the Marine Corps Reserve, \$110,367,000.*
- 8 (9) *For the Air Force Reserve, \$1,493,553,000.*
- 9 (10) *For the Army National Guard,*
10 *\$2,218,477,000.*
- 11 (11) *For the Air National Guard,*
12 *\$2,699,173,000.*
- 13 (12) *For the Defense Inspector General,*
14 *\$136,501,000.*
- 15 (13) *For the United States Court of Appeals for*
16 *the Armed Forces, \$6,797,000.*
- 17 (14) *For Environmental Restoration, Army,*
18 *\$356,916,000.*
- 19 (15) *For Environmental Restoration, Navy,*
20 *\$302,900,000.*
- 21 (16) *For Environmental Restoration, Air Force,*
22 *\$414,700,000.*
- 23 (17) *For Environmental Restoration, Defense-*
24 *wide, \$258,500,000.*

1 (18) *For Drug Interdiction and Counter-drug*
2 *Activities, Defense-wide, \$793,824,000.*

3 (19) *For Medical Programs, Defense,*
4 *\$9,375,988,000.*

5 (20) *For Cooperative Threat Reduction pro-*
6 *grams, \$327,900,000.*

7 (21) *For Overseas Humanitarian, Disaster, and*
8 *Civic Aid programs, \$49,000,000.*

9 **SEC. 302. WORKING CAPITAL FUNDS.**

10 *Funds are hereby authorized to be appropriated for fis-*
11 *cal year 1997 for the use of the Armed Forces and other*
12 *activities and agencies of the Department of Defense for*
13 *providing capital for working capital and revolving funds*
14 *in amounts as follows:*

15 (1) *For the Defense Business Operations Fund,*
16 *\$947,900,000.*

17 (2) *For the National Defense Sealift Fund,*
18 *\$1,268,002,000.*

19 **SEC. 303. DEFENSE NUCLEAR AGENCY.**

20 *Of the amounts authorized to be appropriated for the*
21 *Department of Defense under section 301(5), \$88,083,000*
22 *shall be available for the Defense Nuclear Agency.*

1 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**
2 **TRANSACTION FUND.**

3 (a) *TRANSFER AUTHORITY.*—*To the extent provided in*
4 *appropriations Acts, not more than \$150,000,000 is author-*
5 *ized to be transferred from the National Defense Stockpile*
6 *Transaction Fund to operation and maintenance accounts*
7 *for fiscal year 1997 in amounts as follows:*

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

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

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

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

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

16 (2) *may not be expended for an item that has*
17 *been denied authorization of appropriations by Con-*
18 *gress.*

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

22 **SEC. 305. CIVIL AIR PATROL.**

23 (a) *FUNDING.*—*Of the amounts authorized to be ap-*
24 *propriated pursuant to this Act, \$14,526,000 may be made*
25 *available to the Civil Air Patrol Corporation.*

1 (b) *AMOUNT FOR SEARCH AND RESCUE OPER-*
2 *ATIONS.—Of the amount made available pursuant to sub-*
3 *section (a), not more than 75 percent of such amount may*
4 *be available for costs other than the costs of search and res-*
5 *cue missions.*

6 **SEC. 306. SR-71 CONTINGENCY RECONNAISSANCE FORCE.**

7 *Of the funds authorized to be appropriated by section*
8 *301(4), \$30,000,000 is authorized to be made available for*
9 *the SR-71 contingency reconnaissance force.*

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

12 **SEC. 311. FUNDING FOR SECOND AND THIRD MARITIME**
13 ***PREPOSITIONING SHIPS OUT OF NATIONAL***
14 ***DEFENSE SEALIFT FUND.***

15 (a) *NATIONAL DEFENSE SEALIFT FUND.—To the ex-*
16 *tent provided in appropriations Acts, funds in the National*
17 *Defense Sealift Fund may be obligated and expended for*
18 *the purchase and conversion, or construction, of a total of*
19 *three ships for the purpose of enhancing Marine Corps*
20 *prepositioning ship squadrons.*

21 (b) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
22 *amount authorized to be appropriated under section 302(2),*
23 *\$240,000,000 is authorized to be appropriated for the pur-*
24 *pose stated in subsection (a).*

1 **SEC. 312. NATIONAL DEFENSE SEALIFT FUND.**

2 *Section 2218 of title 10, United States Code, is amend-*
3 *ed—*

4 *(1) in subsection (c)(1)(E), by striking out “, but*
5 *only for vessels built in United States shipyards”;*

6 *(2) in subsection (f)—*

7 *(A) in paragraph (1)—*

8 *(i) by striking out “five” and inserting*
9 *in lieu thereof “ten”; and*

10 *(ii) by striking out “(c)(1)” and in-*
11 *serting in lieu thereof “(c)(1)(A)”;* and

12 *(B) in paragraph (2), by striking out*
13 *“(c)(1)” and inserting in lieu thereof*
14 *“(c)(1)(A)”;* and

15 *(3) in subsection (j), by striking out “(c)(1) (A),*
16 *(B), (C), and (D)” and inserting in lieu thereof*
17 *“(c)(1) (A), (B), (C), (D), and (E)”.*

18 **SEC. 313. NONLETHAL WEAPONS CAPABILITIES.**

19 *Of the amount authorized to be appropriated under*
20 *section 301, \$5,000,000 shall be available for the immediate*
21 *procurement of nonlethal weapons capabilities to meet ex-*
22 *isting deficiencies in inventories of such capabilities, of*
23 *which—*

24 *(1) \$2,000,000 shall be available for the Army;*
25 *and*

1 *ity described in paragraph (1). The logistics activities and*
2 *capabilities maintained under this paragraph shall include*
3 *all personnel, equipment, and facilities that are necessary*
4 *to maintain and repair the weapon systems and other mili-*
5 *tary equipment identified under paragraph (3).*

6 “(3) *The Secretary of Defense, in consultation with the*
7 *Joint Chiefs of Staff, shall identify the weapon systems and*
8 *other military equipment that it is necessary to maintain*
9 *and repair within the Department of Defense in order to*
10 *maintain within the department the capability described*
11 *in paragraph (1).*

12 “(4) *The Secretary shall require that the core logistics*
13 *functions identified pursuant to paragraph (3) be per-*
14 *formed in Government-owned, Government-operated facili-*
15 *ties of the Department of Defense by Department of Defense*
16 *personnel using Department of Defense equipment.”.*

17 **SEC. 322. INCREASE IN PERCENTAGE LIMITATION ON CON-**
18 **TRACTOR PERFORMANCE OF DEPOT-LEVEL**
19 **MAINTENANCE AND REPAIR WORKLOADS.**

20 (a) *FIFTY PERCENT LIMITATION.*—*Section 2466(a) of*
21 *title 10, United States Code, is amended by striking out*
22 *“40 percent” in the first sentence and inserting in lieu*
23 *thereof “50 percent”.*

24 (b) *INCREASE DELAYED PENDING RECEIPT OF STRA-*
25 *TEGIC PLAN FOR THE PERFORMANCE OF DEPOT-LEVEL*

1 *MAINTENANCE AND REPAIR.—(1) Notwithstanding the first*
2 *sentence of section 2466(a) of title 10, United States Code*
3 *(as amended by subsection (a)), until the strategic plan for*
4 *the performance of depot-level maintenance and repair is*
5 *submitted under section 325, not more than 40 percent of*
6 *the funds made available in a fiscal year to a military de-*
7 *partment or a Defense Agency for depot-level maintenance*
8 *and repair workload may be used to contract for the per-*
9 *formance by non-Federal Government personnel of such*
10 *workload for the military department or the Defense Agen-*
11 *cy.*

12 (2) *In paragraph (1), the term “depot-level mainte-*
13 *nance and repair workload” has the meaning given such*
14 *term in section 2466(f) of title 10, United States Code.*

15 **SEC. 323. REPORT ON DEPOT-LEVEL MAINTENANCE AND**
16 **REPAIR.**

17 *Subsection (e) of section 2466 of title 10, United States*
18 *Code, is amended to read as follows:*

19 “(e) *REPORT.—(1) Not later than February 1 of each*
20 *year, the Secretary of Defense shall submit to Congress a*
21 *report identifying, for each military department and De-*
22 *fense Agency—*

23 “(A) *the percentage of the funds referred to in*
24 *subsection (a) that were used during the preceding fis-*
25 *cal year for performance of depot-level maintenance*

1 *and repair workloads by Federal Government person-*
2 *nel; and*

3 “(B) *the percentage of the funds referred to in*
4 *subsection (a) that were used during the preceding fis-*
5 *cal year to contract for the performance of depot-level*
6 *maintenance and repair workloads by non-Federal*
7 *Government personnel.*

8 “(2) *Not later than 90 days after the date on which*
9 *the Secretary submits the annual report under paragraph*
10 *(1), the Comptroller General shall submit to the Committees*
11 *on Armed Services and on Appropriations of the Senate*
12 *and the Committees on National Security and on Appro-*
13 *priations of the House of Representatives the Comptroller’s*
14 *views on whether the Department of Defense has complied*
15 *with the requirements of subsection (a) for the fiscal year*
16 *covered by the report.”.*

17 **SEC. 324. DEPOT-LEVEL MAINTENANCE AND REPAIR WORK-**
18 **LOAD DEFINED.**

19 *Section 2466 of title 10, United States Code, is amend-*
20 *ed by adding at the end the following:*

21 “(f) *DEPOT-LEVEL MAINTENANCE AND REPAIR WORK-*
22 *LOAD DEFINED.—In this section, the term ‘depot-level*
23 *maintenance and repair workload’—*

24 “(1) *means material maintenance requiring*
25 *major overhaul or complete rebuilding of parts, as-*

1 *semblies, or subassemblies, and testing and reclama-*
2 *tion of equipment as necessary, including all aspects*
3 *of software maintenance;*

4 “(2) *includes those portions of interim contractor*
5 *support, contractor logistics support, or any similar*
6 *contractor support for the performance of services de-*
7 *scribed in paragraph (1); and*

8 “(3) *does not include ship modernization and*
9 *other repair activities that—*

10 “(A) *are funded out of appropriations*
11 *available to the Department of Defense for pro-*
12 *curement; and*

13 “(B) *were not considered to be depot-level*
14 *maintenance and repair workload activities*
15 *under regulations of the Department of Defense*
16 *in effect on February 10, 1996.”.*

17 **SEC. 325. STRATEGIC PLAN RELATING TO DEPOT-LEVEL**
18 **MAINTENANCE AND REPAIR.**

19 (a) *STRATEGIC PLAN REQUIRED.—(1) As soon as pos-*
20 *sible after the enactment of this Act, the Secretary of De-*
21 *fense shall submit to the Committee on Armed Services of*
22 *the Senate and the Committee on National Security of the*
23 *House of Representatives a strategic plan for the perform-*
24 *ance of depot-level maintenance and repair.*

1 (2) *The strategic plan shall cover the performance of*
2 *depot-level maintenance and repair for the Department of*
3 *Defense in fiscal years 1998 through 2007. The plan shall*
4 *provide for maintaining the capability described in section*
5 *2464 of title 10, United States Code.*

6 (b) *ADDITIONAL MATTERS COVERED.*—*The Secretary*
7 *of Defense shall include in the strategic plan submitted*
8 *under subsection (a) a detailed discussion of the following*
9 *matters:*

10 (1) *For each military department, as determined*
11 *after consultation with the Secretary of that military*
12 *department and the Chairman of the Joint Chiefs of*
13 *Staff, the depot-level maintenance and repair activi-*
14 *ties and workloads that are necessary to perform*
15 *within the Department of Defense in order to main-*
16 *tain the core logistics capability required by section*
17 *2464 of title 10, United States Code.*

18 (2) *For each military department, as determined*
19 *after consultation with the Secretary of that military*
20 *department and the Chairman of the Joint Chiefs of*
21 *Staff, the depot-level maintenance and repair activi-*
22 *ties and workloads that the Secretary of Defense plans*
23 *to perform within the Department of Defense in order*
24 *to satisfy the requirements of section 2466 of title 10,*
25 *United States Code.*

1 (3) *For the activities identified pursuant to*
2 *paragraphs (1) and (2), a discussion of which specific*
3 *existing weapon systems or other existing equipment,*
4 *and which specific planned weapon systems or other*
5 *planned equipment, are weapon systems or equipment*
6 *for which it is necessary to maintain a core depot-*
7 *level maintenance and repair capability within the*
8 *Department of Defense.*

9 (4) *The core capabilities, including sufficient*
10 *skilled personnel, equipment, and facilities, that—*

11 (A) *are of sufficient size—*

12 (i) *to ensure a ready and controlled*
13 *source of the technical competencies, and the*
14 *maintenance and repair capabilities, that*
15 *are necessary to meet the requirements of*
16 *the national military strategy and other re-*
17 *quirements for responding to mobilizations*
18 *and military contingencies; and*

19 (ii) *to provide for rapid augmentation*
20 *in time of emergency; and*

21 (B) *are assigned a sufficient workload to*
22 *ensure cost efficiency and technical proficiency*
23 *in peacetime.*

24 (5) *The environmental liability issues associated*
25 *with any projected privatization of the performance of*

1 *depot-level maintenance and repair, together with de-*
2 *tailed projections of the cost to the United States of*
3 *satisfying environmental liabilities associated with*
4 *such privatized performance.*

5 *(6) Any significant issues and risks concerning*
6 *exchange of technical data on depot-level maintenance*
7 *and repair between the Federal Government and the*
8 *private sector.*

9 *(7) Any deficiencies in Department of Defense fi-*
10 *nancial systems that hinder effective evaluation of*
11 *competitions (whether among private-sector sources or*
12 *among depot-level activities owned and operated by*
13 *the Department of Defense and private-sector sources),*
14 *and merit-based selections (among depot-level activi-*
15 *ties owned and operated by the Department of De-*
16 *fense), for a depot-level maintenance and repair work-*
17 *load, together with plans to correct such deficiencies.*

18 *(9) The type of facility (whether a private sector*
19 *facility or a Government owned and operated facility)*
20 *in which depot-level maintenance and repair of any*
21 *new weapon systems that will reach full scale develop-*
22 *ment is to be performed.*

23 *(10) The workloads necessary to maintain Gov-*
24 *ernment owned and operated depots at 50 percent, 70*
25 *percent, and 85 percent of operating capacity.*

1 (11) *A plan for improving the productivity of*
2 *the Government owned and operated depot mainte-*
3 *nance and repair facilities, together with manage-*
4 *ment plans for changing administrative and missions*
5 *processes to achieve productivity gains, a discussion*
6 *of any barriers to achieving desired productivity*
7 *gains at the depots, and any necessary changes in ci-*
8 *vilian personnel policies that are necessary to im-*
9 *prove productivity.*

10 (12) *The criteria used to make decisions on*
11 *whether to convert to contractor performance of depot-*
12 *level maintenance and repair, the officials responsible*
13 *for making the decision to convert, and any depot-*
14 *level maintenance and repair workloads that are pro-*
15 *posed to be converted to contractor performance before*
16 *the end of fiscal year 2001.*

17 (13) *A detailed analysis of savings proposed to*
18 *be achieved by contracting for the performance of*
19 *depot-level maintenance and repair workload by pri-*
20 *vate sector sources, together with the report on the re-*
21 *view of the analysis (and the assumptions underlying*
22 *the analysis) provided for under subsection (c).*

23 (c) *INDEPENDENT REVIEW OF SAVINGS ANALYSIS.—*
24 *The Secretary shall provide for a public accounting firm*
25 *(independent of Department of Defense influence) to review*

1 *the analysis referred to in subsection (b)(13) and the as-*
2 *sumptions underlying the analysis for submission to the*
3 *committees referred to in subsection (a) and to the Comp-*
4 *troller General.*

5 *(d) REVIEW BY COMPTROLLER GENERAL.—(1) At the*
6 *same time that the Secretary of Defense transmits the stra-*
7 *tegic plan under subsection (a), the Secretary shall transmit*
8 *a copy of the plan (including the report of the public ac-*
9 *counting firm provided for under subsection (c)) to the*
10 *Comptroller General of the United States and make avail-*
11 *able to the Comptroller General all information used by the*
12 *Department of Defense in preparing the plan and analysis.*

13 *(2) Not later than 60 days after the date on which*
14 *the Secretary submits the strategic plan required by sub-*
15 *section (a), the Comptroller General shall transmit to Con-*
16 *gress a report containing a detailed analysis of the strategic*
17 *plan.*

18 *(e) ADDITIONAL REPORTING REQUIREMENT FOR*
19 *COMPTROLLER GENERAL.—Not later than February 1,*
20 *1997, the Comptroller General shall submit to the commit-*
21 *tees referred to in subsection (a) a report on the effectiveness*
22 *of the oversight by the Department of Defense of the man-*
23 *agement of existing contracts with private sector sources of*
24 *depot-level maintenance and repair of weapon systems, the*
25 *adequacy of Department of Defense financial and informa-*

1 *tion systems to support effective decisions to contract for*
2 *private sector performance of depot-level maintenance and*
3 *repair workloads that are being or have been performed by*
4 *Government personnel, the status of reengineering efforts at*
5 *depots owned and operated by the United States, and any*
6 *overall management weaknesses within the Department of*
7 *Defense that would hinder effective use of contracting for*
8 *the performance of depot-level maintenance and repair.*

9 **SEC. 326. ANNUAL REPORT ON COMPETITIVE PROCEDURES.**

10 *(a) ANNUAL REPORT.—Section 2469 of title 10, Unit-*
11 *ed States Code, is amended by adding at the end the follow-*
12 *ing:*

13 *“(d) ANNUAL REPORT.—Not later than March 31 of*
14 *each year, the Secretary of Defense shall submit to the Com-*
15 *mittee on Armed Services of the Senate and the Committee*
16 *on National Security of the House of Representatives a re-*
17 *port describing the competitive procedures used during the*
18 *preceding fiscal year for competitions referred to in sub-*
19 *section (a).”.*

20 *(b) FIRST REPORT.—The first report under subsection*
21 *(d) of section 2469 of title 10, United States Code (as added*
22 *by subsection (a)), shall be submitted not later than March*
23 *31, 1997.*

1 **SEC. 327. ANNUAL RISK ASSESSMENTS REGARDING PRI-**
2 **VATE PERFORMANCE OF DEPOT-LEVEL MAIN-**
3 **TENANCE WORK.**

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

6 **“§2473. Reports on privatization of depot-level main-**
7 **tenance work**

8 *“(a) ANNUAL RISK ASSESSMENTS.—(1) Not later than*
9 *January 1 of each year, the Joint Chiefs of Staff shall sub-*
10 *mit to the Secretary of Defense a report on the privatization*
11 *of the performance of the various depot-level maintenance*
12 *workloads of the Department of Defense.*

13 *“(2) The report shall include with respect to each*
14 *depot-level maintenance workload the following:*

15 *“(A) An assessment of the risk to the readiness,*
16 *sustainability, and technology of the Armed Forces in*
17 *a full range of anticipated scenarios for peacetime*
18 *and for wartime of—*

19 *“(i) using public entities to perform the*
20 *workload;*

21 *“(ii) using private entities to perform the*
22 *workload; and*

23 *“(iii) using a combination of public entities*
24 *and private entities to perform the workload.*

25 *“(B) The recommendation of the Joint Chiefs as*
26 *to whether public entities, private entities, or a com-*

1 *bination of public entities and private entities could*
2 *perform the workload without jeopardizing military*
3 *readiness.*

4 *“(3) Not later than 30 days after receiving the report*
5 *under paragraph (2)(B), the Secretary shall transmit the*
6 *report to Congress. If the Secretary does not concur in the*
7 *recommendation made by the Joint Chiefs pursuant to*
8 *paragraph (2)(B), the Secretary shall include in the report*
9 *under this paragraph—*

10 *“(A) the recommendation of the Secretary; and*

11 *“(B) a justification for the differences between*
12 *the recommendation of the Joint Chiefs and the rec-*
13 *ommendation of the Secretary.*

14 *“(b) ANNUAL REPORT ON PROPOSED PRIVATIZA-*
15 *TION.—(1) Not later than February 28 of each year, the*
16 *Joint Chiefs of Staff shall submit to the Secretary of Defense*
17 *a report on each depot-level maintenance workload of the*
18 *Department of Defense that the Joint Chiefs believe could*
19 *be converted to performance by private entities during the*
20 *next fiscal year without jeopardizing military readiness.*

21 *“(2) Not later than 30 days after receiving a report*
22 *under paragraph (1), the Secretary shall transmit the re-*
23 *port to Congress. If the Secretary does not concur in the*
24 *proposal of the Joint Chiefs in the report, the Secretary*
25 *shall include in the report under this paragraph—*

1 “(A) each depot-level maintenance workload of
2 the Department that the Secretary proposes to be per-
3 formed by private entities during the fiscal year con-
4 cerned; and

5 “(B) a justification for the differences between
6 the proposal of the Joint Chiefs and the proposal of
7 the Secretary.”.

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

 “2473. Reports on privatization of depot-level maintenance work.”.

11 **SEC. 328. EXTENSION OF AUTHORITY FOR NAVAL SHIP-**
12 **YARDS AND AVIATION DEPOTS TO ENGAGE IN**
13 **DEFENSE-RELATED PRODUCTION AND SERV-**
14 **ICES.**

15 (a) *EXTENSION OF AUTHORITY.*—Section 1425(e) of
16 the National Defense Authorization Act for Fiscal Year
17 1991 (Public Law 101–510) is amended by striking out “ex-
18 pires on September 30, 1995” and inserting in lieu thereof
19 “may not be exercised after September 30, 1997”.

20 (b) *REVIVAL OF EXPIRED AUTHORITY.*—The authority
21 provided in section 1425 of the National Defense Authoriza-
22 tion Act for Fiscal Year 1991 may be exercised after Sep-
23 tember 30, 1995, subject to the limitation in subsection (e)
24 of such section as amended by subsection (a) of this section.

1 **SEC. 329. LIMITATION ON USE OF FUNDS FOR F-18 AIR-**
2 **CRAFT DEPOT MAINTENANCE.**

3 *Of the amounts authorized to be appropriated by sec-*
4 *tion 301(2), not more than \$5,000,000 may be used for the*
5 *performance of depot maintenance on F-18 aircraft until*
6 *30 days after the date on which the Secretary of Defense*
7 *submits to the congressional defense committees a report on*
8 *aviation depot maintenance. The report shall contain the*
9 *following:*

10 (1) *The results of a competition which the Sec-*
11 *retary shall conduct between all Department of De-*
12 *fense aviation depots for selection for the performance*
13 *of depot maintenance on F-18 aircraft.*

14 (2) *An analysis of the total cost of transferring*
15 *the F-18 aircraft depot maintenance workload to an*
16 *aviation depot not performing such workload as of the*
17 *date of the enactment of this Act.*

18 **SEC. 330. DEPOT MAINTENANCE AND REPAIR AT FACILITIES**
19 **CLOSED BY BRAC.**

20 *The Secretary may not contract for the performance*
21 *by a private sector source of any of the depot maintenance*
22 *workload performed as of the date of the enactment of this*
23 *Act at Sacramento Air Logistics Center or the San Antonio*
24 *Air Logistics Center until the Secretary—*

25 (1) *publishes criteria for the evaluation of bids*
26 *and proposals to perform such workload;*

1 (2) *conducts a competition for the workload be-*
2 *tween public and private entities;*

3 (3) *pursuant to the competition, determines in*
4 *accordance with the criteria published under para-*
5 *graph (1) that an offer submitted by a private sector*
6 *source to perform the workload is the best value for*
7 *the United States; and*

8 (4) *submits to Congress the following—*

9 (A) *a detailed comparison of the cost of the*
10 *performance of the workload by civilian employ-*
11 *ees of the Department of Defense with the cost of*
12 *the performance of the workload by that source;*
13 *and*

14 (B) *an analysis which demonstrates that the*
15 *performance of the workload by that source will*
16 *provide the best value for the United States over*
17 *the life of the contract.*

18 ***Subtitle D—Environmental***
19 ***Provisions***

20 ***SEC. 341. ESTABLISHMENT OF SEPARATE ENVIRONMENTAL***
21 ***RESTORATION ACCOUNTS FOR EACH MILI-***
22 ***TARY DEPARTMENT.***

23 (a) *ESTABLISHMENT.—(1) Section 2703 of title 10,*
24 *United States Code, is amended to read as follows:*

1 **“§ 2703. Environmental restoration accounts**

2 “(a) *ESTABLISHMENT OF ACCOUNTS.*—There are here-
3 by established in the Department of Defense the following
4 accounts:

5 “(1) *An account to be known as the ‘Defense En-*
6 *vironmental Restoration Account’.*

7 “(2) *An account to be known as the ‘Army Envi-*
8 *ronmental Restoration Account’.*

9 “(3) *An account to be known as the ‘Navy Envi-*
10 *ronmental Restoration Account’.*

11 “(4) *An account to be known as the ‘Air Force*
12 *Environmental Restoration Account’.*

13 “(b) *OBLIGATION OF AUTHORIZED AMOUNTS.*—Funds
14 authorized for deposit in an account under subsection (a)
15 may be obligated or expended from the account only in
16 order to carry out the environmental restoration functions
17 of the Secretary of Defense and the Secretaries of the mili-
18 tary departments under this chapter and under any other
19 provision of law. Funds so authorized shall remain avail-
20 able until expended.

21 “(c) *BUDGET REPORTS.*—In proposing the budget for
22 any fiscal year pursuant to section 1105 of title 31, the
23 President shall set forth separately the amounts requested
24 for environmental restoration programs of the Department
25 of Defense and of each of the military departments under
26 this chapter and under any other Act.

1 “(d) *AMOUNTS RECOVERED.*—*The following amounts*
2 *shall be credited to the appropriate environmental restora-*
3 *tion account:*

4 “(1) *Amounts recovered under CERCLA for re-*
5 *sponse actions.*

6 “(2) *Any other amounts recovered from a con-*
7 *tractor, insurer, surety, or other person to reimburse*
8 *the Department of Defense or a military department*
9 *for any expenditure for environmental response ac-*
10 *tivities.*

11 “(e) *PAYMENTS OF FINES AND PENALTIES.*—*None of*
12 *the funds appropriated to the Defense Environmental Res-*
13 *toration Account for fiscal years 1995 through 1999, or to*
14 *any environmental restoration account of a military de-*
15 *partment for fiscal years 1997 through 1999, may be used*
16 *for the payment of a fine or penalty (including any supple-*
17 *mental environmental project carried out as part of such*
18 *penalty) imposed against the Department of Defense or a*
19 *military department unless the act or omission for which*
20 *the fine or penalty is imposed arises out of an activity fund-*
21 *ed by the environmental restoration account concerned and*
22 *the payment of the fine or penalty has been specifically au-*
23 *thorized by law.”.*

24 (2) *The table of sections at the beginning of chapter*
25 *160 of title 10, United States Code, is amended by striking*

1 *out the item relating to section 2703 and inserting in lieu*
2 *thereof the following new item:*

“2703. Environmental restoration accounts.”

3 **(b) REFERENCES.**—*Any reference to the Defense Envi-*
4 *ronmental Restoration Account in any Federal law, Execu-*
5 *tive Order, regulation, delegation of authority, or document*
6 *of or pertaining to the Department of Defense shall be*
7 *deemed to refer to the appropriate environmental restora-*
8 *tion account established under section 2703(a)(1) of title 10,*
9 *United States Code (as amended by subsection (a)(1)).*

10 **(c) CONFORMING AMENDMENT.**—*Section 2705(g)(1) of*
11 *title 10, United States Code, is amended by striking out*
12 *“the Defense Environmental Restoration Account” and in-*
13 *serting in lieu thereof “the environmental restoration ac-*
14 *count concerned”.*

15 **(d) TREATMENT OF UNOBLIGATED BALANCES.**—*Any*
16 *unobligated balances that remain in the Defense Environ-*
17 *mental Restoration Account under section 2703(a) of title*
18 *10, United States Code, as of the effective date specified in*
19 *subsection (e) shall be transferred on such date to the De-*
20 *fense Environmental Restoration Account established under*
21 *section 2703(a)(1) of title 10, United States Code (as*
22 *amended by subsection (a)(1)).*

23 **(e) EFFECTIVE DATE.**—*The amendments made by this*
24 *section shall take effect on the later of—*

25 **(1) October 1, 1996; or**

1 (2) *the date of the enactment of this Act.*

2 **SEC. 342. DEFENSE CONTRACTORS COVERED BY REQUIRE-**
3 **MENT FOR REPORTS ON CONTRACTOR REIM-**
4 **BURSEMENT COSTS FOR RESPONSE ACTIONS.**

5 *Section 2706(d)(1)(A) of title 10, United States Code,*
6 *is amended by striking out “100” and inserting in lieu*
7 *thereof “20”.*

8 **SEC. 343. REPEAL OF REDUNDANT NOTIFICATION AND CON-**
9 **SULTATION REQUIREMENTS REGARDING RE-**
10 **MEDIAL INVESTIGATIONS AND FEASIBILITY**
11 **STUDIES AT CERTAIN INSTALLATIONS TO BE**
12 **CLOSED UNDER THE BASE CLOSURE LAWS.**

13 *Section 334 of the National Defense Authorization Act*
14 *for Fiscal Years 1992 and 1993 (Public Law 102–190; 105*
15 *Stat. 1340; 10 U.S.C. 2687 note) is repealed.*

16 **SEC. 344. PAYMENT OF CERTAIN STIPULATED CIVIL PEN-**
17 **ALTIES.**

18 (a) *AUTHORITY.—The Secretary of Defense may pay*
19 *to the Hazardous Substance Superfund established under*
20 *section 9507 of the Internal Revenue Code of 1986 (26*
21 *U.S.C. 9507) stipulated civil penalties assessed under*
22 *CERCLA in amounts, and using funds, as follows:*

23 (1) *Using funds authorized to be appropriated to*
24 *the Army Environmental Restoration Account estab-*
25 *lished under section 2703(a)(1)(B) of title 10, United*

1 *States Code, as amended by section 341 of this Act,*
2 *\$34,000 assessed against Fort Riley, Kansas, under*
3 *CERCLA.*

4 (2) *Using funds authorized to be appropriated to*
5 *the Navy Environmental Restoration Account estab-*
6 *lished under section 2703(a)(1)(C) of that title, as so*
7 *amended, \$30,000 assessed against the Naval Edu-*
8 *cation and Training Center, Newport, Rhode Island,*
9 *under CERCLA.*

10 (3) *Using funds authorized to be appropriated to*
11 *the Air Force Environmental Restoration Account es-*
12 *tablished under section 2703(a)(1)(D) of that title, as*
13 *so amended—*

14 (A) *\$550,000 assessed against the Massa-*
15 *chusetts Military Reservation, Massachusetts,*
16 *under CERCLA, of which \$500,000 shall be for*
17 *the supplemental environmental project for a*
18 *groundwater modeling project that constitutes a*
19 *part of the negotiated settlement of a penalty*
20 *against the reservation; and*

21 (B) *\$10,000 assessed against F.E. Warren*
22 *Air Force Base, Wyoming, under CERCLA.*

23 (4) *Using funds authorized to be appropriated to*
24 *the Department of Defense Base Closure Account 1990*
25 *by section 2406(a)(13) of this Act, \$50,000 assessed*

1 *against Loring Air Force Base, Maine, under*
2 *CERCLA.*

3 **(b) CERCLA DEFINED.**—*In this section, the term*
4 *“CERCLA” means the Comprehensive Environmental Re-*
5 *sponse, Compensation, and Liability Act of 1980 (42 U.S.C.*
6 *9601 et seq.).*

7 **SEC. 345. AUTHORITY TO WITHHOLD LISTING OF FEDERAL**
8 **FACILITIES ON NATIONAL PRIORITIES LIST.**

9 *Section 120(d) of the Comprehensive Environmental*
10 *Response, Compensation, and Liability Act of 1980 (42*
11 *U.S.C. 9620(d)) is amended—*

12 *(1) by redesignating paragraphs (1) and (2) as*
13 *subparagraphs (A) and (B), respectively;*

14 *(2) by striking “Not later than 18 months after*
15 *the enactment of the Superfund Amendments and Re-*
16 *authorization Act of 1986, the Administrator” and*
17 *inserting the following:*

18 *“(1) IN GENERAL.—The Administrator”;* and

19 *(3) by striking “Such criteria” and all that fol-*
20 *lows through the end of the subsection and inserting*
21 *the following:*

22 **“(2) APPLICATION OF CRITERIA.—**

23 **“(A) IN GENERAL.—Subject to subpara-**
24 **graph (B), the criteria referred to in paragraph**
25 **(1) shall be applied in the same manner as the**

1 *criteria are applied to facilities that are owned*
2 *or operated by persons other than the United*
3 *States.*

4 “(B) *RESPONSE UNDER OTHER LAW.—That*
5 *the head of the department, agency, or instru-*
6 *mentality that owns or operates a facility has*
7 *arranged with the Administrator or appropriate*
8 *State authorities to respond appropriately,*
9 *under authority of a law other than this Act, to*
10 *a release or threatened release of a hazardous*
11 *substance shall be an appropriate factor to be*
12 *taken into consideration for the purposes of sec-*
13 *tion 105(a)(8)(A).*

14 “(3) *COMPLETION.—Evaluation and listing*
15 *under this subsection shall be completed in accordance*
16 *with a reasonable schedule established by the Admin-*
17 *istrator.”.*

18 **SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FED-**
19 **ERAL PROPERTY BEFORE COMPLETION OF**
20 **REQUIRED REMEDIAL ACTIONS.**

21 (a) *IN GENERAL.—Section 120(h)(3) of the Com-*
22 *prehensive Environmental Response, Compensation, and*
23 *Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended—*

1 (1) by redesignating subparagraph (A) as clause
2 (i) and clauses (i), (ii), and (iii) of that subpara-
3 graph as subclauses (I), (II), and (III), respectively;

4 (2) by striking “After the last day” and insert-
5 ing the following:

6 “(A) *IN GENERAL*.—After the last day”;

7 (3) by redesignating subparagraph (B) as clause
8 (ii) and clauses (i) and (ii) of that subparagraph as
9 subclauses (I) and (II), respectively;

10 (4) by redesignating subparagraph (C) as clause
11 (iii);

12 (5) by striking “For purposes of subparagraph
13 (B)(i)” and inserting the following:

14 “(B) *COVENANT REQUIREMENTS*.—For pur-
15 poses of subparagraphs (A)(ii)(I) and (C)(iii)”;

16 (6) in subparagraph (B), as designated by para-
17 graph (5), by striking “subparagraph (B)” each place
18 it appears and inserting “subparagraph (A)(ii)”;

19 (7) by adding at the end the following:

20 “(C) *DEFERRAL*.—

21 “(i) *IN GENERAL*.—The Administrator
22 (in the case of real property at a Federal
23 facility that is listed on the National Prior-
24 ities List) or the Governor of the State in
25 which the facility is located (in the case of

1 *real property at a Federal facility not listed*
2 *on the National Priorities List) may defer*
3 *the requirement of subparagraph (A)(i)(I)*
4 *with respect to the property if the Adminis-*
5 *trator or the Governor, as the case may be,*
6 *determines that—*

7 “(I) *the property is suitable for*
8 *transfer for the use intended by the*
9 *transferee;*

10 “(II) *the deed or other agreement*
11 *proposed to govern the transfer between*
12 *the United States and the transferee of*
13 *the property contains the assurances*
14 *set forth in clause (i); and*

15 “(III) *the Federal agency request-*
16 *ing deferral has provided notice, by*
17 *publication in a newspaper of general*
18 *circulation in the vicinity of the prop-*
19 *erty, of the proposed transfer and of*
20 *the opportunity for the public to sub-*
21 *mit, within a period of not less than*
22 *30 days after the date of the notice,*
23 *written comments on the finding by the*
24 *agency that the property is suitable for*
25 *transfer.*

1 “(i) *REMEDIAL ACTION ASSUR-*
2 *ANCES.—With regard to a release or threat-*
3 *ened release of a hazardous substance for*
4 *which a Federal agency is potentially re-*
5 *sponsible under this section, the deed or*
6 *other agreement proposed to govern the*
7 *transfer shall contain assurances that—*

8 “(I) *provide for any necessary re-*
9 *strictions to ensure the protection of*
10 *human health and the environment;*

11 “(II) *provide that there will be re-*
12 *strictions on use necessary to ensure*
13 *required remedial investigations, reme-*
14 *dial actions, and oversight activities*
15 *will not be disrupted;*

16 “(III) *provide that all appro-*
17 *priate remedial action will be taken*
18 *and identify the schedules for inves-*
19 *tigation and completion of all nec-*
20 *essary remedial action; and*

21 “(IV) *provide that the Federal*
22 *agency responsible for the property*
23 *subject to transfer will submit a budget*
24 *request to the Director of the Office of*
25 *Management and Budget that ade-*

1 *quately addresses schedules, subject to*
2 *congressional authorizations and ap-*
3 *propriations.*

4 “(iii) *WARRANTY.*—When all remedial
5 *action necessary to protect human health*
6 *and the environment with respect to any*
7 *substance remaining on the property on the*
8 *date of transfer has been taken, the United*
9 *States shall execute and deliver to the trans-*
10 *feree an appropriate document containing a*
11 *warranty that all such remedial action has*
12 *been completed, and the making of the war-*
13 *ranty shall be considered to satisfy the re-*
14 *quirement of subparagraph (A)(ii)(I).*

15 “(iv) *FEDERAL RESPONSIBILITY.*—A
16 *deferral under this subparagraph shall not*
17 *increase, diminish, or affect in any manner*
18 *any rights or obligations of a Federal agen-*
19 *cy with respect to a property transferred*
20 *under this subparagraph.”.*

21 (b) *CONTINUED APPLICATION OF STATE LAW.*—The
22 *first sentence of section 120(a)(4) of the Comprehensive En-*
23 *vironmental Response, Compensation, and Liability Act of*
24 *1980 (42 U.S.C. 9620(a)(4)) is amended by inserting “or*

1 *facilities that are the subject of a deferral under subsection*
 2 *(h)(3)(C)” after “United States”.*

3 **SEC. 347. CLARIFICATION OF MEANING OF**
 4 **UNCONTAMINATED PROPERTY FOR PUR-**
 5 **POSES OF TRANSFER BY THE UNITED**
 6 **STATES.**

7 *Section 120(h)(4)(A) of the Comprehensive Environ-*
 8 *mental Response, Compensation, and Liability Act of 1980*
 9 *(42 U.S.C. 9620(h)(4)(A)) is amended in the first sentence*
 10 *by striking “stored for one year or more, known to have*
 11 *been released,” and inserting “known to have been re-*
 12 *leased”.*

13 **SEC. 348. SHIPBOARD SOLID WASTE CONTROL.**

14 *(a) IN GENERAL.—Section 3(c) of the Act to Prevent*
 15 *Pollution from Ships (33 U.S.C. 1902(c)) is amended—*

16 *(1) in paragraph (1), by striking “Not later*
 17 *than” and inserting “Except as provided in para-*
 18 *graphs (2) and (3), not later than”; and*

19 *(2) by striking paragraphs (2), (3), and (4) and*
 20 *inserting the following:*

21 *“(2)(A) Subject to subparagraph (B), any ship de-*
 22 *scribed in subparagraph (C) may discharge, without regard*
 23 *to the special area requirements of Regulation 5 of Annex*
 24 *V to the Convention, the following non-plastic, non-floating*
 25 *garbage:*

1 “(i) A slurry of seawater, paper, cardboard, or
2 food waste that is capable of passing through a screen
3 with openings no larger than 12 millimeters in diam-
4 eter.

5 “(ii) Metal and glass that have been shredded
6 and bagged so as to ensure negative buoyancy.

7 “(B)(i) Garbage described subparagraph (A)(i) may
8 not be discharged within 3 nautical miles of land.

9 “(ii) Garbage described in subparagraph (A)(ii) may
10 not be discharged within 12 nautical miles of land.

11 “(C) This paragraph applies to any ship that is owned
12 or operated by the Department of the Navy that, as deter-
13 mined by the Secretary of the Navy—

14 “(i) has unique military design, construction,
15 manning, or operating requirements; and

16 “(ii) cannot fully comply with the special area
17 requirements of Regulation 5 of Annex V to the Con-
18 vention because compliance is not technologically fea-
19 sible or would impair the operations or operational
20 capability of the ship.

21 “(3)(A) Not later than December 31, 2000, the Sec-
22 retary of the Navy shall prescribe and publish in the Fed-
23 eral Register standards to ensure that each ship described
24 in subparagraph (B) is, to the maximum extent practicable
25 without impairing the operations or operational capabili-

1 *ties of the ship, operated in a manner that is consistent*
2 *with the special area requirements of Regulation 5 of Annex*
3 *V to the Convention.*

4 “(B) *Subparagraph (A) applies to surface ships that*
5 *are owned or operated by the Department of the Navy that*
6 *the Secretary plans to decommission during the period be-*
7 *ginning on January 1, 2001, and ending on December 31,*
8 *2005.*

9 “(C) *At the same time that the Secretary publishes*
10 *standards under subparagraph (A), the Secretary shall pub-*
11 *lish in the Federal Register a list of the ships covered by*
12 *subparagraph (B).”.*

13 **(b) SENSE OF CONGRESS.—**

14 **(1) COMPLIANCE WITH ANNEX V.—***It is the sense*
15 *of Congress that it should be an objective of the Navy*
16 *to achieve full compliance with Annex V to the Con-*
17 *vention as part of the Navy’s development of ships*
18 *that are environmentally sound.*

19 **(2) DEFINITION.—***In this subsection, the terms*
20 *“Convention” and “ship” have the meanings provided*
21 *in section 2(a) of the Act to Prevent Pollution from*
22 *Ships (33 U.S.C. 1901(a)).*

23 **(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE**
24 **CONVENTION.—***The Secretary of Defense shall include in*
25 *each report on environmental compliance activities submit-*

1 *ted to Congress under section 2706(b) of title 10, United*
2 *States Code, the following information:*

3 (1) *A list of the ships types, if any, for which*
4 *the Secretary of the Navy has made the determination*
5 *referred to in paragraph (2)(C) of section 3(c) of the*
6 *Act to Prevent Pollution from Ships, as amended by*
7 *subsection (a)(2) of this section.*

8 (2) *A list of ship types which the Secretary of the*
9 *Navy has determined can comply with Regulation 5*
10 *of Annex V to the Convention.*

11 (3) *A summary of the progress made by the*
12 *Navy in implementing the requirements of para-*
13 *graphs (2) and (3) such section 3(c), as so amended.*

14 (4) *A description of any emerging technologies*
15 *offering the potential to achieve full compliance with*
16 *Regulation 5 of Annex V to the Convention.*

17 (d) *PUBLICATION REGARDING SPECIAL AREA DIS-*
18 *CHARGES.—Section 3(e)(4) of the Act to Prevent Pollution*
19 *from Ships (33 U.S.C. 1902(e)(4)) is amended by striking*
20 *out subparagraph (A) and inserting in lieu thereof the fol-*
21 *lowing:*

22 “(A) *The amount and nature of the dis-*
23 *charges in special areas, not otherwise authorized*
24 *under this title, during the preceding year from*
25 *ships referred to in subsection (b)(1)(A) of this*

1 *section owned or operated by the Department of*
2 *the Navy.”.*

3 **SEC. 349. COOPERATIVE AGREEMENTS FOR THE MANAGE-**
4 **MENT OF CULTURAL RESOURCES ON MILI-**
5 **TARY INSTALLATIONS.**

6 *(a) AUTHORITY TO ENTER INTO AGREEMENTS.—*
7 *Chapter 159 of title 10, United States Code, is amended*
8 *by adding at the end the following new section:*

9 **“§2694. Cooperative agreements for management of**
10 **cultural resources on military installa-**
11 **tions**

12 *“(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The*
13 *Secretary of Defense and the Secretaries of the military de-*
14 *partments may enter into cooperative agreements with*
15 *States, local governments, and appropriate public and pri-*
16 *vate entities in order to provide for the preservation, man-*
17 *agement, maintenance, and rehabilitation of cultural re-*
18 *sources on military installations.*

19 *“(b) INAPPLICABILITY OF CERTAIN FEDERAL FINAN-*
20 *CIAL MANAGEMENT LAWS.—A cooperative agreement under*
21 *subsection (a) shall not be treated as a cooperative agree-*
22 *ment for purposes of chapter 63 of title 31.*

23 *“(c) LIMITATION ON AUTHORITY TO CARRY OUT*
24 *AGREEMENTS.—The authority of the Secretary of Defense*
25 *or the Secretary of a military department to carry out an*

1 *agreement entered into under subsection (a) shall be subject*
2 *to the availability of funds for that purpose.*

3 “(d) *DEFINITION.—For purposes of this section, the*
4 *term ‘cultural resource’ means any of the following:*

5 “(1) *A building, structure, site, district, or object*
6 *eligible for or included in the National Register of*
7 *Historic Places maintained under section 101(a) of*
8 *the National Historic Preservation Act (16 U.S.C.*
9 *470a(a)).*

10 “(2) *A cultural item as that term is defined in*
11 *section 2(3) of the Native American Graves Protection*
12 *and Repatriation Act (25 U.S.C. 3001(3)).*

13 “(3) *An archaeological resource as that term is*
14 *defined in section 3(1) of the Archaeological Resources*
15 *Protection Act of 1979 (16 U.S.C. 470bb(1)).*

16 “(4) *An archaeological artifact collection and as-*
17 *sociated records covered by section 79 of title 36, Code*
18 *of Federal Regulations.”.*

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

“2694. Cooperative agreements for management of cultural resources on military installations.”.

1 **SEC. 350. REPORT ON WITHDRAWAL OF PUBLIC LANDS AT**
2 **EL CENTRO NAVAL AIR FACILITY, CALIFOR-**
3 **NIA.**

4 (a) *REPORT.*—Not later than March 15, 1997, the Sec-
5 retary of Defense, acting through the Deputy Under Sec-
6 retary of Defense for Environmental Security, shall submit
7 to the congressional defense committees a report that as-
8 sesses the effects of the proposed withdrawal of public lands
9 at El Centro Naval Air Facility, California, on the oper-
10 ational and training requirements of the Department of De-
11 fense at that facility.

12 (b) *REPORT ELEMENTS.*—The report under subsection
13 (a) shall—

14 (1) describe in detail the operational and train-
15 ing requirements of the Department of Defense at El
16 Centro Naval Air Facility;

17 (2) assess the effects of the proposed withdrawal
18 on such operational and training requirements;

19 (3) describe the relationship, if any, of the pro-
20 posed withdrawal to the withdrawal of other public
21 lands under the California Desert Protection Act of
22 1994 (Public Law 103–433);

23 (4) assess the additional responsibilities, if any,
24 of the Navy for land management at the facility as
25 a result of the proposed withdrawal; and

1 (5) assess the costs, if any, to the Navy resulting
2 from the proposed withdrawal.

3 **SEC. 351. USE OF HUNTING AND FISHING PERMIT FEES**
4 **COLLECTED AT CLOSED MILITARY RESERVA-**
5 **TIONS.**

6 Subparagraph (B) of section 101(b)(4) of the Act of
7 September 15, 1960 (commonly known as the “Sikes Act”;
8 16 U.S.C. 670a(b)(4)), is amended to read as follows:

9 “(B) the fees collected under this para-
10 graph—

11 “(i) shall be expended at the military
12 reservation with respect to which collected;
13 or

14 “(ii) if collected with respect to a mili-
15 tary reservation that is closed, shall be
16 available for expenditure at any other mili-
17 tary reservation for purposes of the protec-
18 tion, conservation, and management of fish
19 and wildlife at such reservation.”.

20 **SEC. 352. AUTHORITY FOR AGREEMENTS WITH INDIAN**
21 **TRIBES FOR SERVICES UNDER ENVIRON-**
22 **MENTAL RESTORATION PROGRAM.**

23 Section 2701(d) of title 10, United States Code, is
24 amended—

1 (1) *in the first sentence of paragraph (1), by*
 2 *striking out “, or with any State or local government*
 3 *agency,” and inserting in lieu thereof “, with any*
 4 *State or local government agency, or with any Indian*
 5 *tribe,”; and*

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

7 “(3) *DEFINITION.—In this subsection, the term*
 8 *‘Indian tribe’ has the meaning given such term in*
 9 *section 101(36) of the Comprehensive Environmental*
 10 *Response, Compensation, and Liability Act of 1980*
 11 *(42 U.S.C. 9601(36)).”.*

12 ***Subtitle E—Other Matters***

13 ***SEC. 361. FIREFIGHTING AND SECURITY-GUARD FUNC-*** 14 ***TIONS AT FACILITIES LEASED BY THE GOV-*** 15 ***ERNMENT.***

16 *Section 2465(b) of title 10, United States Code, is*
 17 *amended—*

18 (1) *by striking out “or” at the end of paragraph*

19 *(2);*

20 (2) *by striking out the period at the end of para-*
 21 *graph (3) and inserting in lieu thereof “; or”; and*

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

23 “(4) *to a contract to be carried out at a private*
 24 *facility at which a Federal Government activity is lo-*

1 *cated pursuant to a lease of the facility to the Govern-*
2 *ment.”.*

3 **SEC. 362. AUTHORIZED USE OF RECRUITING FUNDS.**

4 *(a) AUTHORITY.—Chapter 31 of title 10, United States*
5 *Code, is amended by adding at the end the following new*
6 *section:*

7 **“§ 520c. Authorized use of recruiting funds**

8 *“(a) MEALS AND REFRESHMENTS.—Under regulations*
9 *prescribed by the Secretary concerned, funds appropriated*
10 *to the Department of Defense for recruitment of military*
11 *personnel may be expended for small meals and refresh-*
12 *ments that are provided in the performance of personnel*
13 *recruiting functions of the armed forces to—*

14 *“(1) persons who have enlisted under the De-*
15 *layed Entry Program authorized by section 513 of*
16 *this title;*

17 *“(2) persons who are objects of armed forces re-*
18 *cruiting efforts;*

19 *“(3) influential persons in communities when as-*
20 *sisting the military departments in recruiting efforts;*

21 *“(4) members of the armed forces and Federal*
22 *Government employees when attending recruiting*
23 *events in accordance with a requirement to do so; and*

24 *“(5) other persons when contributing to recruit-*
25 *ing efforts by attending recruiting events.*

1 “(b) *ANNUAL REPORT.*—Not later than February 1 of
2 each year, the Secretary of Defense shall submit to Congress
3 a report on the extent to which the authority under sub-
4 section (a) was exercised during the fiscal year ending in
5 the preceding year.

6 “(c) *TERMINATION OF AUTHORITY.*—(1) The authority
7 in subsection (a) may not be exercised after September 30,
8 2001.

9 “(2) No report is required under subsection (b) after
10 2002.”.

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

“520c. Authorized use of recruiting funds.”.

14 **SEC. 363. NONCOMPETITIVE PROCUREMENT OF BRAND-**
15 **NAME COMMERCIAL ITEMS FOR RESALE IN**
16 **COMMISSARY STORES.**

17 (a) *CLARIFICATION OF EXCEPTION TO COMPETITIVE*
18 *PROCUREMENT.*—Section 2486 of title 10, United States
19 Code, is amended by adding at the end the following:

20 “(e) The Secretary of Defense may not, under the ex-
21 ception provided in section 2304(c)(5) of this title, use pro-
22 cedures other than competitive procedures for the procure-
23 ment of a brand-name commercial item for resale in com-
24 missary stores unless the commercial item is regularly sold

1 *outside of commissary stores under the same brand name*
2 *as the commercial item will be sold in commissary stores.”.*

3 (b) *EFFECT ON EXISTING CONTRACTS.—The amend-*
4 *ment made by subsection (a) shall not affect the terms, con-*
5 *ditions, or duration of any contract entered into by the Sec-*
6 *retary of Defense before the date of the enactment of this*
7 *Act for the procurement of commercial items for resale in*
8 *commissary stores.*

9 **SEC. 364. ADMINISTRATION OF MIDSHIPMEN’S STORE AND**
10 **OTHER NAVAL ACADEMY SUPPORT ACTIVI-**
11 **TIES AS NONAPPROPRIATED FUND INSTRU-**
12 **MENTALITIES.**

13 (a) *IN GENERAL.—(1) Chapter 603 of title 10, United*
14 *States Code, is amended by striking out sections 6970 and*
15 *6971 and inserting in lieu thereof the following new section:*

16 **“§6970. Midshipmen’s store and Naval Academy**
17 **shops, laundry, and dairy: nonappro-**
18 **priated fund accounts**

19 *“(a) IN GENERAL.—Under regulations prescribed by*
20 *the Secretary of the Navy, the Superintendent of the Naval*
21 *Academy shall administer a nonappropriated fund account*
22 *for each of the Academy activities referred to in subsection*
23 *(b).*

24 *“(b) ACTIVITIES.—Subsection (a) applies to the follow-*
25 *ing Academy activities:*

1 “(1) *The midshipmen’s store.*

2 “(2) *The barber shop.*

3 “(3) *The cobbler shop.*

4 “(4) *The tailor shop.*

5 “(5) *The dairy.*

6 “(6) *The laundry.*

7 “(c) *CREDITING OF REVENUE.—The Superintendent*
 8 *shall credit to each account administered with respect to*
 9 *an activity under subsection (a) all revenue received from*
 10 *the activity.”.*

11 (2) *The table of sections at the beginning of such chap-*
 12 *ter is amended by striking out the items relating to sections*
 13 *6970 and 6971 and inserting in lieu thereof the following*
 14 *new item:*

“6970. Midshipmen’s store and Naval Academy shops, laundry, and dairy: non-
appropriated fund accounts.”.

15 (b) *EMPLOYMENT STATUS OF EMPLOYEES OF ACTIVI-*
 16 *TIES.—Section 2105 of title 5, United States Code, is*
 17 *amended by striking out subsection (b).*

18 **SEC. 365. ASSISTANCE TO COMMITTEES INVOLVED IN INAUGURATION OF THE PRESIDENT.**
 19

20 (a) *IN GENERAL.—Section 2543 of title 10, United*
 21 *States Code, is amended to read to read as follows:*

1 **“§2543. Equipment and services: Presidential inau-**
2 **gural committees**

3 “(a) ASSISTANCE AUTHORIZED.—*The Secretary of De-*
4 *fense may provide the assistance referred to in subsection*
5 *(b) to the following committees:*

6 “(1) *An Inaugural Committee established under*
7 *the first section of the Presidential Inaugural Cere-*
8 *monies Act (36 U.S.C. 721).*

9 “(2) *A joint committee of the Senate and House*
10 *of Representatives appointed under section 9 of that*
11 *Act (36 U.S.C. 729).*

12 “(b) ASSISTANCE.—*The following assistance may be*
13 *provided under subsection (a):*

14 “(1) *Planning and carrying out activities relat-*
15 *ing to security and safety.*

16 “(2) *Planning and carrying out ceremonial ac-*
17 *tivities.*

18 “(3) *Loan of property.*

19 “(4) *Any other assistance that the Secretary con-*
20 *siders appropriate.*

21 “(c) REIMBURSEMENT.—(1) *An inaugural committee*
22 *referred to in subsection (a)(1) shall reimburse the Sec-*
23 *retary for any costs incurred in connection with the provi-*
24 *sion to the committee of assistance referred to in subsection*
25 *(b)(4).*

1 “(2) *Costs reimbursed under paragraph (1) shall be*
2 *credited to the appropriations from which the costs were*
3 *paid. The amount credited to an appropriation shall be*
4 *proportionate to the amount of the costs charged to that*
5 *appropriation.*

6 “(d) *LOANED PROPERTY.—(1) Property loaned for a*
7 *presidential inauguration under subsection (b)(3) shall be*
8 *returned within nine days after the date of the ceremony*
9 *inaugurating the President.*

10 “(2) *An inaugural committee referred to in subsection*
11 *(a)(1) shall give good and sufficient bond for the return in*
12 *good order and condition of property loaned to the commit-*
13 *tee under subsection (b)(3).*

14 “(3) *An inaugural committee referred to in subsection*
15 *(a)(1) shall—*

16 “(A) *indemnify the United States for any loss of,*
17 *or damage to, property loaned to the committee under*
18 *subsection (b)(3); and*

19 “(B) *defray any expense incurred for the deliv-*
20 *ery, return, rehabilitation, replacement, or operation*
21 *of the property.”.*

22 “(b) *CLERICAL AMENDMENT.—The table of sections at*
23 *the beginning of subchapter II of chapter 152 of such title*
24 *is amended by striking out the item relating to section 2543*
25 *and inserting in lieu thereof the following:*

“2543. *Equipment and services: Presidential inaugural committees.”.*

1 **SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORT-**
2 **ING EVENTS.**

3 (a) *SECURITY AND SAFETY ASSISTANCE.*—At the re-
4 quest of a Federal, State, or local government agency re-
5 sponsible for providing law enforcement services, security
6 services, or safety services, the Secretary of Defense may au-
7 thorize the commander of a military installation or other
8 facility of the Department of Defense or the commander of
9 a specified or unified combatant command to provide as-
10 sistance for the World Cup Soccer Games, the Goodwill
11 Games, the Olympics, and any other civilian sporting event
12 in support of essential security and safety at such event,
13 but only if the Attorney General certifies that such assist-
14 ance is necessary to meet essential security and safety needs.

15 (b) *OTHER ASSISTANCE.*—The Secretary may author-
16 ize a commander referred to in subsection (a) to provide
17 assistance for a sporting event referred to in that subsection
18 in support of other needs relating to such event, but only—

19 (1) to the extent that such needs cannot reason-
20 ably be met by a source other than the Department;

21 (2) to the extent that the provision of such assist-
22 ance does not adversely affect the military prepared-
23 ness of the Armed Forces; and

24 (3) if the organization requesting such assistance
25 agrees to reimburse the Department for amounts ex-
26 pended by the Department in providing the assistance

1 *in accordance with the provisions of section 377 of*
2 *title 10, United States Code, and other applicable*
3 *provisions of law.*

4 (c) *INAPPLICABILITY TO CERTAIN EVENTS.*—Sub-
5 sections (a) and (b) do not apply to the following sporting
6 events:

7 (1) *Sporting events for which funds have been*
8 *appropriated before the date of the enactment of this*
9 *Act.*

10 (2) *The Special Olympics.*

11 (3) *The Paralympics.*

12 (d) *TERMS AND CONDITIONS.*—*The Secretary may re-*
13 *quire such terms and conditions in connection with the pro-*
14 *vision of assistance under this section as the Secretary con-*
15 *siders necessary and appropriate to protect the interests of*
16 *the United States.*

17 (e) *REPORT ON ASSISTANCE.*—*Not later than January*
18 *30 of each year following a year in which the Secretary*
19 *provides assistance under this section, the Secretary shall*
20 *submit to the congressional defense committees a report on*
21 *the assistance provided. The report shall set forth—*

22 (1) *a description of the assistance provided;*

23 (2) *the amount expended by the Department in*
24 *providing the assistance;*

1 (3) if the assistance was provided under sub-
2 section (a), the certification of the Attorney General
3 with respect to the assistance under that subsection;
4 and

5 (4) if the assistance was provided under sub-
6 section (b)—

7 (A) an explanation why the assistance could
8 not reasonably be met by a source other than the
9 Department; and

10 (B) the amount the Department was reim-
11 bursed under that subsection.

12 (f) *RELATIONSHIP TO OTHER LAWS.*—Assistance pro-
13 vided under this section shall be subject to the provisions
14 of sections 375 and 376 of title 10, United States Code.

15 **SEC. 367. RENOVATION OF BUILDING FOR DEFENSE FI-**
16 **NANCE AND ACCOUNTING SERVICE CENTER,**
17 **FORT BENJAMIN HARRISON, INDIANA.**

18 (a) *TRANSFER AUTHORITY.*—Subject to subsection (b),
19 the Secretary of Defense may transfer funds available to
20 the Department of Defense for the Defense Finance and Ac-
21 counting Service for a fiscal year for operation and mainte-
22 nance to the Administrator of General Services for paying
23 the costs of planning, design, and renovation of Building
24 One, Fort Benjamin Harrison, Indiana, for use as a De-
25 fense Finance and Accounting Service Center.

1 **(b) AUTHORITY SUBJECT TO AUTHORIZATIONS AND**
2 *APPROPRIATIONS.—To the extent provided in appropria-*
3 *tions Acts—*

4 *(1) of funds appropriated for fiscal year 1997,*
5 *\$9,000,000 may be transferred pursuant to subsection*
6 *(a); and*

7 *(2) of funds appropriated for fiscal years 1998,*
8 *1999, 2000, and 2001, funds may be transferred pur-*
9 *suant to subsection (a) in such amounts as are au-*
10 *thorized to be transferred in an Act enacted after the*
11 *date of the enactment of this Act.*

12 **SEC. 368. COMPUTER EMERGENCY RESPONSE TEAM AT**
13 **SOFTWARE ENGINEERING INSTITUTE.**

14 **(a) FUNDING.—***Of the amounts authorized to be ap-*
15 *propriated under this Act, \$2,000,000 shall be available to*
16 *the Software Engineering Institute only for use by the Com-*
17 *puter Emergency Response Team.*

18 **(b) CHALLENGE ATHENA PROGRAM.—***Funds author-*
19 *ized by section 301(2) for the Challenge Athena program*
20 *shall be reduced by \$2,000,000.*

1 **SEC. 369. REIMBURSEMENT UNDER AGREEMENT FOR IN-**
2 **STRUCTION OF CIVILIAN STUDENTS AT FOR-**
3 **EIGN LANGUAGE INSTITUTE OF THE DE-**
4 **FENSE LANGUAGE INSTITUTE.**

5 *Section 559(a)(1) of the National Defense Authoriza-*
6 *tion Act for Fiscal Year 1995 (Public Law 103-337; 108*
7 *Stat. 2776; 10 U.S.C. 4411 note) is amended by striking*
8 *out “on a cost-reimbursable, space-available basis” and in-*
9 *serting in lieu thereof “on a space-available basis and for*
10 *such reimbursement (whether in whole or in part) as the*
11 *Secretary considers appropriate”.*

12 **SEC. 370. AUTHORITY OF AIR NATIONAL GUARD TO PRO-**
13 **VIDE CERTAIN SERVICES AT LINCOLN MUNIC-**
14 **IPAL AIRPORT, LINCOLN, NEBRASKA.**

15 *(a) AUTHORITY.—Subject to subsections (b) and (c),*
16 *the Nebraska Air National Guard may provide fire protec-*
17 *tion services and rescue services relating to aircraft at Lin-*
18 *coln Municipal Airport, Lincoln, Nebraska, on behalf of the*
19 *Lincoln Municipal Airport Authority, Lincoln, Nebraska.*

20 *(b) AGREEMENT.—The Nebraska Air National Guard*
21 *may not provide services under subsection (a) until the Ne-*
22 *braska Air National Guard and the authority enter into*
23 *an agreement under which the authority reimburses the Ne-*
24 *braska Air National Guard for the cost of the services pro-*
25 *vided.*

1 **SEC. 403. AUTHORIZED STRENGTHS FOR COMMISSIONED**
 2 **OFFICERS IN GRADES O-4, O-5, AND O-6.**

3 (a) *ARMY, AIR FORCE, AND MARINE CORPS.—The*
 4 *table in section 523(a)(1) of title 10, United States Code,*
 5 *is amended to read as follows:*

<i>“Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:</i>	<i>Number of officers who may be serving on active duty in the grade of:</i>		
	<i>Major</i>	<i>Lieutenant Colonel</i>	<i>Colonel</i>
Army:			
20,000	6,848	5,253	1,613
25,000	7,539	5,642	1,796
30,000	8,231	6,030	1,980
35,000	8,922	6,419	2,163
40,000	9,614	6,807	2,347
45,000	10,305	7,196	2,530
50,000	10,997	7,584	2,713
55,000	11,688	7,973	2,897
60,000	12,380	8,361	3,080
65,000	13,071	8,750	3,264
70,000	13,763	9,138	3,447
75,000	14,454	9,527	3,631
80,000	15,146	9,915	3,814
85,000	15,837	10,304	3,997
90,000	16,529	10,692	4,181
95,000	17,220	11,081	4,364
100,000	17,912	11,469	4,548
110,000	19,295	12,246	4,915
120,000	20,678	13,023	5,281
130,000	22,061	13,800	5,648
170,000	27,593	16,908	7,116
Air Force:			
35,000	9,216	7,090	2,125
40,000	10,025	7,478	2,306
45,000	10,835	7,866	2,487
50,000	11,645	8,253	2,668
55,000	12,454	8,641	2,849
60,000	13,264	9,029	3,030
65,000	14,073	9,417	3,211
70,000	14,883	9,805	3,392
75,000	15,693	10,193	3,573
80,000	16,502	10,582	3,754
85,000	17,312	10,971	3,935
90,000	18,121	11,360	4,115
95,000	18,931	11,749	4,296
100,000	19,741	12,138	4,477
105,000	20,550	12,527	4,658
110,000	21,360	12,915	4,838
115,000	22,169	13,304	5,019
120,000	22,979	13,692	5,200
125,000	23,789	14,081	5,381
Marine Corps:			
10,000	2,525	1,480	571
12,500	2,900	1,600	592
15,000	3,275	1,720	613
17,500	3,650	1,840	633
20,000	4,025	1,960	654
22,500	4,400	2,080	675
25,000	4,775	2,200	695”.

6 (b) *NAVY.—The table in section 523(a)(2) of title 10,*
 7 *United States Code, is amended to read as follows:*

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,331	5,018	2,116
33,000	7,799	5,239	2,223
36,000	8,267	5,460	2,330
39,000	8,735	5,681	2,437
42,000	9,203	5,902	2,544
45,000	9,671	6,123	2,651
48,000	10,139	6,343	2,758
51,000	10,606	6,561	2,864
54,000	11,074	6,782	2,971
57,000	11,541	7,002	3,078
60,000	12,009	7,222	3,185
63,000	12,476	7,441	3,292
66,000	12,944	7,661	3,398
70,000	13,567	7,954	3,541
90,000	16,683	9,419	4,254".

1 (c) *REPEAL OF TEMPORARY AUTHORITY FOR VARI-*
2 *ATIONS IN END STRENGTHS.*—*The following provisions of*
3 *law are repealed:*

4 (1) *Section 402 of the National Defense Author-*
5 *ization Act for Fiscal Year 1994 (Public Law 103-*
6 *160; 107 Stat. 1639; 10 U.S.C. 523 note).*

7 (2) *Section 402 of the National Defense Author-*
8 *ization Act for Fiscal Year 1995 (Public Law 103-*
9 *337; 108 Stat. 2743; 10 U.S.C. 523 note).*

10 (3) *Section 402 of the National Defense Author-*
11 *ization Act for Fiscal Year 1996 (Public Law 104-*
12 *106; 110 Stat. 286; 10 U.S.C. 523 note).*

13 (d) *EFFECTIVE DATE.*—*The amendments made by*
14 *subsections (a), (b), and (c) shall take effect on September*
15 *1, 1997.*

1 **SEC. 404. EXTENSION OF REQUIREMENT FOR REC-**
2 **COMMENDATIONS REGARDING APPOINTMENTS**
3 **TO JOINT 4-STAR OFFICER POSITIONS.**

4 *Section 604(c) of title 10, United States Code, is*
5 *amended by striking out “September 30, 1997” and insert-*
6 *ing in lieu thereof “September 30, 2000”.*

7 **SEC. 405. INCREASE IN AUTHORIZED NUMBER OF GENERAL**
8 **OFFICERS ON ACTIVE DUTY IN THE MARINE**
9 **CORPS.**

10 *Section 526(a)(4) of title 10, United States Code, is*
11 *amended by striking out “68” and inserting in lieu thereof*
12 *“80”.*

13 ***Subtitle B—Reserve Forces***

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

15 *(a) IN GENERAL.—The Armed Forces are authorized*
16 *strengths for Selected Reserve personnel of the reserve com-*
17 *ponents as of September 30, 1997, as follows:*

18 *(1) The Army National Guard of the United*
19 *States, 366,758.*

20 *(2) The Army Reserve, 214,925.*

21 *(3) The Naval Reserve, 96,304.*

22 *(4) The Marine Corps Reserve, 42,000.*

23 *(5) The Air National Guard of the United*
24 *States, 108,904.*

25 *(6) The Air Force Reserve, 73,281.*

26 *(7) The Coast Guard Reserve, 8,000.*

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

4 (c) *ADJUSTMENTS.*—*The end strengths prescribed by*
5 *subsection (a) for the Selected Reserve of any reserve compo-*
6 *nent for a fiscal year shall be proportionately reduced by—*

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

11 (2) *the total number of individual members not*
12 *in units organized to serve as units of the Selected*
13 *Reserve of such component who are on active duty*
14 *(other than for training or for unsatisfactory partici-*
15 *pation in training) without their consent at the end*
16 *of the fiscal year.*

17 *Whenever such units or such individual members are re-*
18 *leased from active duty during any fiscal year, the end*
19 *strength prescribed for such fiscal year for the Selected Re-*
20 *serve of such reserve component shall be proportionately in-*
21 *creased by the total authorized strengths of such units and*
22 *by the total number of such individual members.*

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 *Within the end strengths prescribed in section 411(a),*
4 *the reserve components of the Armed Forces are authorized,*
5 *as of September 30, 1997, the following number of Reserves*
6 *to be serving on full-time active duty or full-time duty, in*
7 *the case of members of the National Guard, for the purpose*
8 *of organizing, administering, recruiting, instructing, or*
9 *training the reserve components:*

10 (1) *The Army National Guard of the United*
11 *States, 22,798.*

12 (2) *The Army Reserve, 11,475.*

13 (3) *The Naval Reserve, 16,603.*

14 (4) *The Marine Corps Reserve, 2,559.*

15 (5) *The Air National Guard of the United*
16 *States, 10,403.*

17 (6) *The Air Force Reserve, 655.*

18 **SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGN-**
19 **MENT TO SERVICE IN THE SELECTIVE SERV-**
20 **ICE SYSTEM.**

21 *Section 10 of the Military Selective Service Act (50*
22 *U.S.C. App. 460) is amended—*

23 (1) *in subsection (b)(2), by inserting “, subject to*
24 *subsection (e),” after “to employ such number of civil-*
25 *ians, and”; and*

1 (2) *by inserting after subsection (d) the follow-*
2 *ing:*

3 “(e)(1) *The number of armed forces personnel assigned*
4 *to the Selective Service System under subsection (b)(2) may*
5 *not exceed 745, except in a time of war declared by Congress*
6 *or national emergency declared by Congress or the Presi-*
7 *dent.*

8 “(2) *Members of the Selected Reserve assigned to the*
9 *Selective Service System under subsection (b)(2) shall not*
10 *be counted for purposes of any limitation on the authorized*
11 *strength of Selected Reserve personnel of the reserve compo-*
12 *nents under any law authorizing the end strength of such*
13 *personnel.”.*

14 ***Subtitle C—Authorization of***
15 ***Appropriations***

16 ***SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-***
17 ***TARY PERSONNEL.***

18 *There is hereby authorized to be appropriated to the*
19 *Department of Defense for military personnel for fiscal year*
20 *1997 a total of \$69,880,430,000. The authorization in the*
21 *preceding sentence supersedes any other authorization of*
22 *appropriations (definite or indefinite) for such purpose for*
23 *fiscal year 1997.*

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**

3 **Subtitle A—Officer Personnel Policy**

4 **SEC. 501. EXTENSION OF AUTHORITY FOR TEMPORARY**
5 **PROMOTIONS FOR CERTAIN NAVY LIEUTEN-**
6 **ANTS WITH CRITICAL SKILLS.**

7 *Section 5721(g) of title 10, United States Code, is*
8 *amended by striking out “September 30, 1996” and insert-*
9 *ing in lieu thereof “September 30, 1997”.*

10 **SEC. 502. EXCEPTION TO BACCALAUREATE DEGREE RE-**
11 **QUIREMENT FOR APPOINTMENT IN THE**
12 **NAVAL RESERVE IN GRADES ABOVE O-2.**

13 *Section 12205(b)(3) of title 10, United States Code, is*
14 *amended by inserting “or the Seaman to Admiral pro-*
15 *gram” after “(NAVCAD) program”.*

16 **SEC. 503. TIME FOR AWARD OF DEGREES BY**
17 **UNACCREDITED EDUCATIONAL INSTITU-**
18 **TIONS FOR GRADUATES TO BE CONSIDERED**
19 **EDUCATIONALLY QUALIFIED FOR APPOINT-**
20 **MENT AS RESERVE OFFICERS IN GRADE O-3.**

21 *Section 12205(c)(2)(C) of title 10, United States Code,*
22 *is amended by striking out “three years” and inserting in*
23 *lieu thereof “eight years”.*

1 **SEC. 504. CHIEF WARRANT OFFICER PROMOTIONS.**

2 (a) *REDUCTION OF MINIMUM TIME IN GRADE RE-*
3 *QUIRED FOR CONSIDERATION FOR PROMOTION.*—Section
4 *574(e) of title 10, United States Code, is amended by strik-*
5 *ing out “three years of service” and inserting in lieu thereof*
6 *“two years of service”.*

7 (b) *BELOW-ZONE SELECTION.*—Section 575(b)(1) of
8 *such title is amended by inserting “chief warrant officer,*
9 *W–3,” in the first sentence after “to consider warrant offi-*
10 *cers for selection for promotion to the grade of”.*

11 **SEC. 505. FREQUENCY OF PERIODIC REPORT ON PRO-**
12 **MOTION RATES OF OFFICERS CURRENTLY OR**
13 **FORMERLY SERVING IN JOINT DUTY ASSIGN-**
14 **MENTS.**

15 Section 662(b) of title 10, United States Code, is
16 *amended by striking out “not less often than every six*
17 *months” in the parenthetical in the first sentence and in-*
18 *serting in lieu thereof “not less often than every twelve*
19 *months”.*

20 **SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.**

21 Section 5022(a) of title 10, United States Code, is
22 *amended—*

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

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

25 “(2) *Unless appointed to higher grade under another*
26 *provision of law, an officer, while serving in the Office of*

1 *Naval Research as Chief of Naval Research, has the rank*
2 *of rear admiral (upper half).”.*

3 **SEC. 507. SERVICE CREDIT FOR SENIOR ROTC CADETS AND**
4 **MIDSHIPMEN IN SIMULTANEOUS MEMBER-**
5 **SHIP PROGRAM.**

6 (a) *AMENDMENTS TO TITLE 10.—(1) Section 2106(c)*
7 *of title 10, United States Code, is amended by striking out*
8 *“while serving on active duty other than for training after*
9 *July 31, 1990, while a member of the Selected Reserve” and*
10 *inserting in lieu thereof “performed on or after August 1,*
11 *1979, as a member of the Selected Reserve”.*

12 (2) *Section 2107(g) of such title is amended by striking*
13 *out “while serving on active duty other than for training*
14 *after July 31, 1990, while a member of the Selected Reserve”*
15 *and inserting in lieu thereof “performed on or after August*
16 *1, 1979, as a member of the Selected Reserve”.*

17 (3) *Section 2107a(g) of such title is amended by insert-*
18 *ing “, other than enlisted service performed after August*
19 *1, 1979, as a member of Selected Reserve” after “service*
20 *as a cadet or with concurrent enlisted service”.*

21 (b) *AMENDMENT TO TITLE 37.—Section 205(d) of title*
22 *37, United States Code, is amended by striking out “that*
23 *service after July 31, 1990, that the officer performed while*
24 *serving on active duty” and inserting in lieu thereof “for*

1 service that the officer performed on or after August 1,
2 1979.”.

3 (c) *BENEFITS NOT TO ACCRUE FOR PRIOR PERI-*
4 *ODS.—No increase in pay or retired or retainer pay shall*
5 *accrue for periods before the date of the enactment of this*
6 *Act by reason of the amendments made by this section.*

7 ***Subtitle B—Matters Relating to***
8 ***Reserve Components***

9 ***SEC. 511. CLARIFICATION OF DEFINITION OF ACTIVE STA-***
10 ***TUS.***

11 *Section 101(d)(4) of title 10, United States Code, is*
12 *amended by striking out “a reserve commissioned officer,*
13 *other than a commissioned warrant officer,” and inserting*
14 *in lieu thereof the following: “a member of a reserve compo-*
15 *nent”.*

16 ***SEC. 512. AMENDMENTS TO RESERVE OFFICER PERSONNEL***
17 ***MANAGEMENT ACT PROVISIONS.***

18 (a) *SERVICE REQUIREMENT FOR RETIREMENT IN*
19 *HIGHEST GRADE HELD.—Section 1370(d) of title 10, Unit-*
20 *ed States Code, is amended—*

21 (1) *by redesignating paragraph (3) as para-*
22 *graph (4);*

23 (2) *in paragraph (2)(A), by striking out “(A)”;*

24 (3) *by redesignating paragraph (2)(B) as para-*
25 *graph (3); and*

1 (4) *in paragraph (3), as so redesignated—*

2 (A) *by designating the first sentence as sub-*
3 *paragraph (A);*

4 (B) *by designating the second sentence as*
5 *subparagraph (B) and realigning such subpara-*
6 *graph, as so redesignated, flush to the left mar-*
7 *gin;*

8 (C) *in subparagraph (B), as so redesign-*
9 *ated, by striking out “the preceding sentence”*
10 *and inserting in lieu thereof “subparagraph*
11 *(A)”;* *and*

12 (D) *by adding at the end the following:*

13 *“(C) If a person covered by subparagraph (A) has com-*
14 *pleted at least six months of satisfactory service in grade,*
15 *the person was serving in that grade while serving in a*
16 *position of adjutant general required under section 314 of*
17 *title 32 or while serving in a position of assistant adjutant*
18 *general subordinate to such a position of adjutant general,*
19 *and the person has failed to complete three years of service*
20 *in that grade solely because the person’s appointment to*
21 *such position has been terminated or vacated as described*
22 *in section 324(b) of such title, then such person may be cred-*
23 *ited with satisfactory service in that grade, notwithstanding*
24 *the failure to complete three years of service in that grade.*

1 “(D) To the extent authorized by the Secretary of the
2 military department concerned, a person who, after having
3 been recommended for promotion in a report of a promotion
4 board but before being promoted to the recommended grade,
5 served in a position for which that grade is the minimum
6 authorized grade may be credited for purposes of subpara-
7 graph (A) as having served in that grade for the period
8 for which the person served in that position while in the
9 next lower grade. The period credited may not include any
10 period before the date on which the Senate provides advice
11 and consent for the appointment of that person in the rec-
12 ommended grade.

13 “(E) To the extent authorized by the Secretary of the
14 military department concerned, a person who, after having
15 been extended temporary Federal recognition as a reserve
16 officer of the Army National Guard in a particular grade
17 under section 308 of title 32 or temporary Federal recogni-
18 tion as a reserve officer of the Air National Guard in a
19 particular grade under such section, served in a position
20 for which that grade is the minimum authorized grade may
21 be credited for purposes of subparagraph (A) as having
22 served in that grade for the period for which the person
23 served in that position while extended the temporary Fed-
24 eral recognition, but only if the person was subsequently
25 extended permanent Federal recognition as a reserve officer

1 *in that grade and also served in that position after being*
2 *extended the permanent Federal recognition.”.*

3 (b) *EXCEPTION TO REQUIREMENT FOR RETENTION OF*
4 *RESERVE OFFICERS UNTIL COMPLETION OF REQUIRED*
5 *SERVICE.*—Section 12645(b)(2) of such title is amended by
6 inserting “or a reserve active-status list” after “active-duty
7 list”.

8 (c) *TECHNICAL CORRECTION.*—Section 14314(b)(2)(B)
9 of such title is amended by striking out “of the Air Force”.

10 **SEC. 513. REPEAL OF REQUIREMENT FOR PHYSICAL EXAMI-**
11 **NATIONS OF MEMBERS OF NATIONAL GUARD**
12 **CALLED INTO FEDERAL SERVICE.**

13 (a) *REPEAL.*—Section 12408 of title 10, United States
14 Code, is repealed.

15 (b) *CLERICAL AMENDMENT.*—The table of sections at
16 the beginning of chapter 1209 is amended by striking out
17 the item relating to section 12408.

18 **SEC. 514. AUTHORITY FOR A RESERVE ON ACTIVE DUTY TO**
19 **WAIVE RETIREMENT SANCTUARY.**

20 Section 12686 of title 10, United States Code, is
21 amended—

22 (1) by inserting “(a) *LIMITATION.*—” before
23 “Under regulations”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(b) **WAIVER.**—(1) *The Secretary concerned may au-*
2 *thorize a member described in paragraph (2) to waive the*
3 *applicability of the limitation under subsection (a) to the*
4 *member for the period of active duty described in that para-*
5 *graph. A member shall exercise any such waiver option, if*
6 *at all, before the period of active duty begins.*

7 “(2) *The authority provided in paragraph (1) applies*
8 *to a member of a reserve component who is on active duty*
9 *(other than for training) pursuant to an order to active*
10 *duty under section 12301 of this title that specifies a period*
11 *of less than 180 days.”.*

12 **SEC. 515. RETIREMENT OF RESERVES DISABLED BY INJURY**
13 **OR DISEASE INCURRED OR AGGRAVATED**
14 **DURING OVERNIGHT STAY BETWEEN INAC-**
15 **TIVE DUTY TRAINING PERIODS.**

16 *Paragraph (2) of section 1204 of title 10, United*
17 *States Code, is amended to read as follows:*

18 “(2) *the disability is a result of—*

19 “(A) *performing active duty or inactive-*
20 *duty training;*

21 “(B) *traveling directly to or from the place*
22 *at which such duty is performed; or*

23 “(C) *an injury, illness, or disease incurred*
24 *or aggravated while remaining overnight, be-*
25 *tween successive periods of inactive-duty train-*

1 ing, at or in the vicinity of the site of the inac-
 2 tive duty training, if the site is outside reason-
 3 able commuting distance of the member's resi-
 4 dence;”.

5 **SEC. 516. RESERVE CREDIT FOR PARTICIPATION IN THE**
 6 **HEALTH PROFESSIONS SCHOLARSHIP AND FI-**
 7 **NANCIAL ASSISTANCE PROGRAM.**

8 (a) *CREDIT AUTHORIZED.*—Section 2126 of title 10,
 9 United States Code, is amended—

10 (1) by striking out “Service performed” and in-
 11 serting in lieu thereof “(a) *SERVICE NOT CRED-*
 12 *ITABLE.*—Except as provided in subsection (b), serv-
 13 ice performed”; and

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

15 “(b) *EXCEPTION.*—(1) The Secretary concerned may
 16 authorize service performed by a member of the program
 17 in pursuit of a course of study under this subchapter to
 18 be counted in accordance with this subsection if the mem-
 19 ber—

20 “(A) completes the course of study;

21 “(B) completes the active duty obligation im-
 22 posed under section 2123(a) of this title; and

23 “(C) possesses a specialty designated by the Sec-
 24 retary concerned as critically needed in wartime.

1 “(2) Service credited under paragraph (1) counts only
2 for the following purposes:

3 “(A) Award of retirement points for computation
4 of years of service under section 12732 of this title
5 and for computation of retired pay under section
6 12733 of this title.

7 “(B) Computation of years of service creditable
8 under section 205 of title 37.

9 “(3) For purposes of paragraph (2)(A), a member may
10 be credited in accordance with paragraph (1) with not more
11 than 50 points for each year of participation in a course
12 of study that the member satisfactorily completes as a mem-
13 ber of the program.

14 “(4) Service may not be counted under paragraph (1)
15 for more than four years of participation in a course of
16 study as a member of the program.

17 “(5) A member who is dropped from the program
18 under section 2123(c) of this title may not receive any cred-
19 it under paragraph (1) for participation in a course of
20 study as a member of the program. Any credit awarded
21 for participation in the program before the member is
22 dropped shall be rescinded.

23 “(6) A member is not entitled to any retroactive award
24 of, or increase in, pay or allowances under title 37 by rea-
25 son of an award of service credit under paragraph (1).”.

1 (b) *AWARD OF RETIREMENT POINTS.*—(1) *Section*
2 *12732(a)(2) of such title is amended—*

3 (A) *by inserting after clause (C) the following:*

4 “(D) *Points credited for the year under sec-*
5 *tion 2126(b) of this title.*”; and

6 (B) *in the matter following clause (D), as in-*
7 *serted by paragraph (1), by striking out “and (C)”*
8 *and inserting in lieu thereof “(C), and (D)”.*

9 (2) *Section 12733(3) of such title is amended by strik-*
10 *ing out “or (C)” and inserting in lieu thereof “(C), or (D)”.*

11 **SEC. 517. REPORT ON GUARD AND RESERVE FORCE STRUC-**
12 **TURE.**

13 (a) *REPORT.*—*Not later than March 1, 1997, the Sec-*
14 *retary of Defense shall submit to Congress a report on the*
15 *current force structure and the projected force structure of*
16 *the National Guard and the other reserve components.*

17 (b) *REPORT ELEMENTS.*—*The report required by sub-*
18 *section (a) shall address the following:*

19 (1) *The role of specific guard and reserve units*
20 *in the current force structure of the guard and re-*
21 *serves.*

22 (2) *The projected role of specific guard units and*
23 *reserve units in a major regional contingency.*

24 (3) *Whether or not the current force structure of*
25 *the guard and reserves is excess to the combat readi-*

1 *ness requirements of the Armed Forces and, if so, to*
 2 *what extent.*

3 *(4) The effect of decisions relating to the force*
 4 *structure of the guard and reserves on combat readi-*
 5 *ness within the tiered structure of combat readiness*
 6 *applied to the Armed Forces.*

7 **SEC. 518. MODIFIED END STRENGTH AUTHORIZATION FOR**
 8 **MILITARY TECHNICIANS FOR THE AIR NA-**
 9 **TIONAL GUARD FOR FISCAL YEAR 1997.**

10 *Section 513(b)(3) of the National Defense Authoriza-*
 11 *tion Act for Fiscal Year 1996 (Public Law 104–106; 110*
 12 *Stat. 305; 10 U.S.C. 115 note) is amended to read as fol-*
 13 *lows:*

14 *“(3) Air National Guard:*

15 *“(A) For fiscal year 1996, 22,906.*

16 *“(B) For fiscal year 1997, 22,956.”.*

17 ***Subtitle C—Officer Education***
 18 ***Programs***

19 **SEC. 521. INCREASED AGE LIMIT ON APPOINTMENT AS A**
 20 **CADET OR MIDSHIPMAN IN THE SENIOR RE-**
 21 **SERVE OFFICERS’ TRAINING CORPS AND THE**
 22 **SERVICE ACADEMIES.**

23 *(a) SENIOR RESERVE OFFICERS’ TRAINING CORPS.—*
 24 *Section 2107(a) of title 10, United States Code, is amended*

1 *by striking out “25 years of age” and inserting in lieu*
2 *thereof “27 years of age”.*

3 (b) *UNITED STATES MILITARY ACADEMY.—Section*
4 *4346(a) of title 10, United States Code, is amended by strik-*
5 *ing out “twenty-second birthday” and inserting in lieu*
6 *thereof “twenty-third birthday”.*

7 (c) *UNITED STATES NAVAL ACADEMY.—Section*
8 *6958(a)(1) of title 10, United States Code, is amended by*
9 *striking out “twenty-second birthday” and inserting in lieu*
10 *thereof “twenty-third birthday”.*

11 (d) *UNITED STATES AIR FORCE ACADEMY.—Section*
12 *9346(a) of title 10, United States Code, is amended by strik-*
13 *ing out “twenty-second birthday” and inserting in lieu*
14 *thereof “twenty-third birthday”.*

15 **SEC. 522. DEMONSTRATION PROJECT FOR INSTRUCTION**
16 **AND SUPPORT OF ARMY ROTC UNITS BY MEM-**
17 **BERS OF THE ARMY RESERVE AND NATIONAL**
18 **GUARD.**

19 (a) *IN GENERAL.—The Secretary of the Army shall*
20 *carry out a demonstration project in order to assess the fea-*
21 *sibility and advisability of providing instruction and simi-*
22 *lar support to units of the Reserve Officers Training Corps*
23 *of the Army through members of the Army Reserve (includ-*
24 *ing members of the Individual Ready Reserve) and members*
25 *of the Army National Guard.*

1 (b) *PROJECT REQUIREMENTS.*—(1) *The Secretary*
2 *shall carry out the demonstration project at least one insti-*
3 *tution.*

4 (2) *In order to enhance the value of the project, the*
5 *Secretary may take actions to ensure that members of the*
6 *Army Reserve and the Army National Guard provide in-*
7 *struction and support under the project in a variety of in-*
8 *novative ways.*

9 (c) *INAPPLICABILITY OF LIMITATION ON RESERVES IN*
10 *SUPPORT OF ROTC.*—*The assignment of a member of the*
11 *Army Reserve or the Army National Guard to provide in-*
12 *struction or support under the demonstration project shall*
13 *not be treated as an assignment of the member to duty with*
14 *a unit of a Reserve Officer Training Corps program for*
15 *purposes of section 12321 of title 10, United States Code.*

16 (d) *REPORTS.*—*Not later than February 1 in each of*
17 *1998, 1999, 2000, and 2001, the Secretary shall submit to*
18 *Congress a report assessing the activities under the project*
19 *during the preceding year. The report submitted in 2000*
20 *shall include the Secretary's recommendation as to the ad-*
21 *visability of continuing or expanding the authority for the*
22 *project.*

23 (e) *TERMINATION.*—*The authority of the Secretary to*
24 *carry out the demonstration project shall expire four years*
25 *after the date of the enactment of this Act.*

1 **SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY**
2 **ROTC CADET COMMAND OR TERMINATION OF**
3 **SENIOR ROTC UNITS PENDING REPORT ON**
4 **ROTC.**

5 (a) *PROHIBITION.*—Notwithstanding any other provi-
6 sion of law, the Secretary of the Army may not reorganize
7 or restructure the Reserve Officers Training Corps Cadet
8 Command or terminate any Senior Reserve Officer Train-
9 ing Corps units identified in the Information for Members
10 of Congress concerning Senior Reserve Officer Training
11 Corps (ROTC) Unit Closures dated May 20, 1996, until
12 180 days after the date on which the Secretary submits to
13 the congressional defense committees the report described in
14 subsection (b).

15 (b) *REPORT.*—The report referred to in subsection (a)
16 shall—

17 (1) describe the selection process used to identify
18 the Reserve Officer Training Corps units of the Army
19 to be terminated;

20 (2) list the criteria used by the Army to select
21 Reserve Officer Training Corps units for termination;

22 (3) set forth the specific ranking of each unit of
23 the Reserve Officer Training Corps of the Army to be
24 terminated as against all other such units;

25 (4) set forth the authorized and actual cadre
26 staffing of each such unit to be termination for each

1 *fiscal year of the 10-fiscal year period ending with*
2 *fiscal year 1996;*

3 *(5) set forth the production goals and perform-*
4 *ance evaluations of each Reserve Officer Training*
5 *Corps unit of the Army on the closure list for each*
6 *fiscal year of the 10-fiscal year period ending with*
7 *fiscal year 1996;*

8 *(6) describe how cadets currently enrolled in the*
9 *units referred to in paragraph (5) will be accommo-*
10 *dated after the closure of such units;*

11 *(7) describe the incentives to enhance the Reserve*
12 *Officer Training Corps program that are provided by*
13 *each of the colleges on the closure list;*

14 *(8) include the projected officer accession plan by*
15 *source of commission for the active-duty Army, the*
16 *Army Reserve, and the Army National Guard; and*

17 *(9) describe whether the closure of any ROTC*
18 *unit will adversely effect the recruitment of minority*
19 *officer candidates.*

1 **Subtitle D—Other Matters**

2 **SEC. 531. RETIREMENT AT GRADE TO WHICH SELECTED**
3 **FOR PROMOTION WHEN A PHYSICAL DISABIL-**
4 **ITY IS FOUND AT ANY PHYSICAL EXAMINA-**
5 **TION.**

6 *Section 1372(3) of title 10, United States Code, is*
7 *amended by striking out “his physical examination for pro-*
8 *motion” and inserting in lieu thereof “a physical examina-*
9 *tion”.*

10 **SEC. 532. LIMITATIONS ON RECALL OF RETIRED MEMBERS**
11 **TO ACTIVE DUTY.**

12 *(a) NUMBER ON ACTIVE DUTY CONCURRENTLY.—Sub-*
13 *section (c) of section 688 of title 10, United States Code,*
14 *is amended—*

15 *(1) by striking out “(c) Except in time of war,*
16 *or of national emergency declared by Congress or the*
17 *President after November 30, 1980, not” and insert-*
18 *ing in lieu thereof “(c)(1) Not”; and*

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

20 *“(2)(A) Not more than 25 officers of any one armed*
21 *force may be serving on active duty concurrently pursuant*
22 *to orders to active duty issued under this section.*

23 *“(B) In the administration of subparagraph (A), the*
24 *following officers shall not be counted:*

1 “(i) A chaplain who is assigned to duty as a
2 chaplain for the period of active duty to which or-
3 dered.

4 “(ii) A health care professional (as characterized
5 by the Secretary concerned) who is assigned to duty
6 as a health care professional for the period of the ac-
7 tive duty to which ordered.

8 “(iii) Any officer assigned to duty with the
9 American Battle Monuments Commission for the pe-
10 riod of active duty to which ordered.”.

11 (b) OFFICERS RETIRED ON SELECTIVE EARLY RE-
12 TIREMENT BASIS.—Such section is amended by adding at
13 the end the following:

14 “(e) The following officers may not be ordered to active
15 duty under this section:

16 “(1) An officer who retired under section 638 of
17 this title.

18 “(2) An officer who—

19 “(A) after having been notified that the offi-
20 cer was to be considered for early retirement
21 under section 638 of this title by a board con-
22 vened under section 611(b) of this title and be-
23 fore being considered by that board, requested re-
24 tirement under section 3911, 6323, or 8911 of
25 this title; and

1 “(B) was retired pursuant to that request.”.

2 (c) *LIMITATION OF PERIOD OF RECALL SERVICE.*—

3 *Such section, as amended by subsection (b), is further*
4 *amended by adding at the end the following:*

5 “(f) *A member ordered to active duty under subsection*
6 *(a) may not serve on active duty pursuant to orders under*
7 *such subsection for more than 12 months within the 24*
8 *months following the first day of the active duty to which*
9 *ordered under this section.*”.

10 (d) *WAIVER FOR PERIODS OF WAR OR NATIONAL*
11 *EMERGENCY.*—*Such section, as amended by subsection (c),*
12 *is further amended by adding at the end the following:*

13 “(g)(1) *Subsection (c)(1) does not apply in time of war*
14 *or of national emergency declared by Congress or the Presi-*
15 *dent after November 30, 1980.*

16 “(2) *Subsections (c)(2), (e), and (f) do not apply in*
17 *time of war or of national emergency declared by Congress*
18 *or the President.*”.

19 **SEC. 533. DISABILITY COVERAGE FOR OFFICERS GRANTED**
20 **EXCESS LEAVE FOR EDUCATIONAL PUR-**
21 **POSES.**

22 (a) *ELIGIBILITY FOR RETIREMENT.*—*Section 1201 of*
23 *title 10, United States Code, is amended—*

24 (1) *by inserting “(a) RETIREMENT.—” before*
25 *“Upon a determination”;*

1 (2) by striking out “a member of a regular com-
2 ponent of the armed forces entitled to basic pay, or
3 any other member of the armed forces entitled to basic
4 pay who has been called or ordered to active duty
5 (other than for training under section 10148(a) of
6 this title) for a period of more than 30 days,” and
7 inserting in lieu thereof “a member described in sub-
8 section (b)”;

9 (3) by inserting after “incurred while entitled to
10 basic pay” the following: “or incurred while absent as
11 described in section 502(b) of title 37 to participate
12 in an educational program (even though not entitled
13 to basic pay by operation of such section)”;

14 (4) by adding at the end the following:

15 “(b) *ELIGIBLE MEMBERS.*—This section applies to the
16 following members:

17 “(1) A member of a regular component of the
18 armed forces entitled to basic pay.

19 “(2) Any other member of the armed forces enti-
20 tled to basic pay who has been called or ordered to
21 active duty (other than for training under section
22 10148(a) of this title) for a period of more than 30
23 days.

24 “(3) A member of a regular component of the
25 armed forces who is on active duty but is absent as

1 *described in section 502(b) of title 37 to participate*
2 *in an educational program.”.*

3 **(b) ELIGIBILITY FOR PLACEMENT ON TEMPORARY DIS-**
4 **ABILITY RETIREMENT LIST.—***Section 1202 of title 10,*
5 *United States Code, is amended—*

6 (1) *by inserting “(a) TEMPORARY RETIRE-*
7 *MENT.—” before “Upon a determination”; and*

8 (2) *by striking out “a member of a regular com-*
9 *ponent of the armed forces entitled to basic pay, or*
10 *any other member of the armed forces entitled to basic*
11 *pay who has been called or ordered to active duty*
12 *(other than for training under section 10148(a) of*
13 *this title) for a period of more than 30 days,” and*
14 *inserting in lieu thereof “a member described in sec-*
15 *tion 1201(b) of this title”.*

16 **(c) ELIGIBILITY FOR SEPARATION.—***Section 1203 of*
17 *title 10, United States Code, is amended—*

18 (1) *by inserting “(a) SEPARATION.—” before*
19 *“Upon a determination”;*

20 (2) *by striking out “a member of a regular com-*
21 *ponent of the armed forces entitled to basic pay, or*
22 *any other member of the armed forces entitled to basic*
23 *pay who has been called or ordered to active duty*
24 *(other than for training under section 10148(a) of*
25 *this title) for a period of more than 30 days,” and*

1 *inserting in lieu thereof “a member described in sec-*
2 *tion 1201(b) of this title”; and*

3 *(3) by inserting after “incurred while entitled to*
4 *basic pay” the following: “or incurred while absent as*
5 *described in section 502(b) of title 37 to participate*
6 *in an educational program (even though not entitled*
7 *to basic pay by operation of such section)”.*

8 *(d) EFFECTIVE DATE.—The amendments made by this*
9 *section shall take effect on the date of the enactment of this*
10 *Act and shall apply with respect to physical disabilities in-*
11 *curred on or after such date.*

12 **SEC. 534. UNIFORM POLICY REGARDING RETENTION OF**
13 **MEMBERS WHO ARE PERMANENTLY NON-**
14 **WORLDWIDE ASSIGNABLE.**

15 *(a) POLICY REQUIRED.—Chapter 59 of title 10, Unit-*
16 *ed States Code, is amended by inserting after section 1176*
17 *the following:*

18 **“§1177. Uniform policy regarding retention of mem-**
19 **bers who are permanently nonworldwide**
20 **assignable**

21 *“The Secretary of Defense shall prescribe regulations*
22 *setting forth uniform policies and procedures regarding re-*
23 *tention of members of the Army, Navy, Air Force, and Ma-*
24 *rine Corps who are permanently nonworldwide assignable*
25 *for medical reasons.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of such chapter is amended by inserting after*
3 *the item relating to section 1176 the following:*

“1177. Uniform policy regarding retention of members who are permanently non-
worldwide assignable.”.

4 **SEC. 535. AUTHORITY TO EXTEND PERIOD FOR ENLIST-**
5 **MENT IN REGULAR COMPONENT UNDER THE**
6 **DELAYED ENTRY PROGRAM.**

7 (a) *AUTHORITY.*—*Section 513(b) of title 10, United*
8 *States Code, is amended by inserting after the first sentence*
9 *the following: “The Secretary concerned may extend the*
10 *365-day period for a person for up to 180 additional days*
11 *if the Secretary determines that it is in the best interests*
12 *of the armed force under the Secretary’s jurisdiction to do*
13 *so.”.*

14 (b) *TECHNICAL AMENDMENTS.*—*Section 513(b) of such*
15 *title, as amended by subsection (a), is further amended—*

16 (1) *by inserting “(1)” after “(b)”;*

17 (2) *by designating the third sentence as para-*
18 *graph (2) and realigning such paragraph, as so des-*
19 *ignated, flush to the left margin; and*

20 (3) *in paragraph (2), as so designated, by strik-*
21 *ing out “the preceding sentence” and inserting in lieu*
22 *thereof “paragraph (1)”.*

1 **SEC. 536. CAREER SERVICE REENLISTMENTS FOR MEMBERS**
2 **WITH AT LEAST 10 YEARS OF SERVICE.**

3 *Subsection (d) of section 505 of title 10, United States*
4 *Code, is amended to read as follows:*

5 “(d)(1) *The Secretary concerned may accept a reenlist-*
6 *ment in the Regular Army, Regular Navy, Regular Air*
7 *Force, Regular Marine Corps, or Regular Coast Guard, as*
8 *the case may be, for a period determined under this sub-*
9 *section.*

10 “(2) *In the case of a member who has less than 10*
11 *years of service in the armed forces as of the day before*
12 *the first day of the period for which reenlisted, the period*
13 *for which the member reenlists shall be at least two years*
14 *but not more than six years.*

15 “(3) *In the case of a member who has at least 10 years*
16 *of service in the armed forces as of the day before the first*
17 *day of the period for which reenlisted, the Secretary con-*
18 *cerned may accept a reenlistment for either—*

19 “(A) *a specified period of at least two years*
20 *but not more than six years; or*

21 “(B) *an unspecified period.*

22 “(4) *No enlisted member is entitled to be reenlisted for*
23 *a period that would expire before the end of the member’s*
24 *current enlistment.”.*

1 **SEC. 537. REVISIONS TO MISSING PERSONS AUTHORITIES.**

2 (a) *REPEAL OF APPLICABILITY OF AUTHORITIES TO*
3 *DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND*
4 *CONTRACTOR EMPLOYEES.*—(1) *Section 1501 of title 10,*
5 *United States Code, is amended—*

6 (A) *by striking out subsection (c) and inserting*
7 *in lieu thereof the following new subsection (c):*

8 “(c) *COVERED PERSONS.*—*Section 1502 of this title*
9 *applies in the case of any member of the armed forces on*
10 *active duty who becomes involuntarily absent as a result*
11 *of a hostile action, or under circumstances suggesting that*
12 *the involuntary absence is a result of a hostile action, and*
13 *whose status is undetermined or who is unaccounted for.”;*
14 *and*

15 (B) *by striking out subsection (f).*

16 (2) *Section 1503(c) of such title is amended—*

17 (A) *in paragraph (1), by striking out “one indi-*
18 *vidual described in paragraph (2)” and inserting in*
19 *lieu thereof “one military officer”;*

20 (B) *by striking out paragraph (2); and*

21 (C) *by redesignating paragraphs (3) and (4) as*
22 *paragraphs (2) and (3), respectively.*

23 (3) *Section 1504(d) of such title is amended—*

24 (A) *by striking out the text of paragraph (1) and*
25 *inserting in lieu thereof the following new text: “A*
26 *board under this section shall be composed of at least*

1 *three members who are officers having the grade of*
2 *major or lieutenant commander or above.”; and*

3 *(B) in paragraph (4), by striking out “section*
4 *1503(c)(4)” and inserting in lieu thereof “section*
5 *1503(c)(3)”.*

6 *(4) Paragraph (1) of section 1513 of such title is*
7 *amended to read as follows:*

8 *“(1) The term ‘missing person’ means a member*
9 *of the armed forces on active duty who is in a miss-*
10 *ing status.”.*

11 *(b) REPORT ON PRELIMINARY ASSESSMENT OF STA-*
12 *TUS.—(1) Section 1502 of title 10, United States Code, is*
13 *amended—*

14 *(A) in subsection (a)(2)—*

15 *(i) by striking out “48 hours” and inserting*
16 *in lieu thereof “10 days”; and*

17 *(ii) by striking out “theater component*
18 *commander with jurisdiction over the missing*
19 *person” and inserting in lieu thereof “Secretary*
20 *concerned”;*

21 *(B) by striking out subsection (b);*

22 *(C) by redesignating subsection (c) as subsection*
23 *(b); and*

24 *(D) in subsection (b), as so redesignated, by*
25 *striking out the second sentence.*

1 (2) *Section 1503(a) of such title is amended by strik-*
2 *ing out “section 1502(b)” and inserting in lieu thereof “sec-*
3 *tion 1502(a)”.*

4 (3) *Section 1513 of such title is amended by striking*
5 *out paragraph (8).*

6 (c) *REPEAL OF REQUIREMENTS FOR COUNSELS FOR*
7 *MISSING PERSONS.—(1) Section 1503 of title 10, United*
8 *States Code, is amended—*

9 (A) *by striking out subsection (f); and*

10 (B) *by redesignating subsections (g) through (k)*
11 *as subsections (f) through (j), respectively.*

12 (2) *Section 1504 of such title is amended—*

13 (A) *by striking out subsection (f); and*

14 (B) *by redesignating subsections (g) through (m)*
15 *as subsections (f) through (l), respectively.*

16 (3) *Such section 1503 is further amended—*

17 (A) *in subsection (g)(3), as redesignated by*
18 *paragraph (1)(B) of this subsection, by striking out*
19 *“subsection (j)” and inserting in lieu thereof “sub-*
20 *section (i)”;*

21 (B) *in subsection (h)(1), as so redesignated, by*
22 *striking out “subsection (h)” and inserting in lieu*
23 *thereof “subsection (g)”;*

24 (C) *in subsection (i), as so redesignated—*

1 (i) by striking out “subsection (i)” in the
2 matter preceding paragraph (1) and inserting in
3 lieu thereof “subsection (h)”; and

4 (ii) in paragraph (1)(B), by striking out
5 “subsection (h)” and inserting in lieu thereof
6 “subsection (g)”; and

7 (D) in subsection (j), as so redesignated, by
8 striking out “subsection (i)” and inserting in lieu
9 thereof “subsection (h)”.

10 (4) Such section 1504 of such title is amended—

11 (A) in subsection (a), by striking out “section
12 1503(i)” and inserting in lieu thereof “section
13 1503(h)”;

14 (B) in subsection (e)(1), by striking out “section
15 1503(h)” and inserting in lieu thereof “section
16 1503(g)”;

17 (C) in subsection (f), as redesignated by para-
18 graph (2)(B) of this subsection, by striking out “sub-
19 section (i)” each place it appears in paragraphs
20 (4)(D) and (5)(B) and inserting in lieu thereof “sub-
21 section (h)”;

22 (D) in subsection (g)(3)(A), as so redesignated,
23 by striking out “and the counsel for the missing per-
24 son appointed under subsection (f)”;

25 (E) in subsection (j), as so redesignated—

1 *(i) in paragraph (1)—*

2 *(I) by striking out “subsection (j)” in*
3 *the matter preceding subparagraph (A) and*
4 *inserting in lieu thereof “subsection (i)”;*

5 *(II) by inserting “and” at the end of*
6 *subparagraph (A);*

7 *(III) by striking out subparagraph*
8 *(B); and*

9 *(IV) by redesignating subparagraph*
10 *(C) as subparagraph (B) and in that sub-*
11 *paragraph, as so redesignated, by striking*
12 *out “subsection (g)(5)” and inserting in*
13 *lieu thereof “subsection (f)(5)”;* and

14 *(ii) in paragraph (2), by striking out “sub-*
15 *paragraph (C)” and inserting in lieu thereof*
16 *“subparagraph (B)”;*

17 *(F) in subsection (k), as redesignated by para-*
18 *graph (2)(B) of this subsection, by striking out “sub-*
19 *section (k)” in the matter preceding paragraph (1)*
20 *and inserting in lieu thereof “subsection (j)”;* and

21 *(G) in subsection (l), as so redesignated, by strik-*
22 *ing out “subsection (k)” and inserting in lieu thereof*
23 *“subsection (l)”.*

24 *(5) Section 1505(c) of such title is amended—*

1 (A) in paragraph (2), by striking out “(A) the
2 designated missing person’s counsel for that person,
3 and (B)”;

4 (B) in paragraph (3), by striking out “, with the
5 advice” and all that follows through “paragraph
6 (2),”.

7 (6) Section 1509(a) of such title is amended by strik-
8 ing out “section 1504(g)” and inserting in lieu thereof “sec-
9 tion 1504(f)”.

10 (d) *FREQUENCY OF SUBSEQUENT REVIEWS.*—Sub-
11 section (b) of section 1505 of title 10, United States Code,
12 is amended to read as follows:

13 “(b) *FREQUENCY OF SUBSEQUENT REVIEWS.*—The
14 Secretary concerned shall conduct inquiries into the where-
15 abouts and status of a person under subsection (a) upon
16 receipt of information that may result in a change of status
17 of the person. The Secretary concerned shall appoint a
18 board to conduct such inquiries.”.

19 (e) *REPEAL OF STATUTORY PENALTIES FOR WRONG-*
20 *FUL WITHHOLDING OF INFORMATION.*—Section 1506 of
21 title 10, United States Code, is amended—

22 (1) by striking out subsection (e); and

23 (2) by redesignating subsection (f) as subsection
24 (e).

1 (f) *INFORMATION TO ACCOMPANY RECOMMENDATION*
2 *OF STATUS OF DEATH.*—Section 1507(b) of title 10, United
3 States Code, is amended by striking out paragraphs (3) and
4 (4).

5 (g) *REPEAL OF RIGHT OF JUDICIAL REVIEW.*—Section
6 1508 of title 10, United States Code, is repealed.

7 (h) *SCOPE OF PREENACTMENT REVIEW.*—(1) Section
8 1509 of title 10, United States Code, is amended—

9 (A) in subsection (b)—

10 (i) by striking out paragraph (1); and

11 (ii) by redesignating paragraphs (2) and
12 (3) as paragraphs (1) and (2), respectively;

13 (B) by striking out subsection (c);

14 (C) by redesignating subsection (d) as subsection
15 (e); and

16 (D) in subsection (c), as so redesignated—

17 (i) by striking out paragraph (1); and

18 (ii) by redesignating paragraphs (2) and
19 (3) as paragraphs (1) and (2), respectively.

20 (2) The section heading of such section is amended by
21 striking out “, **special interest cases**”.

22 (i) *CLERICAL AMENDMENTS.*—The table of sections at
23 the beginning of chapter 76 of title 10, United States Code,
24 is amended—

1 (1) in the item relating to section 1509, by strik-
2 ing out “, special interest cases”; and

3 (2) by striking out the item relating to section
4 1509.

5 **SEC. 538. INAPPLICABILITY OF SOLDIERS’ AND SAILORS’**
6 **CIVIL RELIEF ACT OF 1940 TO THE PERIOD OF**
7 **LIMITATIONS FOR FILING CLAIMS FOR COR-**
8 **RECTIONS OF MILITARY RECORDS.**

9 (a) *EXTENSION OF PERIOD.*—Section 1552(b) of title
10 10, United States Code, is amended—

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

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

13 “(2) Notwithstanding the provisions of section 205 of
14 the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50
15 U.S.C. App. 525), and any other provision of law, the three-
16 year period for filing a request for correction of records is
17 not extended by reason of military service. However, in de-
18 termining under paragraph (1) whether it is in the interest
19 of justice to excuse a failure timely to file a request for cor-
20 rection, the board shall consider the claimant’s military
21 service and its effect on the claimant’s ability to file a
22 claim.”.

23 (b) *EFFECTIVE DATE.*—Paragraph (2) of section
24 1552(b) of such title, as added by subsection (a), shall take
25 effect three years after the date of the enactment of this Act.

1 **SEC. 539. MEDAL OF HONOR FOR CERTAIN AFRICAN-AMER-**
2 **ICAN SOLDIERS WHO SERVED IN WORLD WAR**
3 **II.**

4 (a) *INAPPLICABILITY OF TIME LIMITATIONS.*—Not-
5 *withstanding the time limitations in section 3744(b) of title*
6 *10, United States Code, or any other time limitation, the*
7 *President may award the Medal of Honor to each person*
8 *identified in subsection (b), each such person having distin-*
9 *guished himself conspicuously by gallantry and intrepidity*
10 *at the risk of his life above and beyond the call of duty*
11 *while serving in the United States Army during World War*
12 *II.*

13 (b) *APPLICABILITY.*—*The authority in this section ap-*
14 *plies with respect to the following persons:*

15 (1) *Vernon J. Baker, who served as a first lieu-*
16 *tenant in the 370th Infantry Regiment, 92nd Infan-*
17 *try Division.*

18 (2) *Edward A. Carter, who served as a staff ser-*
19 *geant in the 56th Armored Infantry Battalion, 12th*
20 *Armored Division.*

21 (3) *John R. Fox, who served as a first lieutenant*
22 *in the 366th Infantry Regiment, 92nd Infantry Divi-*
23 *sion.*

24 (4) *Willy F. James, Jr., who served as a private*
25 *first class in the 413th Infantry Regiment, 104th In-*
26 *fantry Division.*

1 (b) *ASSISTANT CHIEF.*—Subsection (c) of such section
 2 is amended by striking out “major” in the first sentence
 3 and inserting in lieu thereof “lieutenant colonel”.

4 (c) *CLERICAL AMENDMENTS.*—(1) The heading of such
 5 section is amended to read as follows:

6 **“§ 3069. Army Nurse Corps: composition; Chief and as-**
 7 **sistant chief; appointment; grade**

8 (2) The item relating to such section in the table of
 9 sections at the beginning of chapter 307 of title 10, United
 10 States Code, is amended to read as follows:

“3069. Army Nurse Corps: composition; Chief and assistant chief; appointment;
 grade.”.

11 **SEC. 541. CHIEF AND ASSISTANT CHIEF OF AIR FORCE**
 12 **NURSE CORPS.**

13 (a) *POSITIONS AND APPOINTMENT.*—Chapter 807 of
 14 title 10, United States Code, is amended by inserting after
 15 section 8067 the following:

16 **“§ 3069. Air Force nurses: Chief and assistant chief;**
 17 **appointment; grade**

18 “(a) *POSITIONS OF CHIEF AND ASSISTANT CHIEF.*—
 19 There are a Chief and assistant chief of the Air Force Nurse
 20 Corps.

21 “(b) *CHIEF.*—The Secretary of the Air Force shall ap-
 22 point the Chief from the officers of the Regular Air Force
 23 designated as Air Force nurses whose regular grade is above
 24 lieutenant colonel and who are recommended by the Sur-

1 *geon General. An appointee who holds a lower regular grade*
2 *shall be appointed in the regular grade of brigadier general.*
3 *The Chief serves during the pleasure of the Secretary, but*
4 *not for more than three years, and may not be reappointed*
5 *to the same position.*

6 “(c) *ASSISTANT CHIEF.—The Surgeon General shall*
7 *appoint the assistant chief from the officers of the Regular*
8 *Air Force designated as Air Force nurses whose regular*
9 *grade is above lieutenant colonel.”.*

10 “(b) *CLERICAL AMENDMENT.—The table of sections at*
11 *the beginning of such chapter is amended by inserting after*
12 *section 8067 the following:*

 “3069. *Air Force Nurse Corps: Chief and assistant chief; appointment; grade.”.*

13 **SEC. 542. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
14 **CERTAIN DECORATIONS TO SPECIFIED PER-**
15 **SONS.**

16 “(a) *WAIVER OF TIME LIMITATION.—Any limitation es-*
17 *tablished by law or policy for the time within which a rec-*
18 *ommendation for the award of a military decoration or*
19 *award must be submitted shall not apply in the case of*
20 *awards of decorations as described in subsection (b), the*
21 *award of each such decoration having been determined by*
22 *the Secretary of the Navy to be warranted in accordance*
23 *with section 1130 of title 10, United States Code.*

1 (b) *DISTINGUISHED FLYING CROSS*.—Subsection (a)
2 *applies to awards of the Distinguished Flying Cross for*
3 *service during World War II as follows:*

4 (1) *FIRST AWARD*.—*First award, for completion*
5 *of at least 20 qualifying combat missions, to the fol-*
6 *lowing members and former members of the Armed*
7 *Forces:*

8 *Vernard V. Aiken of Wilmington, Vermont.*

9 *Ira V. Babcock of Dothan, Georgia.*

10 *George S. Barlow of Grafton, Virginia.*

11 *Earl A. Bratton of Bodega Bay, California.*

12 *Herman C. Edwards of Johns Island, South*
13 *Carolina.*

14 *James M. Fitzgerald of Anchorage, Alaska.*

15 *Paul L. Hitchcock of Raleigh, North Caro-*
16 *lina.*

17 *Harold H. Hottle of Hillsboro, Ohio.*

18 *Samuel M. Keith of Anderson, South Caro-*
19 *lina.*

20 *Otis Lancaster of Wyoming, Michigan.*

21 *John B. McCabe of Biglerville, Pennsylva-*
22 *nia.*

23 *James P. Merriman of Midland, Texas.*

24 *The late Michael L. Michalak, formerly of*
25 *Akron, New York.*

1 *The late Edward J. Naparkowsky, formerly*
2 *of Hartford, Connecticut.*

3 *A. Jerome Pfeiffer of Racine, Wisconsin.*

4 *Duane L. Rhodes of Earp, California.*

5 *Frank V. Roach of Bloomfield, New Jersey.*

6 *Arnold V. Rosekrans of Horseheads, New*
7 *York.*

8 *Joseph E. Seaman, Jr. of Bordentown, New*
9 *Jersey.*

10 *Luther E. Thomas of Panama City, Flor-*
11 *ida.*

12 *Merton S. Ward of South Hamilton, Massa-*
13 *chusetts.*

14 *Simon L. Webb of Magnolia, Mississippi.*

15 *Jerry W. Webster of Leander, Texas.*

16 *Stanley J. Orlowski of Jackson, Michigan.*

17 (2) *SECOND AWARD.*—*Second award, for comple-*
18 *tion of at least 40 qualifying combat missions, to the*
19 *following members and former members of the Armed*
20 *Forces:*

21 *Ralph J. Deceuster of Dover, Ohio.*

22 *Elbert J. Kimble of San Francisco, Califor-*
23 *nia.*

24 *George W. Knauff of Monument, Colorado.*

1 *John W. Lincoln of Rockland, Massachu-*
2 *setts.*

3 *Alan D. Marker of Sonoma, California.*

4 *Joseph J. Oliver of White Haven, Penn-*
5 *sylvania.*

6 *Arthur C. Adair of Grants Pass, Oregon.*

7 *Daniel K. Connors of Hampton, New*
8 *Hampshire.*

9 *Glen E. Danielson of Whittier, California.*

10 *Prescott C. Jernegan of Hemet, California.*

11 *Stephen K. Johnson of Englewood, Florida.*

12 *Warren E. Johnson of Vista, California.*

13 *Albert P. Emsley of Bothell, Washington.*

14 *Robert B. Carnes of West Yarmouth, Massa-*
15 *chusetts.*

16 *Urbain J. Fournier of Houma, Louisiana.*

17 *John B. Tagliapiri of St. Helena, Califor-*
18 *nia.*

19 *Ray B. Stiltner of Centralia, Washington.*

20 (3) *THIRD AWARD.—Third award, for comple-*
21 *tion of at least 60 qualifying combat missions, to the*
22 *following members and former members of the Armed*
23 *Forces:*

24 *Glenn Bowers of Dillsburg, Pennsylvania.*

25 *Arthur C. Casey of Irving, California.*

1 *Robert J. Larsen of Gulf Breeze, Florida.*

2 *William A. Nickerson of Portland, Oregon.*

3 *David Mendoza of McAllen, Texas.*

4 (4) *FOURTH AWARD.*—*Fourth award, for comple-*
5 *tion of at least 80 qualifying combat missions, to the*
6 *following members and former members of the Armed*
7 *Forces:*

8 *Arvid L. Kretz of Santa Rosa, California.*

9 *George E. McClane of Cocoa Beach, Florida.*

10 *Robert Bair of Ontario, California.*

11 (5) *FIFTH AWARD.*—*Fifth award, for completion*
12 *of at least 100 qualifying combat missions, to the fol-*
13 *lowing members and former members of the Armed*
14 *Forces:*

15 *William A. Baldwin of San Clemente, Cali-*
16 *fornia.*

17 *George Bobb of Blackwood, New Jersey.*

18 *John R. Conrad of Hot Springs, Arkansas.*

19 *Herbert R. Hetrick of Roaring Springs,*
20 *Pennsylvania.*

21 *William L. Wells of Cordele, Georgia.*

22 (6) *SIXTH AWARD.*—*Sixth award, for completion*
23 *of at least 120 qualifying combat missions, to Rich-*
24 *ard L. Murray of Dallas, Texas.*

1 **SEC. 543. MILITARY PERSONNEL STALKING PUNISHMENT**
2 **AND PREVENTION ACT OF 1996.**

3 (a) *SHORT TITLE.*—This section may be cited as the
4 “*Military Personnel Stalking Punishment and Prevention*
5 *Act of 1996*”.

6 (b) *IN GENERAL.*—Title 18, United States Code, is
7 amended by inserting after section 2261 the following:

8 **“§2261A. Stalking of members of the Armed Forces of**
9 ***the United States***

10 “(a) *IN GENERAL.*—Whoever, within the special mari-
11 *time and territorial jurisdiction of the United States or in*
12 *the course of interstate travel, with the intent to injure or*
13 *harass any military person, places that military person in*
14 *reasonable fear of the death of, or serious bodily injury to,*
15 *that military person or a member of the immediate family*
16 *of that military person shall be punished as provided in*
17 *section 2261.*

18 “(b) *DEFINITIONS.*—For purposes of this section—

19 “(1) the term ‘*immediate family*’ has the same
20 meaning as in section 115; and

21 “(2) the term ‘*military person*’ means—

22 “(A) any member of the *Armed Forces of*
23 *the United States (including a member of any*
24 *reserve component); and*

25 “(B) any member of the *immediate family*
26 *of a person described in subparagraph (A).*”.

1 (c) *CONFORMING AMENDMENTS.*—

2 (1) *Section 2261(b) of title 18, United States*
3 *Code, is amended by inserting “or section 2261A”*
4 *after “this section”.*

5 (2) *Sections 2261(b) and 2262(b) of title 18,*
6 *United States Code, are each amended by striking*
7 *“offender’s spouse or intimate partner” each place it*
8 *appears and inserting “victim”.*

9 (3) *The chapter heading for chapter 110A of title*
10 *18, United States Code, is amended by inserting*
11 **“AND STALKING”** *after “VIOLENCE”.*

12 (d) *CLERICAL AMENDMENT.*—*The table of sections at*
13 *the beginning of chapter 110A of title 18, United States*
14 *Code, is amended by inserting after the item relating to*
15 *section 2261 the following new item:*

“2261A. Stalking of members of the Armed Forces of the United States.”.

16 (e) *EFFECTIVE DATE.*—*This section and the amend-*
17 *ments made by this section shall take effect on the day after*
18 *the date of enactment of this Act.*

1 ***Subtitle E—Commissioned Corps of***
2 ***the Public Health Service***

3 ***SEC. 561. APPLICABILITY TO PUBLIC HEALTH SERVICE OF***
4 ***PROHIBITION ON CREDITING CADET OR MID-***
5 ***SHIPMEN SERVICE AT THE SERVICE ACAD-***
6 ***EMIES.***

7 *Section 971(b) of title 10, United States Code, is*
8 *amended—*

9 *(1) in subsection (a), by inserting before the pe-*
10 *riod at the end the following: “or an officer in the*
11 *Commissioned Corps of the Public Health Service”;*
12 *and*

13 *(2) in subsection (b)—*

14 *(A) by striking out “and” at the end of*
15 *paragraph (2);*

16 *(B) by striking out the period at the end of*
17 *paragraph (3) and inserting in lieu thereof “;*
18 *and”;* and

19 *(C) by adding at the end the following new*
20 *paragraph:*

21 *“(4) no officer in the Commissioned Corps of the*
22 *Public Health Service may be credited with service as*
23 *a midshipman at the United States Naval Academy*
24 *or as a cadet at the United States Military Academy,*

1 *United States Air Force Academy, or United States*
2 *Coast Guard Academy.”.*

3 **SEC. 562. EXCEPTION TO GRADE LIMITATIONS FOR PUBLIC**
4 **HEALTH SERVICE OFFICERS ASSIGNED TO**
5 **THE DEPARTMENT OF DEFENSE.**

6 *Section 206 of the Public Health Service Act (42*
7 *U.S.C. 207 et seq.) is amended by adding at the end thereof*
8 *the following new subsection:*

9 “(f) *EXCEPTION TO GRADE LIMITATIONS FOR OFFI-*
10 *CERS ASSIGNED TO DEPARTMENT OF DEFENSE.—In com-*
11 *puting the maximum number of commissioned officers of*
12 *the Public Health Service authorized by law to hold a grade*
13 *which corresponds to the grade of captain, major, lieutenant*
14 *colonel, or colonel, there may be excluded from such com-*
15 *putation officers who hold such a grade while the officers*
16 *are assigned to duty in the Department of Defense.”.*

17 **Subtitle F—Defense Economic Ad-**
18 **justment, Diversification, Con-**
19 **version, and Stabilization**

20 **SEC. 571. AUTHORITY TO EXPAND LAW ENFORCEMENT**
21 **PLACEMENT PROGRAM TO INCLUDE FIRE-**
22 **FIGHTERS.**

23 *Section 1152(g) of title 10, United States Code, is*
24 *amended—*

1 (1) *by striking out “(g) CONDITIONAL EXPAN-*
2 *SION OF PLACEMENT TO INCLUDE FIREFIGHTERS.—*

3 (1) *Subject to paragraph (2), the” and inserting in*
4 *lieu thereof “(g) AUTHORITY TO EXPAND PLACEMENT*
5 *TO INCLUDE FIREFIGHTERS.—The”;* and

6 (2) *in paragraph (2), by striking out the first*
7 *sentence.*

8 **SEC. 572. TROOPS-TO-TEACHERS PROGRAM IMPROVE-**
9 **MENTS.**

10 (a) *SEPARATED MEMBERS OF THE ARMED FORCES.—*

11 (1) *Subsection (a) of section 1151 of title 10, United States*
12 *Code, is amended by striking out “may establish” and in-*
13 *serting in lieu thereof “shall establish”.*

14 (2) *Such section is further amended—*

15 (A) *in subsection (f)(2), by striking out “five*
16 *school years” in subparagraphs (A) and (B) and in-*
17 *serting in lieu thereof “two school years”;* and

18 (B) *in subsection (h)(3)(A), by striking out “five*
19 *consecutive school years” and inserting in lieu thereof*
20 *“two consecutive school years”.*

21 (3) *Subsection (g)(2) of such section is amended—*

22 (A) *by striking out the comma after “section*
23 *1174a of this title” and inserting in lieu thereof “or”;*
24 *and*

1 (B) by striking out “, or retires pursuant to the
2 authority provided in section 4403 of the National
3 Defense Authorization Act for fiscal year 1993 (Public
4 Law 102–484; 10 U.S.C. 1293 note)”.

5 (4) Subsection (h)(3)(B) of such section is amended—

6 (A) in clause (i), by striking out “\$25,000” and
7 inserting in lieu thereof “\$17,000”;

8 (B) in clause (ii)—

9 (i) by striking out “40 percent” and insert-
10 ing in lieu thereof “25 percent”; and

11 (ii) by striking out “\$10,000” and inserting
12 in lieu thereof “\$8,000”; and

13 (C) by striking out clauses (iii), (iv), and (v).

14 (b) SAVINGS PROVISION.—The amendments made by
15 this section do not effect obligations under agreements en-
16 tered into in accordance with section 1151 of title 10, Unit-
17 ed States Code, before the date of the enactment of this Act.

18 **Subtitle G—Armed Forces**

19 **Retirement Home**

20 **SEC. 581. REFERENCES TO ARMED FORCES RETIREMENT** 21 **HOME ACT OF 1991.**

22 Except as otherwise expressly provided, whenever in
23 this subtitle an amendment or repeal is expressed in terms
24 of an amendment to, or repeal of, a section or other provi-
25 sion, the reference shall be considered to be made to a section

1 *or other provision of the Armed Forces Retirement Home*
2 *Act of 1991 (title XV of Public Law 101–510; 24 U.S.C.*
3 *401 et seq.).*

4 **SEC. 582. ACCEPTANCE OF UNCOMPENSATED SERVICES.**

5 *(a) AUTHORITY.—Part A is amended by adding at the*
6 *end the following:*

7 **“SEC. 1522. AUTHORITY TO ACCEPT CERTAIN UNCOMPEN-**
8 **SATED SERVICES.**

9 *“(a) AUTHORITY TO ACCEPT SERVICES.—Subject to*
10 *subsection (b) and notwithstanding section 1342 of title 31,*
11 *United States Code, the Chairman of the Retirement Home*
12 *Board or the Director of each establishment of the Retire-*
13 *ment Home may accept from any person voluntary per-*
14 *sonal services or gratuitous services unless the acceptance*
15 *of the voluntary services is disapproved by the Retirement*
16 *Home Board.*

17 *“(b) REQUIREMENTS AND LIMITATIONS.—(1) The*
18 *Chairman of the Retirement Home Board or the Director*
19 *of the establishment accepting the services shall notify the*
20 *person of the scope of the services accepted.*

21 *“(2) The Chairman or Director shall—*

22 *“(A) supervise the person providing the services*
23 *to the same extent as that official would supervise a*
24 *compensated employee providing similar services; and*

1 “(B) ensure that the person is licensed, privi-
2 leged, has appropriate credentials, or is otherwise
3 qualified under applicable laws or regulations to pro-
4 vide such services.

5 “(3) A person providing services accepted under sub-
6 section (a) may not—

7 “(A) serve in a policymaking position of the Re-
8 tirement Home; or

9 “(B) be compensated for the services by the Re-
10 tirement Home.

11 “(c) *AUTHORITY TO RECRUIT AND TRAIN PERSONS*
12 *PROVIDING SERVICES.*—The Chairman of the Retirement
13 Home Board or the Director of an establishment of the Re-
14 tirement Home may recruit and train persons to provide
15 services authorized to be accepted under subsection (a).

16 “(d) *STATUS OF PERSONS PROVIDING SERVICES.*—(1)
17 Subject to paragraph (3), while providing services accepted
18 under subsection (a) or receiving training under subsection
19 (c), a person shall be considered to be an employee of the
20 Federal Government only for purposes of the following pro-
21 visions of law:

22 “(A) Subchapter I of chapter 81 of title 5, Unit-
23 ed States Code (relating to compensation for work-re-
24 lated injuries).

1 “(B) Chapter 171 of title 28, United States Code
2 (relating to claims for damages or loss).

3 “(2) A person providing services accepted under sub-
4 section (a) shall be considered to be an employee of the Fed-
5 eral Government under paragraph (1) only with respect to
6 services that are within the scope of the services accepted.

7 “(3) For purposes of determining the compensation for
8 work-related injuries payable under chapter 81 of title 5,
9 United States Code (pursuant to this subsection) to a per-
10 son providing services accepted under subsection (a), the
11 monthly pay of the person for such services shall be deemed
12 to be the amount determined by multiplying—

13 “(A) the average monthly number of hours that
14 the person provided the services, by

15 “(B) the minimum wage determined in accord-
16 ance with section 6(a)(1) of the Fair Labor Stand-
17 ards Act of 1938 (29 U.S.C. 206(a)(1)).

18 “(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—
19 The Chairman of the Retirement Board or the Director of
20 the establishment accepting services under subsection (a)
21 may provide for reimbursement of a person for incidental
22 expenses incurred by the person in providing the services
23 accepted under subsection (a). The Chairman or Director
24 shall determine which expenses qualify for reimbursement
25 under this subsection.”.

1 **(b) FEDERAL STATUS OF RESIDENTS PAID FOR PART-**
2 *TIME OR INTERMITTENT SERVICES.*—Paragraph (2) of sec-
3 *tion 1521(b) (24 U.S.C. 421(b)) is amended to read as fol-*
4 *lows:*

5 “(2) *being an employee of the United States for*
6 *any purpose other than—*

7 “(A) *subchapter I of chapter 81 of title 5,*
8 *United States Code (relating to compensation for*
9 *work-related injuries); and*

10 “(B) *chapter 171 of title 28, United States*
11 *Code (relating to claims for damages or loss).”.*

12 **SEC. 583. DISPOSAL OF REAL PROPERTY.**

13 **(a) DISPOSAL AUTHORIZED.**—*Notwithstanding title II*
14 *the Federal Property and Administrative Services Act of*
15 *1949 (40 U.S.C. 481 et seq.), title VIII of such Act (40*
16 *U.S.C. 531 et seq.), section 501 of the Stewart B. McKinney*
17 *Homeless Assistance Act (42 U.S.C. 11411), or any other*
18 *provision of law relating to the management and disposal*
19 *of real property by the United States, but subject to sub-*
20 *section (d), the Retirement Home Board may, by sale or*
21 *otherwise, convey all right, title, and interest of the United*
22 *States in a parcel of real property, including improvements*
23 *thereof, consisting of approximately 49 acres located in*
24 *Washington, District of Columbia, east of North Capitol*
25 *Street, and recorded as District Parcel 121/19.*

1 (b) *MANNER, TERMS, AND CONDITIONS OF DIS-*
2 *POSAL.—The Retirement Home may determine—*

3 (1) *the manner for the disposal of the real prop-*
4 *erty under subsection (a); and*

5 (2) *the terms and conditions for the conveyance*
6 *of that property, including any terms and conditions*
7 *that the Board considers necessary to protect the in-*
8 *terests of the United States.*

9 (c) *DESCRIPTION OF PROPERTY.—The exact acreage*
10 *and legal description of the real property to be conveyed*
11 *under subsection (a) shall be determined by a survey satis-*
12 *factory to the Board. The cost of the survey shall be borne*
13 *by the party or parties to which the property is to be con-*
14 *veyed.*

15 (d) *CONGRESSIONAL NOTIFICATION.—(1) Before dis-*
16 *posing of real property under subsection (a), the Board*
17 *shall notify the Committee on Armed Services of the Senate*
18 *and the Committee on National Security of the House of*
19 *Representatives of the proposed disposal. The Board may*
20 *not dispose of the real property until the later of—*

21 (A) *the date that is 60 days after the date on*
22 *which the notification is received by the committees;*
23 *or*

24 (B) *the date of the next day following the expira-*
25 *tion of the first period of 30 days of continuous ses-*

1 *sion of Congress that follows the date on which the no-*
2 *tification is received by the committees.*

3 *(2) For the purposes of paragraph (1)—*

4 *(A) continuity of session is broken only by an*
5 *adjournment of Congress sine die; and*

6 *(B) the days on which either House is not in ses-*
7 *sion because of an adjournment of more than three*
8 *days to a day certain are excluded in the computa-*
9 *tion of any period of time in which Congress is in*
10 *continuous session.*

11 **SEC. 584. MATTERS CONCERNING PERSONNEL.**

12 *(a) TERMS OF APPOINTMENT TO GOVERNING*
13 *BOARDS.—Section 1515(e) (24 U.S.C. 415(e)) is amend-*
14 *ed—*

15 *(1) in paragraph (1), by striking out “subsection*
16 *(f)” and inserting in lieu thereof “paragraph (2)”;*

17 *(2) by redesignating paragraph (2) as para-*
18 *graph (4); and*

19 *(3) by adding after paragraph (1) the following*
20 *new paragraphs:*

21 *“(2)(A) In the case of a member of a board who is*
22 *appointed or designated under subsection (b) or (c) on the*
23 *basis of a particular status described in a paragraph under*
24 *that subsection, the appointment or designation of that*
25 *member terminates on the date on which the member ceases*

1 *to hold that status. The preceding sentence applies only to*
2 *members of the Armed Forces on active duty and employees*
3 *of the United States.*

4 “(B) Paragraph (1) does not apply with respect to an
5 appointment or designation of a member of a board for a
6 term of less than five years that is made in accordance with
7 subsection (f).

8 “(3) A member of the Retirement Home Board and
9 a member of a Local Board may be reappointed for one
10 consecutive term by the Chairman of that board.”.

11 (b) DUAL COMPENSATION.—(1) Section 1517 (24
12 U.S.C. 417) is amended—

13 (A) by redesignating subsection (f) as subsection
14 (g); and

15 (B) by inserting after subsection (e) the following
16 new subsection (f):

17 “(f) DUAL COMPENSATION.—(1) The Retirement
18 Home Board may waive the application of section 5532 of
19 title 5, United States Code, to the Director of an establish-
20 ment of the Retirement Home or any employee of the Retire-
21 ment Home (to the extent that such section would otherwise
22 apply to the Director or employee by reason of the employ-
23 ment as Director or employee). The Chairman of the Board
24 shall notify the Secretary of the Treasury of any waiver

1 *exercised under the preceding sentence and the effective date*
2 *of the waiver.*

3 “(2) *If the application of section 5532 of title 5, United*
4 *States Code, to a Director or employee is waived under*
5 *paragraph (1), the rate of pay payable out of the Retirement Home Trust Fund for the Director or employee shall*
6 *be the amount equal to the excess, if any, of the periodic*
7 *rate of pay fixed for the position of the Director or employee*
8 *over the amount by which the retired or retiree pay payable to the Director or employee would have been reduced*
9 *(computed on the basis of that periodic rate of pay for that*
10 *position) if section 5532 of title 5, United States Code, had*
11 *not been waived.*

14 “(3)(A) *In the case of a Director or employee paid at*
15 *a rate of pay that is reduced under paragraph (2), the*
16 *amounts deducted and withheld from pay for purposes of*
17 *chapter 81, subchapter III of chapter 83, chapter 84, chapter 87, or chapter 89 of title 5, United States Code, all agency contributions required under such provisions of law, the*
18 *maximum amount of contributions that may be made to*
19 *the Thrift Saving Fund under subchapter III of chapter 84*
20 *of title 5, United States Code, the rate of disability compensation payable under subchapter I of chapter 81 of such*
21 *title, the levels of life insurance coverage provided under*
22 *chapter 87 of such title, and the amounts of annuities under*
23 *chapter 87 of such title, and the amounts of annuities under*
24 *chapter 87 of such title, and the amounts of annuities under*
25 *chapter 87 of such title, and the amounts of annuities under*

1 *subchapter III of chapter 83 of such title and subchapter*
2 *II of chapter 84 of such title shall be computed as if the*
3 *Director or employee were paid the full rate of pay fixed*
4 *for the position of the Director or employee for the period*
5 *for which the Director was paid at the reduced rate of pay*
6 *under that paragraph.*

7 “(B) *If the amount payable to a Director or employee*
8 *under paragraph (2) is less than the total amount required*
9 *to be deducted and withheld from the pay of the Director*
10 *or employee under a provision of law referred to in sub-*
11 *paragraph (A), the amount of the deficiency shall be paid*
12 *by the Director or employee. The participation or benefits*
13 *available to a Director or employee who fails to pay a defi-*
14 *ciency promptly shall be restricted in accordance with regu-*
15 *lations which the Director of the Office of Personnel Man-*
16 *agement shall prescribe.*

17 “(4) *In this section, the term ‘retired or retainer pay’*
18 *has the meaning given such term in section 5531 of title*
19 *5, United States Code.”.*

20 (2) *Section 1516(f) (24 U.S.C. 416(f)) is amended—*

21 (A) *by inserting “(1)” after “(f) ANNUAL RE-*
22 *PORT.—”; and*

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

24 “(2) *In addition to other matters covered by the an-*
25 *nual report for a fiscal year, the annual report shall iden-*

1 *tify each Director or employee, if any, whose pay was re-*
2 *duced for any period during that fiscal year pursuant to*
3 *an exercise of the waiver authority under section 1517(f),*
4 *and shall include a discussion that demonstrates that the*
5 *unreduced rate of pay established for the position of that*
6 *Director or employee is comparable to the prevailing rates*
7 *of pay provided for personnel in the retirement home indus-*
8 *try who perform functions similar to those performed by*
9 *the Director or employee.”.*

10 *(3) Subsection (f) of section 1517 (as added by para-*
11 *graph (1)(B)) and subsection (f)(2) of section 1516 (as*
12 *added by paragraph (2)(B)) shall apply with respect to pay*
13 *periods beginning on or after January 1, 1997.*

14 **SEC. 585. FEES FOR RESIDENTS.**

15 *(a) ONE-YEAR DELAY IN IMPLEMENTATION OF NEW*
16 *FEE STRUCTURE.—(1) Subsection (d)(2) of section 371 of*
17 *the National Defense Authorization Act for Fiscal Year*
18 *1995 (Public Law 103–337; 108 Stat. 2735; 24 U.S.C. 414*
19 *note) is amended by striking out “October 1, 1997” and*
20 *inserting in lieu thereof “October 1, 1998”.*

21 *(2) Subsection (b)(2)(B) of such section is amended by*
22 *striking out “1998”, “1999”, and “2000” in paragraphs (1)*
23 *and (2) of the subsection (d) that is set forth in such sub-*
24 *section (b)(2)(B) as an amendment to section 1514 of the*

1 *Armed Forces Retirement Home Act of 1991 and inserting*
2 *in lieu thereof “1999”, “2000”, and “2001”, respectively.*

3 (b) *REPORT ON FUNDING THE ARMED FORCES RE-*
4 *TIREMENT HOME.—(1) Not later than March 3, 1997, the*
5 *Secretary of Defense shall submit to Congress a report on*
6 *meeting the funding needs of the Armed Forces Retirement*
7 *Home in a manner that is fair and equitable to the resi-*
8 *dents and to the members of the Armed Forces who provide*
9 *required monthly contributions for the home.*

10 (2) *The report shall include the following:*

11 (A) *The increment between levels of income of a*
12 *resident of the Armed Forces Retirement Home that*
13 *is appropriate for applying the next higher monthly*
14 *fee to a resident under a monthly fee structure for the*
15 *residents of the home.*

16 (B) *The categories of income and disability pay-*
17 *ments that should generally be considered as monthly*
18 *income for the purpose of determining the fee applica-*
19 *ble to a resident and the conditions under which each*
20 *such category should be considered as monthly income*
21 *for such purpose.*

22 (C) *The degree of flexibility that should be pro-*
23 *vided the Armed Forces Retirement Home Board for*
24 *the setting of fees for residents.*

1 (D) *A discussion of whether the Armed Forces*
2 *Retirement Home Board has and should have author-*
3 *ity to vary the fee charged a resident under excep-*
4 *tional circumstances, together with any recommended*
5 *legislation regarding such an authority.*

6 (E) *A discussion of how to ensure fairness and*
7 *equitable treatment of residents and of warrant offi-*
8 *cers and enlisted members of the Armed Forces in*
9 *meeting the funding needs of the Armed Forces Re-*
10 *retirement Home.*

11 (F) *The advisability of exercising existing au-*
12 *thority to increase the amount deducted from the pay*
13 *of warrant officers and enlisted personnel for the*
14 *Armed Forces Retirement Home under section 1007(i)*
15 *of title 37, United States Code.*

16 (G) *Options for ways to meet the funding needs*
17 *of the Armed Forces Retirement Home without in-*
18 *creasing the amount deducted from pay under section*
19 *1007(i) of title 37, United States Code.*

20 (H) *Any other matters that the Secretary of De-*
21 *fense, after the consultation required by paragraph*
22 *(3), considers appropriate regarding funding of the*
23 *Armed Forces Retirement Home.*

1 (3) *The Secretary shall consult the Armed Forces Re-*
2 *tirement Home Board and the secretaries of the military*
3 *departments in preparing the report under this subsection.*

4 **SEC. 586. AUTHORIZATION OF APPROPRIATIONS.**

5 *There is hereby authorized to be appropriated for fiscal*
6 *year 1997 from the Armed Forces Retirement Home Trust*
7 *Fund the sum of \$57,345,000 for the operation of the Armed*
8 *Forces Retirement Home.*

9 **TITLE VI—COMPENSATION AND**
10 **OTHER PERSONNEL BENEFITS**
11 **Subtitle A—Pay and Allowances**

12 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1997.**

13 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.—Any*
14 *adjustment required by section 1009 of title 37, United*
15 *States Code, in elements of compensation of members of the*
16 *uniformed services to become effective during fiscal year*
17 *1997 shall not be made.*

18 (b) *INCREASE IN BASIC PAY AND BAS.—Effective*
19 *January 1, 1997, the rates of basic pay and basic allowance*
20 *for subsistence of members of the uniformed services are in-*
21 *creased by 3.0 percent.*

22 (c) *INCREASE IN BAQ.—Effective January 1, 1997,*
23 *the rates of basic allowance for quarters of members of the*
24 *uniformed services are increased by 4.0 percent.*

1 **SEC. 602. RATE OF CADET AND MIDSHIPMAN PAY.**

2 *Section 203(c) of title 37, United States Code, is*
3 *amended—*

4 *(1) by striking out paragraph (2); and*

5 *(2) in paragraph (1), by striking out “(1)”.*

6 **SEC. 603. PAY OF SENIOR NONCOMMISSIONED OFFICERS**
7 **WHILE HOSPITALIZED.**

8 *(a) IN GENERAL.—Section 210 of title 37, United*
9 *States Code, is amended—*

10 *(1) by redesignating subsection (b) as subsection*
11 *(c); and*

12 *(2) by inserting after subsection (a) the following*
13 *new subsection (b):*

14 *“(b) A senior enlisted member of an armed force shall*
15 *continue to be entitled to the rate of basic pay authorized*
16 *for the senior enlisted member of that armed force while*
17 *the member is hospitalized, beginning on the day of the hos-*
18 *pitalization and ending on the day the member is dis-*
19 *charged from the hospital, but not for more than 180 days.”.*

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

1 **“§210. Pay of the senior noncommissioned officer of**
 2 **an armed force during terminal leave and**
 3 **while hospitalized”.**

4 (2) *The item relating to such section in the table of*
 5 *sections at the beginning of chapter 3 of title 10, United*
 6 *States Code, is amended to read as follows:*

“210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized.”.

7 **SEC. 604. BASIC ALLOWANCE FOR QUARTERS FOR MEM-**
 8 **BERS ASSIGNED TO SEA DUTY.**

9 (a) *ENTITLEMENT OF SINGLE MEMBERS ABOVE*
 10 *GRADE E-5.—Section 403(c)(2) of title 37, United States*
 11 *Code, is amended by striking out the second sentence.*

12 (b) *ENTITLEMENT OF CERTAIN SINGLE MEMBERS IN*
 13 *GRADE E-5.—Section 403(c)(2) of such title, as amended*
 14 *by subsection (a), is further amended by adding at the end*
 15 *the following: “However, the Secretary concerned may au-*
 16 *thorize payment of the basic allowance for quarters to mem-*
 17 *bers of a uniformed service without dependents who are in*
 18 *pay grade E-5, are on sea duty, and are not provided Gov-*
 19 *ernment quarters ashore.”.*

20 (c) *ENTITLEMENT WHEN BOTH SPOUSES IN GRADES*
 21 *BELOW GRADE E-6 ARE ASSIGNED TO SEA DUTY.—Sec-*
 22 *tion 403(c)(2) of such title, as amended by subsections (a)*
 23 *and (b), is further amended—*

24 (1) *by inserting “(A)” after “(2)”;* and

1 (A) by striking out “or” at the end of sub-
2 paragraph (B);

3 (B) by striking out the period at the end of
4 subparagraph (C) and inserting in lieu thereof “;
5 or”; and

6 (C) by adding at the end the following:

7 “(D) the member is married to a member of a
8 uniformed service, the member has no dependent other
9 than the spouse, the two members are separated by
10 reason of the execution of military orders, and the two
11 members were residing together immediately before
12 being separated by reason of execution of military or-
13 ders.”; and

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

15 “(5) Section 421 of this title does not apply to bar
16 an entitlement to an allowance under paragraph (1)(D).
17 However, not more than one monthly allowance may be
18 paid with respect to a married couple under paragraph
19 (1)(D) for any month.”.

20 **SEC. 607. WAIVER OF TIME LIMITATIONS FOR CLAIM FOR**
21 **PAY AND ALLOWANCES.**

22 Section 3702 of title 31, United States Code, is amend-
23 ed by adding at the end the following:

24 “(e)(1) Upon the request of the Secretary concerned (as
25 defined in section 101 of title 37), the Comptroller General

1 *may waive the time limitations set forth in subsection (b)*
 2 *or (c) in the case of a claim for pay or allowances provided*
 3 *under title 37 and, subject to paragraph (2), settle the*
 4 *claim.*

5 “(2) *Payment of a claim settled under paragraph (1)*
 6 *shall be subject to the availability of appropriations for*
 7 *payment of that particular claim.*

8 “(3) *This subsection does not apply to a claim in ex-*
 9 *cess of \$25,000.”*

10 ***Subtitle B—Bonuses and Special***
 11 ***and Incentive Pays***

12 ***SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE***
 13 ***FORCES.***

14 (a) *SPECIAL PAY FOR CRITICALLY SHORT WARTIME*
 15 *HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Sec-*
 16 *tion 302g(f) of title 37, United States Code, is amended by*
 17 *striking out “September 30, 1997” and inserting in lieu*
 18 *thereof “September 30, 1998”.*

19 (b) *SELECTED RESERVE REENLISTMENT BONUS.—*
 20 *Section 308b(f) of title 37, United States Code, is amended*
 21 *by striking out “September 30, 1997” and inserting in lieu*
 22 *thereof “September 30, 1998”.*

23 (c) *SELECTED RESERVE ENLISTMENT BONUS.—Sec-*
 24 *tion 308c(e) of title 37, United States Code, is amended by*

1 *striking out “September 30, 1997” and inserting in lieu*
2 *thereof “September 30, 1998”.*

3 (d) *SPECIAL PAY FOR ENLISTED MEMBERS OF THE*
4 *SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIOR-*
5 *ITY UNITS.—Section 308d(c) of title 37, United States*
6 *Code, is amended by striking out “September 30, 1997” and*
7 *inserting in lieu thereof “September 30, 1998”.*

8 (e) *SELECTED RESERVE AFFILIATION BONUS.—Sec-*
9 *tion 308e(e) of title 37, United States Code, is amended by*
10 *striking out “September 30, 1997” and inserting in lieu*
11 *thereof “September 30, 1998”.*

12 (f) *READY RESERVE ENLISTMENT AND REENLISTMENT*
13 *BONUS.—Section 308h(g) of title 37, United States Code,*
14 *is amended by striking out “September 30, 1997” and in-*
15 *serting in lieu thereof “September 30, 1998”.*

16 (g) *PRIOR SERVICE ENLISTMENT BONUS.—Section*
17 *308i(i) of title 37, United States Code, is amended by strik-*
18 *ing out “September 30, 1997” and inserting in lieu thereof*
19 *“September 30, 1998”.*

20 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
21 **PAY FOR NURSE OFFICER CANDIDATES, REG-**
22 **ISTERED NURSES, AND NURSE ANES-**
23 **THETISTS.**

24 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
25 *GRAM.—Section 2130a(a)(1) of title 10, United States Code,*

1 *is amended by striking out “September 30, 1997” and in-*
2 *serting in lieu thereof “September 30, 1998”.*

3 (b) *ACCESSION BONUS FOR REGISTERED NURSES.—*
4 *Section 302d(a)(1) of title 37, United States Code, is*
5 *amended by striking out “September 30, 1997” and insert-*
6 *ing in lieu thereof “September 30, 1998”.*

7 (c) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
8 *THETISTS.—Section 302e(a)(1) of title 37, United States*
9 *Code, is amended by striking out “September 30, 1997” and*
10 *inserting in lieu thereof “September 30, 1998”.*

11 **SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAY-**
12 **MENT OF OTHER BONUSES AND SPECIAL**
13 **PAYS.**

14 (a) *AVIATION OFFICER RETENTION BONUS.—Section*
15 *301b(a) of title 37, United States Code, is amended by strik-*
16 *ing out “September 30, 1997” and inserting in lieu thereof*
17 *“September 30, 1998.”*

18 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.—*
19 *Section 308(g) of title 37, United States Code, is amended*
20 *by striking out “September 30, 1997” and inserting in lieu*
21 *thereof “September 30, 1998”.*

22 (c) *ENLISTMENT BONUSES FOR CRITICAL SKILLS.—*
23 *Sections 308a(c) and 308f(c) of title 37, United States Code,*
24 *are each amended by striking out “September 30, 1997”*
25 *and inserting in lieu thereof “September 30, 1998”.*

1 (d) *SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS*
2 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
3 of title 37, United States Code, is amended by striking out
4 “September 30, 1997” and inserting in lieu thereof “Sep-
5 tember 30, 1998”.

6 (e) *NUCLEAR CAREER ACCESSION BONUS.*—Section
7 312b(c) of title 37, United States Code, is amended by strik-
8 ing out “September 30, 1997” and inserting in lieu thereof
9 “September 30, 1998”.

10 (f) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
11 Section 312c(d) of title 37, United States Code, is amended
12 by striking out “October 1, 1997” and inserting in lieu
13 thereof “October 1, 1998”.

14 (g) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
15 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
16 *RESERVE.*—Section 16302(d) of title 10, United States
17 Code, is amended by striking out “October 1, 1997” and
18 inserting in lieu thereof “October 1, 1998”.

19 **SEC. 614. INCREASED SPECIAL PAY FOR DENTAL OFFICERS**
20 **OF THE ARMED FORCES.**

21 (a) *INCREASED RATES.*—Section 302b(a) of title 37,
22 United States Code, is amended—

23 (1) in paragraph (2)—

24 (A) in subparagraph (A), by striking out
25 “\$1,200” and inserting in lieu thereof “\$3,000”;

1 (B) in subparagraph (B), by striking out
2 “\$2,000” and inserting in lieu thereof “\$7,000”;
3 and

4 (C) in subparagraph (C), by striking out
5 “\$4,000” and inserting in lieu thereof “\$7,000”;

6 (2) in paragraph (4), by redesignating subpara-
7 graphs (A), (B), and (C) as subparagraphs (B), (C),
8 and (D), respectively, and by inserting before sub-
9 paragraph (B), as so redesignated, the following new
10 subparagraph (A):

11 “(A) \$4,000 per year, if the officer has less than
12 three years of creditable service.”; and

13 (3) in paragraph (5)—

14 (A) in subparagraph (A)—

15 (i) by striking out “\$2,000” and in-
16 serting in lieu thereof “\$2,500”; and

17 (ii) by striking out “12 years” and in-
18 serting in lieu thereof “10 years”;

19 (B) in subparagraph (B)—

20 (i) by striking out “\$3,000” and in-
21 serting in lieu thereof “\$3,500”; and

22 (ii) by striking out “12 but less than
23 14 years” and inserting in lieu thereof “10
24 but less than 12 years”; and

1 (C) in subparagraph (C), by striking out
2 “14 or more years” and inserting in lieu thereof
3 “12 or more years”.

4 (b) *EFFECTIVE DATE*.—The amendments made by sub-
5 section (a) shall take effect on October 1, 1996.

6 **SEC. 615. RETENTION SPECIAL PAY FOR PUBLIC HEALTH**
7 **SERVICE OPTOMETRISTS.**

8 Section 302a(b) of title 37, United States Code, is
9 amended—

10 (1) in paragraph (2)—

11 (A) by striking out “an armed force” in the
12 matter preceding subparagraph (A) and insert-
13 ing in lieu thereof “a uniformed service”; and

14 (B) by striking out “of the military depart-
15 ment” in subparagraph (C); and

16 (2) in paragraph (4), by striking out “of the
17 military department”.

18 **SEC. 616. SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE**
19 **PROVIDERS IN THE PUBLIC HEALTH SERVICE.**

20 Section 302c(d) of title 37, United States Code, is
21 amended—

22 (1) in the matter preceding paragraph (1), by
23 striking out “Secretary of Defense” and inserting in
24 lieu thereof “Secretary concerned”; and

25 (2) in paragraph (1)—

1 (A) by striking out “or” the third place it
2 appears; and

3 (B) by inserting before the period at the end
4 the following: “, or an officer in the Regular or
5 Reserve Corps of the Public Health Service”.

6 **SEC. 617. FOREIGN LANGUAGE PROFICIENCY PAY FOR PUB-**
7 **LIC HEALTH SERVICE AND NATIONAL OCE-**
8 **ANIC AND ATMOSPHERIC ADMINISTRATION**
9 **OFFICERS.**

10 (a) *ELIGIBILITY.*—Section 316 of title 37, United
11 States Code, is amended in subsection (a)—

12 (1) in the matter preceding paragraph (1), by
13 striking out “armed forces” and inserting in lieu
14 thereof “uniformed services”;

15 (2) in paragraph (2)—

16 (A) by striking out “Secretary of Defense”
17 and inserting in lieu thereof “Secretary con-
18 cerned”; and

19 (B) by inserting “or public health” after
20 “national defense”; and

21 (3) in paragraph (3)—

22 (A) in subparagraph (A), by striking out
23 “military” and inserting in lieu thereof “uni-
24 formed services”;

1 (B) in subparagraph (C), by striking out
2 “military”; and

3 (C) in subparagraph (D)—

4 (i) by striking out “Department of De-
5 fense” and inserting in lieu thereof “uni-
6 formed service”; and

7 (ii) by striking out “Secretary of De-
8 fense” and inserting in lieu thereof “Sec-
9 retary concerned”.

10 (b) ADMINISTRATION.—Subsection (d) of such section
11 is amended—

12 (1) by striking out “his jurisdiction and” and
13 inserting in lieu thereof “the Secretary’s jurisdic-
14 tion,”; and

15 (2) by inserting before the period at the end “,
16 by the Secretary of Health and Human Services for
17 the Commissioned Corps of the Public Health Service,
18 and by the Secretary of Commerce for the National
19 Oceanic and Atmospheric Administration”.

20 (c) EFFECTIVE DATE.—The amendments made by sub-
21 sections (a) and (b) shall take effect on October 1, 1996,
22 and apply with respect to months beginning on or after
23 such date.

1 **Subtitle C—Travel and**
2 **Transportation Allowances**

3 **SEC. 621. ROUND TRIP TRAVEL ALLOWANCES FOR SHIP-**
4 **PING MOTOR VEHICLES AT GOVERNMENT EX-**
5 **PENSE.**

6 (a) *IN GENERAL.*—Section 406(b)(1)(B) of title 37,
7 *United States Code*, is amended as follows—

8 (1) in clause (i)(I), by inserting “, including re-
9 turn travel to the old duty station,” after “nearest the
10 old duty station”; and

11 (2) in clause (ii), by inserting “, including trav-
12 el from the new duty station to the port of debarka-
13 tion to pick up the vehicle” after “to the new duty
14 station”.

15 (b) *EFFECTIVE DATE.*—The amendments made by sub-
16 section (a) shall take effect on April 1, 1997.

17 **SEC. 622. OPTION TO STORE INSTEAD OF TRANSPORT A**
18 **PRIVATELY OWNED VEHICLE AT THE EX-**
19 **PENSE OF THE UNITED STATES.**

20 (a) *IN GENERAL.*—Section 2634 of title 10, *United*
21 *States Code*, is amended—

22 (1) by redesignating subsection (b) as subsection
23 (g);

24 (2) by transferring subsection (g), as so redesign-
25 ated, to the end of such section; and

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

3 “(b) When a member is ordered to make a change of
4 permanent station to a foreign country and the member is
5 authorized under subsection (a) to have a vehicle trans-
6 ported under that subsection, the Secretary may authorize
7 the member to store the vehicle (instead of having it trans-
8 ported) if restrictions imposed by the foreign country or the
9 United States preclude entry of the vehicle into that country
10 or require extensive modification of the vehicle as a condi-
11 tion for entry of the vehicle into the country. The cost of
12 the storage of the vehicle, and costs associated with the deliv-
13 ery of the vehicle for storage and removal of the vehicle for
14 delivery from storage shall be paid by the United States.
15 Costs paid under this subsection may not exceed reasonable
16 amounts, as determined under regulations prescribed by the
17 Secretary of Defense (and the Secretary of Transportation
18 with respect to the Coast Guard when it is not operating
19 as a service in the Navy).”.

20 (b) UNACCOMPANIED TOURS.—Subsection (h)(1)(B) of
21 section 406 of title 37, United States Code, is amended to
22 read as follows:

23 “(B) in the case of a member described in para-
24 graph (2)(A), authorize the transportation of one
25 motor vehicle that is owned by the member (or a de-

1 *pendent of a member) and is for his dependent's per-*
 2 *sonal use to that location by means of transportation*
 3 *authorized under section 2634 of title 10, or authorize*
 4 *storage of such motor vehicle if the storage of the*
 5 *motor vehicle is otherwise authorized under that sec-*
 6 *tion.”.*

7 *(c) EFFECTIVE DATE.—The amendments made by this*
 8 *section shall take effect on October 1, 1996.*

9 **SEC. 623. DEFERRAL OF TRAVEL WITH TRAVEL AND TRANS-**
 10 **PORTATION ALLOWANCES IN CONNECTION**
 11 **WITH LEAVE BETWEEN CONSECUTIVE OVER-**
 12 **SEAS TOURS.**

13 *(a) AUTHORITY FOR ADDITIONAL DEFERRAL OF TRAV-*
 14 *EL.—Section 411b(a)(2) of title 37, United States Code, is*
 15 *amended by adding at the end the following: “A member*
 16 *may defer the travel for one additional year if, due to par-*
 17 *ticipation in a contingency operation, the member is unable*
 18 *to commence the travel within the one-year period provided*
 19 *for under the preceding sentence.”.*

20 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 21 *section shall (a) take effect as of November 1, 1995, and*
 22 *shall apply with respect to members of the uniformed serv-*
 23 *ices who, on or after that date, participate in critical oper-*
 24 *ational missions, as determined under the third sentence*

1 of section 411b(a)(2) of title 37, United States Code (as
2 added by subsection (a)).

3 **SEC. 624. FUNDING FOR TRANSPORTATION OF HOUSEHOLD**
4 **EFFECTS OF PUBLIC HEALTH SERVICE OFFI-**
5 **CERS.**

6 Section 406(j)(1) of title 37, United States Code, is
7 amended in the first sentence—

8 (1) by inserting “, and appropriations available
9 to the Department of Health and Human Services for
10 providing transportation of household effects of mem-
11 bers of the Commissioned Corps of the Public Health
12 Service under subsection (b),” after “members of the
13 armed forces under subsection (b)”; and

14 (2) by striking out “of the military department”.

15 **Subtitle D—Retired Pay, Survivor**
16 **Benefits, and Related Matters**

17 **SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-**
18 **OF-LIVING ADJUSTMENT FOR FISCAL YEAR**
19 **1998.**

20 (a) **REPEAL OF ADJUSTMENT OF EFFECTIVE DATE**
21 **FOR FISCAL YEAR 1998.**—Section 1401a(b)(2)(B) of title
22 10, United States Code, is amended—

23 (1) by striking out “(B) SPECIAL RULES” and
24 all that follows through “In the case of” in clause (i)

1 and inserting in lieu thereof “(B) *SPECIAL RULE FOR*
2 *FISCAL YEAR 1996.—In the case of*”; and

3 (2) *by striking out clause (ii).*

4 (b) *REPEAL OF CONTINGENT ALTERNATIVE DATE FOR*
5 *FISCAL YEAR 1998.—Section 631 of the National Defense*
6 *Authorization Act for Fiscal Year 1996 (Public Law 104–*
7 *106; 110 Stat. 364) is amended by striking out subsection*
8 *(b).*

9 **SEC. 632. ALLOTMENT OF RETIRED OR RETAINER PAY.**

10 (a) *AUTHORITY.—(1) Part II of subtitle A of title 10,*
11 *United States Code, is amended by inserting after chapter*
12 *71 the following new chapter:*

13 **“CHAPTER 72—MISCELLANEOUS RETIRED**
14 **AND RETAINER PAY AUTHORITIES**

 “*Sec.*

 “*1421. Allotments.*

15 **“§ 1421. Allotments**

16 “(a) *AUTHORITY.—Subject to such conditions and re-*
17 *strictions as may be provided in regulations prescribed*
18 *under subsection (b), a member or former member of the*
19 *armed forces entitled to retired or retainer pay may trans-*
20 *fer or assign the member or former member’s retired or re-*
21 *tainer pay account when due and payable.*

22 “(b) *REGULATIONS.—The Secretaries of the military*
23 *departments and the Secretary of Transportation (with re-*
24 *spect to the Coast Guard when it is not operating as a serv-*

1 *ice in the Navy) shall prescribe uniform regulations for the*
 2 *administration of subsection (a).”.*

3 (2) *The tables of chapters at the beginning of subtitle*
 4 *A of such title and the beginning of part II of such subtitle*
 5 *are amended by inserting after the item relating to chapter*
 6 *71 the following:*

“72. Miscellaneous retired and retainer pay authorities 1421”.

7 (b) *IMPLEMENTATION.—(1) Notwithstanding section*
 8 *1421 of title 10, United States Code (as added by subsection*
 9 *(a)), a person entitled to retired or retainer pay may not*
 10 *initiate a transfer or assignment of retired or retainer pay*
 11 *under such section until regulations prescribed under sub-*
 12 *section (b) of such section take effect.*

13 (2) *The Secretaries of the military departments and*
 14 *the Secretary of Transportation shall prescribe regulations*
 15 *under subsection (b) of such section that ensure that, begin-*
 16 *ning not later than October 1, 1997, a person may make*
 17 *up to six transfers or assignments of the person’s retired*
 18 *or retainer pay account when due and payable for payment*
 19 *of any financial obligations.*

20 **SEC. 633. COST-OF-LIVING INCREASES IN SBP CONTRIBU-**
 21 **TIONS TO BE EFFECTIVE CONCURRENTLY**
 22 **WITH PAYMENT OF RELATED RETIRED PAY**
 23 **COST-OF-LIVING INCREASES.**

24 (a) *SURVIVOR BENEFIT PLAN.—Section 1452(h) of*
 25 *title 10, United States Code, is amended—*

1 (1) by inserting “(1)” after “(h)”; and

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

4 “(2)(A) Notwithstanding paragraph (1), when the ini-
5 tial payment of an increase in retired pay under section
6 1401a of this title (or any other provision of law) to a per-
7 son is later than the effective date of that increase by reason
8 of the application of subsection (b)(2)(B) of such section (or
9 section 631(b) of Public Law 104–106 (110 Stat. 364)),
10 then the amount of the reduction in the person’s retired pay
11 shall be effective on the date of that initial payment of the
12 increase in retired pay rather than the effective date of the
13 increase in retired pay.

14 “(B) Subparagraph (A) may not be construed as de-
15 laying, for purposes of determining the amount of a month-
16 ly annuity under section 1451 of this title, the effective date
17 of an increase in a base amount under subsection (h) of
18 such section from the effective date of an increase in retired
19 pay under section 1401a of this title to the date on which
20 the initial payment of that increase in retired pay is made
21 in accordance with subsection (b)(2)(B) of such section
22 1401a.”.

23 (b) *EFFECTIVE DATE.*—The amendment made by sub-
24 section (a) shall take effect with respect to retired pay pay-

1 *able for months beginning on or after the date of the enact-*
2 *ment of this Act.*

3 **SEC. 634. ANNUITIES FOR CERTAIN MILITARY SURVIVING**
4 **SPOUSES.**

5 *(a) SURVIVOR ANNUITY.—(1) The Secretary concerned*
6 *shall pay an annuity to the qualified surviving spouse of*
7 *each member of the uniformed services who—*

8 *(A) died before March 21, 1974, and was entitled*
9 *to retired or retainer pay on the date of death; or*

10 *(B) was a member of a reserve component of the*
11 *Armed Forces during the period beginning on Sep-*
12 *tember 21, 1972, and ending on October 1, 1978, and*
13 *at the time of his death would have been entitled to*
14 *retired pay under chapter 67 of title 10, United*
15 *States Code (as in effect before December 1, 1994), but*
16 *for the fact that he was under 60 years of age.*

17 *(2) A qualified surviving spouse for purposes of this*
18 *section is a surviving spouse who has not remarried and*
19 *who is not eligible for an annuity under section 4 of Public*
20 *Law 92–425 (10 U.S.C. 1448 note).*

21 *(b) AMOUNT OF ANNUITY.—(1) An annuity under this*
22 *section shall be paid at the rate of \$165 per month, as ad-*
23 *justed from time to time under paragraph (3).*

24 *(2) An annuity paid to a surviving spouse under this*
25 *section shall be reduced by the amount of any dependency*

1 *and indemnity compensation (DIC) to which the surviving*
2 *spouse is entitled under section 1311(a) of title 38, United*
3 *States Code.*

4 (3) *Whenever after the date of the enactment of this*
5 *Act retired or retainer pay is increased under section*
6 *1401a(b)(2) of title 10, United States Code, each annuity*
7 *that is payable under this section shall be increased at the*
8 *same time and by the same total percent. The amount of*
9 *the increase shall be based on the amount of the monthly*
10 *annuity payable before any reduction under this section.*

11 (c) *APPLICATION REQUIRED.—No benefit shall be paid*
12 *to any person under this section unless an application for*
13 *such benefit is filed with the Secretary concerned by or on*
14 *behalf of such person.*

15 (d) *DEFINITIONS.—For purposes of this section:*

16 (1) *The terms “uniformed services” and “Sec-*
17 *retary concerned” have the meanings given such terms*
18 *in section 101 of title 37, United States Code.*

19 (2) *The term “surviving spouse” has the mean-*
20 *ing given the terms “widow” and “widower” in para-*
21 *graphs (3) and (4) of section 1447 of title 10, United*
22 *States Code.*

23 (e) *PROSPECTIVE APPLICABILITY.—(1) Annuities*
24 *under this section shall be paid for months beginning after*
25 *the month in which this Act is enacted.*

1 (2) *No benefit shall accrue to any person by reason*
2 *of the enactment of this section for any period before the*
3 *first month referred to in paragraph (1).*

4 (f) *EXPIRATION OF AUTHORITY.*—*The authority to*
5 *pay annuities under this section shall expire on September*
6 *30, 2001.*

7 **SEC. 635. ADJUSTED ANNUAL INCOME LIMITATION APPLI-**
8 **CABLE TO ELIGIBILITY FOR INCOME SUPPLE-**
9 **MENT FOR CERTAIN WIDOWS OF MEMBERS OF**
10 **THE UNIFORMED SERVICES.**

11 *Section 4 of Public Law 92–425 (10 U.S.C. 1448 note)*
12 *is amended by striking out “\$2,340” in subsection (a)(3)*
13 *and in the first sentence of subsection (b) and inserting in*
14 *lieu thereof “\$5,448”.*

15 **SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT**
16 **ORDER BY WAIVER OF RETIRED PAY TO EN-**
17 **HANCE CIVIL SERVICE RETIREMENT ANNU-**
18 **ITY.**

19 (a) *CIVIL SERVICE RETIREMENT AND DISABILITY SYS-*
20 *TEM.*—

21 (1) *IN GENERAL.*—*Subsection (c) of section 8332*
22 *of title 5, United States Code, is amended by adding*
23 *at the end the following:*

24 “(4) *If an employee or Member waives retired pay that*
25 *is subject to a court order for which there has been effective*

1 *service on the Secretary concerned for purposes of section*
2 *1408 of title 10, the military service on which the retired*
3 *pay is based may be credited as service for purposes of this*
4 *subchapter only if, in accordance with regulations pre-*
5 *scribed by the Director of the Office of Personnel Manage-*
6 *ment, the employee or Member authorizes the Director to*
7 *deduct and withhold from the annuity payable to the em-*
8 *ployee or Member under this subchapter, and to pay to the*
9 *former spouse covered by the court order, the same amount*
10 *that would have been deducted and withheld from the em-*
11 *ployee's or Member's retired pay and paid to that former*
12 *spouse under such section 1408."*

13 (2) *CONFORMING AMENDMENT.—Paragraph (1)*
14 *of such subsection is amended by striking "Except as*
15 *provided in paragraph (2)" and inserting "Except as*
16 *provided in paragraphs (2) and (4)".*

17 (b) *FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—*

18 (1) *IN GENERAL.—Subsection (c) of section 8411*
19 *of title 5, United States Code, is amended by adding*
20 *at the end the following:*

21 *"(5) If an employee or Member waives retired pay that*
22 *is subject to a court order for which there has been effective*
23 *service on the Secretary concerned for purposes of section*
24 *1408 of title 10, the military service on which the retired*
25 *pay is based may be credited as service for purposes of this*

1 *chapter only if, in accordance with regulations prescribed*
 2 *by the Director of the Office of Personnel Management, the*
 3 *employee or Member authorizes the Director to deduct and*
 4 *withhold from the annuity payable to the employee or Mem-*
 5 *ber under this subchapter, and to pay to the former spouse*
 6 *covered by the court order, the same amount that would*
 7 *have been deducted and withheld from the employee's or*
 8 *Member's retired pay and paid to that former spouse under*
 9 *such section 1408."*

10 (2) *CONFORMING AMENDMENT.—Paragraph (1)*
 11 *of such subsection is amended by striking "Except as*
 12 *provided in paragraph (2) or (3)" and inserting "Ex-*
 13 *cept as provided in paragraphs (2), (3), and (5)".*

14 (c) *EFFECTIVE DATE.—The amendments made by sub-*
 15 *sections (a) and (b) shall take effect on January 1, 1997.*

16 ***Subtitle E—Other Matters***

17 ***SEC. 641. REIMBURSEMENT FOR ADOPTION EXPENSES IN-***
 18 ***CURRED IN ADOPTIONS THROUGH PRIVATE***
 19 ***PLACEMENTS.***

20 (a) *DEPARTMENT OF DEFENSE.—Section 1052(g)(1)*
 21 *of title 10, United States Code, is amended by striking out*
 22 *"adoption or by a nonprofit, voluntary adoption agency*
 23 *which is authorized by State or local law to place children*
 24 *for adoption" and inserting in lieu thereof "adoption, by*
 25 *a nonprofit, voluntary adoption agency which is authorized*

1 *by State or local law to place children for adoption, or by*
2 *any other source if the adoption is supervised by a court*
3 *under State or local law”.*

4 (b) *COAST GUARD.*—Section 514(g)(1) of title 14,
5 *United States Code, is amended by striking out “adoption*
6 *or by a nonprofit, voluntary adoption agency which is au-*
7 *thorized by State or local law to place children for adop-*
8 *tion” and inserting in lieu thereof “adoption, by a non-*
9 *profit, voluntary adoption agency which is authorized by*
10 *State or local law to place children for adoption, or by any*
11 *other source if the adoption is supervised by a court under*
12 *State or local law”.*

13 **SEC. 642. WAIVER OF RECOUPMENT OF AMOUNTS WITH-**
14 **HELD FOR TAX PURPOSES FROM CERTAIN**
15 **SEPARATION PAY RECEIVED BY INVOLUNTAR-**
16 **ILY SEPARATED MEMBERS AND FORMER**
17 **MEMBERS OF THE ARMED FORCES.**

18 (a) *IN GENERAL.*—Section 1174(h) of title 10, *United*
19 *States Code, is amended—*

20 (1) *in paragraph (1), by inserting “(less the*
21 *amount of Federal income tax withheld from such*
22 *pay)” before the period at the end; and*

23 (2) *in paragraph (2), by inserting “(less the*
24 *amount of Federal income tax withheld from such*
25 *pay)” before the period at the end of the first sentence.*

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on October 1, 1996, and shall apply*
3 *to payments of separation pay, severance pay, or readjust-*
4 *ment pay that are made after October 1, 1996.*

5 **SEC. 643. PAYMENT TO VIETNAMESE COMMANDOS CAP-**
6 **TURED AND INTERNED BY NORTH VIETNAM.**

7 (a) *PAYMENT AUTHORIZED.*—(1) *The Secretary of De-*
8 *fense shall make a payment to any person who demonstrates*
9 *that he or she was captured and incarcerated by the Demo-*
10 *cratic Republic of Vietnam after having entered into the*
11 *territory of the Democratic Republic of Vietnam pursuant*
12 *to operations conducted under OPLAN 34A or its prede-*
13 *cessor.*

14 (2) *No payment may be made under this section to*
15 *any individual who the Secretary of Defense determines,*
16 *based on the available evidence, served in the Peoples Army*
17 *of Vietnam or who provided active assistance to the Govern-*
18 *ment of the Democratic Republic of Vietnam during the pe-*
19 *riod 1958 through 1975.*

20 (3) *In the case of a decedent who would have been eligi-*
21 *ble for a payment under this section if the decedent had*
22 *lived, the payment shall be made to survivors of the decedent*
23 *in the order in which the survivors are listed, as follows:*

24 (A) *To the surviving spouse.*

1 (B) *If there is no surviving spouse, to the surviv-*
2 *ing children (including natural children and adopted*
3 *children) of the decedent, in equal shares.*

4 (b) *AMOUNT PAYABLE.—The amount payable to or*
5 *with respect to a person under this section is \$40,000.*

6 (c) *TIME LIMITATIONS.—(1) In order to be eligible for*
7 *payment under this section, the claimant must file his or*
8 *her claim with the Secretary of Defense within 18 months*
9 *of the effective date of the regulations implementing this sec-*
10 *tion.*

11 (2) *Not later than 18 months after the Secretary re-*
12 *ceives a claim for payment under this section—*

13 (A) *the claimant's eligibility for payment of the*
14 *claim under subsection (a) shall be determined; and*

15 (B) *if the claimant is determined eligible, the*
16 *claim shall be paid.*

17 (d) *DETERMINATION AND PAYMENT OF CLAIMS.—(1)*
18 *SUBMISSION AND DETERMINATION OF CLAIMS.—The Sec-*
19 *retary of Defense shall establish by regulation procedures*
20 *whereby individuals may submit claims for payment under*
21 *this section. Such regulations shall be issued within 6*
22 *months of the date of enactment of this Act.*

23 (2) *PAYMENT OF CLAIMS.—The Secretary of Defense,*
24 *in consultation with the other affected agencies, may estab-*
25 *lish guidelines for determining what constitutes adequate*

1 *documentation that an individual was captured and incar-*
2 *cerated by the Democratic Republic of Vietnam after having*
3 *entered the territory of the Democratic Republic of Vietnam*
4 *pursuant to operations conducted under OPLAN 34A or its*
5 *predecessor.*

6 (e) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
7 *total amount authorized to be appropriated under section*
8 *301, \$20,000,000 is available for payments under this sec-*
9 *tion. Notwithstanding section 301, that amount is author-*
10 *ized to be appropriated so as to remain available until ex-*
11 *pended.*

12 (f) *PAYMENT IN FULL SATISFACTION OF CLAIMS*
13 *AGAINST THE UNITED STATES.—The acceptance of pay-*
14 *ment by an individual under this section shall be in full*
15 *satisfaction of all claims by or on behalf of that individual*
16 *against the United States arising from operations under*
17 *OPLAN 34A or its predecessor.*

18 (g) *ATTORNEY FEES.—Notwithstanding any contract,*
19 *the representative of an individual may not receive, for*
20 *services rendered in connection with the claim of an indi-*
21 *vidual under this section, more than ten percent of a pay-*
22 *ment made under this section on such claim.*

23 (h) *NO RIGHT TO JUDICIAL REVIEW.—All determina-*
24 *tions by the Secretary of Defense pursuant to this section*
25 *are final and conclusive, notwithstanding any other provi-*

1 *sion of law. Claimants under this program have no right*
 2 *to judicial review, and such review is specifically precluded.*

3 (i) *REPORTS.—(1) No later than 24 months after the*
 4 *enactment of this Act, the Secretary of Defense shall submit*
 5 *a report to the Congress on the payment of claims pursuant*
 6 *to this section.*

7 (2) *No later than 42 months after the enactment of*
 8 *this Act, the Secretary of Defense shall submit a final report*
 9 *to the Congress on the payment of claims pursuant to this*
 10 *section.*

11 **TITLE VII—HEALTH CARE**
 12 **PROVISIONS**

13 **Subtitle A—General**

14 **SEC. 701. IMPLEMENTATION OF REQUIREMENT FOR SE-**
 15 **LECTED RESERVE DENTAL INSURANCE PLAN.**

16 (a) *IMPLEMENTATION BY CONTRACT.—Section*
 17 *1076b(a) of title 10, United States Code, is amended—*

18 (1) *by inserting “(1)” after “(a) AUTHORITY TO*
 19 *ESTABLISH PLAN.—”;*

20 (2) *by designating the third sentence as para-*
 21 *graph (3); and*

22 (3) *by inserting after paragraph (1), as des-*
 23 *ignated by paragraph (1) of this subsection, the fol-*
 24 *lowing:*

1 “(2) *The Secretary shall provide benefits under the*
 2 *plan through one or more contracts awarded after full and*
 3 *open competition.*”.

4 (b) *SCHEDULE FOR IMPLEMENTATION.*—Section
 5 *705(b) of the National Defense Authorization Act for Fiscal*
 6 *Year 1996 (Public Law 104–106; 110 Stat. 373; 10 U.S.C.*
 7 *1076b note) is amended—*

8 (1) *by striking out “Beginning not later than*
 9 *October 1, 1996” in the first sentence and inserting*
 10 *in lieu thereof “During fiscal year 1997”;*

11 (2) *by striking out “fiscal year 1996” both places*
 12 *it appears and inserting in lieu thereof “fiscal years*
 13 *1996 and 1997”; and*

14 (3) *in the second sentence, by striking out “by*
 15 *that date” and inserting in lieu thereof “during fiscal*
 16 *year 1997”.*

17 **SEC. 702. DENTAL INSURANCE PLAN FOR MILITARY RETIR-**
 18 **EES AND CERTAIN DEPENDENTS.**

19 (a) *IN GENERAL.*—(1) *Chapter 55 of title 10, United*
 20 *States Code, is amended by inserting after section 1076b*
 21 *the following new section:*

22 **“§ 1076c. Military retirees’ dental insurance plan**

23 “(a) *REQUIREMENT.*—(1) *The Secretary of Defense*
 24 *shall establish a dental insurance plan for—*

1 “(A) members and former members of the armed
2 forces who are entitled to retired or retainer pay;

3 “(B) members of the Retired Reserve who, except
4 for not having attained 60 years of age, would be en-
5 titled to retired pay; and

6 “(C) eligible dependents of members and former
7 members covered by the enrollment of such members
8 or former members in the plan.

9 “(2) The dental insurance plan shall provide for vol-
10 untary enrollment of participants and shall authorize a
11 member or former member to enroll for self only or for self
12 and eligible dependents.

13 “(3) The plan shall be administered under regulations
14 prescribed by the Secretary of Defense, in consultation with
15 the Secretary of Transportation.

16 “(b) PREMIUMS.—(1) Subject to paragraph (2), a
17 member or former member enrolled in the dental insurance
18 plan shall pay the premiums charged for the insurance cov-
19 erage. The amount of the premiums payable by a member
20 or former member entitled to retired or retainer pay shall
21 be deducted and withheld from the retired or retainer pay
22 and shall be disbursed to pay the premiums. The regula-
23 tions prescribed under subsection (a)(3) shall specify the
24 procedures for payment of the premiums by other enrolled
25 members and former members.

1 “(2) *The Secretary of Defense may provide for pre-*
2 *mium-sharing between the Department of Defense and the*
3 *members and former members enrolled in the plan.*

4 “(c) *BENEFITS AVAILABLE UNDER PLAN.—The dental*
5 *insurance plan established under subsection (a) shall pro-*
6 *vide benefits for basic dental care and treatment, including*
7 *diagnostic services, preventative services, basic restorative*
8 *services (including endodontics), surgical services, and*
9 *emergency services.*

10 “(d) *COVERAGE.—(1) The Secretary shall prescribe a*
11 *minimum required period for enrollment by a member or*
12 *former member in the dental insurance plan established*
13 *under subsection (a).*

14 “(2) *The Secretary shall terminate the enrollment in*
15 *the plan of any member or former member, and any de-*
16 *pendents covered by the enrollment, upon the occurrence of*
17 *one of the following events:*

18 “(A) *Termination of the member or former mem-*
19 *ber’s entitlement to retired pay or retainer pay.*

20 “(B) *Termination of the member or former mem-*
21 *ber’s status as a member of the Retired Reserve.*

22 “(e) *CONTINUATION OF DEPENDENTS’ ENROLLMENT*
23 *UPON DEATH OF ENROLLEE.—Coverage of a dependent*
24 *under an enrollment of a member or former member who*
25 *dies during the period of enrollment shall continue until*

1 *the end of that period, except that the coverage may be ter-*
2 *minated on any earlier date when the premiums paid are*
3 *no longer sufficient to cover continuation of the enrollment.*
4 *The Secretary shall prescribe in regulations the parties re-*
5 *sponsible for paying the remaining premiums due on the*
6 *enrollment and the manner for collection of the premiums.*

7 “(f) *ELIGIBLE DEPENDENT DEFINED.*—*In this sec-*
8 *tion, the term ‘eligible dependent’ means a dependent de-*
9 *scribed in subparagraph (A), (D), or (I) of section 1072(2)*
10 *of this title.”.*

11 (2) *The table of sections at the beginning of such chap-*
12 *ter is amended by inserting after the item relating to section*
13 *1076b the following new item:*

 “1076c. *Military retirees’ dental insurance plan.*”.

14 (b) *IMPLEMENTATION.*—*Beginning not later than Oc-*
15 *tober 1, 1997, the Secretary of Defense shall offer members*
16 *and former members of the Armed Forces referred to in sub-*
17 *section (a)(1) of section 1076c of title 10, United States*
18 *Code (as added by subsection (a)(1) of this section), the op-*
19 *portunity to enroll in the dental insurance plan required*
20 *under such section and to receive the benefits under the plan*
21 *immediately upon enrollment.*

22 **SEC. 703. UNIFORM COMPOSITE HEALTH CARE SYSTEM**
23 **SOFTWARE.**

24 (a) *REQUIREMENT FOR USE OF UNIFORM SOFT-*
25 *WARE.*—*The Secretary of Defense, in consultation with the*

1 *other administering Secretaries, shall take such action as*
2 *is necessary promptly—*

3 (1) *to provide a uniform software package for*
4 *use by providers of health care under the TRICARE*
5 *program and by military treatment facilities for the*
6 *computerized processing of information; and*

7 (2) *to require such providers to use the uniform*
8 *software package in connection with providing health*
9 *care under the TRICARE program or otherwise*
10 *under chapter 55 of title 10, United States Code.*

11 (b) *CONTENT OF UNIFORM SOFTWARE PACKAGE.—The*
12 *uniform software package required to be used under sub-*
13 *section (a) shall, at a minimum, provide for processing of*
14 *the following information:*

15 (1) *TRICARE program enrollment.*

16 (2) *Determinations of eligibility for health care.*

17 (3) *Provider network information.*

18 (4) *Eligibility of beneficiaries to receive health*
19 *benefits from other sources.*

20 (5) *Appointment scheduling.*

21 (c) *MODIFICATION OF CONTRACTS.—Notwithstanding*
22 *any other provision of law, the Secretary may modify any*
23 *existing contract with a health care provider under the*
24 *TRICARE program as necessary to require the health care*

1 *provider to use the uniform software package required*
2 *under subsection (a).*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) The term “administering Secretaries” has the*
5 *meaning given such term in section 1072(3) of title*
6 *10, United States Code.*

7 *(2) The term “military treatment facility”—*

8 *(A) means a facility of the uniformed serv-*
9 *ices in which health care is provided under chap-*
10 *ter 55 of title 10, United States Codes; and*

11 *(B) includes a facility deemed to be a facil-*
12 *ity of the uniformed services by virtue of section*
13 *911(a) of the Military Construction Authoriza-*
14 *tion Act, 1982 (42 U.S.C. 248c(a)).*

15 *(3) The term “TRICARE program” means the*
16 *managed health care program that is established by*
17 *the Secretary of Defense under the authority of chap-*
18 *ter 55 of title 10, United States Code, principally sec-*
19 *tion 1097 of such title, and includes the competitive*
20 *selection of contractors to financially underwrite the*
21 *delivery of health care services under the Civilian*
22 *Health and Medical Program of the Uniformed Serv-*
23 *ices.*

1 **SEC. 704. ENHANCEMENT OF THIRD-PARTY COLLECTION**
2 **AND SECONDARY PAYER AUTHORITIES**
3 **UNDER CHAMPUS.**

4 (a) *RETENTION AND USE BY TREATMENT FACILITIES*
5 *OF AMOUNTS COLLECTED.*—Subsection (g)(1) of section
6 1095 of title 10, United States Code, is amended by insert-
7 ing “or through” after “provided at”.

8 (b) *EXPANSION OF DEFINITION OF THIRD PARTY*
9 *PAYER.*—Subsection (h) of such section is amended—

10 (1) *in the first sentence of paragraph (1), by in-*
11 *serting “and a workers’ compensation program or*
12 *plan” before the period; and*

13 (2) *in paragraph (2)—*

14 (A) *by striking out “organization and” and*
15 *inserting in lieu thereof a “organization,”; and*

16 (B) *by inserting “, and a personal injury*
17 *protection plan or medical payments benefit*
18 *plan for personal injuries resulting from the op-*
19 *eration of a motor vehicle” before the period.*

20 (c) *APPLICABILITY OF SECONDARY PAYER REQUIRE-*
21 *MENT.*—Section 1079(j)(1) of such title is amended by in-
22 serting “, including any plan offered by a third party payer
23 (as defined in section 1095(h)(1) of this title),” after “or
24 health plan”.

1 **SEC. 705. CODIFICATION OF AUTHORITY TO CREDIT**
 2 **CHAMPUS COLLECTIONS TO PROGRAM AC-**
 3 **COUNTS.**

4 (a) *CREDITS TO CHAMPUS ACCOUNTS.*—Chapter 55
 5 of title 10, United States Code, is amended by inserting
 6 after section 1079 the following:

7 **“§ 1079a. Crediting of CHAMPUS collections to pro-**
 8 **gram accounts**

9 “All refunds and other amounts collected by or for the
 10 United States in the administration of the Civilian Health
 11 and Medical Program of the Uniformed Services
 12 (CHAMPUS) shall be credited to the appropriation avail-
 13 able for that program for the fiscal year in which col-
 14 lected.”.

15 (b) *CLERICAL AMENDMENT.*—The table of sections at
 16 the beginning of such chapter is amended by inserting after
 17 the item relating to section 1079 the following new item:
 “1079a. Crediting of CHAMPUS collections to program accounts.”.

18 **SEC. 706. COMPTROLLER GENERAL REVIEW OF HEALTH**
 19 **CARE ACTIVITIES OF THE DEPARTMENT OF**
 20 **DEFENSE RELATING TO PERSIAN GULF ILL-**
 21 **NESSES.**

22 (a) *MEDICAL RESEARCH AND CLINICAL CARE PRO-*
 23 *GRAMS.*—The Comptroller General shall analyze the effec-
 24 tiveness of the medical research programs and clinical care
 25 programs of the Department of Defense that relate to ill-

1 nesses that might have been contracted by members of the
2 Armed Forces as a result of service in the Southwest Asia
3 theater of operations during the Persian Gulf War.

4 (b) *EXPERIMENTAL DRUGS.*—The Comptroller General
5 shall analyze the scope and effectiveness of the policies of
6 the Department of Defense with respect to the investiga-
7 tional use of drugs, the experimental use of drugs, and the
8 use of drugs not approved by the Food and Drug Adminis-
9 tration to treat illnesses referred to in subsection (a).

10 (c) *ADMINISTRATION OF MEDICAL RECORDS.*—The
11 Comptroller General shall analyze the administration of
12 medical records by the military departments in order to as-
13 sess the extent to which such records accurately reflect the
14 pre-deployment medical assessments, immunization records,
15 informed consent releases, complaints during routine sick
16 call, emergency room visits, visits with unit medics during
17 deployment, and other relevant medical information relat-
18 ing to the members and former members referred to in sub-
19 section (a) with respect to the illnesses referred to in that
20 subsection.

21 (d) *REPORTS.*—The Comptroller General shall submit
22 to Congress a separate report on each of the analyses re-
23 quired under subsections (a), (b), and (c). The Comptroller
24 General shall submit the reports not later than March 1,
25 1997.

1 **SEC. 707. RESTORATION OF PREVIOUS POLICY REGARDING**
2 **RESTRICTIONS ON USE OF DEPARTMENT OF**
3 **DEFENSE MEDICAL FACILITIES.**

4 *Section 1093 of title 10, United States Code, is amend-*
5 *ed—*

6 *(1) by striking out subsection (b); and*

7 *(2) in subsection (a), by striking out “(a) RE-*
8 *STRICTION ON USE OF FUNDS.—”.*

9 **SEC. 708. PLANS FOR MEDICARE SUBVENTION DEMONSTRA-**
10 **TION PROGRAMS.**

11 *(a) PROGRAM FOR ENROLLMENT IN TRICARE MAN-*
12 *AGED CARE OPTION.—(1) Not later than September 6,*
13 *1996, the Secretary of Defense and the Secretary of Health*
14 *and Human Services shall jointly submit to Congress and*
15 *the President a report that sets forth a specific plan and*
16 *the Secretaries’ recommendations regarding the establish-*
17 *ment of a demonstration program under which—*

18 *(A) military retirees who are eligible for medi-*
19 *care are permitted to enroll in the managed care op-*
20 *tion of the Tricare program; and*

21 *(B) the Secretary of Health and Human Services*
22 *reimburses the Secretary of Defense from the medicare*
23 *program on a capitated basis for the costs of provid-*
24 *ing health care services to military retirees who en-*
25 *roll.*

26 *(2) The report shall include the following:*

1 (A) *The number of military retirees projected to*
2 *participate in the demonstration program and the*
3 *minimum number of such participants necessary to*
4 *conduct the demonstration program effectively.*

5 (B) *A plan for notifying military retirees of*
6 *their eligibility for enrollment in the demonstration*
7 *program and for any other matters connected with*
8 *enrollment.*

9 (C) *A recommendation for the duration of the*
10 *demonstration program.*

11 (D) *A recommendation for the geographic regions*
12 *in which the demonstration program should be con-*
13 *ducted.*

14 (E) *The appropriate level of capitated reim-*
15 *bursement, and a schedule for such reimbursement,*
16 *from the medicare program to the Department of De-*
17 *fense for health care services provided enrollees in the*
18 *demonstration program.*

19 (F) *An estimate of the amounts to be allocated*
20 *by the Department for the provision of health care*
21 *services to military retirees eligible for medicare in*
22 *the regions in which the demonstration program is*
23 *proposed to be conducted in the absence of the pro-*
24 *gram and an assessment of revisions to such alloca-*

1 *tion that would result from the conduct of the pro-*
2 *gram.*

3 *(G) An estimate of the cost to the Department*
4 *and to the medicare program of providing health care*
5 *services to medicare eligible military retirees who en-*
6 *roll in the demonstration program.*

7 *(H) An assessment of the likelihood of cost shift-*
8 *ing among the Department and the medicare program*
9 *under the demonstration program.*

10 *(I) A proposal for mechanisms for reconciling*
11 *and reimbursing any improper payments among the*
12 *Department and the medicare program under the*
13 *demonstration program.*

14 *(J) A methodology for evaluating the demonstra-*
15 *tion program, including cost analyses.*

16 *(K) As assessment of the extent to which the*
17 *Tricare program is prepared to meet requirements of*
18 *the medicare program for purposes of the demonstra-*
19 *tion program and the provisions of law or regulation*
20 *that would have to be waived in order to facilitate the*
21 *carrying out of the demonstration program.*

22 *(L) An assessment of the impact of the dem-*
23 *onstration program on military readiness.*

24 *(M) Contingency plans for the provision of*
25 *health care services under the demonstration program*

1 *in the event of the mobilization of health care person-*
2 *nel.*

3 (N) *A recommendation of the reports that the*
4 *Department and the Department of Health and*
5 *Human Services should submit to Congress describing*
6 *the conduct of the demonstration program.*

7 (b) *FEASABILITY STUDY FOR PROGRAM FOR ENROLL-*
8 *MENT IN TRICARE FEE-FOR-SERVICE OPTION.*—*Not later*
9 *than January 3, 1997, the Secretary of Defense and the Sec-*
10 *retary of Health and Human Services shall jointly submit*
11 *to Congress and the President a report on the feasibility*
12 *and advisability of expanding the demonstration program*
13 *referred to in subsection (a) so as to provide the Department*
14 *with reimbursement from the medicare program on a fee-*
15 *for-service basis for health care services provided medicare-*
16 *eligible military retirees who enroll in the demonstration*
17 *program. The report shall include a proposal for the expan-*
18 *sion of the program if the expansion is determined to be*
19 *advisable.*

20 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*Of the*
21 *amounts authorized to be appropriated in section 301,*
22 *\$75,000,000 shall be made available to carry out the dem-*
23 *onstration program referred to in subsection (a) if Congress*
24 *authorizes the program by the end of the Second Session*
25 *of the One Hundred Fourth Congress.*

1 **SEC. 709. RESEARCH AND BENEFITS RELATING TO GULF**
2 **WAR SERVICE.**

3 (a) *RESEARCH.*—(1) *The Secretary of Defense shall,*
4 *by contract, grant, or other transaction, provide for sci-*
5 *entific research to be carried out by entities independent*
6 *of the Federal Government on possible causal relationships*
7 *between the complex of illnesses and symptoms commonly*
8 *known as “Gulf War syndrome” and the possible exposures*
9 *of members of the Armed Forces to chemical warfare agents*
10 *or other hazardous materials during Gulf War service.*

11 (2) *The Secretary shall prescribe the procedures for*
12 *making awards under paragraph (1). The procedures*
13 *shall—*

14 (A) *include a comprehensive, independent peer-*
15 *review process for the evaluation of proposals for sci-*
16 *entific research that are submitted to the Department*
17 *of Defense; and*

18 (B) *provide for the final selection of proposals*
19 *for award to be based on the scientific merit and pro-*
20 *gram relevance of the proposed research.*

21 (3) *Of the amount authorized to be appropriated under*
22 *section 301(19), \$10,000,000 is available for research under*
23 *paragraph (1).*

24 (b) *HEALTH CARE BENEFITS FOR AFFLICTED CHIL-*
25 *DREN OF GULF WAR VETERANS.*—(1) *Under regulations*
26 *prescribed by the Secretary of Defense, any child of a Gulf*

1 *War veteran who has been born after August 2, 1990, and*
2 *has a congenital defect or catastrophic illness not excluded*
3 *from coverage under paragraph (2) is eligible for medical*
4 *and dental care under chapter 55 of title 10, United States*
5 *Code, for the congenital defect or catastrophic illness, and*
6 *associated conditions, of the child.*

7 *(2) The administering Secretaries may exclude from*
8 *coverage under this subsection—*

9 *(A) any congenital defect or catastrophic illness*
10 *that, as determined by the Secretary of Defense to a*
11 *reasonable degree of scientific certainty on the basis*
12 *of scientific research, is not a defect or catastrophic*
13 *illness that can result in a child from an exposure of*
14 *a parent of the child to a chemical warfare agent or*
15 *other hazardous material to which members of the*
16 *Armed Forces might have been exposed during Gulf*
17 *War service; and*

18 *(B) a particular congenital defect or catastrophic*
19 *illness (and any associated condition) of a particular*
20 *child if the onset of the defect or illness is determined*
21 *to have preceded any possible exposure of the parent*
22 *or parents of the child to a chemical warfare agent*
23 *or other hazardous material during Gulf War service.*

24 *(3) No fee, deductible, or copayment requirement may*
25 *be imposed or enforced for medical or dental care provided*

1 *under chapter 55 of title 10, United States Code, in the*
2 *case of a child who is eligible for such care under this sub-*
3 *section (even if the child would otherwise be subject to such*
4 *a requirement on the basis of any eligibility for such care*
5 *that the child also has under any provision of law other*
6 *than this subsection).*

7 *(c) DEFINITIONS.—(1) In this section:*

8 *(A) The term “Gulf War veteran” means a vet-*
9 *eran of Gulf War service.*

10 *(B) The term “Gulf War service” means service*
11 *on active duty as a member of the Armed Forces in*
12 *the Southwest Asia theater of operations during the*
13 *Persian Gulf War.*

14 *(C) The term “Persian Gulf War” has the mean-*
15 *ing given that term in section 101(33) of title 38,*
16 *United States Code.*

17 *(D) The term “administering Secretaries” has*
18 *the meaning given that term in section 1072(3) of*
19 *title 10, United States Code.*

20 *(E) The term “child” means a natural child.*

21 *(2) The Secretary of Defense shall prescribe in regula-*
22 *tions a definition of the terms “congenital defect” and “cat-*
23 *astrophic illness” for the purposes of this section.*

1 **SEC. 710. PREVENTIVE HEALTH CARE SCREENING FOR**
2 **COLON AND PROSTATE CANCER.**

3 (a) *MEMBERS AND FORMER MEMBERS.*—(1) *Section*
4 *1074d of title 10, United States Code, is amended—*

5 (A) *in subsection (a)—*

6 (i) *by inserting “(1)” before “Female”; and*

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

9 “(2) *Male members and former members of the uni-*
10 *formed services entitled to medical care under section 1074*
11 *or 1074a of this title shall also be entitled to preventive*
12 *health care screening for colon or prostate cancer at such*
13 *intervals and using such screening methods as the admin-*
14 *istering Secretaries consider appropriate.”; and*

15 (B) *in subsection (b), by adding at the end the*
16 *following new paragraph:*

17 “(8) *Colon cancer screening, at the intervals and*
18 *using the screening methods prescribed under sub-*
19 *section (a)(2).”.*

20 (2)(A) *The heading of such section is amended to read*
21 *as follows:*

22 **“§ 1074d. Primary and preventive health care services**

23 (B) *The item relating to such section in the table of*
24 *sections at the beginning of chapter 55 of such title is*
25 *amended to read as follows:*

“1074d. Primary and preventive health care services.”.

1 (b) *DEPENDENTS.*—(1) *Section 1077(a) of such title*
2 *is amended by adding at the end the following new para-*
3 *graph:*

4 “(14) *Preventive health care screening for colon*
5 *or prostate cancer, at the intervals and using the*
6 *screening methods prescribed under section*
7 *1074d(a)(2) of this title.”.*

8 (2) *Section 1079(a)(2) of such title is amended—*

9 (A) *in the matter preceding subparagraph (A),*
10 *by inserting “the schedule and method of colon and*
11 *prostate cancer screenings,” after “pap smears and*
12 *mammograms,”; and*

13 (B) *in subparagraph (B), by inserting “or colon*
14 *and prostate cancer screenings” after “pap smears*
15 *and mammograms”.*

16 ***Subtitle B—Uniformed Services***
17 ***Treatment Facilities***

18 ***SEC. 721. DEFINITIONS.***

19 *In this subtitle:*

20 (1) *The term “administering Secretaries” means*
21 *the Secretary of Defense, the Secretary of Transpor-*
22 *tation, and the Secretary of Health and Human Serv-*
23 *ices.*

1 (2) *The term “agreement” means the agreement*
2 *required under section 722(b) between the Secretary of*
3 *Defense and a designated provider.*

4 (3) *The term “capitation payment” means an*
5 *actuarially sound payment for a defined set of health*
6 *care services that is established on a per enrollee per*
7 *month basis.*

8 (4) *The term “covered beneficiary” means a ben-*
9 *eficiary under chapter 55 of title 10, United States*
10 *Code, other than a beneficiary under section 1074(a)*
11 *of such title.*

12 (5) *The term “designated provider” means a*
13 *public or nonprofit private entity that was a trans-*
14 *feree of a Public Health Service hospital or other sta-*
15 *tion under section 987 of the Omnibus Budget Rec-*
16 *onciliation Act of 1981 (Public Law 97–35; 95 Stat.*
17 *603) and that, before the date of the enactment of this*
18 *Act, was deemed to be a facility of the uniformed*
19 *services for the purposes of chapter 55 of title 10,*
20 *United States Code. The term includes any legal suc-*
21 *cessor in interest of the transferee.*

22 (6) *The term “enrollee” means a covered bene-*
23 *ficiary who enrolls with a designated provider.*

24 (7) *The term “health care services” means the*
25 *health care services provided under the health plan*

1 *known as the TRICARE PRIME option under the*
2 *TRICARE program.*

3 (8) *The term “Secretary” means the Secretary of*
4 *Defense.*

5 (9) *The term “TRICARE program” means the*
6 *managed health care program that is established by*
7 *the Secretary of Defense under the authority of chap-*
8 *ter 55 of title 10, United States Code, principally sec-*
9 *tion 1097 of such title, and includes the competitive*
10 *selection of contractors to financially underwrite the*
11 *delivery of health care services under the Civilian*
12 *Health and Medical Program of the Uniformed Serv-*
13 *ices.*

14 **SEC. 722. INCLUSION OF DESIGNATED PROVIDERS IN UNI-**
15 **FORMED SERVICES HEALTH CARE DELIVERY**
16 **SYSTEM.**

17 (a) *INCLUSION IN SYSTEM.*—*The health care delivery*
18 *system of the uniformed services shall include the designated*
19 *providers.*

20 (b) *AGREEMENTS TO PROVIDE MANAGED HEALTH*
21 *CARE SERVICES.*—(1) *After consultation with the other ad-*
22 *ministering Secretaries, the Secretary of Defense shall nego-*
23 *tiate and enter into an agreement with each designated pro-*
24 *vider, under which the designated provider will provide*

1 *managed health care services to covered beneficiaries who*
2 *enroll with the designated provider.*

3 (2) *The agreement shall be entered into on a sole source*
4 *basis. The Federal Acquisition Regulation, except for those*
5 *requirements regarding competition, issued pursuant to sec-*
6 *tion 25(c) of the Office of Federal Procurement Policy Act*
7 *(41 U.S.C. 421(c)) shall apply to the agreements as acquisi-*
8 *tions of commercial items.*

9 (3) *The implementation of an agreement is subject to*
10 *availability of funds for such purpose.*

11 (c) *EFFECTIVE DATE OF AGREEMENTS.—(1) Unless*
12 *an earlier effective date is agreed upon by the Secretary*
13 *and the designated provider, the agreement shall take effect*
14 *upon the later of the following:*

15 (A) *The date on which a managed care support*
16 *contract under the TRICARE program is imple-*
17 *mented in the service area of the designated provider.*

18 (B) *October 1, 1997.*

19 (2) *Notwithstanding paragraph (1), the designated*
20 *provider whose service area includes Seattle, Washington,*
21 *shall implement its agreement as soon as the agreement per-*
22 *mits.*

23 (d) *TEMPORARY CONTINUATION OF EXISTING PARTICI-*
24 *PATION AGREEMENTS.—The Secretary shall extend the par-*
25 *ticipation agreement of a designated provider in effect im-*

1 *mediately before the date of the enactment of this Act under*
2 *section 718(c) of the National Defense Authorization Act for*
3 *Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587)*
4 *until the agreement required by this section takes effect*
5 *under subsection (c).*

6 *(e) SERVICE AREA.—The Secretary may not reduce the*
7 *size of the service area of a designated provider below the*
8 *size of the service area in effect as of September 30, 1996.*

9 *(f) COMPLIANCE WITH ADMINISTRATIVE REQUIRE-*
10 *MENTS.—(1) Unless otherwise agreed upon by the Secretary*
11 *and a designated provider, the designated provider shall*
12 *comply with necessary and appropriate administrative re-*
13 *quirements established by the Secretary for other providers*
14 *of health care services and requirements established by the*
15 *Secretary of Health and Human Services for risk-sharing*
16 *contractors under section 1876 of the Social Security Act*
17 *(42 U.S.C. 1395mm). The Secretary and the designated*
18 *provider shall determine and apply only such administra-*
19 *tive requirements as are minimally necessary and appro-*
20 *priate. A designated provider shall not be required to com-*
21 *ply with a law or regulation of a State government requir-*
22 *ing licensure as a health insurer or health maintenance or-*
23 *ganization.*

24 *(2) A designated provider may not contract out more*
25 *than five percent of its primary care enrollment without*

1 *the approval of the Secretary, except in the case of primary*
2 *care contracts between a designated provider and a primary*
3 *care contractor in force on the date of the enactment of this*
4 *Act.*

5 **SEC. 723. PROVISION OF UNIFORM BENEFIT BY DES-**
6 **IGNATED PROVIDERS.**

7 (a) *UNIFORM BENEFIT REQUIRED.*—A designated pro-
8 vider shall offer to enrollees the health benefit option pre-
9 scribed and implemented by the Secretary under section 731
10 of the National Defense Authorization Act for Fiscal Year
11 1994 (Public Law 103–160; 10 U.S.C. 1073 note), includ-
12 ing accompanying cost-sharing requirements.

13 (b) *TIME FOR IMPLEMENTATION OF BENEFIT.*—A des-
14 ignated provider shall offer the health benefit option de-
15 scribed in subsection (a) to enrollees upon the later of the
16 following:

17 (1) *The date on which health care services within*
18 *the health care delivery system of the uniformed serv-*
19 *ices are rendered through the TRICARE program in*
20 *the region in which the designated provider operates.*

21 (2) *October 1, 1996.*

22 (c) *ADJUSTMENTS.*—The Secretary may establish a
23 later date under subsection (b)(2) or prescribe reduced cost-
24 sharing requirements for enrollees.

1 **SEC. 724. ENROLLMENT OF COVERED BENEFICIARIES.**

2 (a) *FISCAL YEAR 1997 LIMITATION.*—(1) *During fis-*
3 *cal year 1997, the number of covered beneficiaries who are*
4 *enrolled in managed care plans offered by designated pro-*
5 *viders may not exceed the number of such enrollees as of*
6 *October 1, 1995.*

7 (2) *The Secretary may waive the limitation under*
8 *paragraph (1) if the Secretary determines that additional*
9 *enrollment authority for a designated provider is required*
10 *to accommodate covered beneficiaries who are dependents*
11 *of members of the uniformed services entitled to health care*
12 *under section 1074(a) of title 10, United States Code.*

13 (b) *PERMANENT LIMITATION.*—*For each fiscal year*
14 *after fiscal year 1997, the number of enrollees in managed*
15 *care plans offered by designated providers may not exceed*
16 *110 percent of the number of such enrollees as of the first*
17 *day of the immediately preceding fiscal year. The Secretary*
18 *may waive this limitation as provided in subsection (a)(2).*

19 (c) *RETENTION OF CURRENT ENROLLEES.*—*An en-*
20 *rollee in the managed care program of a designated pro-*
21 *vider as of September 30, 1997, or such earlier date as the*
22 *designated provider and the Secretary may agree upon,*
23 *shall continue receiving services from the designated pro-*
24 *vider pursuant to the agreement entered into under section*
25 *722 unless the enrollee disenrolls from the designated pro-*
26 *vider. Except as provided in subsection (e), the administer-*

1 *ing Secretaries may not disenroll such an enrollee unless*
2 *the disenrollment is agreed to by the Secretary and the des-*
3 *ignated provider.*

4 *(d) ADDITIONAL ENROLLMENT AUTHORITY.—Other*
5 *covered beneficiaries may also receive health care services*
6 *from a designated provider, except that the designated pro-*
7 *vider may market such services to, and enroll, only those*
8 *covered beneficiaries who—*

9 *(1) do not have other primary health insurance*
10 *coverage (other than medicare coverage) covering*
11 *basic primary care and inpatient and outpatient*
12 *services; or*

13 *(2) are enrolled in the direct care system under*
14 *the TRICARE program, regardless of whether the cov-*
15 *ered beneficiaries were users of the health care deliv-*
16 *ery system of the uniformed services in prior years.*

17 *(e) SPECIAL RULE FOR MEDICARE-ELIGIBLE BENE-*
18 *FICIARIES.—If a covered beneficiary who desires to enroll*
19 *in the managed care program of a designated provider is*
20 *also entitled to hospital insurance benefits under part A*
21 *of title XVIII of the Social Security Act (42 U.S.C. 1395c*
22 *et seq.), the covered beneficiary shall elect whether to receive*
23 *health care services as an enrollee or under part A of title*
24 *XVIII of the Social Security Act. The Secretary may*
25 *disenroll an enrollee who subsequently violates the election*

1 *made under this subsection and receives benefits under part*
2 *A of title XVIII of the Social Security Act.*

3 (f) *INFORMATION REGARDING ELIGIBLE COVERED*
4 *BENEFICIARIES.—The Secretary shall provide, in a timely*
5 *manner, a designated provider with an accurate list of cov-*
6 *ered beneficiaries within the marketing area of the des-*
7 *ignated provider to whom the designated provider may offer*
8 *enrollment.*

9 **SEC. 725. APPLICATION OF CHAMPUS PAYMENT RULES.**

10 (a) *APPLICATION OF PAYMENT RULES.—Subject to*
11 *subsection (b), the Secretary shall require a private facility*
12 *or health care provider that is a health care provider under*
13 *the Civilian Health and Medical Program of the Uniformed*
14 *Services to apply the payment rules described in section*
15 *1074(c) of title 10, United States Code, in imposing charges*
16 *for health care that the private facility or provider provides*
17 *to enrollees of a designated provider.*

18 (b) *AUTHORIZED ADJUSTMENTS.—The payment rules*
19 *imposed under subsection (a) shall be subject to such modi-*
20 *fications as the Secretary considers appropriate. The Sec-*
21 *retary may authorize a lower rate than the maximum rate*
22 *that would otherwise apply under subsection (a) if the lower*
23 *rate is agreed to by the designated provider and the private*
24 *facility or health care provider.*

1 (c) *REGULATIONS.*—*The Secretary shall prescribe reg-*
2 *ulations to implement this section after consultation with*
3 *the other administering Secretaries.*

4 (d) *CONFORMING AMENDMENT.*—*Section 1074 of title*
5 *10, United States Code, is amended by striking out sub-*
6 *section (d).*

7 **SEC. 726. PAYMENTS FOR SERVICES.**

8 (a) *FORM OF PAYMENT.*—*Unless otherwise agreed to*
9 *by the Secretary and a designated provider, the form of*
10 *payment for services provided by a designated provider*
11 *shall be full risk capitation. The capitation payments shall*
12 *be negotiated and agreed upon by the Secretary and the*
13 *designated provider. In addition to such other factors as*
14 *the parties may agree to apply, the capitation payments*
15 *shall be based on the utilization experience of enrollees and*
16 *competitive market rates for equivalent health care services*
17 *for a comparable population to such enrollees in the area*
18 *in which the designated provider is located.*

19 (b) *LIMITATION ON TOTAL PAYMENTS.*—*Total capita-*
20 *tion payments to a designated provider shall not exceed an*
21 *amount equal to the cost that would have been incurred by*
22 *the Government if the enrollees had received their care*
23 *through a military treatment facility, the TRICARE pro-*
24 *gram, or the medicare program, as the case may be.*

1 (c) *ESTABLISHMENT OF PAYMENT RATES ON ANNUAL*
2 *BASIS.*—*The Secretary and a designated provider shall es-*
3 *tablish capitation payments on an annual basis, subject to*
4 *periodic review for actuarial soundness and to adjustment*
5 *for any adverse or favorable selection reasonably antici-*
6 *ipated to result from the design of the program.*

7 (d) *ALTERNATIVE BASIS FOR CALCULATING PAY-*
8 *MENTS.*—*After September 30, 1999, the Secretary and a*
9 *designated provider may mutually agree upon a new basis*
10 *for calculating capitation payments.*

11 **SEC. 727. REPEAL OF SUPERSEDED AUTHORITIES.**

12 (a) *REPEALS.*—*The following provisions of law are re-*
13 *pealed:*

14 (1) *Section 911 of the Military Construction Au-*
15 *thorization Act, 1982 (42 U.S.C. 248c).*

16 (2) *Section 1252 of the Department of Defense*
17 *Authorization Act, 1984 (42 U.S.C. 248d).*

18 (3) *Section 718(c) of the National Defense Au-*
19 *thorization Act for Fiscal year 1991 (Public Law*
20 *101–510; 42 U.S.C. 248c note).*

21 (4) *Section 726 of the National Defense Author-*
22 *ization Act for Fiscal Year 1996 (Public Law 104–*
23 *106; 42 U.S.C. 248c note).*

24 (b) *EFFECTIVE DATE.*—*The amendments made by this*
25 *section shall take effect on October 1, 1997.*

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
6 **GRAMS.**

7 (a) *FUNDING.*—Of the amount authorized to be appro-
8 priated under section 301(5), \$12,000,000 shall be available
9 for carrying out the provisions of chapter 142 of title 10,
10 United States Code.

11 (b) *SPECIFIC PROGRAMS.*—Of the amounts made
12 available pursuant to subsection (a), \$600,000 shall be
13 available for fiscal year 1997 for the purpose of carrying
14 out programs sponsored by eligible entities referred to in
15 subparagraph (D) of section 2411(1) of title 10, United
16 States Code, that provide procurement technical assistance
17 in distressed areas referred to in subparagraph (B) of sec-
18 tion 2411(2) of such title. If there is an insufficient number
19 of satisfactory proposals for cooperative agreements in such
20 distressed areas to allow effective use of the funds made
21 available in accordance with this subsection in such areas,
22 the funds shall be allocated among the Defense Contract Ad-
23 ministration Services regions in accordance with section
24 2415 of such title.

1 **SEC. 802. EXTENSION OF PILOT MENTOR-PROTEGE PRO-**
2 **GRAM.**

3 *Section 831(j) of the National Defense Authorization*
4 *Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amend-*
5 *ed—*

6 *(1) in paragraph (1), by striking out “1995”*
7 *and inserting in lieu thereof “1998”; and*

8 *(2) in paragraph (2), by striking out “1996”*
9 *and inserting in lieu thereof “1999”.*

10 **SEC. 803. MODIFICATION OF AUTHORITY TO CARRY OUT**
11 **CERTAIN PROTOTYPE PROJECTS.**

12 *(a) AUTHORIZED OFFICIALS.—(1) Subsection (a) of*
13 *section 845 of the National Defense Authorization Act for*
14 *Fiscal Year 1994 (107 Stat. 1547; 10 U.S.C. 2371 note)*
15 *is amended by inserting “, the Secretary of a military de-*
16 *partment, or any other official designated by the Secretary*
17 *of Defense” after “Agency”.*

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

20 *“(2) To the maximum extent practicable, competitive*
21 *procedures shall be used when entering into agreements to*
22 *carry out projects under subsection (a).”.*

23 *(b) EXTENSION OF AUTHORITY.—Subsection (c) of*
24 *such section is amended by striking out “terminate” and*
25 *all that follows and inserting in lieu thereof “terminate at*
26 *the end of September 30, 2001.”.*

1 **SEC. 804. REVISIONS TO THE PROGRAM FOR THE ASSESS-**
2 **MENT OF THE NATIONAL DEFENSE TECH-**
3 **NOLOGY AND INDUSTRIAL BASE.**

4 (a) *NATIONAL DEFENSE PROGRAM FOR ANALYSIS OF*
5 *THE TECHNOLOGY AND INDUSTRIAL BASE.*—Section 2503
6 *of title 10, United States Code, is amended—*

7 (1) *in subsection (a)—*

8 (A) *by striking out “(1) The Secretary of*
9 *Defense, in consultation with the National De-*
10 *fense Technology and Industrial Base Council”*
11 *in paragraph (1) and inserting in lieu thereof*
12 *“The Secretary of Defense, in consultation with*
13 *the Secretary of Commerce”;* and

14 (B) *by striking out paragraphs (2), (3), and*
15 *(4); and*

16 (2) *in subsection (c)(3)(A)—*

17 (A) *by striking out “the National Defense*
18 *Technology and Industrial Base Council in” and*
19 *inserting in lieu thereof “the Secretary of De-*
20 *fense for”;* and

21 (B) *by striking out “and the periodic plans*
22 *required by section 2506 of this title”.*

23 (b) *PERIODIC DEFENSE CAPABILITY ASSESSMENTS.*—

24 (1) *Section 2505 of title 10, United States Code, is amended*
25 *to read as follows:*

1 **“§2505. National technology and industrial base:**
2 **periodic defense capability assessments**

3 “(a) *PERIODIC ASSESSMENT.*—Each fiscal year, the
4 Secretary of Defense shall prepare selected assessments of
5 the capability of the national technology and industrial
6 base to attain the national security objectives set forth in
7 section 2501(a) of this title.

8 “(b) *ASSESSMENT PROCESS.*—The Secretary of De-
9 fense shall ensure that technology and industrial capability
10 assessments—

11 “(1) describe sectors or capabilities, their under-
12 lying infrastructure and processes;

13 “(2) analyze present and projected financial per-
14 formance of industries supporting the sectors or capa-
15 bilities in the assessment; and

16 “(3) identify technological and industrial capa-
17 bilities and processes for which there is potential for
18 the national industrial and technology base not to be
19 able to support the achievement of national security
20 objectives.

21 “(c) *FOREIGN DEPENDENCY CONSIDERATIONS.*—In
22 the preparation of the periodic assessments, the Secretary
23 shall include considerations of foreign dependency.

24 “(d) *INTEGRATED PROCESS.*—The Secretary of De-
25 fense shall ensure that consideration of the technology and
26 industrial base assessments is integrated into the overall

1 budget, acquisition, and logistics support decision processes
2 of the Department of Defense.”.

3 (2) Section 2502(b) of title 10, United States Code, is
4 amended—

5 (A) by striking out “the following responsibil-
6 ities:” and all that follows through “effective coopera-
7 tion” and inserting in lieu thereof “the responsibility
8 to ensure effective cooperation”; and

9 (B) by striking out paragraph (2); and

10 (3) by redesignating subparagraphs (A), (B),
11 and (C) as paragraphs (1), (2), and (3), respectively,
12 and adjusting the margin of such paragraphs two ems
13 to the left.

14 (c) *REPEAL OF REQUIREMENT FOR PERIODIC DE-*
15 *FENSE CAPABILITY PLAN.*—Section 2506 of title 10, United
16 States Code, is repealed.

17 (d) *DEPARTMENT OF DEFENSE TECHNOLOGY AND IN-*
18 *DUSTRIAL BASE POLICY GUIDANCE.*—Subchapter II of
19 chapter 148 of title 10, United States Code, is amended by
20 inserting after section 2505 the following new section 2506:

21 **“§2506. Department of Defense technology and indus-**
22 **trial base policy guidance**

23 “(a) *DEPARTMENTAL GUIDANCE.*—The Secretary of
24 Defense shall prescribe departmental guidance for the at-
25 tainment of each of the national security objectives set forth

1 *in section 2501(a) of this title. Such guidance shall provide*
2 *for technological and industrial capability considerations*
3 *to be integrated into the budget allocation, weapons acquisi-*
4 *tion, and logistics support decision processes.*

5 “(b) *REPORT TO CONGRESS.*—*The Secretary of De-*
6 *fense shall report on the implementation of the depart-*
7 *mental guidance in the annual report to Congress submitted*
8 *pursuant to section 2508 of this title.”.*

9 “(e) *ANNUAL REPORT TO CONGRESS.*—*Such subchapter*
10 *is amended by inserting after section 2507 the following*
11 *new section:*

12 **“§2508. Annual report to Congress**

13 “*The Secretary of Defense shall transmit to the Com-*
14 *mittee on Armed Services of the Senate and the Committee*
15 *on National Security of the House of Representatives by*
16 *March 1 of each year a report which shall include the fol-*
17 *lowing information:*

18 “(1) *A description of the departmental guidance*
19 *prepared pursuant to section 2506 of this title.*

20 “(2) *A description of the methods and analyses*
21 *being undertaken by the Department of Defense alone*
22 *or in cooperation with other Federal agencies, to*
23 *identify and address concerns regarding technological*
24 *and industrial capabilities of the national technology*
25 *and industrial base.*

1 “(3) *A description of the assessments prepared*
2 *pursuant to section 2505 of this title and other analy-*
3 *ses used in developing the budget submission of the*
4 *Department of Defense for the next fiscal year.*

5 “(4) *Identification of each program designed to*
6 *sustain specific essential technological and industrial*
7 *capabilities and processes of the national technology*
8 *and industrial base.*”

9 (f) *REPEAL OF REQUIREMENT TO COORDINATE THE*
10 *ENCOURAGEMENT OF TECHNOLOGY TRANSFER WITH THE*
11 *COUNCIL.—Subsection 2514(c) of title 10, United States*
12 *Code, is amended by striking out paragraph (5).*

13 (g) *CLERICAL AMENDMENTS.—The table of sections at*
14 *the beginning of subchapter II of chapter 148 of title 10,*
15 *United States Code, is amended—*

16 (1) *by striking out the item relating to section*
17 *2506 and inserting in lieu thereof the following:*

 “2506. *Department of Defense technology and industrial base policy guidance.*”;

18 *and*

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

 “2508. *Annual report to Congress.*”.

20 (h) *REPEAL OF SUPERSEDED AND EXECUTED LAW.—*
21 *Sections 4218, 4219, and 4220 of the National Defense Au-*
22 *thorization Act for Fiscal Year 1993 (Public Law 102–484;*
23 *10 U.S.C. 2505 note and 2506 note) are repealed.*

1 **SEC. 805. PROCUREMENTS TO BE MADE FROM SMALL ARMS**
2 **INDUSTRIAL BASE FIRMS.**

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

5 **“§2473. Procurements from the small arms industrial**
6 **base**

7 “(a) *AUTHORITY TO DESIGNATE EXCLUSIVE*
8 *SOURCES.*—To the extent that the Secretary of Defense de-
9 termines necessary to preserve the part of the national tech-
10 nology and industrial base that supplies property and serv-
11 ices described in subsection (b), the Secretary may require
12 that the procurements of such items for the Department of
13 Defense be made only from the firms listed in the plan enti-
14 tled ‘Preservation of Critical Elements of the Small Arms
15 Industrial Base’, dated January 8, 1994, that was prepared
16 by an independent assessment panel of the Army Science
17 Board.

18 “(b) *COVERED ITEMS.*—The authority provided in
19 subsection (a) applies to the following property and serv-
20 ices:

21 “(1) *Repair parts for small arms.*

22 “(2) *Modifications of parts to improve small*
23 *arms used by the armed forces.*

24 “(3) *Overhaul of unserviceable small arms of the*
25 *armed forces.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by adding at the*
 3 *end the following:*

“2473. Procurements from the small arms industrial base.”.

4 **SEC. 806. EXCEPTION TO PROHIBITION ON PROCUREMENT**
 5 **OF FOREIGN GOODS.**

6 *Section 2534(d)(3) of title 10, United States Code, is*
 7 *amended by inserting “or would impede the reciprocal pro-*
 8 *curement of defense items under a memorandum of under-*
 9 *standing providing for reciprocal procurement of defense*
 10 *items that is entered into under section 2531 of this title,”*
 11 *after “a foreign country,”.*

12 **SEC. 807. TREATMENT OF DEPARTMENT OF DEFENSE**
 13 **CABLE TELEVISION FRANCHISE AGREE-**
 14 **MENTS.**

15 (a) *TREATMENT AS CONTRACT FOR TELECOMMUNI-*
 16 *CATIONS SERVICES.*—*Subject to subsection (b), a cable tele-*
 17 *vision franchise agreement for the Department of Defense*
 18 *shall be considered a contract for telecommunications serv-*
 19 *ices for purposes of part 49 of the Federal Acquisition Regu-*
 20 *lation.*

21 (b) *LIMITATION.*—*The treatment of a cable television*
 22 *franchise agreement as a contract for telecommunications*
 23 *services shall be subject to such terms, conditions, limita-*
 24 *tions, restrictions, and requirements relating to the power*
 25 *of the executive branch to treat such an agreement as such*

1 a contract as are identified in the advisory opinion re-
2 quired under section 823 of the National Defense Authoriza-
3 tion Act for Fiscal Year 1996 (Public Law 104–106; 110
4 Stat. 399).

5 (c) *APPLICABILITY.*—This section applies to cable tele-
6 vision franchise agreements for the Department of Defense
7 only if the United States Court of Federal Claims states
8 in an advisory opinion referred to in subsection (b) that
9 it is within the power of the executive branch to treat cable
10 television franchise agreements for the construction, instal-
11 lation, or capital improvement of cable television systems
12 at military installations of the Department of Defense as
13 contracts under part 49 of the Federal Acquisition Regula-
14 tion without violating title VI of the Communications Act
15 of 1934 (47 U.S.C. 521 et seq.).

16 **SEC. 808. REMEDIES FOR REPRISALS AGAINST CONTRAC-**
17 **TOR EMPLOYEE WHISTLEBLOWERS.**

18 Section 2409(c)(1) of title 10, United States Code, is
19 amended by striking out subparagraph (B) and inserting
20 in lieu thereof the following:

21 “(B) Order the contractor either—

22 “(i) to reinstate the person to the position
23 that the person held before the reprisal, together
24 with the compensation (including back pay), em-
25 ployment benefits, and other terms and condi-

1 *tions of employment that would apply to the per-*
2 *son in that position if the reprisal had not been*
3 *taken; or*

4 *“(ii) without reinstating the person, to pay*
5 *the person an amount equal to the compensation*
6 *(including back pay) that, if the reprisal had not*
7 *been taken, would have been paid the person in*
8 *that position up to the date on which the head*
9 *of the agency determines that the person has been*
10 *subjected to a reprisal prohibited under sub-*
11 *section (a).”.*

12 **SEC. 809. IMPLEMENTATION OF INFORMATION TECH-**
13 **NOLOGY MANAGEMENT REFORM.**

14 *(a) REPORT.—(1) The Secretary of Defense shall in-*
15 *clude in the report submitted in 1997 under section 381*
16 *of Public Law 103–337 (108 Stat. 2739) a discussion of*
17 *the following matters relating to information resources*
18 *management by the Federal Government:*

19 *(A) The progress made in implementing the In-*
20 *formation Technology Management Reform Act of*
21 *1996 (division E of Public Law 104–106; 110 Stat.*
22 *679; 40 U.S.C. 1401 et seq.) and the amendments*
23 *made by that Act.*

24 *(B) The progress made in implementing the*
25 *strategy for the development or modernization of*

1 *automated information systems for the Department of*
2 *Defense, as required by section 366 of Public Law*
3 *104–106 (110 Stat 275; 10 U.S.C. 113 note).*

4 *(C) Plans of the Department of Defense for estab-*
5 *lishing an integrated framework for management of*
6 *information resources within the department.*

7 *(2) The discussion of matters under paragraph (1)*
8 *shall specifically include a discussion of the following:*

9 *(A) The status of the implementation of a set of*
10 *strategic, outcome-oriented performance measures.*

11 *(B) The specific actions being taken to link the*
12 *proposed performance measures to the planning, pro-*
13 *gramming, and budgeting system of the Department*
14 *of Defense and to the life-cycle management processes*
15 *of the department.*

16 *(C) The results of pilot program testing of pro-*
17 *posed performance measures.*

18 *(D) The additional training necessary for the*
19 *implementation of performance-based information*
20 *management.*

21 *(E) Plans for integrating management improve-*
22 *ment programs of the Department of Defense.*

23 *(F) The department-wide actions that are nec-*
24 *essary to comply with the requirements of the follow-*
25 *ing provisions of law:*

1 (i) *The amendments made by the Govern-*
2 *ment Performance and Results Act of 1993 (Pub-*
3 *lic Law 103–62; 107 Stat. 285).*

4 (ii) *The Information Management Reform*
5 *Act of 1996 (division E of Public Law 104–106;*
6 *110 Stat 679; 40 U.S.C. 1401 et seq.) and the*
7 *amendments made by that Act.*

8 (iii) *Title V of the Federal Acquisition*
9 *Management Streamlining Act of 1994 (Public*
10 *Law 103–355; 108 Stat. 3349) and the amend-*
11 *ments made by that title.*

12 (iv) *The Chief Financial Officers Act of*
13 *1990 (Public Law 101–576; 104 Stat. 2838) and*
14 *the amendments made by that Act.*

15 (G) *A strategic information resources plan for*
16 *the Department of Defense that is based on the strat-*
17 *egy of the Secretary of Defense for support of the de-*
18 *partment’s overall strategic goals by the core and sup-*
19 *porting processes of the department.*

20 (b) *YEAR 2000 SOFTWARE CONVERSION.—(1) The Sec-*
21 *retary of Defense shall ensure that all information tech-*
22 *nology acquired by the Department of Defense pursuant to*
23 *contracts entered into after September 30, 1996, have the*
24 *capabilities that comply with time and date standards es-*
25 *tablished by the National Institute of Standards and Tech-*

1 nology or, if there is no such standard, generally accepted
2 industry standards for providing fault-free processing of
3 date and date-related data in 2000.

4 (2) The Secretary, acting through the chief information
5 officers within the department (as designated pursuant to
6 section 3506 of title 44, United States Code), shall assess
7 all information technology within the Department of De-
8 fense to determine the extent to which such technology have
9 the capabilities to operate effectively with technology that
10 meet the standards referred to in paragraph (1).

11 (3) Not later than January 1, 1997, the Secretary shall
12 submit to Congress a detailed plan for eliminating any defi-
13 ciencies identified pursuant to paragraph (2). The plan
14 shall include—

15 (A) a prioritized list of all affected programs;

16 (B) a description of how the deficiencies could
17 affect the national security of the United States; and

18 (C) an estimate of the resources that are nec-
19 essary to eliminate the deficiencies.

20 **SEC. 810. RESEARCH UNDER TRANSACTIONS OTHER THAN**
21 **CONTRACTS AND GRANTS.**

22 (a) **CONDITIONS FOR USE OF AUTHORITY.**—Sub-
23 section (e) of section 2371 of title 10, United States Code,
24 is amended—

1 (1) *by redesignating paragraphs (1) and (2) as*
2 *subparagraphs (A) and (B);*

3 (2) *by inserting “and” after the semicolon at the*
4 *end of subparagraph (A), as so redesignated;*

5 (3) *by striking out “; and” at the end of sub-*
6 *paragraph (B), as so redesignated, and inserting in*
7 *lieu thereof a period;*

8 (4) *by inserting “(1)” after “(e) CONDITIONS.—*
9 *”; and*

10 (5) *by striking out paragraph (3) and inserting*
11 *in lieu thereof the following:*

12 “(2) *A cooperative agreement containing a clause*
13 *under subsection (d) or a transaction authorized under sub-*
14 *section (a) may be used for a research project when the use*
15 *of a standard contract, grant, or cooperative agreement for*
16 *such project is not feasible or appropriate.”.*

17 (b) *REVISED REQUIREMENT FOR ANNUAL REPORT.—*
18 *Section 2371 of such title is amended by striking out sub-*
19 *section (h) and inserting in lieu thereof the following:*

20 “(h) *ANNUAL REPORT.—(1) Not later than 90 days*
21 *after the end of each fiscal year, the Secretary of Defense*
22 *shall submit to the Committee on Armed Services of the*
23 *Senate and the Committee on National Security of the*
24 *House of Representatives a report on Department of Defense*
25 *use during such fiscal year of—*

1 “(A) cooperative agreements authorized under
2 section 2358 of this title that contain a clause under
3 subsection (d); and

4 “(B) transactions authorized under subsection
5 (a).

6 “(2) The report shall include, with respect to the coop-
7 erative agreements and other transactions covered by the
8 report, the following:

9 “(A) The technology areas in which research
10 projects were conducted under such agreements or
11 other transactions.

12 “(B) The extent of the cost-sharing among Fed-
13 eral Government and non-Federal sources.

14 “(C) The extent to which the use of the coopera-
15 tive agreements and other transactions—

16 “(i) has contributed to a broadening of the
17 technology and industrial base available for
18 meeting Department of Defense needs; and

19 “(ii) has fostered within the technology and
20 industrial base new relationships and practices
21 that support the national security of the United
22 States.

23 “(D) The total amount of payments, if any, that
24 were received by the Federal Government during the
25 fiscal year covered by the report pursuant to a clause

1 *described in subsection (d) that was included in the*
2 *cooperative agreements and transactions, and the*
3 *amount of such payments, if any, that were credited*
4 *to each account established under subsection (f).”.*

5 *(c) PROTECTION OF CERTAIN INFORMATION FROM*
6 *DISCLOSURE.—Such section, as amended by subsection (b),*
7 *is further amended by inserting after subsection (h) the fol-*
8 *lowing:*

9 *“(i) PROTECTION OF CERTAIN INFORMATION FROM*
10 *DISCLOSURE.—(1) Disclosure of information described in*
11 *paragraph (2) is not required, and may not be compelled,*
12 *under section 552 of title 5 for five years after the date on*
13 *which the information is received by the Department of De-*
14 *fense.*

15 *“(2) Paragraph (1) applies to the following informa-*
16 *tion in the records of the Department of Defense if the infor-*
17 *mation was submitted to the department in a competitive*
18 *or noncompetitive process having the potential for resulting*
19 *in an award, to the submitters, of a cooperative agreement*
20 *that includes a clause described in subsection (d) or other*
21 *transaction authorized under subsection (a):*

22 *“(A) Proposals, proposal abstracts, and support-*
23 *ing documents.*

24 *“(B) Business plans submitted on a confidential*
25 *basis.*

1 “(C) *Technical information submitted on a con-*
2 *fidential basis.*”.

3 (d) *DIVISION OF SECTION INTO DISTINCT PROVISIONS*
4 *BY SUBJECT MATTER.—(1) Chapter 139 of title 10, United*
5 *States Code, is amended—*

6 (A) *by inserting before the last subsection of sec-*
7 *tion 2371 (relating to cooperative research and devel-*
8 *opment agreements under the Stevenson-Wydler Tech-*
9 *nology Innovation Act of 1980) the following:*

10 **“§2371a. *Cooperative research and development***
11 ***agreements under Stevenson-Wydler Tech-***
12 ***nology Innovation Act of 1980*”;**

13 (B) *by striking out “(i) COOPERATIVE RE-*
14 *SEARCH AND DEVELOPMENT AGREEMENTS UNDER*
15 *STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT*
16 *OF 1980.—”;* and

17 (C) *in the table of sections at the beginning of*
18 *such chapter, by inserting after the item relating to*
19 *section 2371 the following:*

 “2371a. *Cooperative research and development agreements under Stevenson-*
 Wydler Technology Innovation Act of 1980.”.

20 (2) *Section 2358(d) of such title is amended by strik-*
21 *ing out “section 2371” and inserting in lieu thereof “sec-*
22 *tions 2371 and 2371a*”.

1 **SEC. 811. REPORTING REQUIREMENT UNDER DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.**

2
3
4
5
6 *Section 816(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2820) is amended by striking out “1996” and inserting in lieu thereof “1998”.*

10 **SEC. 812. TEST PROGRAMS FOR MODERNIZATION-THROUGH-SPARES.**

11
12 *Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the steps he has taken to ensure that each program included in the Army’s modernization-through-spares program is conducted in accordance with—*

19 *(1) the competition requirements in section 2304 of title 10;*

21 *(2) the core logistics requirements in section 2464 of title 10;*

23 *(3) the public-private competition requirements in section 2469 of title 10; and*

25 *(4) requirements relating to contract bundling and spare parts breakout in sections 15(a) and 15(l)*

1 *of the Small Business Act (15 U.S.C. 644) and imple-*
2 *menting regulations in the Defense FAR Supplement.*

3 **SEC. 813. PILOT PROGRAM FOR TRANSFER OF DEFENSE**
4 **TECHNOLOGY INFORMATION TO PRIVATE IN-**
5 **DUSTRY.**

6 (a) *PROGRAM REQUIRED.*—*The Secretary of Defense*
7 *shall carry out a pilot program to demonstrate online*
8 *transfers of information on defense technologies to busi-*
9 *nesses in the private sector through an interactive data net-*
10 *work involving Small Business Development Centers of in-*
11 *stitutions of higher education.*

12 (b) *COMPUTERIZED DATA BASE OF DEFENSE TECH-*
13 *NOLOGIES.*—(1) *Under the pilot program, the Secretary*
14 *shall enter into an agreement with the head of an eligible*
15 *institution of higher education that provides for such insti-*
16 *tution—*

17 (A) *to develop and maintain a computerized*
18 *data base of information on defense technologies;*

19 (B) *to make such information available online*
20 *to—*

21 (i) *businesses; and*

22 (ii) *other institutions of higher education*
23 *entering into partnerships with the Secretary*
24 *under subsection (c).*

1 (2) *The online accessibility may be established by*
2 *means of any of, or any combination of, the following:*

3 (A) *Digital teleconferencing.*

4 (B) *International Signal Digital Network*
5 *lines.*

6 (C) *Direct modem hookup.*

7 (c) *PARTNERSHIP NETWORK.*—*Under the pilot pro-*
8 *gram, the Secretary shall seek to enter into agreements with*
9 *the heads of several eligible institutions of higher education*
10 *having strong business education programs to provide for*
11 *the institutions of higher education entering into such*
12 *agreements—*

13 (1) *to establish interactive computer links with*
14 *the data base developed and maintained under sub-*
15 *section (b); and*

16 (2) *to assist the Secretary in making informa-*
17 *tion on defense technologies available online to the*
18 *broadest practicable number, types, and sizes of busi-*
19 *nesses.*

20 (d) *ELIGIBLE INSTITUTIONS.*—*For the purposes of this*
21 *section, an institution of higher education is eligible to*
22 *enter into an agreement under subsection (b) or (c) if the*
23 *institution has a Small Business Development Center.*

24 (e) *DEFENSE TECHNOLOGIES COVERED.*—(1) *The Sec-*
25 *retary shall designate the technologies to be covered by the*

1 *pilot program from among the existing and experimental*
2 *technologies that the Secretary determines—*

3 (A) *are useful in meeting Department of Defense*
4 *needs; and*

5 (B) *should be made available under the pilot*
6 *program to facilitate the satisfaction of such needs by*
7 *private sector sources.*

8 (2) *Technologies covered by the program should include*
9 *technologies useful for defense purposes that can also be used*
10 *for nondefense purposes (without or without modification).*

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

12 (1) *The term “Small Business Development Cen-*
13 *ter” means a small business development center estab-*
14 *lished pursuant to section 21 of the Small Business*
15 *Act (15 U.S.C. 648).*

16 (2) *The term “defense technology” means a tech-*
17 *nology designated by the Secretary of Defense under*
18 *subsection (d).*

19 (3) *The term “partnership” means an agreement*
20 *entered into under subsection (c).*

21 (g) *TERMINATION OF PILOT PROGRAM.—The pilot*
22 *program shall terminate one year after the Secretary enters*
23 *into an agreement under subsection (b).*

24 (h) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
25 *amount authorized to be appropriated under section 201(4)*

1 *for university research initiatives, \$3,000,000 is available*
2 *for the pilot program.*

3 **TITLE IX—DEPARTMENT OF DE-**
4 **FENSE ORGANIZATION AND**
5 **MANAGEMENT**

6 **Subtitle A—General Matters**

7 **SEC. 901. REPEAL OF REORGANIZATION OF OFFICE OF SEC-**
8 **RETARY OF DEFENSE.**

9 *Sections 901 and 903 of the National Defense Author-*
10 *ization Act for Fiscal Year 1996 (Public Law 104–106; 110*
11 *Stat. 399 and 401) are repealed.*

12 **SEC. 902. CODIFICATION OF REQUIREMENTS RELATING TO**
13 **CONTINUED OPERATION OF THE UNIFORMED**
14 **SERVICES UNIVERSITY OF THE HEALTH**
15 **SCIENCES.**

16 *(a) CODIFICATION OF EXISTING LAW.—(1) Chapter*
17 *104 of title 10, United States Code, is amended by inserting*
18 *after section 2112 the following:*

19 **“§2112a. Continued operation of University**

20 *“(a) CLOSURE PROHIBITED.—The University may not*
21 *be closed.*

22 *“(b) PERSONNEL STRENGTH.—During the five-year*
23 *period beginning on October 1, 1996, the personnel staffing*
24 *levels for the University may not be reduced below the per-*

1 *sonnel staffing levels for the University on October 1,*
2 *1993.”.*

3 (2) *The table of sections at the beginning of such chap-*
4 *ter is amended by inserting after the item relating to section*
5 *2112 the following:*

“2112a. Continued operation of University.”.

6 (b) *REPEAL OF SUPERSEDED LAW.—(1) Section 922*
7 *of the National Defense Authorization Act for Fiscal Year*
8 *1995 (Public Law 103–337; 108 Stat. 282; 10 U.S.C. 2112*
9 *note) is amended by striking out subsection (a).*

10 (2) *Section 1071 of the National Defense Authorization*
11 *Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.*
12 *445; 10 U.S.C. 2112 note) is amended by striking out sub-*
13 *section (b).*

14 **SEC. 903. CODIFICATION OF REQUIREMENT FOR UNITED**
15 **STATES ARMY RESERVE COMMAND.**

16 (a) *REQUIREMENT FOR ARMY RESERVE COMMAND.—*
17 *(1) Chapter 307 of title 10, United States Code, is amended*
18 *by inserting after section 3074 the following:*

19 **“§ 3074a. United States Army Reserve Command**

20 “(a) *COMMAND.—The United States Army Reserve*
21 *Command is a separate command of the Army commanded*
22 *by the Chief of Army Reserve.*

23 “(b) *CHAIN OF COMMAND.—Except as otherwise pre-*
24 *scribed by the Secretary of Defense, the Secretary of the*

1 *Army shall prescribe the chain of command for the United*
2 *States Army Reserve Command.*

3 “(c) *ASSIGNMENT OF FORCES.*—*The Secretary of the*
4 *Army—*

5 “(1) *shall assign to the United States Army Re-*
6 *serve Command all forces of the Army Reserve in the*
7 *continental United States other than forces assigned*
8 *to the unified combatant command for special oper-*
9 *ations forces established pursuant to section 167 of*
10 *this title; and*

11 “(2) *except as otherwise directed by the Secretary*
12 *of Defense in the case of forces assigned to carry out*
13 *functions of the Secretary of the Army specified in*
14 *section 3013 of this title, shall assign all such forces*
15 *of the Army Reserve to the commander of the United*
16 *States Atlantic Command.*”.

17 (2) *The table of sections at the beginning of such chap-*
18 *ter is amended by inserting after the item relating to section*
19 *3074 the following:*

 “3074a. *United States Army Reserve Command.*”.

20 (b) *REPEAL OF SUPERSEDED LAW.*—*Section 903 of*
21 *the National Defense Authorization Act for Fiscal Year*
22 *1991 (Public Law 101–510; 104 Stat. 1620; 10 U.S.C. 3074*
23 *note) is repealed.*

1 **SEC. 904. TRANSFER OF AUTHORITY TO CONTROL TRANS-**
2 **PORTATION SYSTEMS IN TIME OF WAR.**

3 (a) *AUTHORITY OF SECRETARY OF DEFENSE.*—Sec-
4 *tion 4742 of title 10, United States Code, is amended by*
5 *striking out “Secretary of the Army” and inserting in lieu*
6 *thereof “Secretary of Defense”.*

7 (b) *TRANSFER OF SECTION.*—*Such section, as amend-*
8 *ed by subsection (a), is transferred to the end of chapter*
9 *157 of such title and is redesignated as section 2644.*

10 (c) *CONFORMING AMENDMENT.*—*Section 9742 of such*
11 *title is repealed.*

12 (d) *CLERICAL AMENDMENTS.*—(1) *The table of sections*
13 *at the beginning of chapter 157 of such title is amended*
14 *by inserting after the item relating to section 2643 the fol-*
15 *lowing new item:*

“2644. Control of transportation systems in time of war.”.

16 (2) *The table of sections at the beginning of chapter*
17 *447 of such title is amended by striking out the item relat-*
18 *ing to section 4742.*

19 (3) *The table of sections at the beginning of chapter*
20 *947 of such title is amended by striking out the item relat-*
21 *ing to section 9742.*

1 **SEC. 905. REDESIGNATION OF OFFICE OF NAVAL RECORDS**
2 **AND HISTORY FUND AND CORRECTION OF**
3 **RELATED REFERENCES.**

4 (a) *NAME OF FUND.*—Subsection (a) of section 7222
5 of title 10, United States Code, is amended by striking out
6 “‘Office of Naval Records and History Fund’” in the sec-
7 ond sentence and inserting in lieu thereof “‘Naval Histori-
8 cal Center Fund’”.

9 (b) *CORRECTION OF REFERENCE TO ADMINISTERING*
10 *OFFICE.*—Subsection (a) of such section, as amended by
11 subsection (a), is further amended by striking out “Office
12 of Naval Records and History” in the first sentence and
13 inserting in lieu thereof “Naval Historical Center”.

14 (c) *CONFORMING REFERENCE.*—Subsection (c) of such
15 section is amended by striking out “Office of Naval Records
16 and History Fund” in the second sentence and inserting
17 in lieu thereof “Naval Historical Center Fund”.

18 (d) *CLERICAL AMENDMENTS.*—(1) The heading of such
19 section is amended to read as follows:

20 **“§ 7222. Naval Historical Center Fund”.**

21 (2) The item relating to such section in the table of
22 sections at the beginning of chapter 631 of title 10, United
23 States Code, is amended to read as follows:

“7222. Naval Historical Center Fund.”.

1 **SEC. 906. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE**
2 **IN APPOINTMENT AND EVALUATION OF CER-**
3 **TAIN INTELLIGENCE OFFICIALS.**

4 (a) *IN GENERAL.*—Section 201 of title 10, United
5 States Code, is amended to read as follows:

6 **“§201. Certain intelligence officials: consultation and**
7 **concurrence regarding appointments;**
8 **evaluation of performance**

9 “(a) *CONSULTATION REGARDING APPOINTMENT.*—Be-
10 fore submitting a recommendation to the President regard-
11 ing the appointment of an individual to the position of Di-
12 rector of the Defense Intelligence Agency, the Secretary of
13 Defense shall consult with the Director of Central Intel-
14 ligence regarding the recommendation.

15 “(b) *CONCURRENCE IN APPOINTMENT.*—Before submit-
16 ting a recommendation to the President regarding the ap-
17 pointment of an individual to a position referred to in
18 paragraph (2), the Secretary of Defense shall seek the con-
19 currence of the Director of Central Intelligence in the rec-
20 ommendation. If the Director does not concur in the rec-
21 ommendation, the Secretary may make the recommendation
22 to the President without the Director’s concurrence, but
23 shall include in the recommendation a statement that the
24 Director does not concur in the recommendation.

25 “(2) Paragraph (1) applies to the following positions:

1 “(A) *The Director of the National Security Agen-*
2 *cy.*

3 “(B) *The Director of the National Reconnois-*
4 *sance Office.*

5 “(c) *PERFORMANCE EVALUATIONS.—(1) The Director*
6 *of Central Intelligence shall provide annually to the Sec-*
7 *retary of Defense, for the Secretary’s consideration, an eval-*
8 *uation of the performance of the individuals holding the po-*
9 *sitions referred to in paragraph (2) in fulfilling their re-*
10 *spective responsibilities with regard to the National Foreign*
11 *Intelligence Program.*

12 “(2) *The positions referred to in paragraph (1) are*
13 *the following:*

14 “(A) *The Director of the National Security Agen-*
15 *cy.*

16 “(B) *The Director of the National Reconnois-*
17 *sance Office.*

18 “(C) *The Director of the National Imagery and*
19 *Mapping Agency.”.*

20 “(b) *CLERICAL AMENDMENT.—The table of sections at*
21 *the beginning of subchapter II of chapter 8 of such title*
22 *is amended by striking out the item relating to section 201*
23 *and inserting in lieu thereof the following new item:*

 “201. *Certain intelligence officials: consultation and concurrence regarding ap-*
 pointments; evaluation of performance.”.

1 **SEC. 907. MATTERS TO BE CONSIDERED IN NEXT ASSESS-**
2 **MENT OF CURRENT MISSIONS, RESPONSIBIL-**
3 **ITIES, AND FORCE STRUCTURE OF THE UNI-**
4 **FIED COMBATANT COMMANDS.**

5 *The Chairman of the Joint Chiefs of Staff shall con-*
6 *sider, as part of the next periodic review of the missions,*
7 *responsibilities, and force structure of the unified combatant*
8 *commands under section 161(b) of title 10, United States*
9 *Code, the following matters:*

10 (1) *For each Area of Responsibility of the re-*
11 *gional unified combatant commands—*

12 (A) *the foremost threats to United States or*
13 *allied security in the near- and long-term;*

14 (B) *the total area of ocean and total area*
15 *of land encompassed; and*

16 (C) *the number of countries and total popu-*
17 *lation encompassed.*

18 (2) *Whether any one Area of Responsibility en-*
19 *compasses a disproportionately high or low share of*
20 *threats, mission requirements, land or ocean area,*
21 *number of countries, or population.*

22 (3) *The other factors used to establish the current*
23 *Areas of Responsibility.*

24 (4) *Whether any of the factors addressed under*
25 *paragraph (3) account for any apparent imbalances*
26 *indicated in the response to paragraph (2).*

1 (5) *Whether, in light of recent reductions in the*
2 *overall force structure of the Armed Forces, the United*
3 *States could better execute its warfighting plans with*
4 *fewer unified combatant commands, including—*

5 (A) *a total of five or fewer commands, all*
6 *of which are regional;*

7 (B) *an eastward-oriented command, a west-*
8 *ward-oriented command, and a central com-*
9 *mand; or*

10 (C) *a purely functional command structure,*
11 *involving (for example) a first theater command,*
12 *a second theater command, a logistics command,*
13 *a special contingencies command, and a strate-*
14 *gic command.*

15 (6) *Whether any missions, staff, facilities, equip-*
16 *ment, training programs, or other assets or activities*
17 *of the unified combatant commands are redundant.*

18 (7) *Whether warfighting requirements are ade-*
19 *quate to justify the current functional commands.*

20 (8) *Whether the exclusion of Russia from a spe-*
21 *cific Area of Responsibility presents any difficulties*
22 *for the unified combatant commands with respect to*
23 *contingency planning for that area and its periphery.*

24 (9) *Whether the current geographic boundary be-*
25 *tween the Central Command and the European Com-*

1 (1) *There is a need within the Department of*
2 *Defense and the Intelligence Community of the United*
3 *States to provide a single agency focus for the grow-*
4 *ing number and diverse types of customers for im-*
5 *agery and geospatial information resources within the*
6 *Government, to ensure visibility and accountability*
7 *for those resources, and to harness, leverage, and focus*
8 *rapid technological developments to serve the imagery,*
9 *imagery intelligence, and geospatial information cus-*
10 *tomers.*

11 (2) *There is a need for a single Government*
12 *agency to solicit and advocate the needs of that grow-*
13 *ing and diverse pool of customers.*

14 (3) *A single combat support agency dedicated to*
15 *imagery, imagery intelligence, and geospatial infor-*
16 *mation could act as a focal point for support of all*
17 *imagery intelligence and geospatial information cus-*
18 *tomers, including customers in the Department of De-*
19 *fense, the Intelligence Community, and related agen-*
20 *cies outside of the Department of Defense.*

21 (4) *Such an agency would best serve the needs of*
22 *the imagery, imagery intelligence, and geospatial in-*
23 *formation customers if it were organized—*

24 (A) *to carry out its mission responsibilities*
25 *under the authority, direction, and control of the*

1 *Secretary of Defense, with the advice of the*
 2 *Chairman of the Joint Chiefs of Staff; and*
 3 *(B) to carry out its responsibilities to na-*
 4 *tional intelligence customers in accordance with*
 5 *policies and priorities established by the Director*
 6 *of Central Intelligence.*

7 **PART I—ESTABLISHMENT**

8 **SEC. 921. ESTABLISHMENT, MISSIONS, AND AUTHORITY.**

9 *(a) ESTABLISHMENT IN TITLE 10, UNITED STATES*
 10 *CODE.—Part I of subtitle A of title 10, United States Code,*
 11 *is amended—*

12 *(1) by redesignating chapter 22 as chapter 23;*
 13 *and*
 14 *(2) by inserting after chapter 21 the following*
 15 *new chapter 22:*

16 **“CHAPTER 22—NATIONAL IMAGERY AND**
 17 **MAPPING AGENCY**

<i>“Subchapter</i>	<i>Sec.</i>
<i>“I. Establishment, Missions, and Authority</i>	<i>441</i>
<i>“II. Maps, Charts, and Geodetic Products</i>	<i>451</i>
<i>“III. Personnel Management</i>	<i>461</i>
<i>“IV. Definitions</i>	<i>471</i>

18 **“SUBCHAPTER I—ESTABLISHMENT, MISSIONS,**
 19 **AND AUTHORITY**

<i>“Sec.</i>	
<i>“441. Establishment.</i>	
<i>“442. Missions.</i>	
<i>“443. Imagery intelligence and geospatial information support for foreign coun-</i> <i>tries</i>	
<i>“444. Support from Central Intelligence Agency.</i>	
<i>“445. Protection of agency identifications and organizational information.</i>	

1 **“§ 441. Establishment**

2 “(a) *ESTABLISHMENT.*—*The National Imagery and*
3 *Mapping Agency is a combat support agency of the Depart-*
4 *ment of Defense and has significant national missions.*

5 “(b) *DIRECTOR.*—(1) *The Director of the National Im-*
6 *agery and Mapping Agency is the head of the agency. The*
7 *President shall appoint the Director.*

8 “(2)(A) *Upon a vacancy in the position of Director,*
9 *the Secretary of Defense shall recommend to the President*
10 *an individual for appointment to the position.*

11 “(B) *The Secretary shall seek the concurrence of the*
12 *Director of Central Intelligence in recommending an indi-*
13 *vidual for appointment under subparagraph (A). If the Di-*
14 *rector does not concur in the recommendation, the Secretary*
15 *may make the recommendation to the President without the*
16 *Director’s concurrence, but shall include in the rec-*
17 *ommendation a statement that the Director does not concur*
18 *in the recommendation.*

19 “(3) *If an officer of the armed forces is appointed to*
20 *the position of Director under this subsection, the position*
21 *is a position of importance and responsibility for purposes*
22 *of section 601 of this title and carries the grade of lieutenant*
23 *general, or, in the case of an officer of the Navy, vice admi-*
24 *ral.*

25 “(c) *COLLECTION TASKING AUTHORITY.*—*The Director*
26 *of Central Intelligence shall have authority to approve col-*

1 *lection requirements, determine collection priorities, and re-*
2 *solve conflicts in collection priorities levied on national im-*
3 *agery collection assets, except as otherwise agreed by the Di-*
4 *rector and the Secretary of Defense pursuant to the direc-*
5 *tion of the President.*

6 **“§ 442. Missions**

7 “(a) *DEPARTMENT OF DEFENSE MISSIONS.—The Na-*
8 *tional Imagery and Mapping Agency shall—*

9 “(1) *provide timely, relevant, and accurate im-*
10 *agery, imagery intelligence, and geospatial informa-*
11 *tion in support of the national security objectives of*
12 *the United States;*

13 “(2) *improve means of navigating vessels of the*
14 *Navy and the merchant marine by providing, under*
15 *the authority of the Secretary of Defense, accurate*
16 *and inexpensive nautical charts, sailing directions,*
17 *books on navigation, and manuals of instructions for*
18 *the use of all vessels of the United States and of navi-*
19 *gators generally; and*

20 “(3) *prepare and distribute maps, charts, books,*
21 *and geodetic products as authorized under subchapter*
22 *II of this chapter.*

23 “(b) *NATIONAL MISSION.—The National Imagery and*
24 *Mapping Agency shall also have national missions as speci-*
25 *fied in section 120(a) of the National Security Act of 1947.*

1 “(c) *LIFE CYCLE SUPPORT.*—*The National Imagery*
2 *and Mapping Agency may, in furtherance of a mission of*
3 *the agency, design, develop, deploy, operate, and maintain*
4 *systems related to the processing and dissemination of im-*
5 *agery intelligence and geospatial information that may be*
6 *transferred to, accepted or used by, or used on behalf of—*

7 “(1) *the armed forces, including any combatant*
8 *command, component of a combatant command, joint*
9 *task force, or tactical unit; or*

10 “(2) *to any other department or agency of the*
11 *United States.*

12 **“§443. Imagery intelligence and geospatial informa-**
13 **tion support for foreign countries**

14 “(a) *APPROPRIATED FUNDS.*—*The Director of the Na-*
15 *tional Imagery and Mapping Agency may use appropriated*
16 *funds available to the National Imagery and Mapping*
17 *Agency to provide foreign countries with imagery intel-*
18 *ligence and geospatial information support.*

19 “(b) *FUNDS OTHER THAN APPROPRIATED FUNDS.*—
20 (1) *Subject to paragraphs (2), (3), and (4), the Director*
21 *is also authorized to use funds other than appropriated*
22 *funds to provide foreign countries with imagery intelligence*
23 *and geospatial information support.*

24 “(2) *Funds other than appropriated funds may not be*
25 *expended, in whole or in part, by or for the benefit of the*

1 *National Imagery and Mapping Agency for a purpose for*
2 *which Congress had previously denied funds.*

3 “(3) *Proceeds from the sale of imagery intelligence or*
4 *geospatial information items may be used only to purchase*
5 *replacement items similar to the items that are sold.*

6 “(4) *Funds other than appropriated funds may not be*
7 *expended to acquire items or services for the principal bene-*
8 *fit of the United States.*

9 “(5) *The authority to use funds other than appro-*
10 *priated funds under this section may be exercised notwith-*
11 *standing provisions of law relating to the expenditure of*
12 *funds of the United States.*

13 “(c) *ACCOMMODATION PROCUREMENTS.—The author-*
14 *ity under this section may be exercised to conduct accommo-*
15 *dation procurements on behalf of foreign countries.*

16 “(d) *COORDINATION WITH DIRECTOR OF CENTRAL IN-*
17 *TELLIGENCE.—The Director shall coordinate with the Di-*
18 *rector of Central Intelligence any action under this section*
19 *that involves imagery intelligence or intelligence products*
20 *or involves providing support to an intelligence or security*
21 *service of a foreign country.*

22 **“§444. Support from Central Intelligence Agency**

23 “(a) *SUPPORT AUTHORIZED.—The Director of Central*
24 *Intelligence may provide support in accordance with this*
25 *section to the Director of the National Imagery and Map-*

1 *ping Agency. The Director of the National Imagery and*
2 *Mapping Agency may accept support provided under this*
3 *section.*

4 “(b) *ADMINISTRATIVE AND CONTRACT SERVICES.—(1)*
5 *In furtherance of the national intelligence effort, the Direc-*
6 *tor of Central Intelligence may provide administrative and*
7 *contract services to the National Imagery and Mapping*
8 *Agency as if that agency were an organizational element*
9 *of the Central Intelligence Agency.*

10 “(2) *Services provided under paragraph (1) may in-*
11 *clude the services of security police. For purposes of section*
12 *15 of the Central Intelligence Agency Act of 1949 (50 U.S.C.*
13 *4030), an installation of the National Imagery and Map-*
14 *ping Agency provided security police services under this sec-*
15 *tion shall be considered an installation of the Central Intel-*
16 *ligence Agency.*

17 “(3) *Support provided under this subsection shall be*
18 *provided under terms and conditions agreed upon by the*
19 *Secretary of Defense and the Director of Central Intel-*
20 *ligence.*

21 “(c) *DETAIL OF PERSONNEL.—The Director of Central*
22 *Intelligence may detail Central Intelligence Agency person-*
23 *nel indefinitely to the National Imagery and Mapping*
24 *Agency without regard to any limitation on the duration*
25 *of interagency details of Federal Government personnel.*

1 *use is approved, endorsed, or authorized by the Secretary*
2 *of Defense, any of the following:*

3 “(A) *The words ‘National Imagery and Mapping*
4 *Agency’, the initials ‘NIMA’, or the seal of the Na-*
5 *tional Imagery and Mapping Agency.*

6 “(B) *The words ‘Defense Mapping Agency’, the*
7 *initials ‘DMA’, or the seal of the Defense Mapping*
8 *Agency.*

9 “(C) *Any colorable imitation of such words, ini-*
10 *tials, or seals.*

11 “(2) *Whenever it appears to the Attorney General that*
12 *any person is engaged or about to engage in an act or prac-*
13 *tice which constitutes or will constitute conduct prohibited*
14 *by paragraph (1), the Attorney General may initiate a civil*
15 *proceeding in a district court of the United States to enjoin*
16 *such act or practice. Such court shall proceed as soon as*
17 *practicable to a hearing and determination of such action*
18 *and may, at any time before such final determination, enter*
19 *such restraining orders or prohibitions, or take such other*
20 *action as is warranted, to prevent injury to the United*
21 *States or to any person or class of persons for whose protec-*
22 *tion the action is brought.*

23 “(b) *PROTECTION OF ORGANIZATIONAL INFORMA-*
24 *TION.—Notwithstanding any other provision of law, the Di-*
25 *rector of the National Imagery and Mapping Agency is not*

1 *required to disclose the organization of the agency, any*
 2 *function of the agency, any information with respect to the*
 3 *activities of the agency, or the names, titles, salaries, or*
 4 *number of the persons employed by the agency. This sub-*
 5 *section does not apply to disclosures of information to Con-*
 6 *gress.*

7 “*SUBCHAPTER II—MAPS, CHARTS, AND*
 8 *GEODETIC PRODUCTS*”

“*Sec.*”

“*451. Maps, charts, and books.*”

“*452. Pilot charts.*”

“*453. Prices of maps, charts, and navigational publications.*”

“*454. Exchange of mapping, charting, and geodetic data with foreign countries
and international organizations*”

“*455. Maps, charts, and geodetic data: public availability; exceptions.*”

“*456. Civil actions barred.*”

9 “*SUBCHAPTER III—PERSONNEL MANAGEMENT*”

“*Sec.*”

“*461. Civilian personnel management generally.*”

“*462. National Imagery and Mapping Senior Executive Service.*”

“*463. Management rights.*”

10 “**§ 461. Civilian personnel management generally**”

11 “(a) *GENERAL PERSONNEL AUTHORITY.—The Sec-*
 12 *retary of Defense may, without regard to the provisions of*
 13 *any other law relating to the appointment, number, classi-*
 14 *fication, or compensation of Federal employees—*

15 “(1) *establish such excepted service positions for*
 16 *employees in the National Imagery and Mapping*
 17 *Agency as the Secretary considers necessary to carry*
 18 *out the functions of those agencies, including positions*

1 *designated under subsection (f) as National Imagery*
2 *and Mapping Senior Level positions;*

3 “(2) *appoint individuals to those positions; and*

4 “(3) *fix the compensation for service in those po-*
5 *sitions.*

6 “(b) *AUTHORITY TO FIX RATES OF BASIC PAY AND*
7 *OTHER ALLOWANCES AND BENEFITS.—(1) The Secretary*
8 *of Defense shall, subject to subsection (c), fix the rates of*
9 *basic pay for positions established under subsection (a) in*
10 *relation to the rates of basic pay provided in subpart D*
11 *of part III of title 5 for positions subject to that title which*
12 *have corresponding levels of duties and responsibilities. Ex-*
13 *cept as otherwise provided by law, an employee of the Na-*
14 *tional Imagery and Mapping Agency may not be paid basic*
15 *pay at a rate in excess of the maximum rate payable under*
16 *section 5376 of title 5.*

17 “(2) *The Secretary of Defense may provide employees*
18 *in positions of the National Imagery and Mapping Agency*
19 *compensation (in addition to basic pay under paragraph*
20 *(1)) and benefits, incentives, and allowances consistent*
21 *with, and not in excess of the levels authorized for, com-*
22 *parable positions authorized by title 5.*

23 “(c) *PREVAILING RATES SYSTEMS.—The Secretary of*
24 *Defense may, consistent with section 5341 of title 5, adopt*
25 *such provisions of that title as provide for prevailing rate*

1 *systems of basic pay and may apply those provisions to*
2 *positions in or under which the National Imagery and*
3 *Mapping Agency may employ individuals described in sec-*
4 *tion 5342(a)(2)(A) of such title.*

5 “(d) ALLOWANCES BASED ON LIVING COSTS AND EN-
6 VIRONMENT FOR EMPLOYEES STATIONED OUTSIDE CON-
7 TINENTAL UNITED STATES OR IN ALASKA.—(1) *In addition*
8 *to the basic compensation payable under subsection (b), em-*
9 *ployees of the National Imagery and Mapping Agency de-*
10 *scribed in paragraph (3) may be paid an allowance, in ac-*
11 *cordance with regulations prescribed by the Secretary of De-*
12 *fense, at a rate not in excess of the allowance authorized*
13 *to be paid under section 5941(a) of title 5 for employees*
14 *whose rates of basic pay are fixed by statute.*

15 “(2) *Such allowance shall be based on—*

16 “(A) *living costs substantially higher than in the*
17 *District of Columbia;*

18 “(B) *conditions of environment which—*

19 “(i) *differ substantially from conditions of*
20 *environment in the continental United States;*
21 *and*

22 “(ii) *warrant an allowance as a recruit-*
23 *ment incentive; or*

24 “(C) *both of those factors.*

25 “(3) *This subsection applies to employees who—*

1 “(A) are citizens or nationals of the United
2 States; and

3 “(B) are stationed outside the continental United
4 States or in Alaska.

5 “(e) *TERMINATION OF EMPLOYEES.*—(1) *Notwith-*
6 *standing any other provision of law, the Secretary of De-*
7 *fense may terminate the employment of any employee of*
8 *the National Imagery and Mapping Agency if the Sec-*
9 *retary—*

10 “(A) considers such action to be in the interests
11 of the United States; and

12 “(B) determines that the procedures prescribed
13 in other provisions of law that authorize the termi-
14 nation of the employment of such employee cannot be
15 invoked in a manner consistent with the national se-
16 curity.

17 “(2) *A decision by the Secretary of Defense to termi-*
18 *nate the employment of an employee under this subsection*
19 *is final and may not be appealed or reviewed outside the*
20 *Department of Defense.*

21 “(3) *The Secretary of Defense shall promptly notify*
22 *the Committee on National Security and the Permanent Se-*
23 *lect Committee on Intelligence of the House of Representa-*
24 *tives and the Committee on Armed Services and the Select*
25 *Committee on Intelligence of the Senate whenever the Sec-*

1 *retary terminates the employment of any employee under*
2 *the authority of this subsection.*

3 “(4) *Any termination of employment under this sub-*
4 *section shall not affect the right of the employee involved*
5 *to seek or accept employment with any other department*
6 *or agency of the United States if that employee is declared*
7 *eligible for such employment by the Director of the Office*
8 *of Personnel Management.*

9 “(5) *The authority of the Secretary of Defense under*
10 *this subsection may be delegated only to the Deputy Sec-*
11 *retary of Defense and the Director of the National Imagery*
12 *and Mapping Agency. An action to terminate employment*
13 *of an employee by any such officer may be appealed to the*
14 *Secretary of Defense.*

15 “(f) *NATIONAL IMAGERY AND MAPPING SENIOR LEVEL*
16 *POSITIONS.—(1) In carrying out subsection (a)(1), the Sec-*
17 *retary may designate positions described in paragraph (3)*
18 *as National Imagery and Mapping Senior Level positions.*

19 “(2) *Positions designated under this subsection shall*
20 *be treated as equivalent for purposes of compensation to the*
21 *senior level positions to which section 5376 of title 5 is ap-*
22 *plicable.*

23 “(3) *Positions that may be designated as National Im-*
24 *agery and Mapping Senior Level positions are positions in*
25 *the National Imagery and Mapping Agency that (A) are*

1 *classified above the GS-15 level, (B) emphasize function ex-*
2 *pertise and advisory activity, but (C) do not have the orga-*
3 *nizational or program management functions necessary for*
4 *inclusion in the National Imagery and Mapping Senior*
5 *Executive Service.*

6 “(4) Positions referred to in paragraph (3) include Na-
7 *tional Imagery and Mapping Senior Technical positions*
8 *and National Imagery and Mapping Senior Professional*
9 *positions. For purposes of this subsection National Imagery*
10 *and Mapping Senior Technical positions are positions cov-*
11 *ered by paragraph (3) if—*

12 “(A) the positions involve—

13 “(i) research and development;

14 “(ii) test and evaluation;

15 “(iii) substantive analysis, liaison, or advi-
16 *sory activity focusing on engineering, physical*
17 *sciences, computer science, mathematics, biology,*
18 *chemistry, medicine, or other closely related sci-*
19 *entific and technical fields; or*

20 “(iv) intelligence disciplines including pro-
21 *duction, collection, and operations in close asso-*
22 *ciation with any of the activities described in*
23 *clauses (i), (ii), and (iii) or related activities; or*

24 “(B) the positions emphasize staff, liaison, ana-
25 *lytical, advisory, or other activity focusing on intel-*

1 *ligence, law, finance and accounting, program and*
2 *budget, human resources management, training, in-*
3 *formation services, logistics, security, and other ap-*
4 *propriate fields.*

5 “(g) ‘EMPLOYEE’ DEFINED AS INCLUDING OFFI-
6 CERS.—*In this section, the term ‘employee’, with respect to*
7 *the National Imagery and Mapping Agency, includes any*
8 *civilian officer of that agency.*

9 **“§462. National Imagery and Mapping Senior Execu-**
10 **tive Service**

11 “(a) ESTABLISHMENT.—*The Secretary of Defense may*
12 *establish a National Imagery and Mapping Senior Execu-*
13 *tive Service for senior civilian personnel within the Na-*
14 *tional Imagery and Mapping Agency.*

15 “(b) REQUIREMENTS FOR THE SERVICE.—*In estab-*
16 *lishing a National Imagery and Mapping Senior Executive*
17 *Service the Secretary shall—*

18 “(1) *meet the requirements set forth for the Sen-*
19 *ior Executive Service in section 3131 of title 5;*

20 “(2) *ensure that the National Imagery and Map-*
21 *ping Senior Executive Service positions satisfy re-*
22 *quirements that are consistent with the provisions of*
23 *section 3132(a)(2) of title 5;*

24 “(3) *prescribe rates of pay for the National Im-*
25 *agery and Mapping Senior Executive Service that are*

1 *not in excess of the maximum rate of basic pay, nor*
2 *less than the minimum rate of basic pay, established*
3 *for the Senior Executive Service under section 5382*
4 *of title 5;*

5 *“(4) provide for adjusting the rates of pay at the*
6 *same time and to the same extent as rates of basic*
7 *pay for the Senior Executive Service are adjusted;*

8 *“(5) provide a performance appraisal system for*
9 *the National Imagery and Mapping Senior Executive*
10 *Service that conforms to the provisions of subchapter*
11 *II of chapter 43 of title 5;*

12 *“(6) provide for removal consistent with section*
13 *3592 of title 5, and removal or suspension consistent*
14 *with subsections (a), (b), and (c) of section 7543 of*
15 *title 5 (except that any hearing or appeal to which*
16 *a member of the National Imagery and Mapping Sen-*
17 *ior Executive Service is entitled shall be held or de-*
18 *ecided pursuant to procedures established by the Sec-*
19 *retary of Defense);*

20 *“(7) permit the payment of performance awards*
21 *to members of the National Imagery and Mapping*
22 *Senior Executive Service consistent with the provi-*
23 *sions applicable to performance awards under section*
24 *5384 of title 5;*

1 “(8) provide that members of the National Im-
2 agery and Mapping Senior Executive Service may be
3 granted sabbatical leaves consistent with the provi-
4 sions of section 3396(c) of title 5; and

5 “(9) provide for the recertification of members of
6 the National Imagery and Mapping Senior Executive
7 Service consistent with the provisions of section 3393a
8 of title 5.

9 “(c) *AUTHORITY*.—Except as otherwise provided in
10 subsection (b), the Secretary of Defense may—

11 “(1) make applicable to the National Imagery
12 and Mapping Senior Executive Service any of the
13 provisions of title 5 that are applicable to applicants
14 for or members of the Senior Executive Service; and

15 “(2) appoint, promote, and assign individuals to
16 positions established within the National Imagery
17 and Mapping Senior Executive Service without re-
18 gard to the provisions of title 5 governing appoint-
19 ments and other personnel actions in the competitive
20 service.

21 “(d) *AWARD OF RANK*.—The President, based on the
22 recommendations of the Secretary of Defense, may award
23 ranks to individuals who occupy positions in the National
24 Imagery and Mapping Senior Executive Service in a man-

1 *ner consistent with the provisions of section 4507 of title*
2 *5.*

3 “(e) *DETAILS AND ASSIGNMENTS.*—*Notwithstanding*
4 *any other provisions of this section, the Secretary of Defense*
5 *may detail or assign any member of the National Imagery*
6 *and Mapping Senior Executive Service to serve in a posi-*
7 *tion outside the National Imagery and Mapping Agency in*
8 *which the member’s expertise and experience may be of ben-*
9 *efit to the National Imagery and Mapping Agency or an-*
10 *other Government agency. Any such member shall not by*
11 *reason of such detail or assignment lose any entitlement or*
12 *status associated with membership in the National Imagery*
13 *and Mapping Senior Executive Service.*

14 **“§ 463. Management rights**

15 “(a) *SCOPE.*—*If there is no obligation under the provi-*
16 *sions of chapter 71 of title 5 for the head of an agency of*
17 *the United States to consult or negotiate with a labor orga-*
18 *nization on a particular matter by reason of that matter*
19 *being covered by a provision of law or a Governmentwide*
20 *regulation, the Director of the National Imagery and Map-*
21 *ping Agency is not obligated to consult or negotiate with*
22 *a labor organization on that matter even if that provision*
23 *of law or regulation is inapplicable to the National Imagery*
24 *and Mapping Agency.*

1 “(b) *BARGAINING UNITS.—The National Imagery and*
2 *Mapping Agency shall accord exclusive recognition to a*
3 *labor organization under section 7111 of title 5 only for*
4 *a bargaining unit that was recognized as appropriate for*
5 *the Defense Mapping Agency on the day before the date on*
6 *which employees and positions of the Defense Mapping*
7 *Agency in that bargaining unit became employees and posi-*
8 *tions of the National Imagery and Mapping Agency under*
9 *the National Imagery and Mapping Agency Act of 1996*
10 *(subtitle B of title IX of the National Defense Authorization*
11 *Act for Fiscal Year 1997).*

12 “(c) *TERMINATION OF BARGAINING UNIT COVERAGE*
13 *OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY*
14 *DIRECTLY.—(1) If the Director of the National Imagery*
15 *and Mapping Agency determines that the responsibilities*
16 *of a position within a collective bargaining unit should be*
17 *modified to include intelligence, counterintelligence, inves-*
18 *tigative, or security duties not previously assigned to that*
19 *position and that the performance of the newly assigned du-*
20 *ties directly affects the national security of the United*
21 *States, then, upon such a modification of the responsibil-*
22 *ities of that position, the position shall cease to be covered*
23 *by the collective bargaining unit and the employee in that*
24 *position shall cease to be entitled to representation by a*

1 *labor organization accorded exclusive recognition for that*
2 *collective bargaining unit.*

3 “(2) *A determination described in paragraph (1) that*
4 *is made by the Director of the National Imagery and Map-*
5 *ping Agency may not be reviewed by the Federal Labor Re-*
6 *lations Authority or any court of the United States.*

7 “SUBCHAPTER IV—DEFINITIONS

“Sec.

“471. Definitions.

8 “**§ 471. Definitions**

9 “*In this chapter:*

10 “(1) *The term ‘function’ means any duty, obliga-*
11 *tion, responsibility, privilege, activity, or program.*

12 “(2)(A) *The term ‘imagery’ means, except as*
13 *provided in subparagraph (B), a likeness or presen-*
14 *tation of any natural or manmade feature or related*
15 *object or activity and the positional data acquired at*
16 *the same time the likeness or representation was ac-*
17 *quired, including—*

18 “(i) *products produced by space-based na-*
19 *tional intelligence reconnaissance systems; and*

20 “(ii) *likenesses or presentations produced by*
21 *satellites, airborne platforms, unmanned aerial*
22 *vehicles, or other similar means.*

1 “(B) *The term does not include handheld or*
2 *clandestine photography taken by or on behalf of*
3 *human intelligence collection organizations.*

4 “(3) *The term ‘imagery intelligence’ means the*
5 *technical, geographic, and intelligence information de-*
6 *ived through the interpretation or analysis of im-*
7 *agery and collateral materials.*

8 “(4) *The term ‘geospatial information’ means in-*
9 *formation that identifies the geographic location and*
10 *characteristics of natural or constructed features and*
11 *boundaries on the earth and includes—*

12 “(A) *statistical data and information de-*
13 *ived from, among other things, remote sensing,*
14 *mapping, and surveying technologies;*

15 “(B) *mapping, charting, and geodetic data;*
16 *and*

17 “(C) *geodetic products, as defined in section*
18 *455(c) of this title.”.*

19 (b) *TRANSFER OF CHAPTER 167 PROVISIONS.—Sec-*
20 *tions 2792, 2793, 2794, 2795, 2796, and 2798 of title 10,*
21 *United States Code, are transferred to subchapter II of*
22 *chapter 22 of such title, as added by subsection (a), are in-*
23 *serted in that sequence in such subchapter following the*
24 *table of sections, and are redesignated in accordance with*
25 *the following table:*

<i>Section transferred</i>	<i>Section as redesignated</i>
2792	451
2793	452
2794	453
2795	454
2796	455
2798	456.

1 (c) *OVERSIGHT OF AGENCY AS A COMBAT SUPPORT*

2 *AGENCY.*—*Section 193 of title 10, United States Code, is*
3 *amended—*

4 (1) *in subsection (d)—*

5 (A) *by striking out the caption and insert-*
6 *ing in lieu thereof “REVIEW OF NATIONAL SECU-*
7 *RITY AGENCY AND NATIONAL IMAGERY AND*
8 *MAPPING AGENCY.—”;*

9 (B) *in paragraph (1)—*

10 (i) *by inserting “and the National Im-*
11 *agery and Mapping Agency” after “the Na-*
12 *tional Security Agency”; and*

13 (ii) *by striking out “the Agency” and*
14 *inserting in lieu thereof “that the agencies”;*
15 *and*

16 (C) *in paragraph (2), by inserting “and the*
17 *National Imagery and Mapping Agency” after*
18 *“the National Security Agency”;*

19 (2) *in subsection (e)—*

1 (A) by striking out “DIA AND NSA” in the
2 caption and inserting in lieu thereof the follow-
3 ing: “DIA, NSA, AND NIMA.—”; and

4 (B) by striking out “and the National Secu-
5 rity Agency” and inserting in lieu thereof “, the
6 National Security Agency, and the National Im-
7 agery and Mapping Agency”; and

8 (3) in subsection (f), by striking out paragraph
9 (4) and inserting in lieu thereof the following:

10 “(4) The National Imagery and Mapping Agen-
11 cy.”.

12 (d) SPECIAL PRINTING AUTHORITY FOR AGENCY.—(1)
13 Section 207(a)(2)(B) of the Legislative Branch Appropria-
14 tions Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note)
15 is amended by inserting “National Imagery and Mapping
16 Agency,” after “Defense Intelligence Agency,”.

17 (2) Section 1336 of title 44, United States Code, is
18 amended—

19 (A) by striking out “Secretary of the Navy” and
20 inserting in lieu thereof “Director of the National Im-
21 agery and Mapping Agency”; and

22 (B) by striking out “United States Naval Ocean-
23 ographic Office” and inserting in lieu thereof “Na-
24 tional Imagery and Mapping Agency”.

1 **SEC. 922. TRANSFERS.**

2 (a) *DEPARTMENT OF DEFENSE.*—*The missions and*
3 *functions of the following elements of the Department of De-*
4 *fense are transferred to the National Imagery and Mapping*
5 *Agency:*

6 (A) *The Defense Mapping Agency.*

7 (B) *The Central Imagery Office.*

8 (C) *Other elements of the Department of Defense*
9 *as provided in the classified annex to this Act.*

10 (b) *CENTRAL INTELLIGENCE AGENCY.*—*The missions*
11 *and functions of the following elements of the Central Intel-*
12 *ligence Agency are transferred to the National Imagery and*
13 *Mapping Agency:*

14 (A) *The National Photographic Interpretation*
15 *Center.*

16 (B) *Other elements of the Central Intelligence*
17 *Agency as provided in the classified annex to this Act.*

18 (c) *PERSONNEL AND ASSETS.*—(1) *Subject to para-*
19 *graphs (2) and (3), the personnel, assets, unobligated bal-*
20 *ances of appropriations and authorizations of appropri-*
21 *tions, and, to the extent jointly determined appropriate by*
22 *the Secretary of Defense and Director of Central Intel-*
23 *ligence, obligated balances of appropriations and authoriza-*
24 *tions of appropriations employed, used, held, arising from,*
25 *or available in connection with the missions and functions*
26 *transferred under subsection (a) or (b) are transferred to*

1 *the National Imagery and Mapping Agency. A transfer*
2 *may not be made under the preceding sentence for any pro-*
3 *gram or function for which funds are not appropriated to*
4 *the National Imagery and Mapping Agency for fiscal year*
5 *1997. Transfers of appropriations from the Central Intel-*
6 *ligence Agency under this paragraph shall be made in ac-*
7 *cordance with section 1531 of title 31, United States Code.*

8 (2) *Not earlier than two years after the effective date*
9 *of this subtitle, the Secretary of Defense and the Director*
10 *of Central Intelligence shall determine which, if any, posi-*
11 *tions and personnel of the Central Intelligence Agency are*
12 *to be transferred to the National Imagery and Mapping*
13 *Agency. The positions to be transferred, and the employees*
14 *serving in such positions, shall be transferred to the Na-*
15 *tional Imagery and Mapping Agency under terms and con-*
16 *ditions prescribed by the Secretary of Defense and the Di-*
17 *rector of Central Intelligence.*

18 (3) *If the National Photographic Interpretation Center*
19 *of the Central Intelligence Agency or any imagery-related*
20 *activity of the Central Intelligence Agency authorized to be*
21 *performed by the National Imagery and Mapping Agency*
22 *is not completely transferred to the National Imagery and*
23 *Mapping Agency, the Secretary of Defense and the Director*
24 *of Central Intelligence shall—*

1 orities governing the collection of national intelligence by
2 the National Imagery and Mapping Agency under sub-
3 section (a).

4 “(c) CORRECTION OF DEFICIENCIES.—The Director of
5 Central Intelligence shall develop and implement such pro-
6 grams and policies as the Director and the Secretary jointly
7 determine necessary to review and correct deficiencies iden-
8 tified in the capabilities of the National Imagery and Map-
9 ping Agency to accomplish assigned national missions. The
10 Director shall consult with the Secretary of Defense on the
11 development and implementation of such programs and
12 policies. The Secretary shall obtain the advice of the Chair-
13 man of the Joint Chiefs of Staff regarding the matters on
14 which the Director and the Secretary are to consult under
15 the preceding sentence.”.

16 (c) TASKING OF IMAGERY ASSETS.—Title I of such Act
17 is further amended by adding at the end the following:

18 “COLLECTION TASKING AUTHORITY
19 “SEC. 121. The Director of Central Intelligence shall
20 have authority to approve collection requirements, deter-
21 mine collection priorities, and resolve conflicts in collection
22 priorities levied on national imagery collection assets, ex-
23 cept as otherwise agreed by the Director and the Secretary
24 of Defense pursuant to the direction of the President.”.

1 (d) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *the first section of such Act is amended by inserting after*
3 *section 109 the following new items:*

“Sec. 120. National mission of National Imagery and Mapping Agency.

“Sec. 121. Collection tasking authority.”.

4 **SEC. 924. OTHER PERSONNEL MANAGEMENT AUTHORITIES.**

5 (a) *COMPARABLE TREATMENT WITH OTHER INTEL-*
6 *LIGENCE SENIOR EXECUTIVE SERVICES.*—*Title 5, United*
7 *States Code, is amended as follows:*

8 (1) *In section 2108(3), by inserting “the Na-*
9 *tional Imagery and Mapping Senior Executive Serv-*
10 *ice,” after “the Senior Cryptologic Executive Service,”*
11 *in the matter following subparagraph (F)(iii).*

12 (2) *In section 6304(f)(1), by—*

13 (A) *by striking out “or” at the end of sub-*
14 *paragraph (D);*

15 (B) *by striking out the period at the end of*
16 *in subparagraph (E) and inserting in lieu there-*
17 *of “; or”; and*

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

19 *“(F) the National Imagery and Mapping*
20 *Senior Executive Service.”; and*

21 (3) *In sections 8336(h)(2) and 8414(a)(2), by*
22 *striking out “or the Senior Cryptologic Executive*
23 *Service” and inserting in lieu thereof “, the Senior*

1 *Cryptologic Executive Service, or the National Im-*
2 *agery and Mapping Senior Executive Service”.*

3 **(b) CENTRAL IMAGERY OFFICE PERSONNEL MANAGE-**
4 **MENT AUTHORITIES.—**

5 **(1) NONDUPLICATION OF COVERAGE BY DEFENSE**
6 **INTELLIGENCE SENIOR EXECUTIVE SERVICE.—***Section*
7 *1601 of title 10, United States Code, is amended—*

8 **(A) in subsection (a), by striking out “and**
9 **the Central Imagery Office”;**

10 **(B) in subsection (d), by striking out “or**
11 **the Central Imagery Office in which the mem-**
12 **ber’s expertise and experience may be of benefit**
13 **to the Defense Intelligence Agency, the Central**
14 **Imagery Office,” in the first sentence and insert-**
15 **ing in lieu thereof “in which the member’s exper-**
16 **tise and experience may be of benefit to the De-**
17 **fense Intelligence Agency”;** and

18 **(C) in subsection (e), by striking out “and**
19 **the Central Imagery Office” in the first sentence.**

20 **(2) MERIT PAY.—***Section 1602 of such title is*
21 *amended by striking out “and Central Imagery Of-*
22 *face”.*

23 **(3) MISCELLANEOUS AUTHORITIES.—***Subsection*
24 *1604 of such title is amended—*

25 **(A) in subsection (a)(1)—**

- 1 (i) by striking out “and the Central
2 Imagery Office”; and
- 3 (ii) by striking out “and Office”;
- 4 (B) in subsection (b)—
- 5 (i) in paragraph (1), by striking out
6 “or the Central Imagery Office” in the sec-
7 ond sentence; and
- 8 (ii) in paragraph (2), by striking out
9 “and the Central Imagery Office”;
- 10 (C) in subsection (c), by striking out “or the
11 Central Imagery Office”;
- 12 (D) in subsection (d)(1), by striking out
13 “and the Central Imagery Office”;
- 14 (E) in subsection (e)—
- 15 (i) in paragraph (1), by striking out
16 “or the Central Imagery Office”; and
- 17 (ii) in paragraph (5) by striking out “,
18 the Director of the Defense Intelligence
19 Agency (with respect to employees of the De-
20 fense Intelligence Agency), and the Director
21 of the Central Imagery Office (with respect
22 to employees of the Central Imagery Of-
23 fice)” and inserting in lieu thereof “and the
24 Director of the Defense Intelligence Agency

1 *(with respect to employees of the Defense In-*
 2 *telligence Agency)”;*

3 *(F) in subsection (f)(3), by striking out*
 4 *“and Central Imagery Office”; and*

5 *(G) in subsection (g)—*

6 *(i) by striking out “or the Central Im-*
 7 *agery Office”; and*

8 *(ii) by striking out “or Office”.*

9 *(c) APPLICABILITY OF FEDERAL LABOR-MANAGEMENT*
 10 *RELATIONS SYSTEM.—Section 7103(a)(3) of title 5, United*
 11 *States Code is amended—*

12 *(1) by inserting “or” at the end of subparagraph*
 13 *(F);*

14 *(2) by striking out “; or” at the end of subpara-*
 15 *graph (G) and inserting in lieu thereof a period; and*

16 *(3) by striking out subparagraph (H).*

17 *(d) APPLICABILITY OF AUTHORITY AND PROCEDURES*
 18 *FOR IMPOSING CERTAIN ADVERSE ACTIONS.—Section*
 19 *7511(b)(8) of title 5, United States Code, is amended by*
 20 *striking out “Central Imagery Office”.*

21 **SEC. 925. CREDITABLE CIVILIAN SERVICE FOR CAREER**
 22 **CONDITIONAL EMPLOYEES OF THE DEFENSE**
 23 **MAPPING AGENCY.**

24 *In the case of an employee of the National Imagery*
 25 *and Mapping Agency who, on the day before the effective*

1 *date of this subtitle, was an employee of the Defense Map-*
2 *ping Agency in a career-conditional status, the continuous*
3 *service of that employee as an employee of the National Im-*
4 *agery and Mapping Agency on and after such date shall*
5 *be considered creditable service for the purpose of any deter-*
6 *mination of the career status of the employee.*

7 **SEC. 926. SAVING PROVISIONS.**

8 (a) *CONTINUING EFFECT ON LEGAL DOCUMENTS.—All*
9 *orders, determinations, rules, regulations, permits, agree-*
10 *ments, international agreements, grants, contracts, leases,*
11 *certificates, licenses, registrations, privileges, and other ad-*
12 *ministrative actions—*

13 (1) *which have been issued, made, granted, or al-*
14 *lowed to become effective by the President, any Fed-*
15 *eral agency or official thereof, or by a court of com-*
16 *petent jurisdiction, in connection with any of the*
17 *functions which are transferred under this subtitle or*
18 *any function that the National Imagery and Map-*
19 *ping Agency is authorized to perform by law, and*

20 (2) *which are in effect at the time this title takes*
21 *effect, or were final before the effective date of this*
22 *subtitle and are to become effective on or after the ef-*
23 *fective date of this subtitle,*

24 *shall continue in effect according to their terms until modi-*
25 *fied, terminated, superseded, set aside, or revoked in accord-*

1 *ance with law by the President, the Secretary of Defense,*
2 *the Director of the National Imagery and Mapping Agency*
3 *or other authorized official, a court of competent jurisdic-*
4 *tion, or by operation of law.*

5 **(b) PROCEEDINGS NOT AFFECTED.**—*This subtitle and*
6 *the amendments made by this subtitle shall not affect any*
7 *proceedings, including notices of proposed rulemaking, or*
8 *any application for any license, permit, certificate, or fi-*
9 *nancial assistance pending before an element of the Depart-*
10 *ment of Defense or Central Intelligence Agency at the time*
11 *this subtitle takes effect, with respect to function of that ele-*
12 *ment transferred by section 922, but such proceedings and*
13 *applications shall be continued. Orders shall be issued in*
14 *such proceedings, appeals shall be taken therefrom, and*
15 *payments shall be made pursuant to such orders, as if this*
16 *subtitle had not been enacted, and orders issued in any such*
17 *proceedings shall continue in effect until modified, termi-*
18 *nated, superseded, or revoked by a duly authorized official,*
19 *by a court of competent jurisdiction, or by operation of law.*
20 *Nothing in this section shall be deemed to prohibit the dis-*
21 *continuance or modification of any such proceeding under*
22 *the same terms and conditions and to the same extent that*
23 *such proceeding could have been discontinued or modified*
24 *if this subtitle had not been enacted.*

1 (c) *SEVERABILITY.*—If any provision of this subtitle
2 (or any amendment made by this subtitle), or the applica-
3 tion of such provision (or amendment) to any person or
4 circumstance is held unconstitutional, the remainder of this
5 subtitle (or of the amendments made by this subtitle) shall
6 not be affected by that holding.

7 **SEC. 927. DEFINITIONS.**

8 In this part, the terms “function”, “imagery”, “im-
9 agery intelligence”, and “geospatial information” have the
10 meanings given those terms in section 461 of title 10, Unit-
11 ed States Code, as added by section 921.

12 **SEC. 928. AUTHORIZATION OF APPROPRIATIONS.**

13 Funds are authorized to be appropriated for the Na-
14 tional Imagery and Mapping Agency for fiscal year 1997
15 in amounts and for purposes, and subject to the terms, con-
16 ditions, limitations, restrictions, and requirements, that are
17 set forth in the Classified Annex to this Act.

18 **PART II—CONFORMING AMENDMENTS AND**

19 **EFFECTIVE DATES**

20 **SEC. 931. REDESIGNATION AND REPEALS.**

21 (a) *REDESIGNATION.*—Chapter 23 of title 10, United
22 States Code (as redesignated by section 921(a)(1)) is
23 amended by redesignating the section in that chapter as sec-
24 tion 481.

1 (b) *REPEAL OF SUPERSEDED LAW.*—Chapter 167 of
2 such title, as amended by section 921(b), is repealed.

3 **SEC. 932. REFERENCES.**

4 (a) *TITLE 5, UNITED STATES CODE.*—Title 5, United
5 States Code, is amended as follows:

6 (1) *CENTRAL IMAGERY OFFICE.*—In sections
7 2302(a)(2)(C)(ii), 3132(a)(1)(B), 4301(1) (in clause
8 (ii)), 4701(a)(1)(B), 5102(a)(1) (in clause (xi)),
9 5342(a)(1)(L), 6339(a)(1)(E), and
10 7323(b)(2)(B)(i)(XIII), by striking out “Central Im-
11 agery Office” and inserting in lieu thereof “National
12 Imagery and Mapping Agency”.

13 (2) *DIRECTOR, CENTRAL IMAGERY OFFICE.*—In
14 section 6339(a)(2)(E), by striking out “Central Im-
15 agery Office, the Director of the Central Imagery Of-
16 fice” and inserting in lieu thereof “National Imagery
17 and Mapping Agency, the Director of the National
18 Imagery and Mapping Agency”.

19 (b) *TITLE 10, UNITED STATES CODE.*—Title 10, Unit-
20 ed States Code, is amended as follows:

21 (1) *CENTRAL IMAGERY OFFICE.*—In section
22 1599(f)(4), by striking out “Central Imagery Office”
23 and inserting in lieu thereof “National Imagery and
24 Mapping Agency”.

1 (2) *DEFENSE MAPPING AGENCY*.—*In sections*
2 *451(1), 452, 453, 454, and 455 (in subsections (a)*
3 *and (b)(1)(C)), and 456, as redesignated by section*
4 *921(b), by striking out “Defense Mapping Agency”*
5 *each place it appears and inserting in lieu thereof*
6 *“National Imagery and Mapping Agency”.*

7 (c) *OTHER LAWS*.—

8 (1) *NATIONAL SECURITY ACT OF 1947*.—*Section*
9 *3(4)(E) of the National Security Act of 1947 (50*
10 *U.S.C. 401a(4)(E) is amended by striking out*
11 *“Central Imagery Office” and inserting in lieu there-*
12 *of “National Imagery and Mapping Agency”.*

13 (2) *ETHICS IN GOVERNMENT ACT OF 1978*.—*Sec-*
14 *tion 105(a) of the Ethics in Government Act of 1978*
15 *(Public Law 95–521; 5 U.S.C. App. 4) is amended by*
16 *striking out “Central Imagery Office” and inserting*
17 *in lieu thereof “National Imagery and Mapping*
18 *Agency”.*

19 (3) *EMPLOYEE POLYGRAPH PROTECTION ACT*.—
20 *Section 7(b)(2)(A)(i) of the Employee Polygraph Pro-*
21 *tection Act of 1988 (Public Law 100–347; 29 U.S.C.*
22 *2006(b)(2)(A)(i)) is amended by striking out “Central*
23 *Imagery Office” and inserting in lieu thereof “Na-*
24 *tional Imagery and Mapping Agency”.*

1 (d) *CROSS REFERENCE.*—Section 82 of title 14, Unit-
 2 *ed States Code, is amended by striking out “chapter 167”*
 3 *and inserting in lieu thereof “subchapter II of chapter 22”.*

4 **SEC. 933. HEADINGS AND CLERICAL AMENDMENTS.**

5 (a) *TITLE 10, UNITED STATES CODE.*—

6 (1) *HEADING.*—*The heading of chapter 83 of*
 7 *title 10, United States Code, is amended to read as*
 8 *follows:*

9 **“CHAPTER 83—DEFENSE INTELLIGENCE**
 10 **AGENCY CIVILIAN PERSONNEL”.**

11 (2) *CLERICAL AMENDMENTS.*—(A) *The table of*
 12 *chapters at the beginning of subtitle A of title 10,*
 13 *United States Code, is amended—*

14 (i) *by striking out the item relating to*
 15 *chapter 22 and inserting in lieu thereof the fol-*
 16 *lowing:*

“22. National Imagery and Mapping Agency 441
 “23. Miscellaneous Studies and Reports 471”;

17 (ii) *by striking out the item relating to*
 18 *chapter 83 and inserting in lieu thereof the fol-*
 19 *lowing:*

“83. Defense Intelligence Agency Civilian Personnel 1601”;

20 *and*

21 (iii) *by striking out the item relating to*
 22 *chapter 167.*

1 (B) *The table of chapters at the beginning of*
 2 *part I of such subtitle is amended by striking out the*
 3 *item relating to chapter 22 and inserting in lieu*
 4 *thereof the following:*

“**22. National Imagery and Mapping Agency** **441**
 “**23. Miscellaneous Studies and Reports** **471**”;

5 (C) *The item relating to chapter 83 in the table*
 6 *of chapters at the beginning of part II of such subtitle*
 7 *is amended to read as follows:*

“**83. Defense Intelligence Agency Civilian Personnel** **1601**”.

8 (D) *The table of chapters at the beginning of*
 9 *part IV of such subtitle is amended by striking out*
 10 *the item relating to chapter 167.*

11 (E) *The item in the table of sections at the begin-*
 12 *ning of chapter 23 of title 10, United States Code (as*
 13 *redesignated by section 921), is amended to read as*
 14 *follows:*

“*481. Racial and ethnic issues; biennial survey; biennial report.*”.

15 (b) *TITLE 44, UNITED STATES CODE.—*

16 (1) *SECTION HEADING.—The heading of section*
 17 *1336 of title 44, United States Code, is amended to*
 18 *read as follows:*

19 “**§1336. National Imagery and Mapping Agency: spe-**
 20 **cial publications**”.

21 (2) *CLERICAL AMENDMENT.—The item relating*
 22 *to such section in the tables of sections at the begin-*

1 *ning of chapter 13 of such title is amended to read*
2 *as follows:*

“1336. National Imagery and Mapping Agency: special publications.”.

3 **SEC. 934. EFFECTIVE DATES.**

4 *(a) IN GENERAL.—Except as provided in subsection*
5 *(b), this subtitle and the amendments made by this subtitle*
6 *shall take effect on the later of October 1, 1996, or the date*
7 *of the enactment of an Act appropriating funds for fiscal*
8 *year 1997 for the National Imagery and Mapping Agency.*

9 *(b) EXCEPTION.—Section 928 shall take effect on the*
10 *date of the enactment of this Act.*

11 **TITLE X—GENERAL PROVISIONS**

12 **Subtitle A—Financial Matters**

13 **SEC. 1001. TRANSFER AUTHORITY.**

14 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)*
15 *Upon determination by the Secretary of Defense that such*
16 *action is necessary in the national interest, the Secretary*
17 *may transfer amounts of authorizations made available to*
18 *the Department of Defense in this division for fiscal year*
19 *1997 between any such authorizations for that fiscal year*
20 *(or any subdivisions thereof). Amounts of authorizations so*
21 *transferred shall be merged with and be available for the*
22 *same purposes as the authorization to which transferred.*

23 *(2) The total amount of authorizations that the Sec-*
24 *retary of Defense may transfer under the authority of this*
25 *section may not exceed \$2,000,000,000.*

1 (b) *LIMITATIONS.*—*The authority provided by this sec-*
2 *tion to transfer authorizations—*

3 (1) *may only be used to provide authority for*
4 *items that have a higher priority than the items from*
5 *which authority is transferred; and*

6 (2) *may not be used to provide authority for an*
7 *item that has been denied authorization by Congress.*

8 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A trans-*
9 *fer made from one account to another under the authority*
10 *of this section shall be deemed to increase the amount au-*
11 *thorized for the account to which the amount is transferred*
12 *by an amount equal to the amount transferred.*

13 (d) *NOTICE TO CONGRESS.*—*The Secretary shall*
14 *promptly notify Congress of each transfer made under sub-*
15 *section (a).*

16 **SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UN-**
17 **AUTHORIZED FISCAL YEAR 1996 DEFENSE AP-**
18 **PROPRIATIONS.**

19 (a) *AUTHORITY.*—*The amounts described in subsection*
20 *(b) may be obligated and expended for programs, projects,*
21 *and activities of the Department of Defense in accordance*
22 *with fiscal year 1996 defense appropriations.*

23 (b) *COVERED AMOUNTS.*—*The amounts referred to in*
24 *subsection (a) are the amounts provided for programs,*
25 *projects, and activities of the Department of Defense in fis-*

1 *cal year 1996 defense appropriations that are in excess of*
2 *the amounts provided for such programs, projects, and ac-*
3 *tivities in fiscal year 1996 defense authorizations.*

4 *(c) DEFINITIONS.—For the purposes of this section:*

5 *(1) FISCAL YEAR 1996 DEFENSE APPROPRIA-*
6 *TIONS.—The term “fiscal year 1996 defense appro-*
7 *priations” means amounts appropriated or otherwise*
8 *made available to the Department of Defense for fiscal*
9 *year 1996 in the Department of Defense Appropria-*
10 *tions Act, 1996 (Public Law 104–61).*

11 *(2) FISCAL YEAR 1996 DEFENSE AUTHORIZA-*
12 *TIONS.—The term “fiscal year 1996 defense author-*
13 *izations” means amounts authorized to be appro-*
14 *priated for the Department of Defense for fiscal year*
15 *1996 in the National Defense Authorization Act for*
16 *Fiscal Year 1996 (Public Law 104–106).*

17 **SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLE-**
18 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
19 **1996.**

20 *Amounts authorized to be appropriated to the Depart-*
21 *ment of Defense for fiscal year 1996 in the National Defense*
22 *Authorization Act for Fiscal Year 1996 (Public Law 104–*
23 *106) are hereby adjusted, with respect to any such author-*
24 *ized amount, by the amount by which appropriations pur-*
25 *suant to such authorization were increased (by a supple-*

1 *mental appropriation) or decreased (by a rescission), or*
2 *both, in the Omnibus Consolidated Rescissions and Appro-*
3 *priations Act of 1996 (Public Law 104-134).*

4 **SEC. 1004. USE OF FUNDS TRANSFERRED TO THE COAST**
5 **GUARD.**

6 (a) *LIMITATION.*—*Funds appropriated to the Depart-*
7 *ment of Defense for fiscal year 1997 that are transferred*
8 *to the Coast Guard may be used only for the performance*
9 *of national security functions of the Coast Guard in support*
10 *of the Department of Defense.*

11 (b) *CERTIFICATION REQUIRED.*—*Funds described in*
12 *subsection (a) may not be transferred to the Coast Guard*
13 *until the Secretary of Defense and the Secretary of Trans-*
14 *portation jointly certify to Congress that the funds so trans-*
15 *ferred will be used only as described in subsection (a).*

16 (c) *GAO AUDIT.*—*The Comptroller General of the*
17 *United States shall—*

18 (1) *audit, from time to time, the use of funds*
19 *transferred to the Coast Guard from appropriations*
20 *for the Department of Defense for fiscal year 1997 in*
21 *order to verify that the funds are being used in ac-*
22 *cordance with the limitation in subsection (a); and*

23 (2) *notify the congressional defense committees of*
24 *any use of such funds that, in the judgment of the*

1 “(A) *Travel, transportation, and subsistence ex-*
2 *penses of Department of Defense personnel providing*
3 *the assistance.*

4 “(B) *The cost of any equipment, services, or sup-*
5 *plies acquired for the purpose of carrying out or sup-*
6 *porting activities described in such subsection (e)(5),*
7 *including any nonlethal, individual or small-team*
8 *landmine cleaning equipment or supplies that are to*
9 *be transferred or otherwise furnished to a foreign*
10 *country in furtherance of the provision of assistance*
11 *under this section.*

12 “(C) *The cost of any equipment, services, or sup-*
13 *plies provided pursuant to subparagraph (B) may not*
14 *exceed \$5,000,000 each year.”.*

15 **SEC. 1007. REIMBURSEMENT OF DEPARTMENT OF DEFENSE**
16 **FOR COSTS OF DISASTER ASSISTANCE PRO-**
17 **VIDED OUTSIDE THE UNITED STATES.**

18 *Section 404 of title 10, United States Code, is amend-*
19 *ed—*

20 (1) *by redesignating subsection (d) as subsection*
21 *(e); and*

22 (2) *by inserting after subsection (c) the following*
23 *new subsection (d):*

24 “(d) *REIMBURSEMENT POLICY.—It is the sense of Con-*
25 *gress that, whenever the President directs the Secretary of*

1 *Defense to provide disaster assistance outside the United*
2 *States under subsection (a)—*

3 “(1) *the President should direct the Adminis-*
4 *trator of the Agency for International Development to*
5 *reimburse the Department of Defense for the cost to*
6 *the Department of Defense of the assistance provided;*
7 *and*

8 “(2) *a reimbursement by the Administrator*
9 *should be paid out of funds available under chapter*
10 *9 of part I of the Foreign Assistance Act of 1961 for*
11 *international disaster assistance for the fiscal year in*
12 *which the cost is incurred.”.*

13 **SEC. 1008. FISHER HOUSE TRUST FUND FOR THE NAVY.**

14 (a) *AUTHORITY.—Section 2221 of title 10, United*
15 *States Code, is amended—*

16 (1) *in subsection (a), by adding at the end the*
17 *following:*

18 “(3) *The Fisher House Trust Fund, Department*
19 *of the Navy.”;*

20 (2) *in subsection (c)—*

21 (A) *by redesignating paragraph (3) as*
22 *paragraph (4); and*

23 (B) *by inserting after paragraph (2) the fol-*
24 *lowing new paragraph (3):*

1 “(3) *Amounts in the Fisher House Trust Fund, De-*
2 *partment of the Navy, that are attributable to earnings or*
3 *gains realized from investments shall be available for the*
4 *operation and maintenance of Fisher houses that are lo-*
5 *cated in proximity to medical treatment facilities of the*
6 *Navy.*”; and

7 (3) *in subsection (d)(1), by striking out “or the*
8 *Air Force” and inserting in lieu thereof “, the Air*
9 *Force, or the Navy”.*

10 (b) *CORPUS OF TRUST FUNDS.—The Secretary of the*
11 *Navy shall transfer to the Fisher House Trust Fund, De-*
12 *partment of the Navy, established by section 2221(a)(3) of*
13 *title 10, United States Code (as added by subsection (a)(1)),*
14 *all amounts in the accounts for Navy installations and*
15 *other facilities that, as of the date of the enactment of this*
16 *Act, are available for operation and maintenance of Fisher*
17 *houses, as defined in section 2221(d) of such title.*

18 (c) *CONFORMING AMENDMENTS.—Section 1321 of title*
19 *31, United States Code, is amended—*

20 (1) *in subsection (a), by adding at the end the*
21 *following:*

22 “(94) *Fisher House Trust Fund, Department of*
23 *the Navy.*”; and

24 (2) *in subsection (b)(2), by adding at the end the*
25 *following:*

1 “(D) *Fisher House Trust Fund, Department of*
2 *the Navy.*”.

3 **SEC. 1009. DESIGNATION AND LIABILITY OF DISBURSING**
4 **AND CERTIFYING OFFICIALS FOR THE COAST**
5 **GUARD.**

6 (a) *DISBURSING OFFICIALS.*—(1) *Section 3321(c) of*
7 *title 31, United States Code, is amended by adding at the*
8 *end the following:*

9 “(3) *The Department of Transportation (with re-*
10 *spect to public money available for expenditure by the*
11 *Coast Guard when it is not operating as a service in*
12 *the Navy).*”.

13 (2)(A) *Chapter 17 of title 14, United States Code, is*
14 *amended by adding at the end the following:*

15 **“§673. Designation, powers, and accountability of**
16 **deputy disbursing officials**

17 “(a)(1) *Subject to paragraph (3), a disbursing official*
18 *of the Coast Guard may designate a deputy disbursing offi-*
19 *cial—*

20 “(A) *to make payments as the agent of the dis-*
21 *burseing official;*

22 “(B) *to sign checks drawn on disbursing ac-*
23 *counts of the Secretary of the Treasury; and*

24 “(C) *to carry out other duties required under*
25 *law.*

1 “(2) *The penalties for misconduct that apply to a dis-*
2 *bursing official apply to a deputy disbursing official des-*
3 *ignated under this subsection.*

4 “(3) *A disbursing official may make a designation*
5 *under paragraph (1) only with the approval of the Sec-*
6 *retary of Transportation (when the Coast Guard is not op-*
7 *erating as a service in the Navy).*

8 “(b)(1) *If a disbursing official of the Coast Guard dies,*
9 *becomes disabled, or is separated from office, a deputy dis-*
10 *bursing official may continue the accounts and payments*
11 *in the name of the former disbursing official until the last*
12 *day of the second month after the month in which the death,*
13 *disability, or separation occurs. The accounts and pay-*
14 *ments shall be allowed, audited, and settled as provided by*
15 *law. The Secretary of the Treasury shall honor checks signed*
16 *in the name of the former disbursing official in the same*
17 *way as if the former disbursing official had continued in*
18 *office.*

19 “(2) *The deputy disbursing official, and not the former*
20 *disbursing official or the estate of the former disbursing offi-*
21 *cial, is liable for the actions of the deputy disbursing official*
22 *under this subsection.*

23 “(c)(1) *Except as provided in paragraph (2), this sec-*
24 *tion does not apply to the Coast Guard when section 2773*

1 *of title 10 applies to the Coast Guard by reason of the oper-*
2 *ation of the Coast Guard as a service in the Navy.*

3 “(2) *A designation of a deputy disbursing official*
4 *under subsection (a) that is made while the Coast Guard*
5 *is not operating as a service in the Navy continues in effect*
6 *for purposes of section 2773 of title 10 while the Coast*
7 *Guard operates as a service in the Navy unless and until*
8 *the designation is terminated by the disbursing official who*
9 *made the designation or an official authorized to approve*
10 *such a designation under subsection (a)(3) of such section.”.*

11 *(B) The table of sections at the beginning of such chap-*
12 *ter is amended by adding at the end the following:*

“673. Designation, powers, and accountability of deputy disbursing officials.”.

13 *(b) DESIGNATION OF MEMBERS OF THE ARMED*
14 *FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—*
15 *Section 3325(b) of title 31, United States Code, is amended*
16 *by striking out “members of the armed forces under the ju-*
17 *risdiction of the Secretary of Defense may certify vouchers*
18 *when authorized, in writing, by the Secretary to do so” and*
19 *inserting in lieu thereof “members of the armed forces may*
20 *certify vouchers when authorized, in writing, by the Sec-*
21 *retary of Defense or, in the case of the Coast Guard when*
22 *it is not operating as a service in the Navy, by the Secretary*
23 *of Transportation”.*

24 *(c) CONFORMING AMENDMENTS.—(1) Section 1007(a)*
25 *of title 37, United States Code, is amended by inserting*

1 after “Secretary of Defense” the following: “(or the Sec-
2 retary of Transportation, in the case of an officer of the
3 Coast Guard when the Coast Guard is not operating as a
4 service in the Navy)”.

5 (2) Section 3527(b)(1) of title 31, United States Code,
6 is amended—

7 (A) in subparagraph (A)(i), by inserting after
8 “Department of Defense” the following: “(or the Sec-
9 retary of Transportation, in the case of a disbursing
10 official of the Coast Guard when the Coast Guard is
11 not operating as a service in the Navy)”; and

12 (B) in subparagraph (B), by inserting after “or
13 the Secretary of the appropriate military depart-
14 ment” the following: “(or the Secretary of Transpor-
15 tation, in the case of a disbursing official of the Coast
16 Guard when the Coast Guard is not operating as a
17 service in the Navy)”.

18 **SEC. 1010. AUTHORITY TO SUSPEND OR TERMINATE COL-**
19 **LECTION ACTIONS AGAINST DECEASED MEM-**
20 **BERS OF THE COAST GUARD.**

21 Section 3711(g) of title 31, United States Code, is
22 amended—

23 (1) in paragraph (1), by striking out “or Marine
24 Corps” and inserting in lieu thereof “Marine Corps,
25 or Coast Guard”;

1 (2) by redesignating paragraph (2) as para-
2 graph (3); and

3 (3) by inserting after paragraph (1) the follow-
4 ing new paragraph (2):

5 “(2) *The Secretary of Transportation may suspend or*
6 *terminate an action by the Secretary under subsection (a)*
7 *to collect a claim against the estate of a person who died*
8 *while serving on active duty as a member of the Coast*
9 *Guard if the Secretary determines that, under the cir-*
10 *cumstances applicable with respect to the deceased person,*
11 *it is appropriate to do so.”.*

12 **SEC. 1011. CHECK CASHING AND EXCHANGE TRANS-**
13 **ACTIONS WITH CREDIT UNIONS OUTSIDE THE**
14 **UNITED STATES.**

15 Section 3342(b) of title 31, United States Code, is
16 amended—

17 (1) by striking out “and” at the end of para-
18 graph (5);

19 (2) by striking out the period at the end of para-
20 graph (6) and inserting in lieu thereof “; and”; and

21 (3) by adding at the end the following:

22 “(7) *a Federal credit union (as defined in sec-*
23 *tion 101(1) of the Federal Credit Union Act (12*
24 *U.S.C. 1752(1)) that is operating at Department of*
25 *Defense invitation in a foreign country where con-*

1 *tractor-operated military banking facilities are not*
2 *available.”.*

3 ***Subtitle B—Naval Vessels and***
4 ***Shipyards***

5 ***SEC. 1021. AUTHORITY TO TRANSFER NAVAL VESSELS.***

6 *(a) EGYPT.—The Secretary of the Navy may transfer*
7 *to the Government of Egypt the “OLIVER HAZARD*
8 *PERRY” frigate GALLERY. Such transfer shall be on a*
9 *sales basis under section 21 of the Arms Export Control*
10 *Act (22 U.S.C. 2761; relating to the foreign military sales*
11 *program).*

12 *(b) MEXICO.—The Secretary of the Navy may transfer*
13 *to the Government of Mexico the “KNOX” class frigates*
14 *STEIN (FF 1065) and MARVIN SHIELDS (FF 1066).*
15 *Such transfers shall be on a sales basis under section 21*
16 *of the Arms Export Control Act (22 U.S.C. 2761).*

17 *(c) NEW ZEALAND.—The Secretary of the Navy may*
18 *transfer to the Government of New Zealand the “STAL-*
19 *WART” class ocean surveillance ship TENACIOUS. Such*
20 *transfer shall be on a sales basis under section 21 of the*
21 *Arms Export Control Act (22 U.S.C. 2761).*

22 *(d) PORTUGAL.—The Secretary of the Navy may*
23 *transfer to the Government of Portugal the “STALWART”*
24 *class ocean surveillance ship AUDACIOUS. Such transfer*
25 *shall be on a grant basis under section 516 of the Foreign*

1 *Assistance Act of 1961 (22 U.S.C. 2321j; relating to trans-*
2 *fers of excess defense articles).*

3 (e) *TAIWAN.*—*The Secretary of the Navy may transfer*
4 *to the Taipei Economic and Cultural Representative Office*
5 *in the United States (which is the Taiwan instrumentality*
6 *designated pursuant to section 10(a) of the Taiwan Rela-*
7 *tions Act) the following:*

8 (1) *The “KNOX” class frigates AYLWIN (FF*
9 *1081), PHARRIS (FF 1094), and VALDEZ (FF*
10 *1096). Such transfers shall be on a sales basis under*
11 *section 21 of the Arms Export Control Act (22 U.S.C.*
12 *2761).*

13 (2) *The “NEWPORT” class tank landing ship*
14 *NEWPORT (LST 1179). Such transfer shall be on a*
15 *lease basis under section 61 of the Arms Export Con-*
16 *trol Act (22 U.S.C. 2796).*

17 (f) *THAILAND.*—*The Secretary of the Navy may trans-*
18 *fer to the Government of Thailand the “KNOX” class frigate*
19 *OUELLET (FF 1077). Such transfer shall be on a sales*
20 *basis under section 21 of the Arms Export Control Act (22*
21 *U.S.C. 2761).*

22 (g) *COSTS OF TRANSFER.*—*Any expense of the United*
23 *States in connection with a transfer authorized by this sec-*
24 *tion shall be charged to the recipient.*

1 (h) *REPAIR AND REFURBISHMENT OF VESSELS.*—The
2 Secretary of the Navy shall require, to the maximum extent
3 possible, as a condition of a transfer of a vessel under this
4 section, that the country to which the vessel is transferred
5 have such repair or refurbishment of the vessel as is needed,
6 before the vessel joins the naval forces of that country, per-
7 formed at a shipyard located in the United States, includ-
8 ing a United States Navy shipyard.

9 (i) *EXPIRATION OF AUTHORITY.*—Any authority for
10 transfer granted by this section shall expire at the end of
11 the 2-year period beginning on the date of the enactment
12 of this Act.

13 **SEC. 1022. TRANSFER OF CERTAIN OBSOLETE TUGBOATS**
14 **OF THE NAVY.**

15 (a) *REQUIREMENT TO TRANSFER VESSELS.*—The Sec-
16 retary of the Navy shall transfer the six obsolete tugboats
17 of the Navy specified in subsection (b) to the Northeast Wis-
18 consin Railroad Transportation Commission, an instru-
19 mentality of the State of Wisconsin, if the Secretary deter-
20 mines that the tugboats are not needed for transfer, dona-
21 tion, or other disposal under title II of the Federal Property
22 and Administrative Services Act of 1949 (40 U.S.C. 481
23 et seq.). A transfer made under the preceding sentence shall
24 be made without reimbursement to the United States.

1 (b) *VESSELS COVERED.*—*The requirement in sub-*
2 *section (a) applies to the six decommissioned Cherokee class*
3 *tugboats, listed as of the date of the enactment of this Act*
4 *as being surplus to the Navy, that are designated as ATF-*
5 *105, ATF-110, ATF-149, ATF-158, ATF-159, and ATF-*
6 *160.*

7 (c) *CONDITION RELATING TO ENVIRONMENTAL COM-*
8 *PLIANCE.*—*The Secretary shall require as a condition of the*
9 *transfer of a vessel under subsection (a) that use of the vessel*
10 *by the Commission not commence until the terms of any*
11 *necessary environmental compliance letter or agreement*
12 *with respect to that vessel have been complied with.*

13 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
14 *retary may require such additional terms and conditions*
15 *(including a requirement that the transfer be at no cost to*
16 *the Government) in connection with the transfers required*
17 *by subsection (a) as the Secretary considers appropriate.*

18 **SEC. 1023. REPEAL OF REQUIREMENT FOR CONTINUOUS AP-**
19 **PLICABILITY OF CONTRACTS FOR PHASED**
20 **MAINTENANCE OF AE CLASS SHIPS.**

21 *Section 1016 of the National Defense Authorization*
22 *Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat.*
23 *425) is repealed.*

1 **SEC. 1024. CONTRACT OPTIONS FOR LMSR VESSELS.**

2 (a) *FINDINGS.*—Congress reaffirms the findings set
3 forth in section 1013(a) of the National Defense Authoriza-
4 tion Act for Fiscal Year 1996 (Public Law 104–106; 110
5 Stat. 422), and makes the following modifications and sup-
6 plemental findings:

7 (1) *Since the findings set forth in section*
8 *1013(a) of such Act were originally formulated, the*
9 *Secretary of the Navy has exercised options for the ac-*
10 *quisition of two of the six additional large, medium-*
11 *speed, roll-on/roll-off (LMSR) vessels that may be ac-*
12 *quired by exercise of options provided for under con-*
13 *tracts covering the acquisition of a total of 17 LMSR*
14 *vessels.*

15 (2) *Therefore, under those contracts, the Sec-*
16 *retary has placed orders for the acquisition of 13*
17 *LMSR vessels and has remaining options for the ac-*
18 *quisition of four more LMSR vessels, all of which*
19 *would be new construction vessels.*

20 (3) *The remaining options allow the Secretary to*
21 *place orders for one vessel to be constructed at each*
22 *of two shipyards for award before December 31, 1996,*
23 *and December 31, 1997, respectively.*

24 (b) *SENSE OF CONGRESS.*—Congress also reaffirms its
25 declaration of the sense of Congress, as set forth in section
26 1013(b) of Public Law 104–106, that the Secretary of the

1 *Navy should plan for, and budget to provide for, the acqui-*
2 *sition as soon as possible of a total of 19 large, medium-*
3 *speed, roll-on/roll-off (LMSR) vessels (the number deter-*
4 *mined to be required in the report entitled “Mobility Re-*
5 *quirements Study Bottom-Up Review Update”, submitted*
6 *by the Secretary of Defense to Congress in April 1995),*
7 *rather than only 17 such vessels (which is the number of*
8 *vessels under contract as of April 1996).*

9 (c) *ADDITIONAL NEW CONSTRUCTION CONTRACT OP-*
10 *TION.—The Secretary of the Navy should negotiate with*
11 *each of the two shipyards holding new construction con-*
12 *tracts referred to in subsection (a)(1) (Department of the*
13 *Navy contracts numbered N00024–93–C–2203 and*
14 *N00024–93–C–2205) for an option under each such con-*
15 *tract for construction of one additional such LMSR vessel,*
16 *with such option to be available to the Secretary for exercise*
17 *not earlier than fiscal year 1998, subject to the availability*
18 *of funds authorized and appropriated for such purpose.*
19 *Nothing in this subsection shall be construed to preclude*
20 *the Secretary of the Navy from competing the award of the*
21 *two options between the two shipyards holding new con-*
22 *struction contracts referred to in subsection (a)(1).*

23 (d) *REPORT.—The Secretary of the Navy shall submit*
24 *to the congressional defense committees, by March 31, 1997,*
25 *a report stating the intentions of the Secretary regarding*

1 *the acquisition of options for the construction of two addi-*
2 *tional LMSR vessels as described in subsection (c).*

3 (e) *REPEAL OF SUPERSEDED PROVISION.*—Section
4 *1013 of the National Defense Authorization Act for Fiscal*
5 *Year 1996 (Public Law 104–106; 110 Stat 422) is amended*
6 *by striking out subsection (c).*

7 **SEC. 1025. SENSE OF THE SENATE CONCERNING USS LCS**
8 **102 (LSSL 102).**

9 *It is the sense of the Senate that the Secretary of De-*
10 *fense should use existing authorities in law to seek the expe-*
11 *ditious return, upon completion of service, of the former*
12 *USS LCS 102 (LSSL 102) from the Government of Thai-*
13 *land in order for the ship to be transferred to the United*
14 *States Shipbuilding Museum in Quincy, Massachusetts.*

15 ***Subtitle C—Counter-Drug Activities***

16 **SEC. 1031. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT**
17 **FOR COUNTER-DRUG ACTIVITIES OF MEXICO.**

18 (a) *AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.*—
19 *Subject to subsections (e) and (f), the Secretary of Defense*
20 *may, during fiscal year 1997, provide the Government of*
21 *Mexico the support described in subsection (b) for the*
22 *counter-drug activities of the Government of Mexico. Such*
23 *support shall be in addition to support provided the Gov-*
24 *ernment of Mexico under any other provision of law.*

1 (b) *TYPES OF SUPPORT.*—*The Secretary may provide*
2 *the following support under subsection (a):*

3 (1) *The transfer of spare parts and non-lethal*
4 *equipment and materiel, including radios, night vi-*
5 *sion goggles, global positioning systems, uniforms,*
6 *command, control, communications, and intelligence*
7 *(C³I) integration equipment, detection equipment,*
8 *and monitoring equipment.*

9 (2) *The maintenance and repair of equipment of*
10 *the Government of Mexico that is used for counter-*
11 *narcotics activities.*

12 (c) *APPLICABILITY OF OTHER SUPPORT AUTHORI-*
13 *TIES.*—*Except as otherwise provided in this section, the*
14 *provisions of section 1004 of the National Defense Author-*
15 *ization Act for Fiscal Year 1991 (10 U.S.C. 374 note) shall*
16 *apply to the provision of support under this section.*

17 (d) *FUNDING.*—*Of the amounts authorized to be ap-*
18 *propriated for fiscal year 1997 for the Department of De-*
19 *fense for drug interdiction and counter-drug activities, not*
20 *more than \$10,000,000 shall be available in that fiscal year*
21 *for the provision of support under this section.*

22 (e) *LIMITATIONS.*—(1) *The Secretary may not obligate*
23 *or expend funds to provide support under this section until*
24 *15 days after the date on which the Secretary submits to*

1 *the committees referred to in paragraph (3) the certification*
2 *described in paragraph (2).*

3 *(2) The certification referred to in paragraph (1) is*
4 *a written certification of the following:*

5 *(A) That the provision of support under this sec-*
6 *tion will not adversely affect the military prepared-*
7 *ness of the United States Armed Forces.*

8 *(B) That the equipment and materiel provided*
9 *as support will be used only by officials and employ-*
10 *ees of the Government of Mexico who have undergone*
11 *a background check by that government.*

12 *(C) That the Government of Mexico has certified*
13 *to the Secretary that—*

14 *(i) the equipment and materiel provided as*
15 *support will be used only by the officials and*
16 *employees referred to in subparagraph (B);*

17 *(ii) none of the equipment or materiel will*
18 *be transferred (by sale, gift, or otherwise) to any*
19 *person or entity not authorized by the United*
20 *States to receive the equipment or materiel; and*

21 *(iii) the equipment and materiel will be*
22 *used only for the purposes intended by the Unit-*
23 *ed States Government.*

24 *(D) That the Government of Mexico has imple-*
25 *mented, to the satisfaction of the Secretary, a system*

1 *that will provide an accounting and inventory of the*
2 *equipment and materiel provided as support.*

3 *(E) That the departments, agencies, and instru-*
4 *mentalities of the Government of Mexico will grant*
5 *United States Government personnel unrestricted ac-*
6 *cess to any of the equipment or materiel provided as*
7 *support, or to any of the records relating to such*
8 *equipment or materiel, under terms and conditions*
9 *similar to the terms and conditions imposed with re-*
10 *spect to such access under section 505(a)(3) of the*
11 *Foreign Assistance Act of 1961 (22 U.S.C.*
12 *2314(a)(3)).*

13 *(F) That the Government of Mexico will provide*
14 *security with respect to the equipment and materiel*
15 *provided as support that is equivalent to the security*
16 *that the United States Government would provide*
17 *with respect to such equipment and materiel.*

18 *(G) That the Government of Mexico will permit*
19 *continuous observation and review by United States*
20 *Government personnel of the use of the equipment and*
21 *materiel provided as support under terms and condi-*
22 *tions similar to the terms and conditions imposed*
23 *with respect to such observation and review under sec-*
24 *tion 505(a)(3) of the Foreign Assistance Act of 1961*
25 *(22 U.S.C. 2314(a)(3)).*

1 (3) *The committees referred to in this paragraph are*
2 *the following:*

3 (A) *The Committees on Armed Services and For-*
4 *ign Relations of the Senate.*

5 (B) *The Committees on National Security and*
6 *International Relations of the House of Representa-*
7 *tives.*

8 (f) *PROHIBITION ON PROVISION OF CERTAIN MILITARY*
9 *EQUIPMENT.—The Secretary may not provide as support*
10 *under this section—*

11 (1) *any article of military equipment for which*
12 *special export controls are warranted because of the*
13 *substantial military utility or capability of such*
14 *equipment;*

15 (2) *any military equipment identified on the*
16 *United States Munitions List; or*

17 (3) *any of the following military equipment*
18 *(whether or not the equipment has been equipped, re-*
19 *equipped, or modified for military operations):*

20 (A) *Cargo aircraft bearing “C” designa-*
21 *tions, including aircraft with designations C-45*
22 *through C-125, C-131 aircraft, and aircraft*
23 *bearing “C” designations that use reciprocating*
24 *engines.*

1 (B) *Trainer aircraft bearing “T” designa-*
2 *tions, including aircraft bearing such designa-*
3 *tions that use reciprocating engines or turboprop*
4 *engines delivering less than 600 horsepower.*

5 (C) *Utility aircraft bearing “U” designa-*
6 *tions, including UH-1 aircraft and UH/EH-60*
7 *aircraft and aircraft bearing such designations*
8 *that use reciprocating engines.*

9 (D) *Liaison aircraft bearing “L” designa-*
10 *tions.*

11 (E) *Observation aircraft bearing “O” des-*
12 *ignations, including OH-58 aircraft and air-*
13 *craft bearing such designations that use recip-*
14 *rocating engines.*

15 (F) *Truck, tractors, trailers, and vans, in-*
16 *cluding all vehicles bearing “M” designations.*

17 **SEC. 1032. LIMITATION ON DEFENSE FUNDING OF THE NA-**
18 **TIONAL DRUG INTELLIGENCE CENTER.**

19 (a) *LIMITATION ON USE OF FUNDS.—Except as pro-*
20 *vided in subsection (b), funds appropriated or otherwise*
21 *made available for the Department of Defense pursuant to*
22 *this or any other Act may not be obligated or expended for*
23 *the National Drug Intelligence Center, Johnstown, Penn-*
24 *sylvania.*

1 (b) *EXCEPTION.*—*If the Attorney General operates the*
2 *National Drug Intelligence Center using funds available for*
3 *the Department of Justice, the Secretary of Defense may*
4 *continue to provide Department of Defense intelligence per-*
5 *sonnel to support intelligence activities at the Center. The*
6 *number of such personnel providing support to the Center*
7 *after the date of the enactment of this Act may not exceed*
8 *the number of the Department of Defense intelligence per-*
9 *sonnel who are supporting intelligence activities at the Cen-*
10 *ter on the day before such date.*

11 **SEC. 1033. INVESTIGATION OF THE NATIONAL DRUG INTEL-**
12 **LIGENCE CENTER.**

13 (a) *INVESTIGATION REQUIRED.*—*The Inspector Gen-*
14 *eral of the Department of Defense, the Inspector General*
15 *of the Department of Justice, the Inspector General of the*
16 *Central Intelligence Agency, and the Comptroller General*
17 *of the United States shall—*

18 (1) *jointly investigate the operations of the Na-*
19 *tional Drug Intelligence Center, Johnstown, Penn-*
20 *sylvania; and*

21 (2) *not later than March 31, 1997, jointly sub-*
22 *mit to the President pro tempore of the Senate and*
23 *the Speaker of the House of Representatives a report*
24 *on the results of the investigation.*

1 (b) *CONTENT OF REPORT.*—*The joint report shall con-*
2 *tain a determination regarding whether there is a signifi-*
3 *cant likelihood that the funding of the operation of the Na-*
4 *tional Drug Intelligence Center, a domestic law enforcement*
5 *program, through an appropriation under the control of the*
6 *Director of Central Intelligence will result in a violation*
7 *of the National Security Act of 1947 or Executive Order*
8 *12333.*

9 ***Subtitle D—Matters Relating to***
10 ***Foreign Countries***

11 ***SEC. 1041. AGREEMENTS FOR EXCHANGE OF DEFENSE PER-***
12 ***SONNEL BETWEEN THE UNITED STATES AND***
13 ***FOREIGN COUNTRIES.***

14 (a) *EXCHANGE AUTHORITY.*—*Subchapter II of chapter*
15 *138 of title 10, United States Code, is amended by adding*
16 *at the end the following new section:*

17 ***“§2350L. Exchange of defense personnel between the***
18 ***United States and foreign countries***

19 ***“(a) INTERNATIONAL EXCHANGE AGREEMENTS AU-***
20 ***THORIZED.***—*The Secretary of Defense is authorized to enter*
21 *into agreements with the governments of allies of the United*
22 *States and other friendly foreign countries for the exchange*
23 *of military and civilian personnel of the Department of De-*
24 *fense and military and civilian personnel of the defense*
25 *ministries of such foreign governments.*

1 “(b) *ASSIGNMENT OF PERSONNEL.—(1) Pursuant to*
2 *an agreement entered into under subsection (a), personnel*
3 *of the defense ministry of a foreign government may be as-*
4 *signed to positions in the Department of Defense, and per-*
5 *sonnel of the Department of Defense may be assigned to po-*
6 *sitions in the defense ministry of that foreign government.*
7 *Positions to which exchanged personnel are assigned may*
8 *include positions of instructors.*

9 “(2) *An agreement for the exchange of personnel en-*
10 *gaged in research and development activities may provide*
11 *for assignment of Department of Defense personnel to posi-*
12 *tions in private industry that support the defense ministry*
13 *of the host foreign government.*

14 “(3) *A specific position and the individual to be as-*
15 *signed to that position shall be acceptable to both govern-*
16 *ments.*

17 “(c) *RECIPROCITY OF PERSONNEL QUALIFICATIONS*
18 *REQUIRED.—Each government shall be required under an*
19 *agreement authorized by subsection (a) to provide personnel*
20 *having qualifications, training, and skills that are essen-*
21 *tially equal to those of the personnel provided by the other*
22 *government.*

23 “(d) *PAYMENT OF PERSONNEL COSTS.—(1) Each gov-*
24 *ernment shall pay the salary, per diem, cost of living, trav-*
25 *el, cost of language or other training, and other costs for*

1 *its own personnel in accordance with the laws and regula-*
2 *tions of such government that pertain to such matters.*

3 “(2) *The requirement in paragraph (1) does not apply*
4 *to the following costs:*

5 “(A) *Cost of temporary duty directed by the host*
6 *government.*

7 “(B) *Costs of training programs conducted to fa-*
8 *miliarize, orient, or certify exchanged personnel re-*
9 *garding unique aspects of the exchanged personnel’s*
10 *assignments.*

11 “(C) *Costs incident to the use of host government*
12 *facilities in the performance of assigned duties.*

13 “(e) *PROHIBITED CONDITIONS.—No personnel ex-*
14 *changed pursuant to an agreement under this section may*
15 *take or be required to take an oath of allegiance to the host*
16 *country or to hold an official capacity in the government*
17 *of such country.*

18 “(f) *RELATIONSHIP TO OTHER AUTHORITY.—Nothing*
19 *in this section limits any authority of the secretaries of the*
20 *military departments to enter into an agreement with the*
21 *government of a foreign country to provide for exchange of*
22 *members of the armed forces and military personnel of the*
23 *foreign country except that subsections (c) and (d) shall*
24 *apply in the exercise of that authority. The Secretary of*

1 *Defense may prescribe regulations for the application of*
2 *such subsections in the exercise of such authority.”.*

3 (b) *CLERICAL AMENDMENT.—The table of sections at*
4 *the beginning of subchapter II of such chapter is amended*
5 *by adding at the end the following new item:*

“2350l. Exchange of defense personnel between the United States and foreign coun-
tries.”.

6 **SEC. 1042. AUTHORITY FOR RECIPROCAL EXCHANGE OF**
7 **PERSONNEL BETWEEN THE UNITED STATES**
8 **AND FOREIGN COUNTRIES FOR FLIGHT**
9 **TRAINING.**

10 *Section 544 of the Foreign Assistance Act of 1961 (22*
11 *U.S.C. 2347c) is amended—*

12 (1) *by inserting “, and for attendance of foreign*
13 *military personnel at flight training schools or pro-*
14 *grams (including test pilot schools) in the United*
15 *States,” after “(other than service academies)”;* and

16 (2) *by striking out “and comparable institu-*
17 *tions” and inserting in lieu thereof “ or flight train-*
18 *ing schools or programs, as the case may be, and com-*
19 *parable institutions, schools, or programs”.*

20 **SEC. 1043. EXTENSION OF COUNTERPROLIFERATION AU-**
21 **THORITIES.**

22 *Section 1505 of the Weapons of Mass Destruction Con-*
23 *trol Act of 1992 (title XV of Public Law 104–484; 22 U.S.C.*
24 *5859a) is amended—*

1 (1) in subsection (d)(3)—

2 (A) by striking out “fiscal year 1995, or”
3 and inserting in lieu thereof “fiscal year 1995,”;
4 and

5 (B) by inserting before the period at the end
6 the following: “, \$15,000,000 for fiscal year 1997,
7 or \$15,000,000 for fiscal year 1998”; and

8 (2) in subsection (f), by striking out “fiscal year
9 1996” and inserting in lieu thereof “fiscal year
10 1998”.

11 **SEC. 1044. PROHIBITION ON COLLECTION AND RELEASE OF**
12 **DETAILED SATELLITE IMAGERY RELATING TO**
13 **ISRAEL AND OTHER COUNTRIES AND AREAS.**

14 (a) *COLLECTION AND DISSEMINATION.*—No depart-
15 ment or agency of the Federal Government may license the
16 collection or dissemination by any non-Federal entity of
17 satellite imagery with respect to Israel, or to any other
18 country or geographic area designated by the President for
19 this purpose, unless such imagery is no more detailed or
20 precise than satellite imagery of the country or geographic
21 area concerned that is routinely available from commercial
22 sources.

23 (b) *DECLASSIFICATION AND RELEASE.*—No depart-
24 ment or agency of the Federal Government may declassify
25 or otherwise release satellite imagery with respect to Israel,

1 *or to any other country or geographic area designated by*
2 *the President for this purpose, unless such imagery is no*
3 *more detailed or precise than satellite imagery of the coun-*
4 *try or geographic area concerned that is routinely available*
5 *from commercial sources.*

6 **SEC. 1045. DEFENSE BURDENSARING.**

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

8 *(1) The United States continues to spend billions*
9 *of dollars to promote regional security and to make*
10 *preparations for regional contingencies.*

11 *(2) United States defense expenditures promote*
12 *United States national security interests; however,*
13 *they also significantly contribute to the defense of our*
14 *allies.*

15 *(3) In 1993, the gross domestic product of the*
16 *United States equaled \$6,300,000,000,000, while the*
17 *gross domestic product of other NATO member coun-*
18 *tries totaled \$7,200,000,000,000.*

19 *(4) Over the course of 1993, the United States*
20 *spent 4.7 percent of its gross domestic product on de-*
21 *fense, while other NATO members collectively spent*
22 *2.5 percent of their gross domestic product on defense.*

23 *(5) In addition to military spending, foreign as-*
24 *sistance plays a vital role in the establishment and*
25 *maintenance of stability in other nations and in im-*

1 *plementing the United States national security strat-*
2 *egy.*

3 (6) *This assistance has often prevented the out-*
4 *break of conflicts which otherwise would have required*
5 *costly military interventions by the United States*
6 *and our allies.*

7 (7) *From 1990–1993, the United States spent*
8 *\$59,000,000,000 in foreign assistance, a sum which*
9 *represents an amount greater than any other nation*
10 *in the world.*

11 (8) *In 1995, the United States spent over*
12 *\$10,000,000,000 to promote European security, while*
13 *European NATO nations only contributed*
14 *\$2,000,000,000 toward this effort.*

15 (9) *With a smaller gross domestic product and a*
16 *larger defense budget than its European NATO allies,*
17 *the United States shoulders an unfair share of the*
18 *burden of the common defense.*

19 (10) *Japan now pays over 75 percent of the non-*
20 *personnel costs incurred by United States military*
21 *forces permanently assigned there, while our Euro-*
22 *pean allies pay for less than 25 percent of these same*
23 *costs. Japan signed a new Special Measures Agree-*
24 *ment this year which will increase Japan's contribu-*
25 *tion toward the cost of stationing United States*

1 troops in Japan by approximately \$30,000,000 a
2 year over the next five years.

3 (11) *These increased contributions help to rectify*
4 *the imbalance in the burden shouldered by the United*
5 *States for the common defense.*

6 (12) *The relative share of the burden of the com-*
7 *mon defense still falls too heavily on the United*
8 *States, and our allies should dedicate more of their*
9 *own resources to defending themselves.*

10 (b) *EFFORTS TO INCREASE ALLIED*
11 *BURDENSARING.—The President shall seek to have each*
12 *nation that has cooperative military relations with the*
13 *United States (including security agreements, basing ar-*
14 *rangements, or mutual participation in multinational*
15 *military organizations or operations) take one or more of*
16 *the following actions:*

17 (1) *Increase its financial contributions to the*
18 *payment of the nonpersonnel costs incurred by the*
19 *United States Government for stationing United*
20 *States military personnel in that nation, with a goal*
21 *of achieving the following percentages of such costs:*

22 (A) *By September 30, 1997, 37.5 percent.*

23 (B) *By September 30, 1998, 50 percent.*

24 (C) *By September 30, 1999, 62.5 percent.*

25 (D) *By September 30, 2000, 75 percent.*

1 *An increase in financial contributions by any nation*
2 *under this paragraph may include the elimination of*
3 *taxes, fees, or other charges levied on United States*
4 *military personnel, equipment, or facilities stationed*
5 *in that nation.*

6 (2) *Increase its annual budgetary outlays for na-*
7 *tional defense as a percentage of its gross domestic*
8 *product by 10 percent or at least to a level commensu-*
9 *rate to that of the United States by September 30,*
10 *1997.*

11 (3) *Increase its annual budgetary outlays for for-*
12 *ign assistance (to promote democratization, economic*
13 *stabilization, transparency arrangements, defense eco-*
14 *nomie conversion, respect for the rule of law, and*
15 *internationally recognized human rights) by 10 per-*
16 *cent or at least to a level commensurate to that of the*
17 *United States by September 30, 1997.*

18 (4) *Increase the amount of military assets (in-*
19 *cluding personnel, equipment, logistics, support and*
20 *other resources) that it contributes, or would be pre-*
21 *pared to contribute, to multinational military activi-*
22 *ties worldwide.*

23 (c) *AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED*
24 *STATES ALLIES.—In seeking the actions described in sub-*
25 *section (b) with respect to any nation, or in response to*

1 *a failure by any nation to undertake one or more of such*
2 *actions, the President may take any of the following meas-*
3 *ures:*

4 (1) *Reduce the end strength level of members of*
5 *the Armed Forces assigned to permanent duty ashore*
6 *in that nation.*

7 (2) *Impose on that nation taxes, fees, or other*
8 *charges similar to those that such nation imposes on*
9 *United States forces stationed in that nation.*

10 (3) *Reduce (through rescission, impoundment, or*
11 *other appropriate procedures as authorized by law)*
12 *the amount the United States contributes to the*
13 *NATO Civil Budget, Military Budget, or Security In-*
14 *vestment Program.*

15 (4) *Suspend, modify, or terminate any bilateral*
16 *security agreement the United States has with that*
17 *nation.*

18 (5) *Reduce (through rescission, impoundment or*
19 *other appropriate procedures as authorized by law)*
20 *any United States bilateral assistance appropriated*
21 *for that nation.*

22 (6) *Take any other action the President deter-*
23 *mines to be appropriate as authorized by law.*

1 (d) *REPORT ON PROGRESS IN INCREASING ALLIED*
2 *BURDENSARING.*—*Not later than March 1, 1997, the Sec-*
3 *retary of Defense shall submit to Congress a report on—*

4 (1) *steps taken by other nations to complete the*
5 *actions described in subsection (b);*

6 (2) *all measures taken by the President, includ-*
7 *ing those authorized in subsection (c), to achieve the*
8 *actions described in subsection (b); and*

9 (3) *the budgetary savings to the United States*
10 *that are expected to accrue as a result of the steps de-*
11 *scribed under paragraph (1).*

12 (e) *REPORT ON NATIONAL SECURITY BASES FOR FOR-*
13 *WARD DEPLOYMENT AND BURDENSARING RELATION-*
14 *SHIPS.*—(1) *In order to ensure the best allocation of budg-*
15 *etary resources, the President shall undertake a review of*
16 *the status of elements of the United States Armed Forces*
17 *that are permanently stationed outside the United States.*
18 *The review shall include an assessment of the following:*

19 (A) *The alliance requirements that are to be*
20 *found in agreements between the United States and*
21 *other countries.*

22 (B) *The national security interests that support*
23 *permanently stationing elements of the United States*
24 *Armed Forces outside the United States.*

1 (C) *The stationing costs associated with the forward*
2 *deployment of elements of the United States*
3 *Armed Forces.*

4 (D) *The alternatives available to forward deployment*
5 *(such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet*
6 *such alliance requirements or national security interests, with such alternatives identified and described in*
7 *detail.*

10 (E) *The costs and force structure configurations*
11 *associated with such alternatives to forward deployment.*
12

13 (F) *The financial contributions that allies of the*
14 *United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).*

19 (G) *The contributions that allies of the United*
20 *States make to meeting the stationing costs associated*
21 *with the forward deployment of elements of the United States Armed Forces.*
22

23 (H) *The annual expenditures of the United*
24 *States and its allies on national defense, and the rel-*

1 (3) *The acquisition of sensitive commodities and*
2 *technologies by those countries and end users whose*
3 *actions or policies run counter to United States na-*
4 *tional security or foreign policy interests may en-*
5 *hance the military capabilities of those countries, par-*
6 *ticularly their ability to design, develop, test, produce,*
7 *stockpile, use, and deliver nuclear, chemical, and bio-*
8 *logical weapons, missile delivery systems, and other*
9 *significant military capabilities. This enhancement*
10 *threatens the security of the United States and its al-*
11 *lies. The availability to countries and end users of*
12 *items that contribute to military capabilities or the*
13 *proliferation of weapons of mass destruction is a fun-*
14 *damental concern of the United States and should be*
15 *eliminated through deterrence, negotiations, and other*
16 *appropriate means whenever possible.*

17 (4) *The national security of the United States*
18 *depends not only on wise foreign policies and a*
19 *strong defense, but also a vibrant national economy.*
20 *To be truly effective, export controls should be applied*
21 *uniformly by all suppliers.*

22 (5) *On November 5, 1995, President William J.*
23 *Clinton extended Executive Order No. 12938 regard-*
24 *ing “Weapons of Mass Destruction”, and “declared a*
25 *national emergency with respect to the unusual and*

1 *extraordinary threat to the national security, foreign*
2 *policy, and economy of the United States posed by the*
3 *proliferation of nuclear, biological, and chemical*
4 *weapons and the means of delivering such weapons”.*

5 (6) *A successor regime to COCOM (the Coordi-*
6 *nating Commission on Multilateral Controls) has not*
7 *been established. Currently, each nation is determin-*
8 *ing independently which dual-use military items, if*
9 *any, will be controlled for export.*

10 (7) *The United States should play a leading role*
11 *in promoting transparency and responsibility with*
12 *regard to the transfers of sensitive dual-use goods and*
13 *technologies.*

14 (b) *SENSE OF SENATE.—It is the sense of the Senate*
15 *that—*

16 (1) *establishing an international export control*
17 *regime, empowered to control exports of dual-use tech-*
18 *nology, is critically important and should become a*
19 *top priority for the United States; and*

20 (2) *the United States should strongly encourage*
21 *its allies and friends to—*

22 (A) *adopt a commodity control list which*
23 *governs the same or similar items as are con-*
24 *trolled by the United States Commodity Control*
25 *list;*

- 1 (B) strengthen enforcement activities; and
2 (C) explore the use of unilateral export con-
3 trols where the possibility exists that an export
4 could contribute to proliferation.

5 **SEC. 1047. REPORT ON NATO ENLARGEMENT.**

6 (a) *REPORT.*—Not later than December 1, 1996, the
7 President shall transmit a report on NATO enlargement to
8 the Committee on Armed Services and the Committee on
9 Foreign Relations of the Senate and the Committee on Na-
10 tional Security and the Committee on International Rela-
11 tions of the House of Representatives. The report shall con-
12 tain a comprehensive discussion of the following:

13 (1) *Geopolitical and financial costs and benefits,*
14 *including financial savings, associated with—*

15 (A) *enlargement of NATO;*

16 (B) *further delays in the process of NATO*
17 *enlargement; and*

18 (C) *a failure to enlarge NATO.*

19 (2) *Additional NATO and United States mili-*
20 *tary expenditures requested by prospective NATO*
21 *members to facilitate their admission into NATO.*

22 (3) *Modifications necessary in NATO's military*
23 *strategy and force structure required by the inclusion*
24 *of new members and steps necessary to integrate new*
25 *members, including the role of nuclear and conven-*

1 *tional capabilities, reinforcement, force deployments,*
2 *prepositioning of equipment, mobility, and head-*
3 *quarter locations.*

4 (4) *The relationship between NATO enlargement*
5 *and transatlantic stability and security.*

6 (5) *The state of military preparedness and inter-*
7 *operability of Central and Eastern European nations*
8 *as it relates to the responsibilities of NATO member-*
9 *ship and additional security costs or benefits that*
10 *may accrue to the United States from NATO enlarge-*
11 *ment.*

12 (6) *The state of democracy and free market de-*
13 *velopment as it affects the preparedness of Central*
14 *and Eastern European nations for the responsibilities*
15 *of NATO membership, including civilian control of*
16 *the military, the rule of law, human rights, and par-*
17 *liamentary oversight.*

18 (7) *The state of relations between prospective*
19 *NATO members and their neighbors, steps taken by*
20 *prospective members to reduce tensions, and mecha-*
21 *nisms for the peaceful resolution of border disputes.*

22 (8) *The commitment of prospective NATO mem-*
23 *bers to the principles of the North Atlantic Treaty*
24 *and the security of the North Atlantic area.*

1 (9) *The effect of NATO enlargement on the polit-*
2 *ical, economic, and security conditions of European*
3 *Partnership for Peace nations not among the first*
4 *new NATO members.*

5 (10) *The relationship between NATO enlarge-*
6 *ment and EU enlargement and the costs and benefits*
7 *of both.*

8 (11) *The relationship between NATO enlarge-*
9 *ment and treaties relevant to United States and Eu-*
10 *ropean security, such as the Conventional Armed*
11 *Forces in Europe Treaty.*

12 (12) *The anticipated impact both of NATO en-*
13 *largement and further delays of NATO enlargement*
14 *on Russian foreign and defense policies and the costs*
15 *and benefits of a security relationship between NATO*
16 *and Russia.*

17 (b) *INDEPENDENT ASSESSMENT.*—*Not later than 15*
18 *days after enactment of this Act, the Majority Leader of*
19 *the Senate and the Speaker of the House of Representatives*
20 *shall appoint a chairman and two other Members and the*
21 *Minority Leaders of the Senate and House of Representa-*
22 *tives shall appoint two Members to serve on a bipartisan*
23 *review group of nongovernmental experts to conduct an*
24 *independent assessment of NATO enlargement, including a*
25 *comprehensive review of the issues in subsection (a) (1)*

1 through (12) above. The report of the review group shall
2 be completed no later than December 1, 1996. The Secretary
3 of Defense shall furnish the review group administrative
4 and support services requested by the review group. The ex-
5 penses of the review group shall be paid out of funds avail-
6 able for the payment of similar expenses incurred by the
7 Department of Defense.

8 (c) *INTERPRETATION.*—Nothing in this section should
9 be interpreted or construed to affect the implementation of
10 the NATO Participation Act of 1994, as amended (Public
11 Law 103–447), or any other program or activity which fa-
12 cilitates or assists prospective NATO members.

13 ***Subtitle E—Miscellaneous***
14 ***Reporting Requirements***

15 ***SEC. 1051. ANNUAL REPORT ON EMERGING OPERATIONAL***
16 ***CONCEPTS.***

17 (a) *REPORT REQUIRED.*—Not later than March 1 of
18 each year, the Chairman of the Joint Chiefs of Staff 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 on emerging operational concepts.
22 The report shall contain a description, for the year preced-
23 ing the year in which submitted, of the following:

24 (1) *The process undertaken in each of the Army,*
25 *Navy, Air Force, and Marine Corps to define and de-*

1 *velop doctrine, operational concepts, organizational*
2 *concepts, and acquisition strategies based on—*

3 *(A) the potential of emerging technologies*
4 *for significantly improving the operational effec-*
5 *tiveness of that armed force;*

6 *(B) changes in the international order that*
7 *may necessitate changes in the operational capa-*
8 *bilities of that armed force;*

9 *(C) emerging capabilities of potential ad-*
10 *versary states; and*

11 *(D) changes in defense budget projections*
12 *that put existing acquisition programs of the*
13 *service at risk.*

14 *(2) The manner in which the process undertaken*
15 *in each of the Army, Navy, Air Force, and Marine*
16 *Corps is harmonized with a joint vision and with the*
17 *similar processes of the other armed forces to ensure*
18 *that there is a sufficient consideration of the develop-*
19 *ment of joint doctrine, operational concepts, and ac-*
20 *quisition strategies.*

21 *(3) The manner in which the process undertaken*
22 *by each of the Army, Navy, Air Force, and Marine*
23 *Corps is coordinated through the Joint Requirements*
24 *Oversight Council or another entity to ensure that the*
25 *results of the process are considered in the planning,*

1 **SEC. 1053. REPORT ON MILITARY READINESS REQUIRE-**
2 **MENTS OF THE ARMED FORCES.**

3 (a) *REQUIREMENT.*—Not later than January 31, 1997,
4 the Chairman of the Joint Chiefs of Staff shall submit to
5 the congressional defense committees a report on the mili-
6 tary readiness requirements of the active and reserve com-
7 ponents of the Armed Forces (including combat units, com-
8 bat support units, and combat service support units) pre-
9 pared by the officers referred to in subsection (b). The report
10 shall assess such requirements under a tiered readiness and
11 response system that categorizes a given unit according to
12 the likelihood that it will be required to respond to a mili-
13 tary conflict and the time in which it will be required to
14 respond.

15 (b) *OFFICERS.*—The report required by subsection (a)
16 shall be prepared jointly by the Chief of Staff of the Army,
17 the Chief of Naval Operations, the Chief of Staff of the Air
18 Force, the Commandant of the Marine Corps, and the Com-
19 mander of the Special Operations Command.

20 (c) *ASSESSMENT SCENARIO.*—The report shall assess
21 readiness requirements in a scenario based on the following
22 assumptions:

23 (1) *The conflict is in a generic theater of oper-*
24 *ations located anywhere in the world and does not ex-*
25 *ceed the notional limits for a major regional contin-*
26 *gency.*

1 (2) *The forces available for deployment include*
2 *the forces described in the Bottom Up Review force*
3 *structure, including all planned force enhancements.*

4 (3) *Assistance is not available from allies.*

5 (d) *ASSESSMENT ELEMENTS.—The report shall iden-*
6 *tify by unit type, and assess the readiness requirements of,*
7 *all active and reserve component units. Each such unit shall*
8 *be categorized within one of the following classifications:*

9 (1) *Forward-deployed and crisis response forces,*
10 *or “Tier I” forces, that possess limited internal*
11 *sustainment capability and do not require immediate*
12 *access to regional air bases or ports or overflight*
13 *rights, including the following:*

14 (A) *Force units that are routinely deployed*
15 *forward at sea or on land outside the United*
16 *States.*

17 (B) *Combat-ready crises response forces that*
18 *are capable of mobilizing and deploying within*
19 *10 days after receipt of orders.*

20 (C) *Forces that are supported by*
21 *prepositioning equipment afloat or are capable*
22 *of being inserted into a theater upon the capture*
23 *of a port or airfield by forcible entry forces.*

1 (2) *Combat-ready follow-on forces, or “Tier II”*
2 *forces, that can be mobilized and deployed to a theater*
3 *within approximately 60 days after receipt of orders.*

4 (3) *Combat-ready conflict resolution forces, or*
5 *“Tier III” forces, that can be mobilized and deployed*
6 *to a theater within approximately 180 days after re-*
7 *ceipt of orders.*

8 (4) *All other active and reserve component force*
9 *units which are not categorized within a classifica-*
10 *tion described in paragraph (1), (2), or (3).*

11 (e) *FORM OF REPORT.*—*The report under this section*
12 *shall be submitted in unclassified form but may contain*
13 *a classified annex.*

14 **SEC. 1054. ANNUAL REPORT OF RESERVE FORCES POLICY**

15 **BOARD.**

16 Section 113(c) of title 10, United States Code, is
17 amended—

18 (1) *by striking out paragraph (3);*

19 (2) *by redesignating paragraphs (1), (2), and (4)*
20 *as subparagraphs (A), (B), and (C), respectively;*

21 (3) *by inserting “(1)” after “(c)”;*

22 (4) *by inserting “and” at the end of subpara-*
23 *graph (B), as redesignated by paragraph (2); and*

24 (5) *by adding at the end the following:*

1 “(2) *At the same time that the Secretary submits the*
2 *annual report under paragraph (1), the Secretary shall*
3 *transmit to the President and Congress a separate report*
4 *from the Reserve Forces Policy Board on the reserve pro-*
5 *grams of the Department of Defense and on any other mat-*
6 *ters that the Reserve Forces Policy Board considers appro-*
7 *priate to include in the report.*”.

8 **SEC. 1055. INFORMATION ON PROPOSED FUNDING FOR THE**
9 **GUARD AND RESERVE COMPONENTS IN FU-**
10 **TURE-YEARS DEFENSE PROGRAMS.**

11 (a) *REQUIREMENT.*—*The Secretary of Defense shall*
12 *specify in each future-years defense program submitted to*
13 *Congress after the date of the enactment of this Act the esti-*
14 *mated expenditures and proposed appropriations for the*
15 *procurement of equipment and for military construction for*
16 *each of the Guard and Reserve components.*

17 (b) *DEFINITION.*—*For purposes of this section, the*
18 *term “Guard and Reserve components” means the follow-*
19 *ing:*

20 (1) *The Army Reserve.*

21 (2) *The Army National Guard of the United*
22 *States.*

23 (3) *The Naval Reserve.*

24 (4) *The Marine Corps Reserve.*

25 (5) *The Air Force Reserve.*

1 (6) *The Air National Guard of the United*
2 *States.*

3 **SEC. 1056. REPORT ON FACILITIES USED FOR TESTING**
4 **LAUNCH VEHICLE ENGINES.**

5 (a) *REPORT REQUIRED.*—*Not later than 30 days after*
6 *the date of the enactment of this Act, the Secretary of De-*
7 *fense, in consultation with the Administrator of the Na-*
8 *tional Aeronautics and Space Administration, shall submit*
9 *to Congress a report on the facilities used for testing launch*
10 *vehicle engines.*

11 (b) *CONTENT OF REPORT.*—*The report shall contain*
12 *an analysis of the duplication between Air Force and Na-*
13 *tional Aeronautics and Space Administration hydrogen*
14 *rocket test facilities and the potential benefits of further co-*
15 *ordinating activities at such facilities.*

16 **Subtitle F—Other Matters**

17 **SEC. 1061. UNIFORM CODE OF MILITARY JUSTICE AMEND-**
18 **MENTS.**

19 (a) *TECHNICAL AMENDMENT REGARDING FORFEIT-*
20 *URES DURING CONFINEMENT ADJUDGED BY A COURT-MAR-*
21 *TIAL.*—(1) *Section 858b(a)(1) of title 10, United States*
22 *Code (article 58b(a)(1) of the Uniform Code of Military*
23 *Justice), is amended—*

1 (A) *in the first sentence, by inserting “(if ad-*
2 *judged by a general court-martial)” after “all pay*
3 *and”;* and

4 (B) *in the third sentence, by striking out “two-*
5 *thirds of all pay and allowances” and inserting in*
6 *lieu thereof “two-thirds of all pay”.*

7 (2) *The amendments made by paragraph (1) shall take*
8 *effect as of April 1, 1996, and shall apply to any case in*
9 *which a sentence is adjudged by a court-martial on or after*
10 *that date.*

11 (b) *EXCEPTED SERVICE APPOINTMENTS TO CERTAIN*
12 *NONATTORNEY POSITIONS OF THE UNITED STATES COURT*
13 *OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (c)*
14 *of section 943 of title 10, United States Code (article 143(c)*
15 *of the Uniform Code of Military Justice) is amended in*
16 *paragraph (1), by inserting after the first sentence the fol-*
17 *lowing: “A position of employment under the Court that*
18 *is provided primarily for the service of one judge of the*
19 *court, reports directly to the judge, and is a position of a*
20 *confidential character is excepted from the competitive serv-*
21 *ice.”.*

22 (2) *The caption for such subsection is amended by*
23 *striking out “ATTORNEY” in the subsection caption and in-*
24 *serting in lieu thereof “CERTAIN”.*

1 (c) *REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF*
2 *TRANSITIONAL JUDGE OF UNITED STATES COURT OF AP-*
3 *PEALS FOR THE ARMED FORCES.*—(1) *Subsection (d)(2) of*
4 *section 1301 of the National Defense Authorization Act for*
5 *Fiscal Years 1990 and 1991 (Public Law 101–189; 103*
6 *Stat. 1575; 10 U.S.C. 942 note) is amended by striking out*
7 *“to the judges who are first appointed to the two new posi-*
8 *tions of the court created as of October 1, 1990—” and all*
9 *that follows and inserting in lieu thereof “to the judge who*
10 *is first appointed to one of the two new positions of the*
11 *court created as of October 1, 1990, as designated by the*
12 *President at the time of appointment, the anniversary re-*
13 *ferred to in subparagraph (A) of that paragraph shall be*
14 *treated as being the seventh anniversary and the number*
15 *of years referred to in subparagraph (B) of that paragraph*
16 *shall be treated as being seven.”.*

17 (2) *Subsection (e)(1) of such section is amended by*
18 *striking out “each judge” and inserting in lieu thereof “a*
19 *judge”.*

20 **SEC. 1062. LIMITATION ON RETIREMENT OR DISMANTLE-**
21 **MENT OF STRATEGIC NUCLEAR DELIVERY**
22 **SYSTEMS.**

23 (a) *FUNDING LIMITATION.*—*Funds available to the De-*
24 *partment of Defense may not be obligated or expended dur-*
25 *ing fiscal year 1997 for retiring or dismantling, or for pre-*

1 *paring to retire or dismantle, any of the following strategic*
2 *nuclear delivery systems:*

3 (1) *B-52H bomber aircraft.*

4 (2) *Trident ballistic missile submarines.*

5 (3) *Minuteman III intercontinental ballistic*
6 *missiles.*

7 (4) *Peacekeeper intercontinental ballistic mis-*
8 *siles.*

9 (b) *WAIVER AUTHORITY.*—*If the START II Treaty en-*
10 *ters into force during fiscal year 1997, the Secretary of De-*
11 *fense may waive the application of the limitation under*
12 *paragraphs (2), (3), and (4) of subsection (a) to Trident*
13 *ballistic missile submarines, Minuteman III interconti-*
14 *ental ballistic missiles, and Peacekeeper intercontinental*
15 *ballistic missiles, respectively, to the extent that the Sec-*
16 *retary determines necessary in order to implement the trea-*
17 *ty.*

18 (c) *START II TREATY DEFINED.*—*In this section, the*
19 *term “START II Treaty” means the Treaty Between the*
20 *United States of America and the Russian Federation on*
21 *Further Reduction and Limitation of Strategic Offensive*
22 *Arms, signed at Moscow on January 3, 1993, including the*
23 *following protocols and memorandum of understanding, all*
24 *such documents being integral parts of and collectively re-*

1 *ferred to as the “START II Treaty” (contained in Treaty*
2 *Document 103–1):*

3 (1) *The Protocol on Procedures Governing Elimini-*
4 *nation of Heavy ICBMs and on Procedures Govern-*
5 *ing Conversion of Silo Launchers of Heavy ICBMs*
6 *Relating to the Treaty Between the United States of*
7 *America and the Russian Federation on Further Re-*
8 *duction and Limitation of Strategic Offensive Arms*
9 *(also known as the “Elimination and Conversion Pro-*
10 *ocol”).*

11 (2) *The Protocol on Exhibitions and Inspections*
12 *of Heavy Bombers Relating to the Treaty Between the*
13 *United States and the Russian Federation on Further*
14 *Reduction and Limitation of Strategic Offensive*
15 *Arms (also known as the “Exhibitions and Inspec-*
16 *tions Protocol”).*

17 (3) *The Memorandum of Understanding on War-*
18 *head Attribution and Heavy Bomber Data Relating*
19 *to the Treaty Between the United States of America*
20 *and the Russian Federation on Further Reduction*
21 *and Limitation of Strategic Offensive Arms (also*
22 *known as the “Memorandum on Attribution”).*

23 (d) *RETENTION OF B–52H AIRCRAFT ON ACTIVE STA-*
24 *TUS.—(1) The Secretary of the Air Force shall maintain*
25 *in active status (including the performance of standard*

1 maintenance and upgrades) the current fleet of B-52H
2 bomber aircraft.

3 (2) For purposes of carrying out upgrades of B-52H
4 bomber aircraft during fiscal year 1997, the Secretary shall
5 treat the entire current fleet of such aircraft as aircraft ex-
6 pected to be maintained in active status during the five-
7 year period beginning on October 1, 1996.

8 **SEC. 1063. CORRECTION OF REFERENCES TO DEPARTMENT**
9 **OF DEFENSE ORGANIZATIONS.**

10 (a) NORTH AMERICAN AEROSPACE DEFENSE COM-
11 MAND.—Section 162 of title 10, United States Code, is
12 amended in paragraphs (1), (2), and (3) of subsection (a)
13 by striking out “North American Air Defense Command”
14 and inserting in lieu thereof “North American Aerospace
15 Defense Command”.

16 (b) DEFENSE DISTRIBUTION CENTER, ANNISTON.—
17 The Corporation for the Promotion of Rifle Practice and
18 Firearms Safety Act (title XVI of Public Law 104-106; 110
19 Stat. 515; 36 U.S.C. 5501 et seq.) is amended by striking
20 out “Anniston Army Depot” each place it appears in the
21 following provisions and inserting in lieu thereof “Defense
22 Distribution Depot, Anniston”:

23 (1) Section 1615(a)(3) (36 U.S.C. 5505(a)(3)).

24 (2) Section 1616(b) (36 U.S.C. 5506(b)).

25 (3) Section 1619(a)(1) (36 U.S.C. 5509(a)(1)).

1 **SEC. 1064. AUTHORITY OF CERTAIN MEMBERS OF THE**
2 **ARMED FORCES TO PERFORM NOTARIAL OR**
3 **CONSULAR ACTS.**

4 *Section 1044a(b) of title 10, United States Code, is*
5 *amended—*

6 *(1) in paragraph (1), by striking out “on active*
7 *duty or performing inactive-duty for training” and*
8 *inserting in lieu thereof “of the armed forces, includ-*
9 *ing members of reserve components who are judge ad-*
10 *vocates (whether or not in a duty status)”;*

11 *(2) in paragraph (3), by striking out “adjutants*
12 *on active duty or performing inactive-duty training”*
13 *and inserting in lieu thereof “adjutants, including*
14 *members of reserve components acting as such an ad-*
15 *jutant (whether or not in a duty status)”;* and

16 *(3) in paragraph (4), by striking out “persons*
17 *on active duty or performing inactive-duty training”*
18 *and inserting in lieu thereof “members of the armed*
19 *forces, including members of reserve components*
20 *(whether or not in a duty status),”.*

21 **SEC. 1065. TRAINING OF MEMBERS OF THE UNIFORMED**
22 **SERVICES AT NON-GOVERNMENT FACILITIES.**

23 *(a) USE OF NON-GOVERNMENT FACILITIES.—Section*
24 *4105 of title 5, United States Code, is amended—*

1 (1) by inserting “and members of a uniformed
2 service under the jurisdiction of the head of the agen-
3 cy” after “employees of the agency”; and

4 (2) by adding at the end the following: “For the
5 purposes of this section, the term ‘agency’ includes a
6 military department.”.

7 (b) *EXPENSES OF TRAINING*.—Section 4109 of such
8 title is amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph (1),
11 by striking out “under regulations prescribed
12 under section 4118(a)(8) of this title and”;

13 (B) in paragraph (1), by inserting after
14 “an employee of the agency” the following: “, or
15 the pay of a member of a uniformed service
16 within the agency, who is”; and

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “or member of a
20 uniformed service” after “reimburse the em-
21 ployee”;

22 (ii) in subparagraph (A), by striking
23 out “commissioned officers of the National
24 Oceanic and Atmospheric Administration”

1 *lieu thereof “, to be furnished, paid for, or to be*
2 *paid for”;*

3 *(2) by redesignating subsections (b) and (c) as*
4 *subsections (d) and (e), respectively;*

5 *(3) by inserting after subsection (a), the follow-*
6 *ing new subsections:*

7 *“(b) If a member of the uniformed services is injured,*
8 *or contracts a disease, under circumstances creating a tort*
9 *liability upon a third person (other than or in addition*
10 *to the United States and except employers of seamen re-*
11 *ferred to in subsection (a)) for damages for such injury or*
12 *disease and the member is unable to perform the member’s*
13 *regular military duties as a result of the injury or disease,*
14 *the United States shall have a right (independent of the*
15 *rights of the member) to recover from the third person or*
16 *an insurer of the third person, or both, the amount equal*
17 *to the total amount of the pay that accrues and is to accrue*
18 *to the member for the period for which the member is unable*
19 *to perform such duties as a result of the injury or disease*
20 *and is not assigned to perform other military duties.*

21 *“(c)(1) If, pursuant to the laws of a State that are*
22 *applicable in a case of a member of the uniformed services*
23 *who is injured or contracts a disease as a result of tortious*
24 *conduct of a third person, there is in effect for such a case*
25 *(as a substitute or alternative for compensation for damages*

1 *through tort liability) a system of compensation or reim-*
2 *bursement for expenses of hospital, medical, surgical, or*
3 *dental care and treatment or for lost pay pursuant to a*
4 *policy of insurance, contract, medical or hospital service*
5 *agreement, or similar arrangement, the United States shall*
6 *be deemed to be a third-party beneficiary of such a policy,*
7 *contract, agreement, or arrangement.*

8 “(2) *For the purposes of paragraph (1)—*

9 “(A) *the expenses incurred or to be incurred by*
10 *the United States for care and treatment for an in-*
11 *jured or diseased member as described in subsection*
12 *(a) shall be deemed to have been incurred by the*
13 *member;*

14 “(B) *the cost to the United States of the pay of*
15 *the member as described in subsection (b) shall be*
16 *deemed to have been pay lost by the member as a re-*
17 *sult of the injury or disease; and*

18 “(C) *the United States shall be subrogated to any*
19 *right or claim that the injured or diseased member or*
20 *the member’s guardian, personal representative, es-*
21 *tate, dependents, or survivors have under a policy,*
22 *contract, agreement, or arrangement referred to in*
23 *paragraph (1) to the extent of the reasonable value of*
24 *the care and treatment and the total amount of the*
25 *pay deemed lost under subparagraph (B).”;*

1 (4) *in subsection (d), as redesignated by para-*
2 *graph (2), by inserting “or paid for” after “treatment*
3 *is furnished”;* and

4 (5) *by adding at the end the following:*

5 “(f)(1) *Any amounts recovered under this section for*
6 *medical care and related services furnished by a military*
7 *medical treatment facility or similar military activity shall*
8 *be credited to the appropriation or appropriations support-*
9 *ing the operation of that facility or activity, as determined*
10 *under regulations prescribed by the Secretary of Defense.*

11 “(2) *Any amounts recovered under this section for the*
12 *cost to the United States of pay of an injured or diseased*
13 *member of the uniformed services shall be credited to the*
14 *appropriation that supports the operation of the command,*
15 *activity, or other unit to which the member was assigned*
16 *at the time of the injury or illness, as determined under*
17 *regulations prescribed by the Secretary concerned.*

18 “(g) *For the purposes of this section:*

19 “(A) *The term ‘uniformed services’ has the mean-*
20 *ing given such term in section 1072(1) of title 10,*
21 *United States Code.*

22 “(B) *The term ‘tortious conduct’ includes any*
23 *tortious omission.*

24 “(C) *The term ‘pay’, with respect to a member*
25 *of the uniformed services, means basic pay, special*

1 *pay, and incentive pay that the member is authorized*
2 *to receive under title 37, United States Code, or any*
3 *other law providing pay for service in the uniformed*
4 *services.*

5 *“(D) The term ‘Secretary concerned’ means—*

6 *“(i) the Secretary of Defense, with respect to*
7 *the Army, the Navy, the Air Force, the Marine*
8 *Corps, and the Coast Guard (when it is operat-*
9 *ing as a service in the Navy);*

10 *“(ii) the Secretary of Transportation, with*
11 *respect to the Coast Guard when it is not operat-*
12 *ing as a service in the Navy;*

13 *“(iii) the Secretary of Health and Human*
14 *Services, with respect to the Commissioned Corps*
15 *of the Public Health Service; and*

16 *“(iv) the Secretary of Commerce, with re-*
17 *spect to the Commissioned Corps of the National*
18 *Oceanic and Atmospheric Administration.”.*

19 *(b) CONFORMING AMENDMENTS.—Section 1 of Public*
20 *Law 87–693 (42 U.S.C. 2651) is amended—*

21 *(1) in the first sentence of subsection (a)—*

22 *(A) by inserting “(independent of the rights*
23 *of the injured or diseased person)” after “a right*
24 *to recover”; and*

1 *partment of Defense may be used to adopt or enforce any*
2 *rule or other prohibition that discriminates against the dis-*
3 *play of the official flag of a particular State, territory, or*
4 *possession of the United States at an official ceremony at*
5 *any installation or other facility of the Department of De-*
6 *fense at which the official flags of the other States, terri-*
7 *ories, or possessions of the United States are being dis-*
8 *played.*

9 **(b) POSITION AND MANNER OF DISPLAY.**—*The display*
10 *of an official flag referred to in subsection (a) at an instal-*
11 *lation or other facility of the Department shall be governed*
12 *by the provisions of section 3 of the Joint Resolution of June*
13 *22, 1942 (56 Stat. 378, chapter 435; 36 U.S.C. 175), and*
14 *any modification of such provisions under section 8 of that*
15 *Joint Resolution (36 U.S.C. 178).*

16 **SEC. 1068. GEORGE C. MARSHALL EUROPEAN CENTER FOR**
17 **STRATEGIC SECURITY STUDIES.**

18 **(a) AUTHORITY TO ACCEPT FUNDS, MATERIALS, AND**
19 **SERVICES.**—*(1) The Secretary of Defense may, on behalf*
20 *of the George C. Marshall European Center for Strategic*
21 *Security Studies, accept gifts or donations of funds, mate-*
22 *rials (including research materials), property, and services*
23 *(including lecture services and faculty services) from foreign*
24 *governments, foundations and other charitable organiza-*
25 *tions in foreign countries, and individuals in foreign coun-*

1 *tries in order to defray the costs of the operation of the Cen-*
2 *ter.*

3 (2) *Funds received by the Secretary under paragraph*
4 *(1) shall be credited to appropriations available for the De-*
5 *partment of Defense for the George C. Marshall European*
6 *Center for Strategic Security Studies. Funds so credited*
7 *shall be merged with the appropriations to which credited*
8 *and shall be available for the Center for the same purposes*
9 *and same period as the appropriations with which merged.*

10 (b) *PARTICIPATION OF FOREIGN NATIONS OTHERWISE*
11 *PROHIBITED.—(1) The Secretary may permit representa-*
12 *tives of a foreign government to participate in a program*
13 *of the George C. Marshall European Center for Strategic*
14 *Security Studies, notwithstanding any other provision of*
15 *law that would otherwise prevent representatives of that for-*
16 *ign government from participating in the program. Before*
17 *doing so, the Secretary shall determine, in consultation*
18 *with the Secretary of State, that the participation of rep-*
19 *resentatives of that foreign government in the program is*
20 *in the national interest of the United States.*

21 (2) *Not later than January 31 of each year, the Sec-*
22 *retary of Defense shall, with the assistance of the Director*
23 *of the Center, submit to Congress a report setting forth the*
24 *foreign governments permitted to participate in programs*

1 *of the Center during the preceding year under the authority*
 2 *provided in paragraph (1).*

3 (c) **WAIVER OF CERTAIN REQUIREMENTS FOR BOARD**
 4 **OF VISITORS.**—(1) *The Secretary may waive the applica-*
 5 *tion of any financial disclosure requirement imposed by law*
 6 *to a foreign member of the Board of Visitors of the Center*
 7 *if that requirement would otherwise apply to the member*
 8 *solely by reason of the service as a member of the Board.*
 9 *The authority under the preceding sentence applies only in*
 10 *the case of a foreign member who serves on the Board with-*
 11 *out compensation.*

12 (2) *Notwithstanding any other provision of law, a*
 13 *member of the Board of Visitors may not be required to*
 14 *register as an agent of a foreign government solely by reason*
 15 *of service as a member of the Board.*

16 **SEC. 1069. AUTHORITY TO AWARD TO CIVILIAN PARTICI-**
 17 **PANTS IN THE DEFENSE OF PEARL HARBOR**
 18 **THE CONGRESSIONAL MEDAL PREVIOUSLY**
 19 **AUTHORIZED ONLY FOR MILITARY PARTICI-**
 20 **PANTS IN THE DEFENSE OF PEARL HARBOR.**

21 (a) **AUTHORITY.**—*The Speaker of the House of Rep-*
 22 *resentatives and the President pro tempore of the Senate*
 23 *are authorized jointly to present, on behalf of Congress, a*
 24 *bronze medal provided for under section 1492 of the Na-*
 25 *tional Defense Authorization Act for Fiscal Year 1991 (104*

1 *Stat. 1721) to any person who meets the eligibility require-*
2 *ments set forth in subsection (d) of that section other than*
3 *the requirement for membership in the Armed Forces, as*
4 *certified under subsection (e) of that section or under sub-*
5 *section (b) of this section.*

6 **(b) CERTIFICATION.**—*The Secretary of Defense shall,*
7 *not later than 12 months after the date of the enactment*
8 *of this Act, certify to the Speaker of the House of Represent-*
9 *atives and the President pro tempore of the Senate the*
10 *names of persons who are eligible for award of the medal*
11 *under this Act and have not previously been certified under*
12 *section 1492(e) of the National Defense Authorization Act*
13 *for Fiscal Year 1991.*

14 **(c) APPLICATIONS.**—*Subsections (d)(2) and (f) of sec-*
15 *tion 1492 of the National Defense Authorization Act for Fis-*
16 *cal Year 1991 shall apply in the administration of this Act.*

17 **(d) ADDITIONAL STRIKING AUTHORITY.**—*The Sec-*
18 *retary of the Treasury shall strike such additional medals*
19 *as may be necessary for presentation under the authority*
20 *of subsection (a).*

21 **(e) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
22 *authorized to be appropriated such sum as may be nec-*
23 *essary to carry out this section.*

1 (f) *RETROACTIVE EFFECTIVE DATE.*—*The authority*
2 *under subsection (a) shall be effective as of November 5,*
3 *1990.*

4 **SEC. 1070. MICHAEL O'CALLAGHAN FEDERAL HOSPITAL,**
5 **LAS VEGAS, NEVADA.**

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

7 (1) *Michael O'Callaghan, former Governor of the*
8 *State of Nevada, served in three branches of the*
9 *Armed Forces of the United States, namely, the*
10 *Army, the Air Force, and the Marine Corps.*

11 (2) *At 16 years of age, Michael O'Callaghan en-*
12 *listed in the United States Marine Corps to serve dur-*
13 *ing the end of World War II.*

14 (3) *During the Korean conflict, Michael*
15 *O'Callaghan served successively in the Air Force and*
16 *the Army and, during such service, suffered wounds*
17 *in combat that necessitated the amputation of his left*
18 *leg.*

19 (4) *Michael O'Callaghan was awarded the Silver*
20 *Star, the Bronze Star with Valor Device, and the*
21 *Purple Heart for his military service.*

22 (5) *In 1963, Michael O'Callaghan became the*
23 *first director of the Health and Welfare Department*
24 *of the State of Nevada.*

1 (6) *In 1970, Michael O’Callaghan became Gov-*
2 *ernor of the State of Nevada and served in that posi-*
3 *tion through 1978, making him one of only five two-*
4 *term governors in the history of the State of Nevada.*

5 (7) *In 1982, Michael O’Callaghan received the*
6 *Air Force Exceptional Service Award.*

7 (8) *It is appropriate to name the Nellis Federal*
8 *Hospital, Las Vegas, Nevada, a hospital operated*
9 *jointly by the Department of Defense, through Nellis*
10 *Air Force Base, and the Department of Veterans Af-*
11 *fairs, through the Las Vegas Veterans Affairs Out-*
12 *patient Clinic, after Michael O’Callaghan, a man who*
13 *(A) has served his country with honor in three*
14 *branches of the Armed Forces, (B) as a disabled vet-*
15 *eran knows personally the tragic sacrifices that are so*
16 *often made in the service of his country in the Armed*
17 *Forces, and (C) has spent his entire career working*
18 *to improve the lives of all Nevadans.*

19 (b) *DESIGNATION OF MICHAEL O’CALLAGHAN FED-*
20 *ERAL HOSPITAL.—The Nellis Federal Hospital, a Federal*
21 *building located at 4700 North Las Vegas Boulevard, Las*
22 *Vegas, Nevada, is designated as the “Michael O’Callaghan*
23 *Federal Hospital”.*

24 (c) *REFERENCES.—Any reference in a law, map, regu-*
25 *lation, document, paper, or other record of the United*

1 *States to the Federal building referred to in subsection (b)*
2 *shall be deemed to be a reference to the “Michael*
3 *O’Callaghan Federal Hospital”.*

4 **SEC. 1071. NAMING OF BUILDING AT THE UNIFORMED**
5 **SERVICES UNIVERSITY OF THE HEALTH**
6 **SCIENCES.**

7 *It is the sense of the Senate that the Secretary of De-*
8 *fense should name Building A at the Uniformed Services*
9 *University of the Health Sciences as the “David Packard*
10 *Building”.*

11 **SEC. 1072. SENSE OF THE SENATE REGARDING THE UNITED**
12 **STATES–JAPAN SEMICONDUCTOR TRADE**
13 **AGREEMENT.**

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

16 *(1) The United States and Japan share a long*
17 *and important bilateral relationship which serves as*
18 *an anchor of peace and stability in the Asia Pacific*
19 *region, an alliance which was reaffirmed at the recent*
20 *summit meeting between President Clinton and*
21 *Prime Minister Hashimoto in Tokyo.*

22 *(2) The Japanese economy has experienced dif-*
23 *ficulty over the past few years, demonstrating that it*
24 *is no longer possible for Japan, the world’s second*
25 *largest economy, to use exports as the sole engine of*

1 *economic growth, but that the Government of Japan*
2 *must promote deregulation of its domestic economy in*
3 *order to increase economic growth.*

4 *(3) Deregulation of the Japanese economy re-*
5 *quires government attention to the removal of barriers*
6 *to imports of manufactured goods.*

7 *(4) The United States-Japan Semiconductor*
8 *Trade Agreement has begun the process of deregula-*
9 *tion in the semiconductor sector and is opening the*
10 *Japanese market to competitive foreign products.*

11 *(5) The United States-Japan Semiconductor*
12 *Trade Agreement has put in place both government-*
13 *to-government and industry-to-industry mechanisms*
14 *which have played a vital role in allowing coopera-*
15 *tion to replace conflict in this important high tech-*
16 *nology sector.*

17 *(6) The mechanisms include joint calculation of*
18 *foreign market share, deterrence of dumping, and pro-*
19 *motion of industrial cooperation in the design of for-*
20 *oreign semiconductor devices.*

21 *(7) Because of these actions under the United*
22 *States-Japan Semiconductor Trade Agreement, the*
23 *United States and Japan today enjoy trade in semi-*
24 *conductors which is mutually beneficial, harmonious,*

1 *and free from the friction that once characterized the*
2 *semiconductor industry.*

3 (8) *Because of structural barriers in Japan, a*
4 *gap still remains between the share of the world mar-*
5 *ket for semiconductor products outside Japan that the*
6 *United States and other foreign semiconductor sources*
7 *are able to capture through competitiveness and the*
8 *share of the Japanese semiconductor market that the*
9 *United States and those other sources are able to cap-*
10 *ture through competitiveness, and that gap is consist-*
11 *ent across the full range of semiconductor products as*
12 *well as a full range of end-use applications.*

13 (9) *The competitiveness and health of the United*
14 *States semiconductor industry is of critical impor-*
15 *tance to the overall economic well-being and high*
16 *technology defense capabilities of the United States.*

17 (10) *The economic interests of both the United*
18 *States and Japan are best served by well functioning,*
19 *open markets, deterrence of dumping, and continuing*
20 *good cooperative relationships in all sectors, including*
21 *semiconductors.*

22 (11) *A strong and healthy and military and po-*
23 *litical alliance between the United States and Japan*
24 *requires continuation of the industrial and economic*

1 cooperation promoted by the United States-Japan
2 Semiconductor Trade Agreement.

3 (12) President Clinton has called on the Govern-
4 ment of Japan to agree to a continuation of a United
5 States-Japan Semiconductor Trade Agreement beyond
6 the current agreement's expiration on July 31, 1996.

7 (13) The Government of Japan has opposed any
8 continuation of a government-to-government agree-
9 ment to promote cooperation in United States-Japan
10 semiconductor trade.

11 (b) SENSE OF SENATE.—It is the sense of the Senate
12 that—

13 (1) it is regrettable that the Government of
14 Japan has refused to consider continuation of a gov-
15 ernment-to-government agreement to ensure that co-
16 operation continues in the semiconductor sector be-
17 yond the expiration of the Semiconductor Trade
18 Agreement on July 31, 1996; and

19 (2) the President should take all necessary and
20 appropriate actions to ensure the continuation of a
21 government-to-government United States-Japan
22 Semiconductor Trade Agreement before the current
23 agreement expires on that date.

24 (c) DEFINITION.—As used in this section, the term
25 “United States-Japan Semiconductor Trade Agreement”

1 *refers to the agreement between the United States and*
2 *Japan concerning trade in semiconductor products, with*
3 *arrangement, done by exchange of letters at Washington on*
4 *June 11, 1991.*

5 **SEC. 1073. FOOD DONATION PILOT PROGRAM AT THE SERV-**
6 **ICE ACADEMIES.**

7 (a) *PROGRAM AUTHORIZED.*—*The Secretaries of the*
8 *military departments and the Secretary of Transportation*
9 *may each carry out a food donation pilot program at the*
10 *service academy under the jurisdiction of the Secretary.*

11 (b) *DONATIONS AND COLLECTIONS OF FOOD AND GRO-*
12 *CERY PRODUCTS.*—*Under the pilot program, the Secretary*
13 *concerned may donate to, and permit others to collect for,*
14 *a nonprofit organization any food or grocery product*
15 *that—*

16 (1) *is—*

17 (A) *an apparently wholesome food;*

18 (B) *an apparently fit grocery product; or*

19 (C) *a food or grocery product that is do-*
20 *nated in accordance with section 402(e) of the*

21 *National and Community Service Act of 1990*

22 *(42 U.S.C. 12672(e));*

23 (2) *is owned by the United States;*

24 (3) *is located at a service academy under the ju-*
25 *risdiction of the Secretary; and*

1 (4) *is excess to the requirements of the academy.*

2 (c) *PROGRAM COMMENCEMENT.—The Secretary con-*
3 *cerned shall commence carrying out the pilot program, if*
4 *at all, during fiscal year 1997.*

5 (d) *APPLICABILITY OF GOOD SAMARITAN FOOD DONA-*
6 *TION ACT.—Section 402 of the National and Community*
7 *Service Act of 1990 (42 U.S.C. 12672) shall apply to dona-*
8 *tions and collections of food and grocery products under the*
9 *pilot program without regard to section 403 of such Act*
10 *(42 U.S.C. 12673).*

11 (e) *REPORTS.—(1) Each Secretary that carries out a*
12 *pilot program at a service academy under this section shall*
13 *submit to Congress an interim report and a final report*
14 *on the pilot program.*

15 (2) *The Secretary concerned shall submit the interim*
16 *report not later than one year after the date on which the*
17 *Secretary commences the pilot program at a service acad-*
18 *emy.*

19 (3) *The Secretary concerned shall submit the final re-*
20 *port not later than 90 days after the Secretary completes*
21 *the pilot program at a service academy.*

22 (4) *Each report shall include the following:*

23 (A) *A description of the conduct of the pilot pro-*
24 *gram.*

1 (B) *A discussion of the experience under the pilot*
2 *program.*

3 (C) *An evaluation of the extent to which section*
4 *402 of the National and Community Service Act of*
5 *1990 (42 U.S.C. 12672) has been effective in protect-*
6 *ing the United States and others from liabilities asso-*
7 *ciated with actions taken under the pilot program.*

8 (D) *Any recommendations for legislation to fa-*
9 *cilitate donations or collections of excess food and gro-*
10 *cery products of the United States or others for non-*
11 *profit organizations.*

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

13 (1) *The term “service academy” means each of*
14 *the following:*

15 (A) *The United States Military Academy.*

16 (B) *The United States Naval Academy.*

17 (C) *The United States Air Force Academy.*

18 (D) *The United States Coast Guard Acad-*
19 *emy.*

20 (2) *The term “Secretary concerned” means the*
21 *following:*

22 (A) *The Secretary of the Army, with respect*
23 *to the United States Military Academy.*

24 (B) *The Secretary of the Navy, with respect*
25 *to the United States Naval Academy.*

1 (c) *MAINTENANCE OF MEMORIAL.*—All expenses for
2 maintenance and care of the memorial shall be paid for
3 with non-Federal funds, including funds provided by the
4 National D–Day Memorial Foundation. The United States
5 shall not be liable for any expense incurred for the mainte-
6 nance and care of the memorial.

7 **SEC. 1075. IMPROVEMENTS TO NATIONAL SECURITY EDU-**
8 **CATION PROGRAM.**

9 (a) *REPEAL OF TEMPORARY REQUIREMENT RELATING*
10 *TO EMPLOYMENT.*—Title VII of the Department of Defense
11 Appropriations Act, 1996 (Public Law 104–61; 109 Stat.
12 650), is amended under the heading “NATIONAL SECURITY
13 EDUCATION TRUST FUND” by striking out the proviso.

14 (b) *GENERAL PROGRAM REQUIREMENTS.*—Subsection
15 (a)(1) of section 802 of the David L. Boren National Secu-
16 rity Education Act of 1991 (title VIII of Public Law 102–
17 183; 50 U.S.C. 1902) is amended—

18 (1) by striking out subparagraph (A) and insert-
19 ing in lieu thereof the following new subparagraph
20 (A):

21 “(A) awarding scholarships to undergradu-
22 ate students who—

23 “(i) are United States citizens in order
24 to enable such students to study, for at least
25 one academic semester or equivalent term,

1 *in foreign countries that are critical coun-*
2 *tries (as determined under section*
3 *803(d)(4)(A) of this title) in those languages*
4 *and study areas where deficiencies exist (as*
5 *identified in the assessments undertaken*
6 *pursuant to section 806(d) of this title); and*

7 *“(i) pursuant to subsection (b)(2)(A)*
8 *of this section, enter into an agreement to*
9 *work for, and make their language skills*
10 *available to, an agency or office of the Fed-*
11 *eral Government or work in the field of*
12 *higher education in the area of study for*
13 *which the scholarship was awarded;”*; and

14 *(2) in subparagraph (B)—*

15 *(A) in clause (i), by inserting “relating to*
16 *the national security interests of the United*
17 *States” after “international fields”; and*

18 *(B) in clause (ii)—*

19 *(i) by striking out “subsection (b)(2)”*
20 *and inserting in lieu thereof “subsection*
21 *(b)(2)(B)”*; and

22 *(ii) by striking out “work for an agen-*
23 *cy or office of the Federal Government or*
24 *in” and inserting in lieu thereof “work for,*
25 *and make their language skills available to,*

1 *an agency or office of the Federal Govern-*
2 *ment or work in”.*

3 (c) *SERVICE AGREEMENT.*—*Subsection (b) of that sec-*
4 *tion is amended—*

5 (1) *in the matter preceding paragraph (1), by*
6 *striking out “, or of scholarships” and all that follows*
7 *through “12 months or more,” and inserting in lieu*
8 *thereof “or any scholarship”.*

9 (2) *by striking out paragraph (2) and inserting*
10 *in lieu thereof the following new paragraph (2):*

11 “(2) *will—*

12 “(A) *not later than eight years after such*
13 *recipient’s completion of the study for which*
14 *scholarship assistance was provided under the*
15 *program, and in accordance with regulations is-*
16 *sued by the Secretary—*

17 “(i) *work in an agency or office of the*
18 *Federal Government having national secu-*
19 *rity responsibilities (as determined by the*
20 *Secretary in consultation with the National*
21 *Security Education Board) and make avail-*
22 *able such recipient’s foreign language skills*
23 *to an agency or office of the Federal Gov-*
24 *ernment approved by the Secretary (in con-*
25 *sultation with the Board), upon the request*

1 *of the agency or office, for a period specified*
2 *by the Secretary, which period shall be no*
3 *longer than the period for which scholarship*
4 *assistance was provided; or*

5 *“(ii) if the recipient demonstrates to*
6 *the Secretary (in accordance with such reg-*
7 *ulations) that no position in an agency or*
8 *office of the Federal Government having na-*
9 *tional security responsibilities is available,*
10 *work in the field of higher education in a*
11 *discipline relating to the foreign country,*
12 *foreign language, area study, or inter-*
13 *national field of study for which the schol-*
14 *arship was awarded, for a period specified*
15 *by the Secretary, which period shall be de-*
16 *termined in accordance with clause (i); or*

17 *“(B) upon completion of such recipient’s*
18 *education under the program, and in accordance*
19 *with such regulations—*

20 *“(i) work in an agency or office of the*
21 *Federal Government having national secu-*
22 *rity responsibilities (as so determined) and*
23 *make available such recipient’s foreign lan-*
24 *guage skills to an agency or office of the*
25 *Federal Government approved by the Sec-*

1 retary (in consultation with the Board),
2 upon the request of the agency or office, for
3 a period specified by the Secretary, which
4 period shall be not less than one and not
5 more than three times the period for which
6 the fellowship assistance was provided; or

7 “(ii) if the recipient demonstrates to
8 the Secretary (in accordance with such reg-
9 ulations) that no position in an agency or
10 office of the Federal Government having na-
11 tional security responsibilities is available
12 upon the completion of the degree, work in
13 the field of higher education in a discipline
14 relating to the foreign country, foreign lan-
15 guage, area study, or international field of
16 study for which the fellowship was awarded,
17 for a period specified by the Secretary,
18 which period shall be established in accord-
19 ance with clause (i); and”.

20 (d) *EVALUATION OF PROGRESS IN LANGUAGE*

21 *SKILLS.*—Such section 802 is further amended by—

22 (1) redesignating subsections (c), (d), and (e) as
23 subsections (d), (e), and (f), respectively; and

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

1 “(c) *EVALUATION OF PROGRESS IN LANGUAGE*
2 *SKILLS.*—*The Secretary shall, through the National Secu-*
3 *riety Education Program office, administer a test of the for-*
4 *eign language skills of each recipient of a scholarship or*
5 *fellowship under this title before the commencement of the*
6 *study or education for which the scholarship or fellowship*
7 *is awarded and after the completion of such study or edu-*
8 *cation. The purpose of the tests is to evaluate the progress*
9 *made by recipients of scholarships and fellowships in devel-*
10 *oping foreign language skills as a result of assistance under*
11 *this title.*”.

12 (e) *FUNCTIONS OF THE NATIONAL SECURITY EDU-*
13 *CATION BOARD.*—*Section 803(d) of that Act (50 U.S.C.*
14 *1903(d)) is amended—*

15 (1) *in paragraph (1), by inserting “, including*
16 *an order of priority in such awards that favors indi-*
17 *viduals expressing an interest in national security is-*
18 *sues or pursuing a career in an agency or office of*
19 *the Federal Government having national security re-*
20 *sponsibilities” before the period;*

21 (2) *in paragraph (4)—*

22 (A) *in the matter preceding subparagraph*
23 *(A), by striking out “Make recommendations”*
24 *and inserting in lieu thereof “After taking into*
25 *account the annual analyses of trends in lan-*

1 *guage, international, and area studies under sec-*
2 *tion 806(b)(1), make recommendations”;*

3 *(B) in subparagraph (A), by inserting “and*
4 *countries which are of importance to the na-*
5 *tional security interests of the United States”*
6 *after “are studying”; and*

7 *(C) in subparagraph (B), by inserting “re-*
8 *lating to the national security interests of the*
9 *United States” after “of this title”;*

10 *(3) by redesignating paragraph (5) as para-*
11 *graph (7); and*

12 *(4) by inserting after paragraph (4) the follow-*
13 *ing new paragraphs:*

14 *“(5) Encourage applications for fellowships*
15 *under this title from graduate students having an*
16 *educational background in disciplines relating to*
17 *science or technology.*

18 *“(6) Provide the Secretary on an on-going basis*
19 *with a list of scholarship recipients and fellowship re-*
20 *cipients who are available to work for, or make their*
21 *language skills available to, an agency or office of the*
22 *Federal Government having national security respon-*
23 *sibilities.”.*

24 *(f) REPORT ON PROGRAM.—(1) Not later than six*
25 *months after the date of the enactment of this Act, the Sec-*

1 *retary of Defense shall submit to Congress a report assessing*
2 *the improvements to the program established under the*
3 *David L. Boren National Security Education Act of 1991*
4 *(title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.)*
5 *that result from the amendments made by this section.*

6 (2) *The report shall also include an assessment of the*
7 *contribution of the program, as so improved, in meeting*
8 *the national security objectives of the United States.*

9 **SEC. 1076. REIMBURSEMENT FOR EXCESSIVE COMPENSA-**
10 **TION OF CONTRACTOR PERSONNEL PROHIB-**
11 **ITED.**

12 (a) **ARMED SERVICES PROCUREMENTS.**—*Section*
13 *2324(e)(1) of title 10, United States Code, is amended by*
14 *adding at the end the following:*

15 “(P) *Costs of compensation (including bo-*
16 *nuses and other incentives) paid with respect to*
17 *the services (including termination of services) of*
18 *any one individual to the extent that the total*
19 *amount of the compensation paid in a fiscal*
20 *year exceeds \$200,000.”*

21 (b) **CIVILIAN AGENCY PROCUREMENTS.**—*Section*
22 *306(e)(1) of the Federal Property and Administrative Serv-*
23 *ices Act of 1949 (41 U.S.C. 256(e)(1)) is amended by add-*
24 *ing at the end the following:*

1 “(P) Costs of compensation (including bo-
2 nuses and other incentives) paid with respect to
3 the services (including termination of services) of
4 any one individual to the extent that the total
5 amount of the compensation paid in a fiscal
6 year exceeds \$200,000.”.

7 **SEC. 1077. SENSE OF THE SENATE ON DEPARTMENT OF DE-**
8 **FENSE SHARING OF EXPERIENCES UNDER**
9 **MILITARY YOUTH PROGRAMS.**

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

12 (1) *Programs of the Department of Defense for*
13 *youth who are dependents of members of the Armed*
14 *Forces have not received the same level of attention*
15 *and resources as have child care programs of the De-*
16 *partment since the passage of the Military Child Care*
17 *Act of 1989 (title XV of Public Law 101–189; 10*
18 *U.S.C. 113 note).*

19 (2) *Older children deserve as much attention to*
20 *their developmental needs as do younger children.*

21 (3) *The Department has started to direct more*
22 *attention to programs for youths who are dependents*
23 *of members of the Armed Forces by funding the imple-*
24 *mentation of 20 model community programs to ad-*
25 *dress the needs of such youths.*

1 (4) *The lessons learned from such programs*
2 *could apply to civilian youth programs as well.*

3 (b) *SENSE OF SENATE.—It is the sense of the Senate*
4 *that—*

5 (1) *the Department of Defense, Federal, State,*
6 *and local agencies, and businesses and communities*
7 *involved in conducting youth programs could benefit*
8 *from the development of partnerships to foster an ex-*
9 *change of ideas, information, and materials relating*
10 *to such programs and to encourage closer relation-*
11 *ships between military installations and the commu-*
12 *nities that support them;*

13 (2) *such partnerships could benefit all families*
14 *by helping the providers of services for youths ex-*
15 *change ideas about innovative ways to address bar-*
16 *riers to the effective provision of such services; and*

17 (3) *there are many ways that such partnerships*
18 *could be developed, including—*

19 (A) *cooperation between the Department*
20 *and Federal and State educational agencies in*
21 *exploring the use of public school facilities for*
22 *child care programs and youth programs that*
23 *are mutually beneficial to the Department and*
24 *civilian communities and complement programs*

1 *of the Department carried out at its facilities;*
2 *and*

3 *(B) improving youth programs that enable*
4 *adolescents to relate to new peer groups when*
5 *families of members of the Armed Forces are re-*
6 *located.*

7 *(c) REPORT.—Not later than June 30, 1997, the Sec-*
8 *retary of Defense shall submit to Congress a report on the*
9 *status of any initiatives undertaken this section, including*
10 *recommendations for additional ways to improve the youth*
11 *programs of the Department of Defense and to improve such*
12 *programs so as to benefit communities in the vicinity of*
13 *military installations.*

14 **SEC. 1078. SENSE OF THE SENATE ON DEPARTMENT OF DE-**
15 **FENSE SHARING OF EXPERIENCES WITH MILI-**
16 **TARY CHILD CARE.**

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

19 *(1) The Department of Defense should be con-*
20 *gratulated on the successful implementation of the*
21 *Military Child Care Act of 1989 (title XV of Public*
22 *Law 101–189; 10 U.S.C. 113 note).*

23 *(2) The actions taken by the Department as a re-*
24 *sult of that Act have dramatically improved the avail-*
25 *ability, affordability, quality, and consistency of the*

1 *child care services provided to members of the Armed*
2 *Forces.*

3 (3) *Child care is important to the readiness of*
4 *members of the Armed Forces because single parents*
5 *and couples in military service must have access to*
6 *affordable child care of good quality if they are to*
7 *perform their jobs and respond effectively to long*
8 *work hours or deployments.*

9 (4) *Child care is important to the retention of*
10 *members of the Armed Forces in military service be-*
11 *cause the dissatisfaction of the families of such mem-*
12 *bers with military life is a primary reason for the de-*
13 *parture of such members from military service.*

14 (b) *SENSE OF SENATE.—It is the sense of the Senate*
15 *that—*

16 (1) *the civilian and military child care commu-*
17 *nities, Federal, State, and local agencies, and busi-*
18 *nesses and communities involved in the provision of*
19 *child care services could benefit from the development*
20 *of partnerships to foster an exchange of ideas, infor-*
21 *mation, and materials relating to their experiences*
22 *with the provision of such services and to encourage*
23 *closer relationships between military installations*
24 *and the communities that support them;*

1 (2) *such partnerships would be beneficial to all*
2 *families by helping providers of child care services ex-*
3 *change ideas about innovative ways to address bar-*
4 *riers to the effective provision of such services; and*

5 (3) *there are many ways that these partnerships*
6 *can be developed, including—*

7 (A) *cooperation between the directors and*
8 *curriculum specialists of military child develop-*
9 *ment centers and civilian child development cen-*
10 *ters in assisting such centers in the accreditation*
11 *process;*

12 (B) *use of family support staff to conduct*
13 *parent and family workshops for new parents*
14 *and parents with young children in family hous-*
15 *ing on military installations and in commu-*
16 *nities in the vicinity of such installations;*

17 (C) *internships in Department of Defense*
18 *child care programs for civilian child care pro-*
19 *viders to broaden the base of good-quality child*
20 *care services in communities in the vicinity of*
21 *military installations; and*

22 (D) *attendance by civilian child care pro-*
23 *viders at Department child-care training classes*
24 *on a space-available basis.*

1 (c) *REPORT.*—Not later than June 30, 1997, the Sec-
2 retary of Defense shall submit to Congress a report on the
3 status of any initiatives undertaken this section, including
4 recommendations for additional ways to improve the child
5 care programs of the Department of Defense and to improve
6 such programs so as to benefit civilian child care providers
7 in communities in the vicinity of military installations.

8 **SEC. 1079. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC**
9 **OFFENSES ON MILITARY INSTALLATIONS.**

10 Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c)
11 is amended to read as follows:

12 “SEC. 4. (a) *Except as provided in subsection (b), who-*
13 *ever shall violate any rule or regulation promulgated pursu-*
14 *ant to section 2 of this Act may be fined not more than*
15 *\$50 or imprisoned for not more than thirty days, or both.*

16 “(b) *Whoever shall violate any rule or regulation for*
17 *the control of vehicular or pedestrian traffic on military*
18 *installations that is promulgated by the Secretary of De-*
19 *fense, or the designee of the Secretary, under the authority*
20 *delegated pursuant to section 2 of this Act may be fined*
21 *an amount not to exceed the amount of a fine for a like*
22 *or similar offense under the criminal or civil law of the*
23 *State, territory, possession, or district where the military*
24 *installation is located, or imprisoned for not more than*
25 *thirty days, or both.”.*

1 **SEC. 1080. PHARMACEUTICAL INDUSTRY SPECIAL EQUITY.**

2 (a) *SHORT TITLE.*—*This section may be cited as the*
3 *“Pharmaceutical Industry Special Equity Act of 1996”.*

4 (b) *APPROVAL OF GENERIC DRUGS.*—

5 (1) *IN GENERAL.*—*With respect to any patent,*
6 *the term of which is modified under section 154(c)(1)*
7 *of title 35, United States Code, as amended by the*
8 *Uruguay Round Agreements Act (Public Law 103–*
9 *465; 108 Stat. 4983), the remedies of section 271(e)(4)*
10 *of title 35, United States Code, shall not apply if—*

11 (A) *such patent is the subject of a certifi-*
12 *cation described under—*

13 (i) *section 505 (b)(2)(A)(iv) or*
14 *(j)(2)(A)(vii)(IV) of the Federal Food, Drug,*
15 *and Cosmetic Act (21 U.S.C. 355*
16 *(b)(2)(A)(iv) or (j)(2)(A)(vii)(IV)); or*

17 (ii) *section 512(n)(1)(H)(iv) of such*
18 *Act (21 U.S.C. 360b(n)(1)(H)(iv));*

19 (B) *on or after the date of enactment of this*
20 *section, such a certification is made in an appli-*
21 *cation that was filed under section 505 or 512*
22 *of the Federal Food, Drug, and Cosmetic Act and*
23 *accepted for filing by the Food and Drug Admin-*
24 *istration prior to June 8, 1995; and*

25 (C) *a final order, from which no appeal is*
26 *pending or may be made, has been entered in an*

1 *action brought under chapter 28 or 29 of title*
2 *35, United States Code—*

3 *(i) finding that the person who submit-*
4 *ted such certification made a substantial in-*
5 *vestment of the type described under section*
6 *154(c)(2) of title 35, United States Code, as*
7 *amended by the Uruguay Round Agree-*
8 *ments Act; and*

9 *(ii) establishing the amount of equi-*
10 *table remuneration of the type described*
11 *under section 154(c)(3) of title 35, United*
12 *States Code, as amended by the Uruguay*
13 *Round Agreements Act, that is required to*
14 *be paid by the person who submitted such*
15 *certification to the patentee for the product*
16 *that is the subject of the certification.*

17 (2) *DETERMINATION OF SUBSTANTIAL INVEST-*
18 *MENT.—In determining whether a substantial invest-*
19 *ment has been made in accordance with this section,*
20 *the court shall find that—*

21 *(A) a complete application submitted under*
22 *section 505 or 512 of the Federal Food, Drug,*
23 *and Cosmetic Act was found by the Secretary of*
24 *Health and Human Services on or before June*

1 8, 1995 to be sufficiently complete to permit sub-
2 stantive review; and

3 (B) the total sum of the investment made by
4 the person submitting such an application—

5 (i) is specifically related to the re-
6 search, development, manufacture, sale,
7 marketing, or other activities undertaken in
8 connection with, the product covered by
9 such an application; and

10 (ii) does not solely consist of that per-
11 son's expenditures related to the develop-
12 ment and submission of the information
13 contained in such an application.

14 (3) *EFFECTIVE DATE OF APPROVAL OF APPLICA-*
15 *TION.*—In no event shall the Food and Drug Admin-
16 istration make the approval of an application under
17 sections 505 or 512 of the Federal Food, Drug, and
18 Cosmetic Act, which is subject to the provisions of this
19 section, effective prior to the entry of the order de-
20 scribed in paragraph (1)(C).

21 (4) *APPLICABILITY.*—The provisions of this sub-
22 section shall not apply to any patent the term of
23 which, inclusive of any restoration period provided
24 under section 156 of title 35, United States Code,

1 *would have expired on or after June 8, 1998, under*
2 *the law in effect on the date before December 8, 1994.*

3 *(c) APPLICATION OF CERTAIN BENEFITS AND TERM*
4 *EXTENSIONS TO ALL PATENTS IN FORCE ON A CERTAIN*
5 *DATE.—For the purposes of this section and the provisions*
6 *of title 35, United States Code, all patents in force on June*
7 *8, 1995, including those in force by reason of section 156*
8 *of title 35, United States Code, are entitled to the full bene-*
9 *fit of the Uruguay Round Agreements Act of 1994 and any*
10 *extension granted before such date under section 156 of title*
11 *35, United States Code.*

12 *(d) EXTENSION OF PATENTS RELATING TO NON-*
13 *STEROIDAL ANTI-INFLAMMATORY DRUGS.—*

14 *(1) IN GENERAL.—Notwithstanding section 154*
15 *of title 35, United States Code, the term of patent*
16 *shall be extended for any patent which encompasses*
17 *within its scope of composition of matter known as a*
18 *nonsteroidal anti-inflammatory drug if—*

19 *(A) during the regulatory review of the drug*
20 *by the Food and Drug Administration the pat-*
21 *entee—*

22 *(i) filed a new drug application in*
23 *1982 under section 505 of the Federal Food,*
24 *Drug and Cosmetic Act (21 U.S.C. 355);*
25 *and*

1 (ii) awaited approval by the Food and
2 Drug Administration for at least 96
3 months; and

4 (B) such new drug application was ap-
5 proved in 1991.

6 (2) *TERM.*—The term of any patent described in
7 paragraph (1) shall be extended from its current expi-
8 ration date for a period of 2 years.

9 (3) *NOTIFICATION.*—No later than 90 days after
10 the date of enactment of this section, the patentee of
11 any patent described in paragraph (1) shall notify
12 the Commissioner of Patents and Trademarks of the
13 number of any patent extended under such para-
14 graph. On receipt of such notice, the Commissioner
15 shall confirm such extension by placing a notice
16 thereof in the official file of such patent and publish-
17 ing an appropriate notice of such extension in the Of-
18 ficial Gazette of the Patent and Trademark Office.

19 (e) *EXPEDITED PROCEDURES FOR CIVIL ACTIONS.*—

20 (1) *APPLICATION.*—(A) This subsection applies
21 to any civil action in a court of the United States
22 brought to determine the rights of the parties under
23 this section, including any determination made under
24 subsection (b).

1 (B) For purposes of this subsection the term
2 “civil action” refers to a civil action described under
3 subparagraph (A).

4 (2) *SUPERSEDING PROVISIONS.*—Procedures
5 adopted under this subsection shall supersede any
6 provision of title 28, United States Code, the Federal
7 Rules of Civil Procedure, or the Federal Rules of Ap-
8 pellate Procedure to the extent of any inconsistency.

9 (3) *PROCEDURES IN DISTRICT COURT.*—No later
10 than 60 days after the date of the enactment of this
11 Act, each district court of the United States shall
12 adopt procedures to—

13 (A) provide for priority in consideration of
14 civil actions on an expedited basis, including
15 consideration of determinations relating to sub-
16 stantial investment, equitable remuneration, and
17 equitable compensation;

18 (B) provide that—

19 (i) no later than 10 days after a party
20 files an answer to a complaint filed in a
21 civil action the court shall order that all
22 discovery (including a hearing on any dis-
23 covery motions) shall be completed no later
24 than 60 days after the date on which the
25 court enters the order; and

1 (ii) the court may grant a single exten-
2 sion of the 60-day period referred to under
3 clause (i) for an additional period of no
4 more than 30 days upon a showing of good
5 cause;

6 (C) require any dispositive motion in a
7 civil action to be filed no later than 30 days
8 after completion of discovery;

9 (D) require that—

10 (i) if a dispositive motion is filed in a
11 civil action, the court shall rule on such a
12 motion no later than 30 days after the date
13 on which the motion is filed;

14 (ii) the court shall begin the trial of a
15 civil action no later than 60 days after the
16 later of—

17 (I) the date on which discovery is
18 completed in accordance with subpara-
19 graph (B); or

20 (II) the last day of the 30-day pe-
21 riod referred to under clause (i), if a
22 dispositive motion is filed;

23 (E) require that if a person does not hold
24 the patent which is the subject of a civil action
25 and is the prevailing party in the civil action,

1 *the court shall order the nonprevailing party to*
 2 *pay damages to the prevailing party;*

3 *(F) the damages payable to such persons*
 4 *shall include—*

5 *(i) the costs resulting from the delay*
 6 *caused by the civil action; and*

7 *(ii) lost profits from such delay; and*

8 *(G) provide that the prevailing party in a*
 9 *civil action shall be entitled to recover reasonable*
 10 *attorney’s fees and court costs.*

11 *(4) PROCEDURES IN FEDERAL CIRCUIT COURT.—*

12 *No later than 60 days after the date of the enactment*
 13 *of this Act, the United States Court of Appeals for the*
 14 *Federal Circuit shall adopt procedures to provide for*
 15 *expedited considerations of civil actions brought*
 16 *under this Act.*

17 **SEC. 1081. CLARIFICATION OF NATIONAL SECURITY SYS-**
 18 **TEMS TO WHICH THE INFORMATION TECH-**
 19 **NOLOGY MANAGEMENT REFORM ACT OF 1996**
 20 **APPLIES.**

21 *Section 5142(b) of the Information Technology Man-*
 22 *agement Reform Act of 1996 (division E of Public Law*
 23 *104–106; 110 Stat. 689; 40 U.S.C. 1452(b)) is amended—*

24 *(1) by striking out “(b) LIMITATION.—” and in-*
 25 *serting in lieu thereof “(b) LIMITATIONS.—(1)”;* and

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

2 “(2) Notwithstanding any other provision of this sec-
3 tion or any other provision of law, for the purposes of this
4 subtitle, a system that, in function, operation, or use, in-
5 volves the storage, processing, or forwarding of classified in-
6 formation and is protected at all times by procedures estab-
7 lished for the handling of classified information shall be
8 considered as a national security system under the defini-
9 tion in subsection (a) only if the function, operation, or
10 use of the system—

11 “(A) involves activities described in paragraph
12 (1), (2), or (3) of subsection (a);

13 “(B) involves equipment described in paragraph
14 (4) of subsection (a); or

15 “(C) is critical to an objective described in para-
16 graph (5) of subsection (a) and is not excluded by
17 paragraph (1) of this subsection.”.

18 **SEC. 1082. SALE OF CHEMICALS USED TO MANUFACTURE**
19 **CONTROLLED SUBSTANCES BY FEDERAL DE-**
20 **PARTMENTS OR AGENCIES.**

21 A Federal department or agency may not sell from the
22 stocks of the department or agency any chemical which, as
23 determined by the Administrator of the Drug Enforcement
24 Agency, could be used in the manufacture of a controlled
25 substance as defined in section 102 of the Controlled Sub-

1 *stances Act (21 U.S.C. 802) unless the Administrator cer-*
2 *tifies in writing to the head of the department or agency*
3 *that there is no reasonable cause to believe that the sale of*
4 *the chemical would result in the illegal manufacture of a*
5 *controlled substance.*

6 **SEC. 1083. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT.**

7 (a) *STATUS OF EXCESS AIRCRAFT.*—Operational sup-
8 *port airlift aircraft excess to the requirements of the Depart-*
9 *ment of Defense shall be placed in an inactive status and*
10 *stored at Davis-Monthan Air Force Base, Arizona, pending*
11 *the completion of any study or analysis of the costs and*
12 *benefits of disposing of or operating such aircraft that pre-*
13 *cedes a decision to dispose of or continue to operate such*
14 *aircraft.*

15 (b) *OPERATIONAL SUPPORT AIRLIFT AIRCRAFT DE-*
16 *FINED.*—In this section, the term “operational support air-
17 *lift aircraft” has the meaning given such term in section*
18 *1086(f) of the National Defense Authorization Act for Fiscal*
19 *Year 1996 (Public Law 104–106; 110 Stat. 458).*

20 **SEC. 1084. SENSE OF SENATE REGARDING BOSNIA AND**
21 **HERZEGOVINA.**

22 *It is the sense of the Senate that, notwithstanding any*
23 *other provision of law, in order to maximize the amount*
24 *of equipment provided to the Government of Bosnia and*
25 *Herzegovina under the authority contained in section 540*

1 of the Foreign Operations Act of 1996 (Public Law 104–
2 107), the price of the transferred equipment shall not exceed
3 the lowest level at which the same or similar equipment has
4 been transferred to any other country under any other Unit-
5 ed States Government program.

6 **SEC. 1085. STRENGTHENING CERTAIN SANCTIONS AGAINST**
7 **NUCLEAR PROLIFERATION ACTIVITIES.**

8 (a) *IN GENERAL.*—Section 2(b)(4) of the Export-Im-
9 port Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended—

10 (1) by inserting after “any country has willfully
11 aided or abetted” the following: “, or any person has
12 knowingly aided or abetted,”;

13 (2) by striking “or countries” and inserting “,
14 countries, person, or persons”;

15 (3) by inserting after “United States exports to
16 such country” the following: “or, in the case of any
17 such person, give approval to guarantee, insure, or ex-
18 tend credit, or participate in the extension of credit
19 in support of, exports to or by any such person for
20 a 12-month period,”;

21 (4) by inserting “(A)” immediately after “(4)”;

22 (5) by inserting after “United States exports to
23 such country” the second place it appears the follow-
24 ing: “, except as provided in subparagraph (B),”; and

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

1 “(B) *In the case of any country or person aiding or*
2 *abetting a non-nuclear-weapon state as described in sub-*
3 *paragraph (A), the prohibition on financing by the Bank*
4 *contained in the second sentence of that subparagraph shall*
5 *not apply to the country or person, as the case may be,*
6 *if the President determines and certifies in writing to the*
7 *Congress that—*

8 “(i) *reliable information indicates that the coun-*
9 *try or person with respect to which the determination*
10 *is made has ceased to aid or abet any non-nuclear-*
11 *weapon state to acquire any nuclear explosive device*
12 *or to acquire unsafeguarded special nuclear material;*
13 *and*

14 “(ii) *the President has received reliable assur-*
15 *ances from the country or person that such country*
16 *or person will not, in the future, aid or abet any non-*
17 *nuclear-weapon state in its efforts to acquire any nu-*
18 *clear explosive device or any unsafeguarded special*
19 *nuclear material.*

20 “(C) *For purposes of subparagraphs (A) and (B)—*

21 “(i) *the term ‘country’ has the meaning given to*
22 *‘foreign state’ in section 1603(a) of title 28, United*
23 *States Code;*

1 “(ii) the term ‘knowingly’ is used within the
2 meaning of the term ‘knowing’ in section 104 of the
3 *Foreign Corrupt Practices Act*; and

4 “(iii) the term ‘person’ means a natural person
5 as well as a corporation, business association, part-
6 nership, society, trust, any other nongovernmental en-
7 tity, organization, or group, and any governmental
8 entity operating as a business enterprise, and any
9 successor of any such entity.”.

10 (b) *EFFECTIVE DATE*.—(1) The amendments made by
11 paragraphs (1) through (5) of subsection (a) shall apply
12 to persons, and the amendment made by subsection (a)(6),
13 shall apply to countries and persons, aiding or abetting
14 non-nuclear weapon states on or after June 29, 1994.

15 (2) Nothing in this section or the amendments made
16 by this section shall apply to obligations undertaken pursu-
17 ant to guarantees, insurance, and the extension of credits
18 (and participation in the extension of credits) made before
19 the date of enactment of this Act.

20 **SEC. 1086. TECHNICAL AMENDMENT.**

21 Paragraph (3) of section 8003(a) of the *Elementary*
22 and *Secondary Education Act of 1965* (20 U.S.C. 7703(a))
23 is amended—

1 (1) by striking “2000 and such number equals or
2 exceeds 15” and inserting “1000 or such number
3 equals or exceeds 10”; and

4 (2) by inserting “, except that notwithstanding
5 any other provision of this title the Secretary shall
6 not make a payment computed under this paragraph
7 for a child described in subparagraph (F) or (G) of
8 paragraph (1) who is associated with Federal prop-
9 erty used for Department of Defense activities unless
10 funds for such payment are made available to the
11 Secretary from funds available to the Secretary of De-
12 fense” before the period.

13 **SEC. 1087. FACILITY FOR MILITARY DEPENDENT CHILDREN**
14 **WITH DISABILITIES, LACKLAND AIR FORCE**
15 **BASE, TEXAS.**

16 (a) *FUNDING.*—Of the amounts authorized to be ap-
17 propriated by this Act for the Department of the Air Force,
18 \$2,000,000 may be available for the construction at
19 Lackland Air Force Base, Texas, of a facility (and support-
20 ing infrastructure) to provide comprehensive care and reha-
21 bilitation services to children with disabilities who are de-
22 pendents of members of the Armed Forces.

23 (b) *TRANSFER OF FUNDS.*—Subject to subsection (c),
24 the Secretary of the Air Force may grant the funds avail-
25 able under subsection (a) to the Children’s Association for

1 *Maximum Potential (CAMP) for use by the association to*
2 *defray the costs of designing and constructing the facility*
3 *referred to in subsection (a).*

4 (c) *LEASE OF FACILITY.—(1) The Secretary may not*
5 *make a grant of funds under subsection (b) until the Sec-*
6 *retary and the association enter into an agreement under*
7 *which the Secretary leases to the association the facility to*
8 *be constructed using the funds.*

9 (2)(A) *The term of the lease under paragraph (1) may*
10 *not be less than 25 years.*

11 (B) *As consideration for the lease of the facility, the*
12 *association shall assume responsibility for the operation*
13 *and maintenance of the facility, including the costs of such*
14 *operation and maintenance.*

15 (3) *The Secretary may require such additional terms*
16 *and conditions in connection with the lease as the Secretary*
17 *considers appropriate to protect the interests of the United*
18 *States.*

19 **SEC. 1088. PROHIBITION ON THE DISTRIBUTION OF INFOR-**
20 **MATION RELATING TO EXPLOSIVE MATE-**
21 **RIALS FOR A CRIMINAL PURPOSE.**

22 (a) *UNLAWFUL CONDUCT.—Section 842 of title 18,*
23 *United States Code, is amended by adding at the end the*
24 *following new subsection:*

1 “(l) It shall be unlawful for any person to teach or
2 demonstrate the making of explosive materials, or to distrib-
3 ute by any means information pertaining to, in whole or
4 in part, the manufacture of explosive materials, if the per-
5 son intends or knows, that such explosive materials or infor-
6 mation will be used for, or in furtherance of, an activity
7 that constitutes a Federal criminal offense or a criminal
8 purpose affecting interstate commerce.”.

9 (b) *PENALTY.*—Section 844(a) of title 18, United
10 States Code, is amended—

11 (1) by striking “(a) Any person” and inserting
12 “(a)(1) Any person”; and

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

14 “(2) Any person who violates subsection (l) of section
15 842 of this chapter shall be fined under this title, impris-
16 oned not more than 20 years, or both.”.

17 **SEC. 1089. EXEMPTION FOR SAVINGS INSTITUTIONS SERV-**
18 **ING MILITARY PERSONNEL.**

19 Section 10(m)(3)(F) of the Home Owners’ Loan Act
20 (12 U.S.C. 1467a(m)(3)(F)) is amended to read as follows:

21 “(F) *EXEMPTION FOR SPECIALIZED SAV-*
22 *INGS ASSOCIATIONS SERVING CERTAIN MILITARY*
23 *PERSONNEL.*—Subparagraph (A) does not apply
24 to a savings association subsidiary of a savings
25 and loan holding company if not less than 90

1 *percent of the customers of the savings and loan*
2 *holding company and the subsidiaries and affili-*
3 *ates of such company are active or former offi-*
4 *cers in the United States military services or the*
5 *widows, widowers, divorced spouses, or current*
6 *or former dependents of such officers.”.*

7 ***Subtitle G—Review of Armed Forces***
8 ***Force Structures***

9 ***SEC. 1091. SHORT TITLE.***

10 *This subtitle may be cited as the “Armed Forces Force*
11 *Structures Review Act of 1996”.*

12 ***SEC. 1092. FINDINGS.***

13 *Congress makes the following findings:*

14 (1) *Since the collapse of the Soviet Union in*
15 *1991, the United States has conducted two substantial*
16 *assessments of the force structure of the Armed Forces*
17 *necessary to meet United States defense requirements.*

18 (2) *The assessment by the Bush Administration*
19 *(known as the “Base Force” assessment) and the as-*
20 *essment by the Clinton Administration (known as*
21 *the “Bottom-Up Review”) were intended to reassess*
22 *the force structure of the Armed Forces in light of the*
23 *changing realities of the post-Cold War world.*

24 (3) *Both assessments served an important pur-*
25 *pose in focusing attention on the need to reevaluate*

1 *the military posture of the United States, but the pace*
2 *of global change necessitates a new, comprehensive as-*
3 *essment of the defense strategy of the United States*
4 *and the force structure of the Armed Forces required*
5 *to meet the threats to the United States in the 21st*
6 *century.*

7 (4) *The Bottom-Up Review has been criticized on*
8 *several points, including—*

9 (A) *the assumptions underlying the strategy*
10 *of planning to fight and win two nearly simulta-*
11 *neous major regional conflicts;*

12 (B) *the force levels recommended to carry*
13 *out that strategy; and*

14 (C) *the funding proposed for such rec-*
15 *ommended force levels.*

16 (5) *In response to the recommendations of the*
17 *Commission on Roles and Missions of the Armed*
18 *Forces, the Secretary of Defense endorsed the concept*
19 *of conducting a quadrennial review of the defense pro-*
20 *gram at the beginning of each newly elected Presi-*
21 *dential administration, and the Secretary intends to*
22 *complete the first such review in 1997.*

23 (6) *The review is to involve a comprehensive ex-*
24 *amination of defense strategy, the force structure of*
25 *the active, guard, and reserve components, force mod-*

1 *ernization plans, infrastructure, and other elements of*
2 *the defense program and policies in order to deter-*
3 *mine and express the defense strategy of the United*
4 *States and to establish a revised defense program*
5 *through the year 2005.*

6 *(7) In order to ensure that the force structure of*
7 *the Armed Forces is adequate to meet the challenges*
8 *to the national security interests of the United States*
9 *in the 21st century, to assist the Secretary of Defense*
10 *in conducting the review referred to in paragraph (5),*
11 *and to assess the appropriate force structure of the*
12 *Armed Forces through the year 2010 and beyond (if*
13 *practicable), it is important to provide for the con-*
14 *duct of an independent, non-partisan review of the*
15 *force structure that is more comprehensive than prior*
16 *assessments of the force structure, extends beyond the*
17 *quadrennial defense review, and explores innovative*
18 *and forward-thinking ways of meeting such chal-*
19 *lenges.*

20 **SEC. 1093. QUADRENNIAL DEFENSE REVIEW.**

21 *(a) REQUIREMENT IN 1997.—The Secretary of Defense,*
22 *in consultation with the Chairman of the Joint Chiefs of*
23 *Staff, shall complete in 1997 a review of the defense pro-*
24 *gram of the United States intended to satisfy the require-*
25 *ments for a Quadrennial Defense Review as identified in*

1 *the recommendations of the Commission on Roles and Mis-*
2 *sions of the Armed Forces. The review shall include a com-*
3 *prehensive examination of the defense strategy, force struc-*
4 *ture, force modernization plans, infrastructure, and other*
5 *elements of the defense program and policies with a view*
6 *toward determining and expressing the defense strategy of*
7 *the United States and establishing a revised defense pro-*
8 *gram through the year 2005.*

9 (b) *INVOLVEMENT OF NATIONAL DEFENSE PANEL.—*

10 (1) *The Secretary shall apprise the National Defense Panel*
11 *established under section 1084, on an on-going basis, of the*
12 *work undertaken in the conduct of the review.*

13 (2) *Not later than March 14, 1997, the Chairman of*
14 *the National Defense Panel shall submit to the Secretary*
15 *the Panel's assessment of work undertaken in the conduct*
16 *of the review as of that date and shall include in the assess-*
17 *ment the recommendations of the Panel for improvements*
18 *to the review, including recommendations for additional*
19 *matters to be covered in the review.*

20 (c) *ASSESSMENTS OF REVIEW.—Upon completion of*
21 *the review, the Chairman of the Joint Chiefs of Staff and*
22 *the Chairman of the National Defense Panel shall each pre-*
23 *pare and submit to the Secretary such chairman's assess-*
24 *ment of the review in time for the inclusion of the assess-*
25 *ment in its entirety in the report under subsection (d).*

1 (d) *REPORT.*—Not later than May 15, 1997, the Sec-
2 retary shall submit to the Committee on Armed Services
3 of the Senate and the Committee on National Security of
4 the House of Representatives a comprehensive report on the
5 review. The report shall include the following:

6 (1) *The results of the review, including a com-*
7 *prehensive discussion of the defense strategy of the*
8 *United States and the force structure best suited to*
9 *implement the strategy.*

10 (2) *The threats examined for purposes of the re-*
11 *view and the scenarios developed in the examination*
12 *of such threats.*

13 (3) *The assumptions used in the review, includ-*
14 *ing assumptions relating to the cooperation of allies*
15 *and mission-sharing, levels of acceptable risk, warn-*
16 *ing times, and intensity and duration of conflict.*

17 (4) *The effect on the force structure of prepara-*
18 *tions for and participation in peace operations and*
19 *military operations other than war.*

20 (5) *The effect on the force structure of the utiliza-*
21 *tion by the Armed Forces of technologies anticipated*
22 *to be available by the year 2005, including precision*
23 *guided munitions, stealth, night vision, digitization,*
24 *and communications, and the changes in doctrine*

1 *and operational concepts that would result from the*
2 *utilization of such technologies.*

3 (6) *The manpower and sustainment policies re-*
4 *quired under the defense strategy to support engage-*
5 *ment in conflicts lasting more than 120 days.*

6 (7) *The anticipated roles and missions of the re-*
7 *serve components in the defense strategy and the*
8 *strength, capabilities, and equipment necessary to as-*
9 *sure that the reserve components can capably dis-*
10 *charge such roles and missions.*

11 (8) *The appropriate ratio of combat forces to*
12 *support forces (commonly referred to as the “tooth-to-*
13 *tail” ratio) under the defense strategy, including, in*
14 *particular, the appropriate number and size of head-*
15 *quarter units and Defense Agencies for that purpose.*

16 (9) *The air-lift and sea-lift capabilities required*
17 *to support the defense strategy.*

18 (10) *The forward presence, pre-positioning, and*
19 *other anticipatory deployments necessary under the*
20 *defense strategy for conflict deterrence and adequate*
21 *military response to anticipated conflicts.*

22 (11) *The extent to which resources must be shift-*
23 *ed among two or more theaters under the defense*
24 *strategy in the event of conflict in such theaters.*

1 (12) *The advisability of revisions to the Unified*
2 *Command Plan as a result of the defense strategy.*

3 **SEC. 1094. NATIONAL DEFENSE PANEL.**

4 (a) *ESTABLISHMENT.*—*Not later than December 1,*
5 *1996, the Secretary of Defense shall establish a non-par-*
6 *tisan, independent panel to be known as the National De-*
7 *fense Panel (in this section referred to as the “Panel”). The*
8 *Panel shall have the duties set forth in this section.*

9 (b) *MEMBERSHIP.*—*The Panel shall be composed of a*
10 *chairman and eight other individuals appointed by the Sec-*
11 *retary, in consultation with the Chairman and ranking*
12 *member of the Committee on Armed Services of the Senate*
13 *and the Chairman and ranking member of the Committee*
14 *on National Security of the House of Representatives, from*
15 *among individuals in the private sector who are recognized*
16 *experts in matters relating to the national security of the*
17 *United States.*

18 (c) *DUTIES.*—*The Panel shall—*

19 (1) *conduct and submit to the Secretary the as-*
20 *essment of the review under section 1083 that is re-*
21 *quired by subsection (b)(2) of that section;*

22 (2) *conduct and submit to the Secretary the com-*
23 *prehensive assessment of the review that is required*
24 *by subsection (c) of that section upon completion of*
25 *the review; and*

1 (3) *conduct the assessment of alternative force*
2 *structures for the Armed Forces required under sub-*
3 *section (d).*

4 (d) *ALTERNATIVE FORCE STRUCTURE ASSESSMENT.*—

5 (1) *The Panel shall submit to the Secretary an independent*
6 *assessment of a variety of possible force structures of the*
7 *Armed Forces through the year 2010 and beyond, including*
8 *the force structure identified in the report on the review*
9 *under section 1083(d). The purpose of the assessment is to*
10 *develop proposals for an “above the line” force structure of*
11 *the Armed Forces and to provide the Secretary and Con-*
12 *gress recommendations regarding the optimal force struc-*
13 *ture to meet anticipated threats to the national security of*
14 *the United States through the time covered by the assess-*
15 *ment.*

16 (2) *In conducting the assessment, the Panel shall ex-*
17 *amine a variety of potential threats (including near-term*
18 *threats and long-term threats) to the national security in-*
19 *terests of the United States, including the following:*

20 (A) *Conventional threats across a spectrum of*
21 *conflicts.*

22 (B) *The proliferation of weapons of mass de-*
23 *struction and the means of delivering such weapons,*
24 *and the illicit transfer of technology relating to such*
25 *weapons.*

1 (C) *The vulnerability of United States tech-*
2 *nology to non-traditional threats, including informa-*
3 *tion warfare.*

4 (D) *Domestic and international terrorism.*

5 (E) *The emergence of a major challenger having*
6 *military capabilities similar to those of the United*
7 *States.*

8 (F) *Any other significant threat, or combination*
9 *of threats, identified by the Panel.*

10 (3) *For purposes of the assessment, the Panel shall de-*
11 *velop a variety of scenarios requiring a military response*
12 *by the Armed Forces, including the following:*

13 (A) *Scenarios developed in light of the threats*
14 *examined under paragraph (2).*

15 (B) *Scenarios developed in light of a continuum*
16 *of conflicts ranging from a conflict of lesser mag-*
17 *nitude than the conflict described in the Bottom-Up*
18 *Review to a conflict of greater magnitude than the*
19 *conflict so described.*

20 (4) *As part of the assessment, the Panel shall also—*

21 (A) *develop recommendations regarding a vari-*
22 *ety of force structures for the Armed Forces that per-*
23 *mit the forward deployment of sufficient land- and*
24 *sea-based forces to provide an effective deterrent to*
25 *conflict and to permit a military response by the*

1 *United States to the scenarios developed under para-*
2 *graph (3);*

3 *(B) to the extent practicable, estimate the fund-*
4 *ing required by fiscal year, in constant fiscal year*
5 *1997 dollars, to organize, equip, and support the*
6 *forces contemplated under the force structures assessed*
7 *in the assessment; and*

8 *(C) comment on each of the matters also to be in-*
9 *cluded by the Secretary in the report required by sec-*
10 *tion 1083(d).*

11 *(e) REPORT.—(1) Not later than December 1, 1997,*
12 *the Panel shall submit to the Secretary a report setting forth*
13 *the activities, findings and recommendations of the Panel*
14 *under subsection (d), including any recommendations for*
15 *legislation that the Panel considers appropriate.*

16 *(2) Not later than December 15, 1997, the Secretary*
17 *shall, after consultation with the Chairman of the Joint*
18 *Chiefs of Staff, submit to the committees referred to in sub-*
19 *section (b)(1) a copy of the report under paragraph (1),*
20 *together with the Secretary's comments on the report.*

21 *(f) INFORMATION FROM FEDERAL AGENCIES.—The*
22 *Panel may secure directly from the Department of Defense*
23 *and any of its components and from any other Federal de-*
24 *partment and agency such information as the Panel consid-*
25 *ers necessary to carry out its duties under this section. The*

1 *head of the department or agency concerned shall ensure*
2 *that information requested by the Panel under this sub-*
3 *section is promptly provided.*

4 *(g) PERSONNEL MATTERS.—(1) Each member of the*
5 *Panel shall be compensated at a rate equal to the daily*
6 *equivalent of the annual rate of basic pay prescribed for*
7 *level IV of the Executive Schedule under section 5315 of title*
8 *5, United States Code, for each day (including travel time)*
9 *during which such member is engaged in the performance*
10 *of the duties of the Panel.*

11 *(2) The members of the Panel shall be allowed travel*
12 *expenses, including per diem in lieu of subsistence, at rates*
13 *authorized for employees of agencies under subchapter I of*
14 *chapter 57 of title 5, United States Code, while away from*
15 *their homes or regular places of business in the performance*
16 *of services for the Panel.*

17 *(3)(A) The chairman of the Panel may, without regard*
18 *to the civil service laws and regulations, appoint and termi-*
19 *nate an executive director, and a staff of not more than*
20 *four additional individuals, if the Panel determines that*
21 *an executive director and staff are necessary in order for*
22 *the Panel to perform its duties effectively. The employment*
23 *of an executive director shall be subject to confirmation by*
24 *the Panel.*

1 (B) *The chairman may fix the compensation of the ex-*
2 *ecutive director without regard to the provisions of chapter*
3 *51 and subchapter III of chapter 53 of title 5, United States*
4 *Code, relating to classification of positions and General*
5 *Schedule pay rates, except that the rate of pay for the execu-*
6 *tive director may not exceed the rate payable for level V*
7 *of the Executive Schedule under section 5316 of such title.*

8 (4) *Any Federal Government employee may be detailed*
9 *to the Panel without reimbursement, and such detail shall*
10 *be without interruption or loss of civil service status or*
11 *privilege. The Secretary shall ensure that sufficient person-*
12 *nel are detailed to the Panel to enable the Panel to carry*
13 *out its duties effectively.*

14 (5) *To the maximum extent practicable, the members*
15 *and employees of the Panel shall travel on military aircraft,*
16 *military ships, military vehicles, or other military convey-*
17 *ances when travel is necessary in the performance of a duty*
18 *of the Panel, except that no such aircraft, ship, vehicle, or*
19 *other conveyance may be scheduled primarily for the trans-*
20 *portation of any such member or employee when the cost*
21 *of commercial transportation is less expensive.*

22 (h) *ADMINISTRATIVE PROVISIONS.—(1) The Panel*
23 *may use the United States mails and obtain printing and*
24 *binding services in the same manner and under the same*

1 *conditions as other departments and agencies of the Federal*
2 *Government.*

3 (2) *The Secretary shall furnish the Panel any adminis-*
4 *trative and support services requested by the Panel.*

5 (3) *The Panel may accept, use, and dispose of gifts*
6 *or donations of services or property.*

7 (i) **PAYMENT OF PANEL EXPENSES.**—*The compensa-*
8 *tion, travel expenses, and per diem allowances of members*
9 *and employees of the Panel shall be paid out of funds avail-*
10 *able to the Department of Defense for the payment of com-*
11 *ensation, travel allowances, and per diem allowances, re-*
12 *spectively, of civilian employees of the Department. The*
13 *other expenses of the Panel shall be paid out of funds avail-*
14 *able to the Department for the payment of similar expenses*
15 *incurred by the Department.*

16 (j) **TERMINATION.**—*The Panel shall terminate 30 days*
17 *after the date on which the Panel submits its report to the*
18 *Secretary under subsection (e).*

19 **SEC. 1095. POSTPONEMENT OF DEADLINES.**

20 *In the event that the election of President of the United*
21 *States in 1996 results in a change in administrations, each*
22 *deadline set forth in this subtitle shall be postponed by 3*
23 *months.*

24 **SEC. 1096. DEFINITIONS.**

25 *In this subtitle:*

1 (1) *The term “‘above the line’ force structure of*
2 *the Armed Forces” means a force structure (including*
3 *numbers, strengths, and composition and major items*
4 *of equipment) for the Armed Forces at the following*
5 *unit levels:*

6 (A) *In the case of the Army, the division.*

7 (B) *In the case of the Navy, the battle*
8 *group.*

9 (C) *In the case of the Air Force, the wing.*

10 (D) *In the case of the Marine Corps, the ex-*
11 *peditionary force.*

12 (E) *In the case of special operations forces*
13 *of the Army, Navy, or Air Force, the major oper-*
14 *ating unit.*

15 (F) *In the case of the strategic forces, the*
16 *ballistic missile submarine fleet, the heavy bomb-*
17 *er force, and the intercontinental ballistic missile*
18 *force.*

19 (2) *The term “Commission on Roles and Mis-*
20 *sions of the Armed Forces” means the Commission on*
21 *Roles and Missions of the Armed Forces established by*
22 *subtitle E of title IX of the National Defense Author-*
23 *ization Act for Fiscal Year 1994 (Public Law 103–*
24 *160; 107 Stat. 1738; 10 U.S.C. 111 note).*

1 (3) *The term “military operation other than*
2 *war” means any operation other than war that re-*
3 *quires the utilization of the military capabilities of*
4 *the Armed Forces, including peace operations, hu-*
5 *manitarian assistance operations and activities,*
6 *counter-terrorism operations and activities, disaster*
7 *relief activities, and counter-drug operations and ac-*
8 *tivities.*

9 (4) *The term “peace operations” means military*
10 *operations in support of diplomatic efforts to reach*
11 *long-term political settlements of conflicts and in-*
12 *cludes peacekeeping operations and peace enforcement*
13 *operations.*

14 **TITLE XI—DEPARTMENT OF**
15 **DEFENSE CIVILIAN PERSONNEL**
16 **Subtitle A—Personnel Management,**
17 **Pay, and Allowances**

18 **SEC. 1101. SCOPE OF REQUIREMENT FOR CONVERSION OF**
19 **MILITARY POSITIONS TO CIVILIAN POSI-**
20 **TIONS.**

21 *Section 1032(a) of the National Defense Authorization*
22 *Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.*
23 *429; 10 U.S.C. 129a note) is amended—*

24 (1) *by striking out the text of paragraph (1) and*
25 *inserting in lieu thereof the following: “By September*

1 30, 1996, the Secretary of Defense shall convert at
2 least 3,000 military positions to civilian positions.”;

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

4 (3) by redesignating paragraph (3) as para-
5 graph (2).

6 **SEC. 1102. RETENTION OF CIVILIAN EMPLOYEE POSITIONS**

7 **AT MILITARY TRAINING BASES TRANSFERRED**

8 **TO NATIONAL GUARD.**

9 (a) *MILITARY TRAINING INSTALLATIONS AFFECTED.*—

10 This section applies with respect to each military training
11 installation that—

12 (1) was approved for closure in 1995 under the
13 Defense Base Closure and Realignment Act of 1990
14 (part A of title XXIX of Public Law 101–510; 10
15 U.S.C. 2687 note);

16 (2) is scheduled for transfer to National Guard
17 operation and control; and

18 (3) will continue to be used, after such transfer,
19 to provide training support to active and reserve com-
20 ponents of the Armed Forces.

21 (b) *RETENTION OF EMPLOYEE POSITIONS.*—In the
22 case of a military training installation described in sub-
23 section (a), the Secretary of Defense may retain civilian
24 employee positions of the Department of Defense at the in-
25 stallation after transfer to the National Guard of a State

1 *in order to facilitate active and reserve component training*
2 *at the installation. The Secretary, in consultation with the*
3 *Adjutant General of the National Guard of that State, shall*
4 *determine the extent to which positions at that installation*
5 *are to be retained as positions in the Department of De-*
6 *fense.*

7 (c) *MAXIMUM NUMBER OF POSITIONS RETAINED.—*
8 *The maximum number of civilian employee positions re-*
9 *tained at an installation under this section shall not exceed*
10 *20 percent of the Federal civilian workforce employed at*
11 *the installation as of September 8, 1995.*

12 (d) *REMOVAL OF POSITION.—The decision to retain ci-*
13 *vilian employee positions at an installation under this sec-*
14 *tion shall cease to apply to a position so retained on the*
15 *date on which the Secretary certifies to Congress that it is*
16 *no longer necessary to retain the position in order to ensure*
17 *that effective support is provided at the installation for ac-*
18 *tive and reserve component training.*

19 **SEC. 1103. CLARIFICATION OF LIMITATION ON FURNISHING**
20 **CLOTHING OR PAYING A UNIFORM ALLOW-**
21 **ANCE TO ENLISTED NATIONAL GUARD TECH-**
22 **NICIANS.**

23 *Section 418(c) of title 37, United States Code, is*
24 *amended by striking out “for which a uniform allowance*
25 *is paid under section 415 or 416 of this title” and inserting*

1 *in lieu thereof “for which clothing is furnished or a uniform*
2 *allowance is paid under this section”.*

3 **SEC. 1104. TRAVEL EXPENSES AND HEALTH CARE FOR CI-**
4 **VILIAN EMPLOYEES OF THE DEPARTMENT OF**
5 **DEFENSE ABROAD.**

6 (a) *IN GENERAL.*—Chapter 81 of title 10, United
7 States Code, is amended by adding at the end the following
8 new section:

9 **“§1599b. Employees abroad: travel expenses; health**
10 **care**

11 *“(a) IN GENERAL.*—The Secretary of Defense may pro-
12 vide civilian employees, and members of their families,
13 abroad with benefits that are comparable to certain benefits
14 that are provided by the Secretary of State to members of
15 the Foreign Service and their families abroad as described
16 in subsections (b) and (c). The Secretary may designate the
17 employees and members of families who are eligible to re-
18 ceive the benefits.

19 *“(b) TRAVEL AND RELATED EXPENSES.*—The Sec-
20 retary of Defense may pay travel expenses and related ex-
21 penses for purposes and in amounts that are comparable
22 to the purposes for which, and the amounts in which, travel
23 and related expenses are paid by the Secretary of State
24 under section 901 of the Foreign Service Act of 1980 (22
25 U.S.C. 4081).

1 “(c) *HEALTH CARE PROGRAM.*—*The Secretary of De-*
2 *fense may establish a health care program that is com-*
3 *parable to the health care program established by the Sec-*
4 *retary of State under section 904 of that Act (22 U.S.C.*
5 *4084).*

6 “(d) *ASSISTANCE.*—*The Secretary of Defense may*
7 *enter into agreements with the heads of other departments*
8 *and agencies of the Federal Government in order to facili-*
9 *tate the payment of expenses authorized by subsection (b)*
10 *and to carry out a health care program authorized by sub-*
11 *section (c).*

12 “(e) *ABROAD DEFINED.*—*In this section, the term*
13 *‘abroad’ means outside—*

14 “(1) *the United States; and*

15 “(2) *the territories and possessions of the United*
16 *States.*”.

17 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
18 *the beginning of such chapter is amended by inserting after*
19 *the item relating to section 1599a the following new item:*
20 *“1599b. Employees abroad: travel expenses; health care.”.*

21 **SEC. 1105. TRAVEL, TRANSPORTATION, AND RELOCATION**
22 **ALLOWANCES FOR CERTAIN FORMER NON-**
23 **APPROPRIATED FUND EMPLOYEES.**

24 “(a) *IN GENERAL.*—(1) *Subchapter II of chapter 57 of*
25 *title 5, United States Code, is amended by adding at the*
end the following new section:

1 **“§5736. Travel, transportation, and relocation ex-**
 2 **penses of certain nonappropriated fund**
 3 **employees**

4 “An employee of a nonappropriated fund instrumen-
 5 tality of the Department of Defense or the Coast Guard de-
 6 scribed in section 2105(c) of this title who moves, without
 7 a break in service of more than 3 days, to a position in
 8 the Department of Defense or the Coast Guard, respectively,
 9 may be authorized travel, transportation, and relocation ex-
 10 penses and allowances under the same conditions and to
 11 the same extent authorized by this subchapter for trans-
 12 ferred employees.”.

13 (2) The table of sections at the beginning of chapter
 14 57 of such title is amended by inserting after the item relat-
 15 ing to section 5735 the following new item:

“5736. Travel, transportation, and relocation expenses of certain nonappropriated
 fund employees.”.

16 (b) *APPLICABILITY.*—Section 5736 of title 5, United
 17 States Code (as added by subsection (a)(1)), shall apply to
 18 moves between positions as described in such section that
 19 are effective on or after October 1, 1996.

20 **SEC. 1106. EMPLOYMENT AND SALARY PRACTICES APPLICA-**
 21 **BLE TO DEPARTMENT OF DEFENSE OVER-**
 22 **SEAS TEACHERS.**

23 (a) *EXPANSION OF SCOPE OF EDUCATORS COV-*
 24 *ERED.*—Section 2 of the Defense Department Overseas

1 *Teachers Pay and Personnel Practices Act (20 U.S.C. 901)*
2 *is amended—*

3 (1) *in subparagraph (A) of paragraph (1), by*
4 *inserting “, or are performed by an individual who*
5 *carried out certain teaching activities identified in*
6 *regulations prescribed by the Secretary of Defense”*
7 *after “Defense,”; and*

8 (2) *by striking out subparagraph (C) of para-*
9 *graph (2) and inserting in lieu thereof the following:*

10 *“(C) who is employed in a teaching position*
11 *described in paragraph (1).”.*

12 (b) *TRANSFER OF RESPONSIBILITY FOR EMPLOYMENT*
13 *AND SALARY PRACTICES.—Section 5 of such Act (20 U.S.C.*
14 *903) is amended—*

15 (1) *in subsection (a)—*

16 (A) *by striking out “secretary of each mili-*
17 *tary department in the Department of Defense”*
18 *and inserting in lieu thereof “Secretary of De-*
19 *fense”; and*

20 (B) *by striking out “his military depart-*
21 *ment” and inserting in lieu thereof “the Depart-*
22 *ment of Defense”;*

23 (2) *in subsection (b)—*

24 (A) *in the matter preceding paragraph (1),*
25 *by striking out “secretary of each military de-*

1 (b) *CERTAIN ADMINISTRATORS.*—*Such section 1595 is*
2 *amended by adding at the end the following:*

3 “(f) *APPLICATION TO DIRECTOR AND DEPUTY DIREC-*
4 *TOR AT ASIA-PACIFIC CENTER FOR SECURITY STUDIES.*—
5 *In the case of the Asia-Pacific Center for Security Studies,*
6 *this section also applies with respect to the Director and*
7 *the Deputy Director.”.*

8 **SEC. 1108. REIMBURSEMENT OF DEPARTMENT OF DEFENSE**
9 **DOMESTIC DEPENDENT SCHOOL BOARD MEM-**
10 **BERS FOR CERTAIN EXPENSES.**

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

13 “(7) *The Secretary may provide for reimbursement of*
14 *a school board member for expenses incurred by the member*
15 *for travel, transportation, program fees, and activity fees*
16 *that the Secretary determines are reasonable and necessary*
17 *for the performance of school board duties by the member.”.*

18 **SEC. 1109. EXTENSION OF AUTHORITY FOR CIVILIAN EM-**
19 **PLOYEES OF DEPARTMENT OF DEFENSE TO**
20 **PARTICIPATE VOLUNTARILY IN REDUCTIONS**
21 **IN FORCE.**

22 *Section 3502(f)(5) of title 5, United States Code, is*
23 *amended by striking out “September 30, 1996” and insert-*
24 *ing in lieu thereof “September 30, 2001”.*

1 **SEC. 1110. COMPENSATORY TIME OFF FOR OVERTIME WORK**
2 **PERFORMED BY WAGE-BOARD EMPLOYEES.**

3 *Section 5543 of title 5, United States Code, is amended*
4 *by adding at the end the following:*

5 *“(c) The head of an agency may, on request of an em-*
6 *ployee, grant the employee compensatory time off from the*
7 *employee’s scheduled tour of duty instead of payment under*
8 *section 5544 of this title or section 7 of the Fair Labor*
9 *Standards Act of 1938 for an equal amount of time spent*
10 *in irregular or occasional overtime work.”.*

11 **SEC. 1111. LIQUIDATION OF RESTORED ANNUAL LEAVE**
12 **THAT REMAINS UNUSED UPON TRANSFER OF**
13 **EMPLOYEE FROM INSTALLATION BEING**
14 **CLOSED OR REALIGNED.**

15 *(a) LUMP-SUM PAYMENT REQUIRED.—Section 5551 of*
16 *title 5, United States Code, is amended by adding at the*
17 *end the following new subsection:*

18 *“(c)(1) Annual leave that is restored to an employee*
19 *of the Department of Defense under section 6304(d) of this*
20 *title by reason of the operation of paragraph (3) of such*
21 *section and remains unused upon the transfer of the em-*
22 *ployee to a position described in paragraph (2) shall be liq-*
23 *uidated by payment of a lump-sum for such leave to the*
24 *employee upon the transfer.*

25 *“(2) A position referred to in paragraph (1) is a posi-*
26 *tion in a department or agency of the Federal Government*

1 *outside the Department of Defense or a Department of De-*
2 *fense position that is not located at a Department of Defense*
3 *installation being closed or realigned as described in section*
4 *6304(d)(3) of this title.”.*

5 (b) *APPLICABILITY.—Subsection (c) of section 5551 of*
6 *title 5, United States Code (as added by subsection (a)),*
7 *shall apply with respect to transfers described in such sub-*
8 *section (c) that take effect on or after the date of the enact-*
9 *ment of this Act.*

10 **SEC. 1112. WAIVER OF REQUIREMENT FOR REPAYMENT OF**
11 **VOLUNTARY SEPARATION INCENTIVE PAY BY**
12 **FORMER DEPARTMENT OF DEFENSE EMPLOY-**
13 **EES REEMPLOYED BY THE GOVERNMENT**
14 **WITHOUT PAY.**

15 *Section 5597(g) of title 5, United States Code, is*
16 *amended by adding at the end the following new paragraph:*

17 *“(5) If the employment is without compensation, the*
18 *appointing official may waive the repayment.”.*

19 **SEC. 1113. FEDERAL HOLIDAY OBSERVANCE RULES FOR DE-**
20 **PARTMENT OF DEFENSE EMPLOYEES.**

21 (a) *HOLIDAYS OCCURRING ON NONWORKDAYS.—Sec-*
22 *tion 6103(b) of title 5, United States Code, is amended by*
23 *inserting after paragraph (2) the following new paragraph:*

24 *“(3) In the case of a full-time employee of the*
25 *Department of Defense, the following rules apply:*

1 “(A) When a legal public holiday occurs on
2 a Sunday that is not a regular weekly workday
3 for an employee, the employee’s next workday is
4 the legal public holiday for the employee.

5 “(B) When a legal public holiday occurs on
6 a regular weekly nonworkday that is adminis-
7 tratively scheduled for an employee instead of
8 Sunday, the employee’s next workday is the legal
9 public holiday for the employee.

10 “(C) When a legal public holiday occurs on
11 an employee’s regular weekly nonworkday imme-
12 diately following a regular weekly nonworkday
13 that is administratively scheduled for the em-
14 ployee instead of Sunday, the employee’s next
15 workday is the legal public holiday for the em-
16 ployee.

17 “(D) When a legal public holiday occurs on
18 an employee’s regular weekly nonworkday that is
19 not a nonworkday referred to in subparagraph
20 (A), (B), or (C), the employee’s preceding work-
21 day is the legal public holiday for the employee.

22 “(E) The Secretary concerned (as defined in
23 section 101(a) of title 10) may schedule a legal
24 public holiday for an employee to be on a dif-
25 ferent day than the one that would otherwise

1 (2) *Subsection (b) of section 5 of the Hotel and Motel*
2 *Fire Safety Act of 1990 (Public Law 101–391; 104 Stat.*
3 *751; 5 U.S.C. 5707 note) is repealed.*

4 **(b) REPEAL OF PROHIBITION ON PAYMENT OF LODG-**
5 **ING EXPENSES OF DEPARTMENT OF DEFENSE EMPLOYEES**
6 **AND OTHER CIVILIANS WHEN ADEQUATE GOVERNMENT**
7 **QUARTERS ARE AVAILABLE.—(1) Section 1589 of title 10,**
8 **United States Code, is repealed.**

9 (2) *The table of sections at the beginning of chapter*
10 *81 of such title is amended by striking out the item relating*
11 *to such section.*

12 ***Subtitle B—Defense Economic Ad-***
13 ***justment, Diversification, Con-***
14 ***version, and Stabilization***

15 **SEC. 1121. PILOT PROGRAMS FOR DEFENSE EMPLOYEES**
16 **CONVERTED TO CONTRACTOR EMPLOYEES**
17 **DUE TO PRIVATIZATION AT CLOSED MILI-**
18 **TARY INSTALLATIONS.**

19 **(a) PILOT PROGRAMS AUTHORIZED.—(1) The Sec-**
20 **retary of Defense, after consultation with the Secretary of**
21 **the Navy, the Secretary of the Air Force, and the Director**
22 **of the Office of Personnel Management, may establish a**
23 **pilot program under which Federal retirement benefits are**
24 **provided in accordance with this section to persons who**
25 **convert from Federal employment in the Department of the**

1 *Navy or the Department of the Air Force to employment*
2 *by a Department of Defense contractor in connection with*
3 *the privatization of the performance of functions at selected*
4 *military installations being closed under the base closure*
5 *and realignment process.*

6 (2) *The Secretary of Defense shall select the installa-*
7 *tions to be covered by a pilot program under this section.*

8 (b) *ELIGIBLE TRANSFERRED EMPLOYEES.—(1) A per-*
9 *son is a transferred employee eligible for benefits under this*
10 *section if the person is a former employee of the Department*
11 *of Defense (other than a temporary employee) who—*

12 (A) *while employed by the Department of De-*
13 *fense in a function recommended to be privatized as*
14 *part of the closure and realignment of military in-*
15 *stallations pursuant to section 2903(e) of the Defense*
16 *Base Closure and Realignment Act of 1990 (title*
17 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note)*
18 *and while covered under the Civil Service Retirement*
19 *System, separated from Federal service after being no-*
20 *tified that the employee would be separated in a re-*
21 *duction-in-force resulting from conversion from per-*
22 *formance of a function by Department of Defense em-*
23 *ployees at that military installation to performance of*
24 *that function by a defense contractor at that installa-*
25 *tion or in the vicinity of that installation;*

1 (B) is employed by the defense contractor within
2 60 days following such separation to perform substan-
3 tially the same function performed before the separa-
4 tion;

5 (C) remains employed by the defense contractor
6 (or a successor defense contractor) or subcontractor of
7 the defense contractor (or successor defense contractor)
8 until attaining early deferred retirement age (unless
9 the employment is sooner involuntarily terminated
10 for reasons other than performance or conduct of the
11 employee);

12 (D) at the time separated from Federal service,
13 was not eligible for an immediate annuity under the
14 Civil Service Retirement System; and

15 (E) does not withdraw retirement contributions
16 under section 8342 of title 5, United States Code.

17 (2) A person who, under paragraph (1), would other-
18 wise be eligible for an early deferred annuity under this
19 section shall not be eligible for such benefits if the person
20 received separation pay or severance pay due to a separa-
21 tion described in subparagraph (A) of that paragraph un-
22 less the person repays the full amount of such pay with
23 interest (computed at a rate determined appropriate by the
24 Director of the Office of Personnel Management) to the De-

1 *partment of Defense before attaining early deferred retire-*
2 *ment age.*

3 (c) *RETIREMENT BENEFITS OF TRANSFERRED EM-*
4 *PLOYEES.—In the case of a transferred employee covered*
5 *by a pilot program under this section, payment of a de-*
6 *ferred annuity for which the transferred employee is eligible*
7 *under section 8338(a) of title 5, United States Code, shall*
8 *commence on the first day of the first month that begins*
9 *after the date on which the transferred employee attains*
10 *early deferred retirement age, notwithstanding the age re-*
11 *quirement under that section.*

12 (d) *COMPUTATION OF AVERAGE PAY.—(1)(A) This*
13 *paragraph applies to a transferred employee who was em-*
14 *ployed in a position classified under the General Schedule*
15 *immediately before the employee’s covered separation from*
16 *Federal service.*

17 (B) *Subject to subparagraph (C), for purposes of com-*
18 *puting the deferred annuity for a transferred employee re-*
19 *ferred to in subparagraph (A), the average pay of the trans-*
20 *ferred employee, computed under section 8331(4) of title 5,*
21 *United States Code, as of the date of the employee’s covered*
22 *separation from Federal service, shall be adjusted at the*
23 *same time and by the same percentage that rates of basic*
24 *pay are increased under section 5303 of such title during*
25 *the period beginning on that date and ending on the date*

1 *on which the transferred employee attains early deferred re-*
2 *tirement age.*

3 *(C) The average pay of a transferred employee, as ad-*
4 *justed under subparagraph (B), may not exceed the amount*
5 *to which an annuity of the transferred employee could be*
6 *increased under section 8340 of title 5, United States Code,*
7 *in accordance with the limitation in subsection (g)(1) of*
8 *such section (relating to maximum pay, final pay, or aver-*
9 *age pay).*

10 *(2)(A) This paragraph applies to a transferred em-*
11 *ployee who was a prevailing rate employee (as defined*
12 *under section 5342(2) of title 5, United States Code) imme-*
13 *diately before the employee's covered separation from Fed-*
14 *eral service.*

15 *(B) For purposes of computing the deferred annuity*
16 *for a transferred employee referred to in subparagraph (A),*
17 *the average pay of the transferred employee, computed*
18 *under section 8331(4) of title 5, United States Code, as of*
19 *the date of the employee's covered separation from Federal*
20 *service, shall be adjusted at the same time and by the same*
21 *percentage that pay rates for positions that are in the same*
22 *area as, and are comparable to, the last position the trans-*
23 *ferred employee held as a prevailing rate employee, are in-*
24 *creased under section 5343(a) of such title during the period*
25 *beginning on that date and ending on the date on which*

1 *the transferred employee attains early deferred retirement*
2 *age.*

3 *(e) PAYMENT OF UNFUNDED LIABILITY.—(1) The*
4 *military department concerned shall be liable for that por-*
5 *tion of any estimated increase in the unfunded liability of*
6 *the Civil Service Retirement and Disability Fund estab-*
7 *lished under section 8348 of title 5, United States Code,*
8 *which is attributable to any benefits payable from such*
9 *Fund to a transferred employee, and any survivor of a*
10 *transferred employee, when the increase results from—*

11 *(A) an increase in the average pay of the trans-*
12 *ferred employee under subsection (d) upon which such*
13 *benefits are computed; and*

14 *(B) the commencement of an early deferred an-*
15 *nuity in accordance with this section before the at-*
16 *tainment of 62 years of age by the transferred em-*
17 *ployee.*

18 *(2) The estimated increase in the unfunded liability*
19 *for each department referred to in paragraph (1), shall be*
20 *determined by the Director of the Office of Personnel Man-*
21 *agement. In making the determination, the Director shall*
22 *consider any savings to the Fund as a result of the program*
23 *established under this section. The Secretary of the military*
24 *department concerned shall pay the amount so determined*
25 *to the Director in 10 equal annual installments with inter-*

1 *est computed at the rate used in the most recent valuation*
2 *of the Civil Service Retirement System, with the first pay-*
3 *ment thereof due at the end of the fiscal year in which an*
4 *increase in average pay under subsection (d) becomes effec-*
5 *tive.*

6 (f) *CONTRACTOR SERVICE NOT CREDITABLE.*—*Service*
7 *performed by a transferred employee for a defense contrac-*
8 *tor after the employee’s covered separation from Federal*
9 *service is not creditable service for purposes of subchapter*
10 *III of chapter 83 of title 5, United States Code.*

11 (g) *RECEIPT OF BENEFITS WHILE EMPLOYED BY A*
12 *DEFENSE CONTRACTOR.*—*A transferred employee may*
13 *commence receipt of an early deferred annuity in accord-*
14 *ance with this section while continuing to work for a defense*
15 *contractor.*

16 (h) *LUMP-SUM CREDIT PAYMENT.*—*If a transferred*
17 *employee dies before attaining early deferred retirement*
18 *age, such employee shall be treated as a former employee*
19 *who dies not retired for purposes of payment of the lump-*
20 *sum credit under section 8342(d) of title 5, United States*
21 *Code.*

22 (i) *CONTINUED FEDERAL HEALTH BENEFITS COV-*
23 *ERAGE.*—*Notwithstanding section 5905a(e)(1)(A) of title 5,*
24 *United States Code, the continued coverage of a transferred*
25 *employee for health benefits under chapter 89 of such title*

1 *by reason of the application of section 8905a of such title*
2 *to such employee shall terminate 90 days after the date of*
3 *the employee's covered separation from Federal employ-*
4 *ment. For the purposes of the preceding sentence, a person*
5 *who, except for subsection (b)(2), would be a transferred em-*
6 *ployee shall be considered a transferred employee.*

7 *(j) REPORT BY GAO.—The Comptroller General of the*
8 *United States shall conduct a study of each pilot program,*
9 *if any, established under this section and submit a report*
10 *on the pilot program to Congress not later than two years*
11 *after the date on which the program is established. The re-*
12 *port shall contain the following:*

13 *(1) A review and evaluation of the program, in-*
14 *cluding—*

15 *(A) an evaluation of the success of the pri-*
16 *vatization outcomes of the program;*

17 *(B) a comparison and evaluation of such*
18 *privatization outcomes with the privatization*
19 *outcomes with respect to facilities at other mili-*
20 *tary installations closed or realigned under the*
21 *base closure laws;*

22 *(C) an evaluation of the impact of the pro-*
23 *gram on the Federal workforce and whether the*
24 *program results in the maintenance of a skilled*

1 workforce for defense contractors at an acceptable
2 cost to the military department concerned; and

3 (D) an assessment of the extent to which the
4 pilot program is a cost-effective means of facili-
5 tating privatization of the performance of Fed-
6 eral activities.

7 (2) Recommendations relating to the expansion
8 of the program to other installations and employees.

9 (3) Any other recommendation relating to the
10 program.

11 (k) IMPLEMENTING REGULATIONS.—Not later than 30
12 days after the Secretary of Defense notifies the Director of
13 the Office of Personnel Management of a decision to estab-
14 lish a pilot program under this section, the Director shall
15 prescribe regulations to carry out the provisions of this sec-
16 tion with respect to that pilot program. Before prescribing
17 the regulations, the Director shall consult with the Sec-
18 retary.

19 (l) DEFINITIONS.—In this section:

20 (1) The term “transferred employee” means a
21 person who, pursuant to subsection (b), is eligible for
22 benefits under this section.

23 (2) The term “covered separation from Federal
24 service” means a separation from Federal service as
25 described under subsection (b)(1)(A).

1 (3) *The term “Civil Service Retirement System”*
2 *means the retirement system under subchapter III of*
3 *chapter 83 of title 5, United States Code.*

4 (4) *The term “defense contractor” means any en-*
5 *tity that—*

6 (A) *contracts with the Department of De-*
7 *fense to perform a function previously performed*
8 *by Department of Defense employees;*

9 (B) *performs that function at the same in-*
10 *stallation at which such function was previously*
11 *performed by Department of Defense employees*
12 *or in the vicinity of that installation; and*

13 (C) *is the employer of one or more trans-*
14 *ferred employees.*

15 (5) *The term “early deferred retirement age”*
16 *means the first age at which a transferred employee*
17 *would have been eligible for immediate retirement*
18 *under subsection (a) or (b) of section 8336 of title 5,*
19 *United States Code, if such transferred employee had*
20 *remained an employee within the meaning of section*
21 *8331(1) of such title continuously until attaining*
22 *such age.*

23 (6) *The term “severance pay” means severance*
24 *pay payable under section 5595 of title 5, United*
25 *States Code.*

1 (7) *The term “separation pay” means separation*
2 *pay payable under section 5597 of title 5, United*
3 *States Code.*

4 (m) *EFFECTIVE DATE.—This section shall take effect*
5 *on August 1, 1996, and shall apply to covered separations*
6 *from Federal service on or after that date.*

7 **SEC. 1122. TROOPS-TO-TEACHERS PROGRAM IMPROVE-**
8 **MENTS APPLIED TO CIVILIAN PERSONNEL.**

9 (a) *SEPARATED CIVILIAN EMPLOYEES OF THE DE-*
10 *PARTMENT OF DEFENSE.—(1) Subsection (a) of section*
11 *1598 of title 10, United States Code, is amended by striking*
12 *out “may establish” and inserting in lieu thereof “shall es-*
13 *tablish”.*

14 (2) *Subsection (d)(2) of such section is amended by*
15 *striking out “five school years” in subparagraphs (A) and*
16 *(B) and inserting in lieu thereof “two school years”.*

17 (b) *DISPLACED DEPARTMENT OF DEFENSE CONTRAC-*
18 *TOR EMPLOYEES.—Section 2410j(f)(2) of such title is*
19 *amended by striking out “five school years” in subpara-*
20 *graphs (A) and (B) and inserting in lieu thereof “two school*
21 *years”.*

22 (c) *SAVINGS PROVISION.—The amendments made by*
23 *this section do not effect obligations under agreements en-*
24 *tered into in accordance with section 1598 or 2410j of title*

1 10, United States Code, before the date of the enactment
2 of this Act.

3 **Subtitle C—Defense Intelligence**
4 **Personnel**

5 **SEC. 1131. SHORT TITLE.**

6 *This subtitle may be cited as the “Department of De-*
7 *fense Civilian Intelligence Personnel Reform Act of 1996”.*

8 **SEC. 1132. CIVILIAN INTELLIGENCE PERSONNEL**
9 **MANAGEMENT.**

10 *Section 1590 of title 10, United States Code, is amend-*
11 *ed to read as follows:*

12 **“§ 1590. Management of civilian intelligence**
13 **personnel of the Department of Defense**

14 **“(a) GENERAL PERSONNEL MANAGEMENT AUTHOR-**
15 **ITY.—***The Secretary of Defense may, without regard to the*
16 *provisions of any other law relating to the appointment,*
17 *number, classification, or compensation of employees—*

18 *“(1) establish—*

19 *“(A) as positions in the excepted service,*
20 *such defense intelligence component positions*
21 *(including Intelligence Senior Level positions) as*
22 *the Secretary determines necessary to carry out*
23 *the intelligence functions of the defense intel-*
24 *ligence components, but not to exceed in number*

1 *the number of the defense intelligence component*
2 *positions established as of January 1, 1996; and*

3 “(B) *such Intelligence Senior Executive*
4 *Service positions as the Secretary determines*
5 *necessary to carry out functions referred to in*
6 *subparagraph (B);*

7 “(2) *appoint individuals to such positions (after*
8 *taking into consideration the availability of pref-*
9 *erence eligibles for appointment to such positions);*
10 *and*

11 “(3) *fix the compensation of such individuals for*
12 *service in such positions.*

13 “(b) *BASIC PAY.—(1)(A) Subject to subparagraph (B)*
14 *and paragraph (2), the Secretary of Defense shall fix the*
15 *rates of basic pay for positions established under subsection*
16 *(a) in relation to the rates of basic pay provided in subpart*
17 *D of part III of title 5 for positions subject to that subpart*
18 *which have corresponding levels of duties and responsibil-*
19 *ities.*

20 “(B) *Except as otherwise provided by law, no rate of*
21 *basic pay fixed under subparagraph (A) for a position es-*
22 *tablished under subsection (a) may exceed—*

23 “(i) *in the case of an Intelligence Senior Execu-*
24 *tive Service position, the maximum rate provided in*
25 *section 5382 of title 5;*

1 “(ii) in the case of an Intelligence Senior Level
2 position, the maximum rate provided in section 5382
3 of title 5; and

4 “(iii) in the case of any other defense intelligence
5 component position, the maximum rate provided in
6 section 5306(e) of title 5.

7 “(2) The Secretary of Defense may, consistent with sec-
8 tion 5341 of title 5, adopt such provisions of that title as
9 provide for prevailing rate systems of basic pay and may
10 apply those provisions to positions for civilian employees
11 in or under which the Department of Defense may employ
12 individuals described by section 5342(a)(2)(A) of such title.

13 “(c) *ADDITIONAL COMPENSATION, INCENTIVES, AND*
14 *ALLOWANCES.—(1) Employees in defense intelligence com-*
15 *ponent positions may be paid additional compensation, in-*
16 *cluding benefits, incentives, and allowances, in accordance*
17 *with this subsection if, and to the extent, authorized in reg-*
18 *ulations prescribed by the Secretary of Defense.*

19 “(2) Additional compensation under this subsection
20 shall be consistent with, and not in excess of the levels au-
21 thorized for, comparable positions authorized by title 5.

22 “(3)(A) Employees in defense intelligence component
23 positions, if citizens or nationals of the United States, may
24 be paid an allowance while stationed outside the continen-
25 tal United States or in Alaska.

1 “(B) Subject to subparagraph (C), allowances under
2 subparagraph (A) shall be based on—

3 “(i) living costs substantially higher than in the
4 District of Columbia;

5 “(ii) conditions of environment which differ sub-
6 stantially from conditions of environment in the con-
7 tinental United States and warrant an allowance as
8 a recruitment incentive; or

9 “(iii) both of the factors described in clauses (i)
10 and (ii).

11 “(C) An allowance under subparagraph (A) may not
12 exceed an allowance authorized to be paid by section
13 5941(a) of title 5 for employees whose rates of basic pay
14 are fixed by statute.

15 “(d) INTELLIGENCE SENIOR EXECUTIVE SERVICE.—
16 (1) The Secretary of Defense may establish an Intelligence
17 Senior Executive Service for defense intelligence component
18 positions established pursuant to subsection (a) that are
19 equivalent to Senior Executive Service positions.

20 “(2) The Secretary of Defense shall prescribe regula-
21 tions for the Intelligence Senior Executive Service which are
22 consistent with the requirements set forth in sections 3131,
23 3132(a)(2), 3396(c), 3592, 3595(a), 5384, and 6304 of title
24 5, subsections (a), (b), and (c) of section 7543 of such title
25 (except that any hearing or appeal to which a member of

1 *the Intelligence Senior Executive Service is entitled shall*
2 *be held or decided pursuant to the regulations), and sub-*
3 *chapter II of chapter 43 of such title. To the extent that*
4 *the Secretary determines it practicable to apply to members*
5 *of, or applicants for, the Intelligence Senior Executive Serv-*
6 *ice other provisions of title 5 that apply to members of, or*
7 *applicants for, the Senior Executive Service, the Secretary*
8 *shall also prescribe regulations to implement those sections*
9 *with respect to the Intelligence Senior Executive Service.*

10 “(e) *AWARD OF RANK TO MEMBERS OF THE INTEL-*
11 *LIGENCE SENIOR EXECUTIVE SERVICE.—The President,*
12 *based on the recommendations of the Secretary of Defense,*
13 *may award a rank referred to in section 4507 of title 5*
14 *to members of the Intelligence Senior Executive Service*
15 *whose positions may be established pursuant to this section.*
16 *The awarding of such rank shall be made in a manner con-*
17 *sistent with the provisions of that section.*

18 “(f) *INTELLIGENCE SENIOR LEVEL POSITIONS.—The*
19 *Secretary of Defense may, in accordance with regulations*
20 *prescribed by the Secretary, designate as an Intelligence*
21 *Senior Level position any defense intelligence component*
22 *position that, as determined by the Secretary—*

23 “(1) *is classifiable above grade GS–15 of the*
24 *General Schedule;*

1 “(2) does not satisfy functional or program man-
2 agement criteria for being designated an Intelligence
3 Senior Executive Service position; and

4 “(3) has no more than minimal supervisory re-
5 sponsibilities.

6 “(g) *TIME LIMITED APPOINTMENTS.*—(1) The Sec-
7 retary of Defense may, in regulations, authorize appointing
8 officials to make time limited appointments to defense intel-
9 ligence component positions specified in the regulations.

10 “(2) The Secretary of Defense shall review each time
11 limited appointment in a defense intelligence component
12 position at the end of the first year of the period of the
13 appointment and determine whether the appointment
14 should be continued for the remainder of the period. The
15 continuation of a time limited appointment after the first
16 year shall be subject to the approval of the Secretary.

17 “(3) An employee serving in a defense intelligence com-
18 ponent position pursuant to a time limited appointment
19 is not eligible for a permanent appointment to an Intel-
20 ligence Senior Executive Service position (including a posi-
21 tion in which serving) unless selected for the permanent ap-
22 pointment on a competitive basis.

23 “(4) In this subsection, the term ‘time limited appoint-
24 ment’ means an appointment (subject to the condition in
25 paragraph (2)) for a period not to exceed two years.

1 “(h) *TERMINATION OF CIVILIAN INTELLIGENCE*
2 *EMPLOYEES.—(1) Notwithstanding any other provision of*
3 *law, the Secretary of Defense may terminate the employ-*
4 *ment of any employee in a defense intelligence component*
5 *position if the Secretary—*

6 “(A) *considers such action to be in the interests*
7 *of the United States; and*

8 “(B) *determines that the procedures prescribed*
9 *in other provisions of law that authorize the termi-*
10 *nation of the employment of such employee cannot be*
11 *invoked in a manner consistent with the national se-*
12 *curity.*

13 “(2) *A decision by the Secretary of Defense to termi-*
14 *nate the employment of an employee under this subsection*
15 *is final and may not be appealed or reviewed outside the*
16 *Department of Defense.*

17 “(3) *The Secretary of Defense shall promptly notify*
18 *the Committee on National Security and the Permanent Se-*
19 *lect Committee on Intelligence of the House of Representa-*
20 *tives and the Committee on Armed Services and the Select*
21 *Committee on Intelligence of the Senate whenever the Sec-*
22 *retary terminates the employment of any employee under*
23 *the authority of this subsection.*

24 “(4) *Any termination of employment under this sub-*
25 *section shall not affect the right of the employee involved*

1 *to seek or accept employment with any other department*
2 *or agency of the United States if that employee is declared*
3 *eligible for such employment by the Director of the Office*
4 *of Personnel Management.*

5 “(5) *The authority of the Secretary of Defense under*
6 *this subsection may be delegated only to the Deputy Sec-*
7 *retary of Defense and the head of a defense intelligence com-*
8 *ponent (with respect to employees of that component). An*
9 *action to terminate employment of such an employee by any*
10 *such official may be appealed to the Secretary of Defense.*

11 “(i) *REDUCTIONS AND OTHER ADJUSTMENTS IN*
12 *FORCE.—(1) The Secretary of Defense, in consultation with*
13 *the Director of the Office of Personnel Management, shall*
14 *prescribe regulations for the separation of employees in de-*
15 *fense intelligence component positions, including members*
16 *of the Intelligence Senior Executive Service and employees*
17 *in Intelligence Senior Level positions, in a reduction in*
18 *force or other adjustment in force. The regulations shall*
19 *apply to such a reduction in force or other adjustment in*
20 *force notwithstanding sections 3501(b) and 3502 of title 5.*

21 “(2) *The regulations shall give effect to—*

22 “(A) *tenure of employment;*

23 “(B) *military preference, subject to sections*
24 3501(a)(3) *and 3502(b) of title 5;*

1 “(C) *the veteran’s preference under section*
2 *3502(b) of title 5;*

3 “(D) *performance; and*

4 “(E) *length of service computed in accordance*
5 *with the second sentence of section 3502(a) of title 5.*

6 “(2) *The regulations relating to removal from the In-*
7 *telligence Senior Executive Service in a reduction in force*
8 *or other adjustment in force shall be consistent with section*
9 *3595(a) of title 5.*

10 “(3)(A) *The regulations shall provide a right of appeal*
11 *regarding a personnel action under the regulations. The ap-*
12 *peal shall be determined within the Department of Defense.*
13 *An appeal determined at the highest level provided in the*
14 *regulations shall be final and not subject to review outside*
15 *the Department of Defense. A personnel action covered by*
16 *the regulations is not subject to any other provision of law*
17 *that provides appellate rights or procedures.*

18 “(B) *Notwithstanding subparagraph (A), a preference*
19 *eligible referred to in section 7511(a)(1)(B) of title 5 may*
20 *appeal to the Merit Systems Protection Board any person-*
21 *nel action taken under the regulations. Section 7701 of title*
22 *5 shall apply to any such appeal.*

23 “(j) *APPLICABILITY OF MERIT SYSTEM PRINCIPLES.—*
24 *Section 2301 of title 5 shall apply to the exercise of author-*
25 *ity under this section.*

1 “(k) *COLLECTIVE BARGAINING AGREEMENTS.*—*Nothing*
2 *in this section may be construed to impair the contin-*
3 *ued effectiveness of a collective bargaining agreement with*
4 *respect to an agency or office that is a successor to an agen-*
5 *cy or office covered by the agreement before the succession.*

6 “(l) *NOTIFICATION OF CONGRESS.*—*At least 60 days*
7 *before the effective date of regulations prescribed to carry*
8 *out this section, the Secretary of Defense shall submit the*
9 *regulations to the Committee on National Security and the*
10 *Permanent Select Committee on Intelligence of the House*
11 *of Representatives and the Committee on Armed Services*
12 *and the Select Committee on Intelligence of the Senate.*

13 “(m) *DEFINITIONS.*—*In this section:*

14 “(1) *The term ‘defense intelligence component*
15 *position’ means a position of civilian employment as*
16 *an intelligence officer or employee of a defense intel-*
17 *ligence component.*

18 “(2) *The term ‘defense intelligence component’*
19 *means each of the following components of the*
20 *Department of Defense:*

21 “(A) *The National Security Agency.*

22 “(B) *The Defense Intelligence Agency.*

23 “(C) *The Central Imagery Office.*

24 “(D) *Any component of a military depart-*
25 *ment that performs intelligence functions and is*

1 *designated as a defense intelligence component by*
2 *the Secretary of Defense.*

3 “(E) *Any other component of the Depart-*
4 *ment of Defense that performs intelligence func-*
5 *tions and is designated as a defense intelligence*
6 *component by the Secretary of Defense.*

7 “(F) *Any successor to a component listed*
8 *in, or designated pursuant to, this paragraph.*

9 “(3) *The term ‘Intelligence Senior Level position’*
10 *means a defense intelligence component position des-*
11 *ignated as an Intelligence Senior Level position pur-*
12 *suant to subsection (f).*

13 “(4) *The term ‘excepted service’ has the meaning*
14 *given such term in section 2103 of title 5.*

15 “(5) *The term ‘preference eligible’ has the mean-*
16 *ing given such term in section 2108(3) of title 5.*

17 “(6) *The term ‘Senior Executive Service posi-*
18 *tion’ has the meaning given such term in section*
19 *3132(a)(2) of title 5.*

20 “(7) *The term ‘collective bargaining agreement’*
21 *has the meaning given such term in section 7103(8)*
22 *of title 5.”.*

1 **SEC. 1133. REPEALS.**

2 (a) *DEFENSE INTELLIGENCE SENIOR EXECUTIVE*
3 *SERVICE.*—Sections 1601, 1603, and 1604 of title 10, *Unit-*
4 *ed States Code*, are repealed.

5 (b) *NATIONAL SECURITY AGENCY PERSONNEL MAN-*
6 *AGEMENT AUTHORITIES.*—(1) Sections 2 and 4 of the
7 *National Security Agency Act of 1959 (50 U.S.C. 402 note)*
8 *are repealed.*

9 (2) Section 303 of the *Internal Security Act of 1950*
10 *(50 U.S.C. 833)* is repealed.

11 **SEC. 1134. CLERICAL AMENDMENTS.**

12 (a) *AMENDED SECTION HEADING.*—The item relating
13 to section 1590 in the table of sections at the beginning of
14 chapter 81 of title 10, *United States Code*, is amended to
15 read as follows:

“1590. *Management of civilian intelligence personnel of the Department of*
Defense.”.

16 (b) *REPEALED SECTIONS.*—The table of sections at the
17 beginning of chapter 83 of title 10, *United States Code*, is
18 amended by striking out the items relating to sections 1601,
19 1603, and 1604.

1 **TITLE XII—FEDERAL CHARTER**
2 **FOR THE FLEET RESERVE AS-**
3 **SOCIATION**

4 **SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHAR-**
5 **TER.**

6 *The Fleet Reserve Association, a nonprofit corporation*
7 *organized under the laws of the State of Delaware, is recog-*
8 *nized as such and granted a Federal charter.*

9 **SEC. 1202. POWERS.**

10 *The Fleet Reserve Association (in this title referred to*
11 *as the “association”) shall have only those powers granted*
12 *to it through its bylaws and articles of incorporation filed*
13 *in the State in which it is incorporated and subject to the*
14 *laws of such State.*

15 **SEC. 1203. PURPOSES.**

16 *The purposes of the association are those provided in*
17 *its bylaws and articles of incorporation and shall include*
18 *the following:*

19 *(1) Upholding and defending the Constitution of*
20 *the United States.*

21 *(2) Aiding and maintaining an adequate naval*
22 *defense for the United States.*

23 *(3) Assisting the recruitment of the best person-*
24 *nel available for the United States Navy, United*
25 *States Marine Corps, and United States Coast Guard.*

1 (4) *Providing for the welfare of the personnel*
2 *who serve in the United States Navy, United States*
3 *Marine Corps, and United States Coast Guard.*

4 (5) *Continuing to serve loyally the United States*
5 *Navy, United States Marine Corps, and United*
6 *States Coast Guard.*

7 (6) *Preserving the spirit of shipmanship by pro-*
8 *viding assistance to shipmates and their families.*

9 (7) *Instilling love of the United States and the*
10 *flag and promoting soundness of mind and body in*
11 *the youth of the United States.*

12 **SEC. 1204. SERVICE OF PROCESS.**

13 *With respect to service of process, the association shall*
14 *comply with the laws of the State in which it is incor-*
15 *porated and those States in which it carries on its activities*
16 *in furtherance of its corporate purposes.*

17 **SEC. 1205. MEMBERSHIP.**

18 *Except as provided in section 1208(g), eligibility for*
19 *membership in the association and the rights and privileges*
20 *of members shall be as provided in the bylaws and articles*
21 *of incorporation of the association.*

22 **SEC. 1206. BOARD OF DIRECTORS.**

23 *Except as provided in section 1208(g), the composition*
24 *of the board of directors of the association and the respon-*
25 *sibilities of the board shall be as provided in the bylaws*

1 *and articles of incorporation of the association and in con-*
2 *formity with the laws of the State in which it is incor-*
3 *porated.*

4 **SEC. 1207. OFFICERS.**

5 *Except as provided in section 1208(g), the positions*
6 *of officers of the association and the election of members*
7 *to such officers shall be as provided in the bylaws and arti-*
8 *cles of incorporation of the association and in conformity*
9 *with the laws of the State in which it is incorporated.*

10 **SEC. 1208. RESTRICTIONS.**

11 *(a) INCOME AND COMPENSATION.—No part of the in-*
12 *come or assets of the association may inure to the benefit*
13 *of any member, officer, or director of the association or be*
14 *distributed to any such individual during the life of this*
15 *charter. Nothing in this subsection may be construed to pre-*
16 *vent the payment of reasonable compensation to the officers*
17 *and employees of the association or reimbursement for ac-*
18 *tual and necessary expenses in amounts approved by the*
19 *board of directors.*

20 *(b) LOANS.—The association may not make any loan*
21 *to any member, officer, director, or employee of the associa-*
22 *tion.*

23 *(c) ISSUANCE OF STOCK AND PAYMENT OF DIVI-*
24 *DENDS.—The association may not issue any shares of stock*
25 *or declare or pay any dividend.*

1 (d) *FEDERAL APPROVAL.*—*The association may not*
2 *claim the approval of the Congress or the authorization of*
3 *the Federal Government for any of its activities by virtue*
4 *of this title.*

5 (e) *CORPORATE STATUS.*—*The association shall main-*
6 *tain its status as a corporation organized and incorporated*
7 *under the laws of the State of Delaware.*

8 (f) *CORPORATE FUNCTION.*—*The association shall*
9 *function as an educational, patriotic, civic, historical, and*
10 *research organization under the laws of the State in which*
11 *it is incorporated.*

12 (g) *NONDISCRIMINATION.*—*In establishing the condi-*
13 *tions of membership in the association and in determining*
14 *the requirements for serving on the board of directors or*
15 *as an officer of the association, the association may not dis-*
16 *criminate on the basis of race, color, religion, sex, handicap,*
17 *age, or national origin.*

18 **SEC. 1209. LIABILITY.**

19 *The association shall be liable for the acts of its offi-*
20 *cers, directors, employees, and agents whenever such indi-*
21 *viduals act within the scope of their authority.*

22 **SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND**
23 **RECORDS.**

24 (a) *BOOKS AND RECORDS OF ACCOUNT.*—*The associa-*
25 *tion shall keep correct and complete books and records of*

1 *account and minutes of any proceeding of the association*
2 *involving any of its members, the board of directors, or any*
3 *committee having authority under the board of directors.*

4 (b) *NAMES AND ADDRESSES OF MEMBERS.*—*The asso-*
5 *ciation shall keep at its principal office a record of the*
6 *names and addresses of all members having the right to vote*
7 *in any proceeding of the association.*

8 (c) *RIGHT TO INSPECT BOOKS AND RECORDS.*—*All*
9 *books and records of the association may be inspected by*
10 *any member having the right to vote in any proceeding of*
11 *the association, or by any agent or attorney of such member,*
12 *for any proper purpose at any reasonable time.*

13 (d) *APPLICATION OF STATE LAW.*—*This section may*
14 *not be construed to contravene any applicable State law.*

15 **SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.**

16 *The first section of the Act entitled “An Act to provide*
17 *for audit of accounts of private corporations established*
18 *under Federal law”, approved August 30, 1964 (36 U.S.C.*
19 *1101), is amended by adding at the end the following:*

20 “(77) *Fleet Reserve Association.*”.

21 **SEC. 1212. ANNUAL REPORT.**

22 *The association shall annually submit to Congress a*
23 *report concerning the activities of the association during*
24 *the preceding fiscal year. The annual report shall be sub-*
25 *mitted on the same date as the report of the audit required*

1 *by reason of the amendment made in section 1211. The an-*
2 *nual report shall not be printed as a public document.*

3 **SEC. 1213. RESERVATION OF RIGHT TO AMEND OR REPEAL**

4 **CHARTER.**

5 *The right to alter, amend, or repeal this title is ex-*
6 *pressly reserved to Congress.*

7 **SEC. 1214. TAX-EXEMPT STATUS.**

8 *The association shall maintain its status as an organi-*
9 *zation exempt from taxation as provided in the Internal*
10 *Revenue Code of 1986.*

11 **SEC. 1215. TERMINATION.**

12 *The charter granted in this title shall expire if the as-*
13 *sociation fails to comply with any of the provisions of this*
14 *title.*

15 **SEC. 1216. DEFINITION.**

16 *For purposes of this title, the term "State" means any*
17 *of the several States, the District of Columbia, the Common-*
18 *wealth of Puerto Rico, the Commonwealth of the Northern*
19 *Mariana Islands, the United States Virgin Islands, Guam,*
20 *American Samoa, the Republic of the Marshall Islands, the*
21 *Federated States Of Micronesia, the Republic of Palau, and*
22 *any other territory or possession of the United States.*

1 **TITLE XIII—DEFENSE AGAINST**
2 **WEAPONS OF MASS DESTRUC-**
3 **TION**

4 **SEC. 1301. SHORT TITLE.**

5 *This title may be cited as the “Defense Against Weap-*
6 *ons of Mass Destruction Act of 1996”.*

7 **SEC. 1302. FINDINGS.**

8 *Congress makes the following findings:*

9 *(1) Weapons of mass destruction and related ma-*
10 *terials and technologies are increasingly available*
11 *from worldwide sources. Technical information relat-*
12 *ing to such weapons is readily available on the*
13 *Internet, and raw materials for chemical, biological,*
14 *and radiological weapons are widely available for le-*
15 *gitimate commercial purposes.*

16 *(2) The former Soviet Union produced and*
17 *maintained a vast array of nuclear, biological, and*
18 *chemical weapons of mass destruction.*

19 *(3) Many of the states of the former Soviet*
20 *Union retain the facilities, materials, and tech-*
21 *nologies capable of producing additional quantities of*
22 *weapons of mass destruction.*

23 *(4) The disintegration of the former Soviet*
24 *Union was accompanied by disruptions of command*
25 *and control systems, deficiencies in accountability for*

1 *weapons, weapons-related materials and technologies,*
2 *economic hardships, and significant gaps in border*
3 *control among the states of the former Soviet Union.*
4 *The problems of organized crime and corruption in*
5 *the states of the former Soviet Union increase the po-*
6 *tential for proliferation of nuclear, radiological, bio-*
7 *logical, and chemical weapons and related materials.*

8 *(5) The conditions described in paragraph (4)*
9 *have substantially increased the ability of potentially*
10 *hostile nations, terrorist groups, and individuals to*
11 *acquire weapons of mass destruction and related ma-*
12 *terials and technologies from within the states of the*
13 *former Soviet Union and from unemployed scientists*
14 *who worked on those programs.*

15 *(6) As a result of such conditions, the capability*
16 *of potentially hostile nations and terrorist groups to*
17 *acquire nuclear, radiological, biological, and chemical*
18 *weapons is greater than any time in history.*

19 *(7) The President has identified North Korea,*
20 *Iraq, Iran, and Libya as hostile states which already*
21 *possess some weapons of mass destruction and are de-*
22 *veloping others.*

23 *(8) The acquisition or the development and use*
24 *of weapons of mass destruction is well within the ca-*

1 *pability of many extremist and terrorist movements,*
2 *acting independently or as proxies for foreign states.*

3 (9) *Foreign states can transfer weapons to or*
4 *otherwise aid extremist and terrorist movements indi-*
5 *rectly and with plausible deniability.*

6 (10) *Terrorist groups have already conducted*
7 *chemical attacks against civilian targets in the Unit-*
8 *ed States and Japan, and a radiological attack in*
9 *Russia.*

10 (11) *The potential for the national security of*
11 *the United States to be threatened by nuclear, radio-*
12 *logical, chemical, or biological terrorism must be*
13 *taken as seriously as the risk of an attack by long-*
14 *range ballistic missiles carrying nuclear weapons.*

15 (12) *There is a significant and growing threat of*
16 *attack by weapons of mass destruction on targets that*
17 *are not military targets in the usual sense of the*
18 *term.*

19 (13) *Concomitantly, the threat posed to the citi-*
20 *zens of the United States by nuclear, radiological, bio-*
21 *logical, and chemical weapons delivered by unconven-*
22 *tional means is significant and growing.*

23 (14) *Mass terror may result from terrorist inci-*
24 *dents involving nuclear, radiological, biological, or*

1 *chemical materials, even if such materials are not*
2 *configured as military weapons.*

3 *(15) Facilities required for production of radio-*
4 *logical, biological, and chemical weapons are much*
5 *smaller and harder to detect than nuclear weapons fa-*
6 *cilities, and biological, and chemical weapons can be*
7 *deployed by alternative delivery means that are much*
8 *harder to detect than long-range ballistic missiles.*

9 *(16) Such delivery systems have no assignment*
10 *of responsibility, unlike ballistic missiles, for which a*
11 *launch location would be unambiguously known.*

12 *(17) Covert or unconventional means of delivery*
13 *of nuclear, radiological, biological, and chemical*
14 *weapons, which might be preferable to foreign states*
15 *and nonstate organizations, include cargo ships, pas-*
16 *senger aircraft, commercial and private vehicles and*
17 *vessels, and commercial cargo shipments routed*
18 *through multiple destinations.*

19 *(18) Traditional arms control efforts assume*
20 *large state efforts with detectable manufacturing pro-*
21 *grams and weapons production programs, but are in-*
22 *effective in monitoring and controlling smaller,*
23 *though potentially more dangerous, unconventional*
24 *proliferation efforts.*

1 (19) *Conventional counterproliferation efforts*
2 *would do little to detect or prevent the rapid develop-*
3 *ment of a capability to suddenly manufacture several*
4 *hundred chemical or biological weapons with nothing*
5 *but commercial supplies and equipment.*

6 (20) *The United States lacks adequate planning*
7 *and countermeasures to address the threat of nuclear,*
8 *radiological, biological, and chemical terrorism.*

9 (21) *The Department of Energy has established*
10 *a Nuclear Emergency Response Team which is avail-*
11 *able in case of nuclear or radiological emergencies,*
12 *but no comparable units exist to deal with emer-*
13 *gencies involving biological, or chemical weapons or*
14 *related materials.*

15 (22) *State and local emergency response person-*
16 *nel are not adequately prepared or trained for inci-*
17 *dents involving nuclear, radiological, biological, or*
18 *chemical materials.*

19 (23) *Exercises of the Federal, State, and local re-*
20 *sponse to nuclear, radiological, biological, or chemical*
21 *terrorism have revealed serious deficiencies in pre-*
22 *paredness and severe problems of coordination.*

23 (24) *The development of, and allocation of re-*
24 *sponsibilities for, effective countermeasures to nuclear,*
25 *radiological, biological, or chemical terrorism in the*

1 *United States requires well-coordinated participation*
2 *of many Federal agencies, and careful planning by*
3 *the Federal Government and State and local govern-*
4 *ments.*

5 (25) *Training and exercises can significantly*
6 *improve the preparedness of State and local emer-*
7 *gency response personnel for emergencies involving*
8 *nuclear, radiological, biological, or chemical weapons*
9 *or related materials.*

10 (26) *Sharing of the expertise and capabilities of*
11 *the Department of Defense, which traditionally has*
12 *provided assistance to Federal, State, and local offi-*
13 *cials in neutralizing, dismantling, and disposing of*
14 *explosive ordnance, as well as radiological, biological,*
15 *and chemical materials, can be a vital contribution*
16 *to the development and deployment of counter-*
17 *measures against nuclear, biological, and chemical*
18 *weapons of mass destruction.*

19 (27) *The United States lacks effective policy co-*
20 *ordination regarding the threat posed by the pro-*
21 *liferation of weapons of mass destruction.*

22 **SEC. 1303. DEFINITIONS.**

23 *In this title:*

24 (1) *The term “weapon of mass destruction”*
25 *means any weapon or device that is intended, or has*

1 *the capability, to cause death or serious bodily injury*
2 *to a significant number of people through the release,*
3 *dissemination, or impact of—*

4 *(A) toxic or poisonous chemicals or their*
5 *precursors;*

6 *(B) a disease organism; or*

7 *(C) radiation or radioactivity.*

8 *(2) The term “independent states of the former*
9 *Soviet Union” has the meaning given the term in sec-*
10 *tion 3 of the FREEDOM Support Act (22 U.S.C.*
11 *5801).*

12 *(3) The term “highly enriched uranium” means*
13 *uranium enriched to 20 percent or more in the iso-*
14 *tope U-235.*

15 ***Subtitle A—Domestic Preparedness***

16 ***SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.***

17 *(a) PROGRAM REQUIRED.—(1) The Secretary of De-*
18 *fense shall carry out a program to provide civilian person-*
19 *nel of Federal, State, and local agencies with training and*
20 *expert advice regarding emergency responses to a use or*
21 *threatened use of a weapon of mass destruction or related*
22 *materials.*

23 *(2) The President may designate the head of an agency*
24 *other than the Department of Defense to assume the respon-*
25 *sibility for carrying out the program on or after October*

1 1, 1999, and relieve the Secretary of Defense of that respon-
2 sibility upon the assumption of the responsibility by the
3 designated official.

4 (3) Hereafter in this section, the official responsible for
5 carrying out the program is referred to as the “lead offi-
6 cial”.

7 (b) COORDINATION.—In carrying out the program, the
8 lead official shall coordinate with each of the following offi-
9 cials who is not serving as the lead official:

10 (1) The Director of the Federal Emergency Man-
11 agement Agency.

12 (2) The Secretary of Energy.

13 (3) The Secretary of Defense.

14 (4) The heads of any other Federal, State, and
15 local government agencies that have an expertise or
16 responsibilities relevant to emergency responses de-
17 scribed in subsection (a)(1).

18 (c) ELIGIBLE PARTICIPANTS.—The civilian personnel
19 eligible to receive assistance under the program are civilian
20 personnel of Federal, State, and local agencies who have
21 emergency preparedness responsibilities.

22 (d) INVOLVEMENT OF OTHER FEDERAL AGENCIES.—
23 (1) The lead official may use personnel and capabilities of
24 Federal agencies outside the agency of the lead official to
25 provide training and expert advice under the program.

1 (2)(A) *Personnel used under paragraph (1) shall be*
2 *personnel who have special skills relevant to the particular*
3 *assistance that the personnel are to provide.*

4 (B) *Capabilities used under paragraph (1) shall be ca-*
5 *pabilities that are especially relevant to the particular as-*
6 *sistance for which the capabilities are used.*

7 (e) *AVAILABLE ASSISTANCE.—Assistance available*
8 *under this program shall include the following:*

9 (1) *Training in the use, operation, and mainte-*
10 *nance of equipment for—*

11 (A) *detecting a chemical or biological agent*
12 *or nuclear radiation;*

13 (B) *monitoring the presence of such an*
14 *agent or radiation;*

15 (C) *protecting emergency personnel and the*
16 *public; and*

17 (D) *decontamination.*

18 (2) *Establishment of a designated telephonic link*
19 *(commonly referred to as a “hot line”) to a designated*
20 *source of relevant data and expert advice for the use*
21 *of State or local officials responding to emergencies*
22 *involving a weapon of mass destruction or related*
23 *materials.*

24 (3) *Use of the National Guard and other reserve*
25 *components for purposes authorized under this section*

1 that are specified by the lead official (with the con-
2 currence of the Secretary of Defense if the Secretary
3 is not the lead official).

4 (4) *Loan of appropriate equipment.*

5 (f) *LIMITATIONS ON DEPARTMENT OF DEFENSE AS-*
6 *SISTANCE TO LAW ENFORCEMENT AGENCIES.—Assistance*
7 *provided by the Department of Defense to law enforcement*
8 *agencies under this section shall be provided under the au-*
9 *thority of, and subject to the restrictions provided in, chap-*
10 *ter 18 of title 10, United States Code.*

11 (g) *ADMINISTRATION OF DEPARTMENT OF DEFENSE*
12 *ASSISTANCE.—The Secretary of Defense shall designate an*
13 *official within the Department of Defense to serve as the*
14 *executive agent of the Secretary for the coordination of the*
15 *provision of Department of Defense assistance under this*
16 *section.*

17 (h) *FUNDING.—(1) Of the total amount authorized to*
18 *be appropriated under section 301, \$35,000,000 is available*
19 *for the program required under this section.*

20 (2) *Of the amount available for the program pursuant*
21 *to paragraph (1), \$10,500,000 is available for use by the*
22 *Secretary of Defense to assist the Surgeon General of the*
23 *United States in the establishment of metropolitan emer-*
24 *gency medical response teams (commonly referred to as*
25 *“Metropolitan Medical Strike Force Teams”) to provide*

1 *medical services that are necessary or potentially necessary*
2 *by reason of a use or threatened use of a weapon of mass*
3 *destruction.*

4 (3) *The amount available for the program under para-*
5 *graph (1) is in addition to any other amounts authorized*
6 *to be appropriated for the program under section 301.*

7 **SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMER-**
8 **GENCY RESPONSE.**

9 (a) *DEPARTMENT OF DEFENSE.—The Secretary of De-*
10 *fense shall designate an official within the Department of*
11 *Defense as the executive agent for—*

12 (1) *the coordination of Department of Defense*
13 *assistance to Federal, State, and local officials in re-*
14 *sponding to threats involving biological or chemical*
15 *weapons or related materials or technologies, includ-*
16 *ing assistance in identifying, neutralizing, disman-*
17 *tling, and disposing of biological and chemical weap-*
18 *ons and related materials and technologies; and*

19 (2) *the coordination of Department of Defense*
20 *assistance to the Department of Energy in carrying*
21 *out that department's responsibilities under sub-*
22 *section (b).*

23 (b) *DEPARTMENT OF ENERGY.—The Secretary of En-*
24 *ergy shall designate an official within the Department of*
25 *Energy as the executive agent for—*

1 (1) *the coordination of Department of Energy*
2 *assistance to Federal, State, and local officials in re-*
3 *sponding to threats involving nuclear weapons or re-*
4 *lated materials or technologies, including assistance*
5 *in identifying, neutralizing, dismantling, and dispos-*
6 *ing of nuclear weapons and related materials and*
7 *technologies; and*

8 (2) *the coordination of Department of Energy*
9 *assistance to the Department of Defense in carrying*
10 *out that department's responsibilities under sub-*
11 *section (a).*

12 (c) *FUNDING.—(1)(A) Of the total amount authorized*
13 *to be appropriated under section 301, \$15,000,000 is avail-*
14 *able for providing assistance described in subsection (a).*

15 (B) *The amount available under subparagraph (A) for*
16 *providing assistance described in subsection (a) is in addi-*
17 *tion to any other amounts authorized to be appropriated*
18 *under section 301 for that purpose.*

19 (2)(A) *Of the total amount authorized to be appro-*
20 *priated under title XXXI, \$15,000,000 is available for pro-*
21 *viding assistance described in subsection (b).*

22 (B) *The amount available under subparagraph (A) for*
23 *providing assistance is in addition to any other amounts*
24 *authorized to be appropriated under title XXXI for that*
25 *purpose.*

1 **SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW EN-**
2 **FORCEMENT OFFICIALS IN EMERGENCY SITU-**
3 **ATIONS INVOLVING BIOLOGICAL OR CHEMI-**
4 **CAL WEAPONS.**

5 (a) *ASSISTANCE AUTHORIZED.*—(1) *The chapter 18 of*
6 *title 10, United States Code, is amended by adding at the*
7 *end the following:*

8 **“§ 382. Emergency situations involving chemical or bi-**
9 **ological weapons of mass destruction**

10 *“(a) IN GENERAL.—The Secretary of Defense, upon the*
11 *request of the Attorney General, may provide assistance in*
12 *support of Department of Justice activities relating to the*
13 *enforcement of section 175 or 2332c of title 18 during an*
14 *emergency situation involving a biological or chemical*
15 *weapon of mass destruction. Department of Defense re-*
16 *sources, including personnel of the Department of Defense,*
17 *may be used to provide such assistance if—*

18 *“(1) the Secretary of Defense and the Attorney*
19 *General jointly determine that an emergency situa-*
20 *tion exists; and*

21 *“(2) the Secretary of Defense determines that the*
22 *provision of such assistance will not adversely affect*
23 *the military preparedness of the United States.*

24 *“(b) EMERGENCY SITUATIONS COVERED.—As used in*
25 *this section, the term ‘emergency situation involving a bio-*
26 *logical or chemical weapon of mass destruction’ means a*

1 *circumstance involving a biological or chemical weapon of*
2 *mass destruction—*

3 “(1) *that poses a serious threat to the interests*
4 *of the United States; and*

5 “(2) *in which—*

6 “(A) *civilian expertise and capabilities are*
7 *not readily available to provide the required as-*
8 *sistance to counter the threat immediately posed*
9 *by the weapon involved;*

10 “(B) *special capabilities and expertise of*
11 *the Department of Defense are necessary and*
12 *critical to counter the threat posed by the weap-*
13 *on involved; and*

14 “(C) *enforcement of section 175 or 2332c of*
15 *title 18 would be seriously impaired if the De-*
16 *partment of Defense assistance were not pro-*
17 *vided.*

18 “(c) *FORMS OF ASSISTANCE.—The assistance referred*
19 *to in subsection (a) includes the operation of equipment (in-*
20 *cluding equipment made available under section 372 of this*
21 *title) to monitor, contain, disable, or dispose of the weapon*
22 *involved or elements of the weapon.*

23 “(d) *REGULATIONS.—(1) The Secretary of Defense and*
24 *the Attorney General shall jointly issue regulations concern-*
25 *ing the types of assistance that may be provided under this*

1 *section. Such regulations shall also describe the actions that*
2 *Department of Defense personnel may take in cir-*
3 *cumstances incident to the provision of assistance under*
4 *this section.*

5 “(2)(A) *Except as provided in subparagraph (B), the*
6 *regulations may not authorize the following actions:*

7 “(i) *Arrest.*

8 “(ii) *Any direct participation in conducting a*
9 *search for or seizure of evidence related to a violation*
10 *of section 175 or 2332c of title 18.*

11 “(iii) *Any direct participation in the collection*
12 *of intelligence for law enforcement purposes.*

13 “(B) *The regulations may authorize an action de-*
14 *scribed in subparagraph (A) to be taken under the following*
15 *conditions:*

16 “(i) *The action is considered necessary for the*
17 *immediate protection of human life, and civilian law*
18 *enforcement officials are not capable of taking the ac-*
19 *tion.*

20 “(ii) *The action is otherwise authorized under*
21 *subsection (c) or under otherwise applicable law.*

22 “(e) *REIMBURSEMENTS.—The Secretary of Defense*
23 *shall require reimbursement as a condition for providing*
24 *assistance under this section to the extent required under*
25 *section 377 of this title.*

1 “(f) *DELEGATIONS OF AUTHORITY.*—(1) *Except to the*
2 *extent otherwise provided by the Secretary of Defense, the*
3 *Deputy Secretary of Defense may exercise the authority of*
4 *the Secretary of Defense under this section. The Secretary*
5 *of Defense may delegate the Secretary’s authority under this*
6 *section only to an Under Secretary of Defense or an Assist-*
7 *ant Secretary of Defense and only if the Under Secretary*
8 *or Assistant Secretary to whom delegated has been des-*
9 *ignated by the Secretary to act for, and to exercise the gen-*
10 *eral powers of, the Secretary.*

11 “(2) *Except to the extent otherwise provided by the At-*
12 *torney General, the Deputy Attorney General may exercise*
13 *the authority of the Attorney General under this section.*
14 *The Attorney General may delegate that authority only to*
15 *the Associate Attorney General or an Assistant Attorney*
16 *General and only if the Associate Attorney General or As-*
17 *stant Attorney General to whom delegated has been des-*
18 *ignated by the Attorney General to act for, and to exercise*
19 *the general powers of, the Attorney General.*

20 “(g) *RELATIONSHIP TO OTHER AUTHORITY.*—*Nothing*
21 *in this section shall be construed to restrict any executive*
22 *branch authority regarding use of members of the armed*
23 *forces or equipment of the Department of Defense that was*
24 *in effect before the date of the enactment of the National*
25 *Defense Authorization Act for Fiscal Year 1997.”*

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

“382. Emergency situations involving chemical or biological weapons of mass de-
struction.”.

3 (b) *CONFORMING AMENDMENT TO CONDITION FOR*
4 *PROVIDING EQUIPMENT AND FACILITIES.—Section*
5 *372(b)(1) of title 10, United States Code, is amended by*
6 *adding at the end the following: “The requirement for a*
7 *determination that an item is not reasonably available from*
8 *another source does not apply to assistance provided under*
9 *section 382 of this title pursuant to a request of the Attorney*
10 *General for the assistance.”.*

11 (c) *CONFORMING AMENDMENTS RELATING TO AU-*
12 *THORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10 of*
13 *title 18, United States Code, is amended by inserting after*
14 *section 175 the following:*

15 **“§175a. Requests for military assistance to enforce**
16 **prohibition in certain emergencies**

17 *“The Attorney General may request the Secretary of*
18 *Defense to provide assistance under section 382 of title 10*
19 *in support of Department of Justice activities relating to*
20 *the enforcement of section 175 of this title in an emergency*
21 *situation involving a biological weapon of mass destruction.*
22 *The authority to make such a request may be exercised by*
23 *another official of the Department of Justice in accordance*
24 *with section 382(f)(2) of title 10.”.*

1 (B) *The table of sections at the beginning of such chap-*
 2 *ter is amended by inserting after the item relating to section*
 3 *175 the following:*

“175a. Requests for military assistance to enforce prohibition in certain emer-
gencies.”.

4 (2)(A) *The chapter 133B of title 18, United States*
 5 *Code, that relates to terrorism is amended by inserting after*
 6 *section 2332c the following:*

7 **“§2332d. Requests for military assistance to enforce**
 8 **prohibition in certain emergencies**

9 *“The Attorney General may request the Secretary of*
 10 *Defense to provide assistance under section 382 of title 10*
 11 *in support of Department of Justice activities relating to*
 12 *the enforcement of section 2332c of this title during an*
 13 *emergency situation involving a chemical weapon of mass*
 14 *destruction. The authority to make such a request may be*
 15 *exercised by another official of the Department of Justice*
 16 *in accordance with section 382(f)(2) of title 10.”.*

17 (B) *The table of sections at the beginning of such chap-*
 18 *ter is amended by inserting after the item relating to section*
 19 *2332c the following:*

“2332d. Requests for military assistance to enforce prohibition in certain emer-
gencies.”.

20 (d) **CIVILIAN EXPERTISE.**—*The President shall take*
 21 *reasonable measures to reduce the reliance of civilian law*
 22 *enforcement officials on Department of Defense resources to*
 23 *counter the threat posed by the use or potential use of bio-*

1 *logical and chemical weapons of mass destruction within*
2 *the United States. The measures shall include—*

3 *(1) actions to increase civilian law enforcement*
4 *expertise to counter such a threat; and*

5 *(2) actions to improve coordination between ci-*
6 *vilian law enforcement officials and other civilian*
7 *sources of expertise, within and outside the Federal*
8 *Government, to counter such a threat.*

9 *(e) REPORTS.—The President shall submit to Congress*
10 *the following reports:*

11 *(1) Not later than 90 days after the date of the*
12 *enactment of this Act, a report describing the respec-*
13 *tive policy functions and operational roles of Federal*
14 *agencies in countering the threat posed by the use or*
15 *potential use of biological and chemical weapons of*
16 *mass destruction within the United States.*

17 *(2) Not later than one year after such date, a re-*
18 *port describing—*

19 *(A) the actions planned to be taken to carry*
20 *out subsection (d); and*

21 *(B) the costs of such actions.*

22 *(3) Not later than three years after such date, a*
23 *report updating the information provided in the re-*
24 *ports submitted pursuant to paragraphs (1) and (2),*

1 *including the measures taken pursuant to subsection*
2 *(d).*

3 **SEC. 1314. TESTING OF PREPAREDNESS FOR EMERGENCIES**
4 **INVOLVING NUCLEAR, RADIOLOGICAL, CHEM-**
5 **ICAL, AND BIOLOGICAL WEAPONS.**

6 *(a) EMERGENCIES INVOLVING CHEMICAL OR BIOLOGI-*
7 *CAL WEAPONS.—(1) The Secretary of Defense shall develop*
8 *and carry out a program for testing and improving the re-*
9 *sponses of Federal, State, and local agencies to emergencies*
10 *involving biological weapons and related materials and*
11 *emergencies involving chemical weapons and related mate-*
12 *rials.*

13 *(2) The program shall include exercises to be carried*
14 *out during each of five successive fiscal years beginning*
15 *with fiscal year 1997.*

16 *(3) In developing and carrying out the program, the*
17 *Secretary shall coordinate with the Director of the Federal*
18 *Bureau of Investigation, the Director of the Federal Emer-*
19 *gency Management Agency, the Secretary of Energy, and*
20 *the heads of any other Federal, State, and local government*
21 *agencies that have an expertise or responsibilities relevant*
22 *to emergencies described in paragraph (1).*

23 *(b) EMERGENCIES INVOLVING NUCLEAR AND RADIO-*
24 *LOGICAL WEAPONS.—(1) The Secretary of Energy shall de-*
25 *velop and carry out a program for testing and improving*

1 *the responses of Federal, State, and local agencies to emer-*
2 *gencies involving nuclear and radiological weapons and re-*
3 *lated materials.*

4 (2) *The program shall include exercises to be carried*
5 *out during each of five successive fiscal years beginning*
6 *with fiscal year 1997.*

7 (3) *In developing and carrying out the program, the*
8 *Secretary shall coordinate with the Director of the Federal*
9 *Bureau of Investigation, the Director of the Federal Emer-*
10 *gency Management Agency, the Secretary of Defense, and*
11 *the heads of any other Federal, State, and local government*
12 *agencies that have an expertise or responsibilities relevant*
13 *to emergencies described in paragraph (1).*

14 (c) *ANNUAL REVISIONS OF PROGRAMS.—The official*
15 *responsible for carrying out a program developed under*
16 *subsection (a) or (b) shall revise the program not later than*
17 *June 1 in each fiscal year covered by the program. The revi-*
18 *sions shall include adjustments that the official determines*
19 *necessary or appropriate on the basis of the lessons learned*
20 *from the exercise or exercises carried out under the program*
21 *in the fiscal year, including lessons learned regarding co-*
22 *ordination problems and equipment deficiencies.*

23 (d) *OPTION TO TRANSFER RESPONSIBILITY.—(1) The*
24 *President may designate the head of an agency outside the*
25 *Department of Defense to assume the responsibility for car-*

1 *rying out the program developed under subsection (a) begin-*
2 *ning on or after October 1, 1999, and relieve the Secretary*
3 *of Defense of that responsibility upon the assumption of the*
4 *responsibility by the designated official.*

5 *(2) The President may designate the head of an agency*
6 *outside the Department of Energy to assume the responsibil-*
7 *ity for carrying out the program developed under subsection*
8 *(b) beginning on or after October 1, 1999, and relieve the*
9 *Secretary of Energy of that responsibility upon the assump-*
10 *tion of the responsibility by the designated official.*

11 *(e) FUNDING.—(1) Of the total amount authorized to*
12 *be appropriated under section 301, \$15,000,000 is available*
13 *for the development and execution of the programs required*
14 *by this section, including the participation of State and*
15 *local agencies in exercises carried out under the programs.*

16 *(2) The amount available under paragraph (1) for the*
17 *development and execution of programs referred to in that*
18 *paragraph is in addition to any other amounts authorized*
19 *to be appropriated under section 301 for such purposes.*

1 ***Subtitle B—Interdiction of Weapons***
2 ***of Mass Destruction and Related***
3 ***Materials***

4 **SEC. 1321. UNITED STATES BORDER SECURITY.**

5 (a) *PROCUREMENT OF DETECTION EQUIPMENT.—(1)*

6 *Of the amount authorized to be appropriated by section*
7 *301, \$15,000,000 is available for the procurement of—*

8 (A) *equipment capable of detecting the movement*
9 *of weapons of mass destruction and related materials*
10 *into the United States;*

11 (B) *equipment capable of interdicting the move-*
12 *ment of weapons of mass destruction and related ma-*
13 *terials into the United States; and*

14 (C) *materials and technologies related to use of*
15 *equipment described in subparagraph (A) or (B).*

16 (2) *The amount available under paragraph (1) for the*
17 *procurement of items referred to in that paragraph is in*
18 *addition to any other amounts authorized to be appro-*
19 *priated under section 301 for such purpose.*

20 (b) *AVAILABILITY OF EQUIPMENT TO COMMISSIONER*
21 *OF CUSTOMS.—To the extent authorized under chapter 18*
22 *of title 10, United States Code, the Secretary of Defense*
23 *may make equipment of the Department of Defense de-*
24 *scribed in subsection (a), and related materials and tech-*
25 *nologies, available to the Commissioner of Customs for use*

1 *in detecting and interdicting the movement of weapons of*
2 *mass destruction into the United States.*

3 **SEC. 1322. NONPROLIFERATION AND COUNTER-**

4 **PROLIFERATION RESEARCH AND DEVELOPMENT.**

5 (a) *ACTIVITIES AUTHORIZED.*—*The Secretary of De-*
6 *fense and the Secretary of Energy are each authorized to*
7 *carry out research on and development of technical means*
8 *for detecting the presence, transportation, production, and*
9 *use of weapons of mass destruction and technologies and*
10 *materials that are precursors of weapons of mass destruc-*
11 *tion.*

12 (b) *FUNDING.*—(1)(A) *There is authorized to be appro-*
13 *priated for the Department of Defense for fiscal year 1997,*
14 *\$10,000,000 for research and development carried out by*
15 *the Secretary of Defense pursuant to subsection (a).*

16 (B) *The amount authorized to be appropriated for re-*
17 *search and development under subparagraph (A) is in addi-*
18 *tion any other amounts that are authorized to be appro-*
19 *priated under this Act for such research and development,*
20 *including funds authorized to be appropriated for research*
21 *and development relating to nonproliferation of weapons of*
22 *mass destruction.*

23 (2)(A) *Of the total amount authorized to be appro-*
24 *priated under title XXXI, \$19,000,000 is available for re-*

1 *search and development carried out by the Secretary of En-*
2 *ergy pursuant to subsection (a).*

3 *(B) The amount available under subparagraph (B) is*
4 *in addition to any other amount authorized to be appro-*
5 *priated under title XXXI for such research and develop-*
6 *ment.*

7 **SEC. 1323. INTERNATIONAL EMERGENCY ECONOMIC POW-**
8 **ERS ACT.**

9 *Section 203 of the International Emergency Economic*
10 *Powers Act (50 U.S.C. 1702) is amended—*

11 *(1) in subsection (a)(1)(B), by striking out “im-*
12 *portation or exportation of,” and inserting in lieu*
13 *thereof “importation, exportation, or attempted im-*
14 *portation or exportation of;” and*

15 *(2) in subsection (b)(3), by striking out “impor-*
16 *tation from any country, or the exportation” and in-*
17 *serting in lieu thereof “importation or attempted im-*
18 *portation from any country, or the exportation or at-*
19 *tempted exportation”.*

20 **SEC. 1324. CRIMINAL PENALTIES.**

21 *It is the sense of Congress that—*

22 *(1) the sentencing guidelines prescribed by the*
23 *United States Sentencing Commission for the offenses*
24 *of importation, attempted importation, exportation,*
25 *and attempted exportation of nuclear, biological, and*

1 *chemical weapons materials constitute inadequate*
2 *punishment for such offenses; and*

3 (2) *Congress urges the United States Sentencing*
4 *Commission to revise the relevant sentencing guide-*
5 *lines to provide for increased penalties for offenses re-*
6 *lating to importation, attempted importation, expor-*
7 *tation, and attempted exportation of nuclear, biologi-*
8 *cal, or chemical weapons or related materials or tech-*
9 *nologies under—*

10 (A) *section 11 of the Export Administration*
11 *Act of 1979 (50 U.S.C. App. 2410);*

12 (B) *sections 38 and 40 the Arms Export*
13 *Control Act (22 U.S.C. 2778 and 2780);*

14 (C) *the International Emergency Economic*
15 *Powers Act (50 U.S.C. 1701 et seq.); and*

16 (D) *section 309(c) of the Nuclear Non-Pro-*
17 *liferation Act of 1978 (22 U.S.C. 2156a(c)).*

18 **SEC. 1325. INTERNATIONAL BORDER SECURITY.**

19 (a) *SECRETARY OF DEFENSE RESPONSIBILITY.—The*
20 *Secretary of Defense, in consultation and cooperation with*
21 *the Commissioner of Customs, shall carry out programs for*
22 *assisting customs officials and border guard officials in the*
23 *independent states of the former Soviet Union, the Baltic*
24 *states, and other countries of Eastern Europe in preventing*
25 *unauthorized transfer and transportation of nuclear, bio-*

1 *logical, and chemical weapons and related materials.*
2 *Training, expert advice, maintenance of equipment, loan*
3 *of equipment, and audits may be provided under or in con-*
4 *nection with the programs.*

5 **(b) FUNDING.**—(1) *Of the total amount authorized to*
6 *be appropriated by section 301, \$15,000,000 is available for*
7 *carrying out the programs referred to in subsection (a).*

8 (2) *The amount available under paragraph (1) for*
9 *programs referred to in that paragraph is in addition to*
10 *any other amounts authorized to be appropriated under sec-*
11 *tion 301 for such programs.*

12 ***Subtitle C—Control and Disposition***
13 ***of Weapons of Mass Destruction***
14 ***and Related Materials Threaten-***
15 ***ing the United States***

16 ***SEC. 1331. PROTECTION AND CONTROL OF MATERIALS CON-***
17 ***STITUTING A THREAT TO THE UNITED***
18 ***STATES.***

19 **(a) DEPARTMENT OF ENERGY PROGRAM.**—*Subject to*
20 *subsection (c)(1), the Secretary of Energy may, under mate-*
21 *rials protection, control, and accounting assistance of the*
22 *Department of Energy, provide assistance for securing from*
23 *theft or other unauthorized disposition nuclear materials*
24 *that are not so secured and are located at any site within*

1 *the former Soviet Union where effective controls for securing*
2 *such materials are not in place.*

3 **(b) DEPARTMENT OF DEFENSE PROGRAM.**—*Subject to*
4 *subsection (c)(2), the Secretary of Defense may provide ma-*
5 *terials protection, control, and accounting assistance under*
6 *the Cooperative Threat Reduction Programs of the Depart-*
7 *ment of Defense for securing from theft or other unauthor-*
8 *ized disposition, or for destroying, nuclear, radiological, bi-*
9 *ological, or chemical weapons (or related materials) that*
10 *are not so secure and are located at any site within the*
11 *former Soviet Union where effective controls for securing*
12 *such weapons are not in place.*

13 **(c) FUNDING.**—**(1)(A)** *Of the total amount authorized*
14 *to be appropriated under title XXXI, \$15,000,000 is avail-*
15 *able for materials protection, control, and accounting as-*
16 *sistance of the Department of Energy for providing assist-*
17 *ance under subsection (a).*

18 **(B)** *The amount available under subparagraph (A) is*
19 *in addition to any other funds that are authorized to be*
20 *appropriated under title XXXI for materials protection,*
21 *control, and accounting assistance of the Department of En-*
22 *ergy.*

23 **(2)(A)** *Of the total amount authorized to be appro-*
24 *priated under section 301, \$10,000,000 is available for the*
25 *Cooperative Threat Reduction Programs of the Department*

1 of Defense for providing materials protection, control, and
2 accounting assistance under subsection (b).

3 (B) The amount available under subparagraph (A) is
4 in addition to any other funds that are authorized to be
5 appropriated by section 301 for materials protection, con-
6 trol, and accounting assistance of the Department of De-
7 fense.

8 **SEC. 1332. VERIFICATION OF DISMANTLEMENT AND CON-**
9 **VERSION OF WEAPONS AND MATERIALS.**

10 (a) *FUNDING FOR COOPERATIVE ACTIVITIES FOR DE-*
11 *VELOPMENT OF TECHNOLOGIES.*—Of the total amount au-
12 thorized to be appropriated under title XXXI, \$10,000,000
13 is available for continuing and expediting cooperative ac-
14 tivities with the Government of Russia to develop and de-
15 ploy—

16 (1) technologies for improving verification of nu-
17 clear warhead dismantlement;

18 (2) technologies for converting plutonium from
19 weapons into forms that—

20 (A) are better suited for long-term storage
21 than are the forms from which converted;

22 (B) facilitate verification; and

23 (C) are suitable for nonweapons use; and

24 (3) technologies that promote openness in Rus-
25 sian production, storage, use, and final and interim

1 *disposition of weapon-usable fissible material, includ-*
2 *ing at tritium/isotope production reactors, uranium*
3 *enrichment plants, chemical separation plants, and*
4 *fabrication facilities associated with naval and civil*
5 *research reactors.*

6 *(b) WEAPONS-USABLE FISSILE MATERIALS TO BE*
7 *COVERED BY COOPERATIVE THREAT REDUCTION PRO-*
8 *GRAMS ON ELIMINATION OR TRANSPORTATION OF NUCLEAR*
9 *WEAPONS.—Section 1201(b)(1) of the National Defense Au-*
10 *thorization Act for Fiscal Year 1996 (Public Law 104–106;*
11 *110 Stat. 469; 22 U.S.C. 5955 note) is amended by insert-*
12 *ing “, fissile material suitable for use in nuclear weapons,”*
13 *after “other weapons”.*

14 **SEC. 1333. ELIMINATION OF PLUTONIUM PRODUCTION.**

15 *(a) REPLACEMENT PROGRAM.—The Secretary of De-*
16 *fense, in consultation with the Secretary of Energy, shall*
17 *develop a cooperative program with the Government of Rus-*
18 *sia to eliminate the production of weapons grade plutonium*
19 *by modifying or replacing the reactor cores at Tomsk–7 and*
20 *Krasnoyarsk–26 with reactor cores that are less suitable for*
21 *the production of weapons-grade plutonium.*

22 *(b) PROGRAM REQUIREMENTS.—(1) The program*
23 *shall be designed to achieve completion of the modifications*
24 *or replacements of the reactor cores within three years after*

1 *the modification or replacement activities under the pro-*
2 *gram are begun.*

3 *(2) The plan for the program shall—*

4 *(A) specify—*

5 *(i) successive steps for the modification or*
6 *replacement of the reactor cores; and*

7 *(ii) clearly defined milestones to be*
8 *achieved; and*

9 *(B) include estimates of the costs of the program.*

10 *(c) SUBMISSION OF PROGRAM PLAN TO CONGRESS.—*

11 *Not later than 180 days after the date of the enactment of*
12 *this Act, the Secretary of Defense shall submit to Congress—*

13 *(1) a plan for the program under subsection (a);*

14 *(2) an estimate of the United States funding that*
15 *is necessary for carrying out the activities under the*
16 *program for each fiscal year covered by the program;*
17 *and*

18 *(3) a comparison of the benefits of the program*
19 *with the benefits of other nonproliferation programs.*

20 *(d) FUNDING FOR INITIAL PHASE.—(1) Of the total*
21 *amount authorized to be appropriated by section 301 other*
22 *than for Cooperative Threat Reduction programs,*
23 *\$16,000,000 is available for the initial phase of the program*
24 *under subsection (a).*

1 (2) *The amount available for the initial phase of the*
2 *reactor modification or replacement program under para-*
3 *graph (1) is in addition to amounts authorized to be appro-*
4 *priated for Cooperative Threat Reduction programs under*
5 *section 301(20).*

6 **SEC. 1334. INDUSTRIAL PARTNERSHIP PROGRAMS TO DE-**
7 **MILITARIZE WEAPONS OF MASS DESTRUC-**
8 **TION PRODUCTION FACILITIES.**

9 (a) *DEPARTMENT OF ENERGY PROGRAM.—The Sec-*
10 *retary of Energy shall expand the Industrial Partnership*
11 *Program of the Department of Energy to include coverage*
12 *of all of the independent states of the former Soviet Union.*

13 (b) *DEPARTMENT OF DEFENSE PROGRAM.—The Sec-*
14 *retary of Defense shall establish a program to support the*
15 *dismantlement or conversion of the biological and chemical*
16 *weapons facilities in the independent states of the former*
17 *Soviet Union to uses for nondefense purposes. The Secretary*
18 *may carry out such program in conjunction with, or sepa-*
19 *rately from, the organization designated as the Defense En-*
20 *terprise Fund (formerly designated as the “Demilitariza-*
21 *tion Enterprise Fund” under section 1204 of the National*
22 *Defense Authorization Act for Fiscal Year 1994 (Public*
23 *Law 103–160; 22 U.S.C. 5953)).*

24 (c) *FUNDING FOR DEPARTMENT OF DEFENSE PRO-*
25 *GRAM.—(1)(A) Of the total amount authorized to be appro-*

1 *priated under section 301, \$15,000,000 is available for the*
2 *program under subsection (b).*

3 *(B) The amount available under subparagraph (A) for*
4 *the industrial partnership program of the Department of*
5 *Defense established pursuant to subsection (b) is in addition*
6 *to the amount authorized to be appropriated for Coopera-*
7 *tive Threat Reduction programs under section 301.*

8 *(2) It is the sense of Congress that the Secretary of*
9 *Defense should transfer to the Defense Enterprise Fund,*
10 *\$20,000,000 out of the funds appropriated for Cooperative*
11 *Threat Reduction programs for fiscal years before fiscal*
12 *year 1997 that remain available for obligation.*

13 **SEC. 1335. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY**
14 **AND SECURITY OF NUCLEAR MATERIALS.**

15 *(a) PROGRAM EXPANSION AUTHORIZED.—The Sec-*
16 *retary of Energy is authorized to expand the Lab-to-Lab*
17 *program of the Department of Energy to improve the safety*
18 *and security of nuclear materials in the independent states*
19 *of the former Soviet Union where the Lab-to-Lab program*
20 *is not being carried out on the date of the enactment of*
21 *this Act.*

22 *(b) FUNDING.—(1) Of the total amount authorized to*
23 *be appropriated under title XXXI, \$20,000,000 is available*
24 *for expanding the Lab-to-Lab program as authorized under*
25 *subsection (a).*

1 (2) *The amount available under paragraph (1) is in*
2 *addition to any other amount otherwise available for the*
3 *Lab-to-Lab program.*

4 **SEC. 1336. COOPERATIVE ACTIVITIES ON SECURITY OF**
5 **HIGHLY ENRICHED URANIUM USED FOR PRO-**
6 **PULSION OF RUSSIAN SHIPS.**

7 (a) *RESPONSIBLE UNITED STATES OFFICIAL.—The*
8 *Secretary of Energy shall be responsible for carrying out*
9 *United States cooperative activities with the Government*
10 *of the Russian Federation on improving the security of*
11 *highly enriched uranium that is used for propulsion of Rus-*
12 *sian military and civilian ships.*

13 (b) *PLAN REQUIRED.—(1) The Secretary shall develop*
14 *and periodically update a plan for the cooperative activities*
15 *referred to in subsection (a).*

16 (2) *The Secretary shall coordinate the development and*
17 *updating of the plan with the Secretary of Defense. The Sec-*
18 *retary of Defense shall involve the Joint Chiefs of Staff in*
19 *the coordination.*

20 (c) *FUNDING.—(1) Of the total amount authorized to*
21 *be appropriated by title XXXI, \$6,000,000 is available for*
22 *materials protection, control, and accounting program of*
23 *the Department of Energy for the cooperative activities re-*
24 *ferred to in subsection (a).*

1 (2) *The amount available for the Department of En-*
2 *ergy for materials protection, control, and accounting pro-*
3 *gram under paragraph (1) is in addition to other amounts*
4 *authorized to be appropriated by title XXXI for such pro-*
5 *gram.*

6 **SEC. 1337. MILITARY-TO-MILITARY RELATIONS.**

7 (a) *FUNDING.*—*Of the total amount authorized to be*
8 *appropriated under section 301, \$2,000,000 is available for*
9 *expanding military-to-military programs of the United*
10 *States that focus on countering the threats of proliferation*
11 *of weapons of mass destruction so as to include the security*
12 *forces of independent states of the former Soviet Union, par-*
13 *ticularly states in the Caucasus region and Central Asia.*

14 (b) *RELATIONSHIP TO OTHER FUNDING AUTHOR-*
15 *ITY.*—*The amount available for expanding military-to-*
16 *military programs under subsection (a) is in addition to*
17 *the amount authorized to be appropriated for Cooperative*
18 *Threat Reduction programs under section 301.*

19 **SEC. 1338. TRANSFER AUTHORITY.**

20 (a) *SECRETARY OF DEFENSE.*—(1) *To the extent pro-*
21 *vided in appropriations Acts, the Secretary of Defense may*
22 *transfer amounts appropriated pursuant to this subtitle for*
23 *the Department of Defense for programs and authorities*
24 *under this subtitle to appropriations available for programs*
25 *authorized under subtitle A.*

1 (2) *Amounts so transferred shall be merged with the*
2 *appropriations to which transferred and shall be available*
3 *for the programs for which the amounts are transferred.*

4 (3) *The transfer authority under paragraph (1) is in*
5 *addition to any other transfer authority provided by this*
6 *Act.*

7 (b) *SECRETARY OF ENERGY.—(1) To the extent pro-*
8 *vided in appropriations Acts, the Secretary of Energy may*
9 *transfer amounts appropriated pursuant to this subtitle for*
10 *the Department of Energy for programs and authorities*
11 *under this subtitle to appropriations available for programs*
12 *authorized under subtitle A.*

13 (2) *Amounts so transferred shall be merged with the*
14 *appropriations to which transferred and shall be available*
15 *for the programs for which the amounts are transferred.*

16 (3) *The transfer authority under paragraph (1) is in*
17 *addition to any other transfer authority provided by this*
18 *Act.*

1 ***Subtitle D—Coordination of Policy***
2 ***and Countermeasures Against***
3 ***Proliferation of Weapons of Mass***
4 ***Destruction***

5 ***SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERA-***
6 ***TION.***

7 *(a) DESIGNATION OF POSITION.—The President shall*
8 *designate an individual to serve in the Executive Office of*
9 *the President as the National Coordinator for Nonprolifera-*
10 *tion Matters.*

11 *(b) DUTIES.—The Coordinator shall have the following*
12 *responsibilities:*

13 *(1) To be the principal adviser to the President*
14 *on nonproliferation of weapons of mass destruction,*
15 *including issues related to terrorism, arms control,*
16 *and international organized crime.*

17 *(2) To chair the Committee on Nonproliferation*
18 *established under section 1342.*

19 *(3) To take such actions as are necessary to en-*
20 *sure that there is appropriate emphasis in, coopera-*
21 *tion on, and coordination of, nonproliferation re-*
22 *search efforts of the United States, including activities*
23 *of Federal agencies as well as activities of contractors*
24 *funded by the Federal Government.*

1 (c) *RELATIONSHIP TO CERTAIN SENIOR DIRECTORS*
2 *OF NATIONAL SECURITY COUNCIL.*—(1) *The senior direc-*
3 *tors of the National Security Council report to the Coordi-*
4 *nator regarding the following matters:*

5 (A) *Nonproliferation of weapons of mass destruc-*
6 *tion and related issues.*

7 (B) *Management of crises involving use or*
8 *threatened use of weapons of mass destruction, and on*
9 *management of the consequences of the use or threat-*
10 *ened use of such a weapon.*

11 (C) *Terrorism, arms control, and organized*
12 *crime issues that relate to the threat of proliferation*
13 *of weapons of mass destruction.*

14 (2) *Nothing in paragraph (1) shall be construed to af-*
15 *fect the reporting relationship between a senior director and*
16 *the Assistant to the President for National Security Affairs*
17 *or any other supervisor regarding matters other than mat-*
18 *ters described in paragraph (1).*

19 (d) *ALLOCATION OF FUNDS.*—*Of the total amount au-*
20 *thorized to be appropriated under section 201, \$2,000,000*
21 *is available for carrying out research referred to in sub-*
22 *section (b)(3). Such amount is in addition to any other*
23 *amounts authorized to be appropriated under section 201*
24 *for such purpose.*

1 **SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON**
2 **NONPROLIFERATION.**

3 (a) *ESTABLISHMENT.*—*The Committee on Non-*
4 *proliferation (in this section referred to as the “Commit-*
5 *tee”)* is established as a committee of the National Security
6 *Council.*

7 (b) *MEMBERSHIP.*—(1) *The Committee shall be com-*
8 *posed of the following:*

9 (A) *The Secretary of State.*

10 (B) *The Secretary of Defense.*

11 (C) *The Director of Central Intelligence.*

12 (D) *The Attorney General.*

13 (E) *The Secretary of Energy.*

14 (F) *The Administrator of the Federal Emergency*
15 *Management Agency.*

16 (G) *The Secretary of the Treasury.*

17 (H) *The Secretary of Commerce.*

18 (I) *Such other members as the President may*
19 *designate.*

20 (2) *The National Coordinator for Nonproliferation*
21 *Matters shall chair the Committee on Nonproliferation.*

22 (c) *RESPONSIBILITIES.*—*The Committee has the fol-*
23 *lowing responsibilities:*

24 (1) *To review and coordinate Federal programs,*
25 *policies, and directives relating to the proliferation of*
26 *weapons of mass destruction and related materials*

1 *and technologies, including matters relating to terror-*
2 *ism and international organized crime.*

3 *(2) To make recommendations to the President*
4 *regarding the following:*

5 *(A) Integrated national policies for counter-*
6 *ing the threats posed by weapons of mass de-*
7 *struction.*

8 *(B) Options for integrating Federal agency*
9 *budgets for countering such threats.*

10 *(C) Means to ensure that the Federal, State,*
11 *and local governments have adequate capabilities*
12 *to manage crises involving nuclear, radiological,*
13 *biological, or chemical weapons or related mate-*
14 *rials or technologies, and to manage the con-*
15 *sequences of a use of such a weapon or related*
16 *materials or technologies, and that use of those*
17 *capabilities is coordinated.*

18 *(D) Means to ensure appropriate coopera-*
19 *tion on, and coordination of, the following:*

20 *(i) Preventing the smuggling of weap-*
21 *ons of mass destruction and related mate-*
22 *rials and technologies.*

23 *(ii) Promoting domestic and inter-*
24 *national law enforcement efforts against*
25 *proliferation-related efforts.*

1 (iii) *Countering the involvement of or-*
2 *ganized crime groups in proliferation-relat-*
3 *ed activities.*

4 (iv) *Safeguarding weapons of mass de-*
5 *struction materials and related technologies.*

6 (v) *Improving coordination and co-*
7 *operation among intelligence activities, law*
8 *enforcement, and the Departments of De-*
9 *fense, State, Commerce, and Energy in sup-*
10 *port of nonproliferation and*
11 *counterproliferation efforts.*

12 (vi) *Ensuring the continuation of effec-*
13 *tive export controls over materials and tech-*
14 *nologies that can contribute to the acquisi-*
15 *tion of weapons of mass destruction.*

16 (vii) *Reducing proliferation of weap-*
17 *ons of mass destruction and related mate-*
18 *rials and technologies.*

19 **SEC. 1343. COMPREHENSIVE PREPAREDNESS PROGRAM.**

20 (a) *PROGRAM REQUIRED.*—*The President, acting*
21 *through the Committee on Nonproliferation established*
22 *under section 1342, shall develop a comprehensive program*
23 *for carrying out this title.*

24 (b) *CONTENT OF PROGRAM.*—*The program set forth in*
25 *the report shall include specific plans as follows:*

1 (1) *Plans for countering proliferation of weapons*
2 *of mass destruction and related materials and tech-*
3 *nologies.*

4 (2) *Plans for training and equipping Federal,*
5 *State, and local officials for managing a crisis involv-*
6 *ing a use or threatened use of a weapon of mass de-*
7 *struction, including the consequences of the use of*
8 *such a weapon.*

9 (3) *Plans for providing for regular sharing of in-*
10 *formation among intelligence, law enforcement, and*
11 *customs agencies.*

12 (4) *Plans for training and equipping law en-*
13 *forcement units, customs services, and border security*
14 *personnel to counter the smuggling of weapons of*
15 *mass destruction and related materials and tech-*
16 *nologies.*

17 (5) *Plans for establishing appropriate centers for*
18 *analyzing seized nuclear, radiological, biological, and*
19 *chemical weapons, and related materials and tech-*
20 *nologies.*

21 (6) *Plans for establishing in the United States*
22 *appropriate legal controls and authorities relating to*
23 *the exporting of nuclear, radiological, biological, and*
24 *chemical weapons, and related materials and tech-*
25 *nologies.*

1 (7) *Plans for encouraging and assisting govern-*
2 *ments of foreign countries to implement and enforce*
3 *laws that set forth appropriate penalties for offenses*
4 *regarding the smuggling of weapons of mass destruc-*
5 *tion and related materials and technologies.*

6 (8) *Plans for building the confidence of the Unit-*
7 *ed States and Russia in each other's controls over*
8 *United States and Russian nuclear weapons and*
9 *fissile materials, including plans for verifying the dis-*
10 *mantlement of nuclear weapons.*

11 (9) *Plans for reducing United States and Rus-*
12 *sian stockpiles of excess plutonium, reflecting—*

13 (A) *consideration of the desirability and*
14 *feasibility of a United States-Russian agreement*
15 *governing fissile material disposition and the*
16 *specific technologies and approaches to be used*
17 *for disposition of excess plutonium; and*

18 (B) *an assessment of the options for United*
19 *States cooperation with Russia in the disposition*
20 *of Russian plutonium.*

21 (10) *Plans for studying the merits and costs of*
22 *establishing a global network of means for detecting*
23 *and responding to terroristic or other criminal use of*
24 *biological agents against people or other forms of life*
25 *in the United States or any foreign country.*

1 (c) *REPORT.*—(1) *At the same time that the President*
2 *submits the budget for fiscal year 1998 to Congress pursu-*
3 *ant to section 1105(a) of title 31, United States Code, the*
4 *President shall submit to Congress a report that sets forth*
5 *the comprehensive program developed under subsection (a).*

6 (2) *The report shall include the following:*

7 (A) *The specific plans for the program that are*
8 *required under subsection (b).*

9 (B) *Estimates of the funds necessary for carry-*
10 *ing out such plans in fiscal year 1998.*

11 (3) *The report shall be in an unclassified form. If there*
12 *is a classified version of the report, the President shall sub-*
13 *mit the classified version at the same time.*

14 **SEC. 1344. TERMINATION.**

15 *After September 30, 1999, the President—*

16 (1) *is not required to maintain a National Coor-*
17 *dinator for Nonproliferation Matters under section*
18 *1341; and*

19 (2) *may terminate the Committee on Non-*
20 *proliferation established under section 1342.*

21 ***Subtitle E—Miscellaneous***

22 **SEC. 1351. CONTRACTING POLICY.**

23 *It is the sense of Congress that the Secretary of Defense,*
24 *the Secretary of Energy, the Secretary of the Treasury, and*
25 *the Secretary of State—*

1 (1) *in the administration of funds available to*
2 *such officials in accordance with this title, should (to*
3 *the extent possible under law) contract directly with*
4 *suppliers in independent states of the former Soviet*
5 *Union to facilitate the purchase of goods and services*
6 *necessary to carry out effectively the programs and*
7 *authorities provided or referred to in subtitle C; and*

8 (2) *to do so should seek means, consistent with*
9 *law, to utilize innovative contracting approaches to*
10 *avoid delay and increase the effectiveness of such pro-*
11 *grams and of the exercise of such authorities.*

12 **SEC. 1352. TRANSFERS OF ALLOCATIONS AMONG COOPERA-**
13 **TIVE THREAT REDUCTION PROGRAMS.**

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

15 (1) *The various Cooperative Threat Reduction*
16 *programs are being carried out at different rates in*
17 *the various countries covered by such programs.*

18 (2) *It is necessary to authorize transfers of fund-*
19 *ing allocations among the various programs in order*
20 *to maximize the effectiveness of United States efforts*
21 *under such programs.*

22 (b) *TRANSFERS AUTHORIZED.—Funds appropriated*
23 *for the purposes set forth in subsection (a) of section 1202*
24 *of the National Defense Authorization Act for Fiscal Year*
25 *1996 (Public Law 104–106; 110 Stat. 409) may be used*

1 *for any such purpose without regard to the allocation set*
2 *forth in that section and without regard to subsection (b)*
3 *of such section.*

4 **SEC. 1353. ADDITIONAL CERTIFICATIONS.**

5 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
6 *that—*

7 (1) *the Cooperative Threat Reduction programs*
8 *and other United States programs that are derived*
9 *from programs established under the Former Soviet*
10 *Union Demilitarization Act of 1992 (title XIV of*
11 *Public Law 102–484; 22 U.S.C. 2901 et seq.) should*
12 *be expanded by offering assistance under those pro-*
13 *grams to other independent states of the former Soviet*
14 *Union in addition to Russia, Ukraine, Kazakstan,*
15 *and Belarus; and*

16 (2) *the President should offer assistance to addi-*
17 *tional independent states of the former Soviet Union*
18 *in each case in which the participation of such states*
19 *would benefit national security interests of the United*
20 *States by improving border controls and safeguards*
21 *over materials and technology associated with weap-*
22 *ons of mass destruction.*

23 (b) *EXTENSION OF COVERAGE.—Assistance under pro-*
24 *grams referred to in subsection (a) may, notwithstanding*
25 *any other provision of law, be extended to include an inde-*

1 *pendent state of the former Soviet Union if the President*
2 *certifies to Congress that it is in the national interests of*
3 *the United States to extend the assistance to that state.*

4 **SEC. 1354. PURCHASE OF LOW-ENRICHED URANIUM DE-**
5 **RIVED FROM RUSSIAN HIGHLY ENRICHED**
6 **URANIUM.**

7 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
8 *that the allies of the United States and other nations should*
9 *participate in efforts to ensure that stockpiles of weapons-*
10 *grade nuclear material are reduced.*

11 (b) *ACTIONS BY THE SECRETARY OF STATE.—Con-*
12 *gress urges the Secretary of State to encourage, in consulta-*
13 *tion with the Secretary of Energy, other countries to pur-*
14 *chase low-enriched uranium that is derived from highly en-*
15 *riched uranium extracted from Russian nuclear weapons.*

16 **SEC. 1355. PURCHASE, PACKAGING, AND TRANSPORTATION**
17 **OF FISSILE MATERIALS AT RISK OF THEFT.**

18 *It is the sense of Congress that—*

19 (1) *the Secretary of Defense, the Secretary of En-*
20 *ergy, the Secretary of the Treasury, and the Secretary*
21 *of State should purchase, package, and transport to*
22 *secure locations weapons-grade nuclear materials*
23 *from a stockpile of such materials if such officials de-*
24 *termine that—*

1 **TITLE XIV—FEDERAL EMPLOYEE**
2 **TRAVEL REFORM**

3 **SEC. 1401. SHORT TITLE.**

4 *This title may be cited as the “Travel Reform and Sav-*
5 *ings Act of 1996”.*

6 **Subtitle A—Relocation Benefits**

7 **SEC. 1411. MODIFICATION OF ALLOWANCE FOR SEEKING**
8 **PERMANENT RESIDENCE QUARTERS.**

9 *Section 5724a of title 5, United States Code, is amend-*
10 *ed to read as follows:*

11 **“§5724a. Relocation expenses of employees trans-**
12 **ferred or reemployed**

13 *“(a) An agency shall pay to or on behalf of an em-*
14 *ployee who transfers in the interest of the Government, a*
15 *per diem allowance or the actual subsistence expenses, or*
16 *a combination thereof, of the immediate family of the em-*
17 *ployee for en route travel of the immediate family between*
18 *the employee’s old and new official stations.*

19 *“(b)(1) An agency may pay to or on behalf of an em-*
20 *ployee who transfers in the interest of the Government be-*
21 *tween official stations located within the United States—*

22 *“(A) the expenses of transportation, and either a*
23 *per diem allowance or the actual subsistence expenses,*
24 *or a combination thereof, of the employee and the em-*

1 *ployee’s spouse for travel to seek permanent residence*
2 *quarters at a new official station; or*

3 *“(B) the expenses of transportation, and an*
4 *amount for subsistence expenses in lieu of a per diem*
5 *allowance or the actual subsistence expenses or a com-*
6 *bination thereof, authorized in subparagraph (A) of*
7 *this paragraph.*

8 *“(2) Expenses authorized under this subsection may*
9 *be allowed only for one round trip in connection with each*
10 *change of station of the employee.”.*

11 **SEC. 1412. MODIFICATION OF TEMPORARY QUARTERS SUB-**
12 **SISTENCE EXPENSES ALLOWANCE.**

13 *Section 5724a of title 5, United States Code, is further*
14 *amended by adding at the end the following new subsection:*

15 *“(c)(1) An agency may pay to or on behalf of an em-*
16 *ployee who transfers in the interest of the Government—*

17 *“(A) actual subsistence expenses of the employee*
18 *and the employee’s immediate family for a period of*
19 *up to 60 days while occupying temporary quarters*
20 *when the new official station is located within the*
21 *United States as defined in subsection (d) of this sec-*
22 *tion; or*

23 *“(B) an amount for subsistence expenses instead*
24 *of the actual subsistence expenses authorized in sub-*
25 *paragraph (A) of this paragraph.*

1 “(2) *The period authorized in paragraph (1) of this*
2 *subsection for payment of expenses for residence in tem-*
3 *porary quarters may be extended up to an additional 60*
4 *days if the head of the agency concerned or the designee*
5 *of such head of the agency determines that there are compel-*
6 *ling reasons for the continued occupancy of temporary*
7 *quarters.*

8 “(3) *The regulations implementing paragraph (1)(A)*
9 *shall prescribe daily rates and amounts for subsistence ex-*
10 *penses per individual.”*

11 **SEC. 1413. MODIFICATION OF RESIDENCE TRANSACTION**
12 **EXPENSES ALLOWANCE.**

13 (a) *EXPENSES OF SALE.*—Section 5724a of title 5,
14 *United States Code, is further amended by adding at the*
15 *end the following new subsection:*

16 “(d)(1) *An agency shall pay to or on behalf of an em-*
17 *ployee who transfers in the interest of the Government, ex-*
18 *penses of the sale of the residence (or the settlement of an*
19 *unexpired lease) of the employee at the old official station*
20 *and purchase of a residence at the new official station that*
21 *are required to be paid by the employee, when the old and*
22 *new official stations are located within the United States.*

23 “(2) *An agency shall pay to or on behalf of an em-*
24 *ployee who transfers in the interest of the Government from*
25 *a post of duty located outside the United States to an offi-*

1 *cial station within the United States (other than the official*
2 *station within the United States from which the employee*
3 *was transferred when assigned to the foreign tour of*
4 *duty)—*

5 “(A) *expenses required to be paid by the em-*
6 *ployee of the sale of the residence (or the settlement*
7 *of an unexpired lease) of the employee at the old offi-*
8 *cial station from which the employee was transferred*
9 *when the employee was assigned to the post of duty*
10 *located outside the United States; and*

11 “(B) *expenses required to be paid by the em-*
12 *ployee of the purchase of a residence at the new offi-*
13 *cial station within the United States.*

14 “(3) *Reimbursement of expenses under paragraph (2)*
15 *of this subsection shall not be allowed for any sale (or settle-*
16 *ment of an unexpired lease) or purchase transaction that*
17 *occurs prior to official notification that the employee’s re-*
18 *turn to the United States would be to an official station*
19 *other than the official station from which the employee was*
20 *transferred when assigned to the post of duty outside the*
21 *United States.*

22 “(4) *Reimbursement for brokerage fees on the sale of*
23 *the residence and other expenses under this subsection may*
24 *not exceed those customarily charged in the locality where*
25 *the residence is located.*

1 “(5) *Reimbursement may not be made under this sub-*
2 *section for losses incurred by the employee on the sale of*
3 *the residence.*

4 “(6) *This subsection applies regardless of whether title*
5 *to the residence or the unexpired lease is—*

6 “(A) *in the name of the employee alone;*

7 “(B) *in the joint names of the employee and a*
8 *member of the employee’s immediate family; or*

9 “(C) *in the name of a member of the employee’s*
10 *immediate family alone.*

11 “(7)(A) *In connection with the sale of the residence at*
12 *the old official station, reimbursement under this subsection*
13 *shall not exceed 10 percent of the sale price.*

14 “(B) *In connection with the purchase of a residence*
15 *at the new official station, reimbursement under this sub-*
16 *section shall not exceed 5 percent of the purchase price.*

17 “(8) *For purposes of this subsection, the term ‘United*
18 *States’ means the several States of the United States, the*
19 *District of Columbia, the territories and possessions of the*
20 *United States, the Commonwealth of Puerto Rico, the Com-*
21 *monwealth of the Northern Mariana Islands, and the areas*
22 *and installations in the Republic of Panama made avail-*
23 *able to the United States pursuant to the Panama Canal*
24 *Treaty of 1977 and related agreements (as described in sec-*
25 *tion 3(a) of the Panama Canal Act of 1979).’.*

1 *graph (2) or (3) of this subsection, for sale of the employee's*
2 *residence.”; and*

3 *(2) by adding at the end the following new sub-*
4 *section:*

5 *“(e) An agency may pay to or on behalf of an employee*
6 *who transfers in the interest of the Government, the expenses*
7 *of property management services when the employee trans-*
8 *fers to a post of duty outside the United States as defined*
9 *in subsection (d) of this section. Such payment shall termi-*
10 *nate upon return of the employee to an official station with-*
11 *in the United States as defined in subsection (d) of this*
12 *section.”.*

13 **SEC. 1415. AUTHORITY TO TRANSPORT A PRIVATELY**
14 **OWNED MOTOR VEHICLE WITHIN THE CON-**
15 **TINENTAL UNITED STATES.**

16 *(a) IN GENERAL.—Section 5727 of title 5, United*
17 *States Code, is amended—*

18 *(1) by redesignating subsections (c) through (e)*
19 *as subsections (d) through (f), respectively;*

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

22 *“(c) Under regulations prescribed under section 5737,*
23 *the privately owned motor vehicle or vehicles of an em-*
24 *ployee, including a new appointee or a student trainee for*
25 *whom travel and transportation expenses are authorized*

1 *under section 5723, may be transported at Government ex-*
2 *pense to a new official station of the employee when the*
3 *agency determines that such transport is advantageous and*
4 *cost-effective to the Government.”; and*

5 *(3) in subsection (e) (as so redesignated), by*
6 *striking “subsection (b) of this section” and by insert-*
7 *ing “subsection (b) or (c) of this section”.*

8 *(b) AVAILABILITY OF APPROPRIATIONS.—(1) Section*
9 *5722(a) of title 5, United States Code, is amended—*

10 *(A) by striking “and” at the end of paragraph*
11 *(1);*

12 *(B) by striking the period at the end of para-*
13 *graph (2) and inserting “; and”; and*

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

15 *“(3) the expenses of transporting a privately*
16 *owned motor vehicle to the extent authorized under*
17 *section 5727(c).”.*

18 *(2) Section 5723(a) of title 5, United States Code, is*
19 *amended—*

20 *(A) by striking “and” at the end of paragraph*
21 *(1);*

22 *(B) by inserting “and” after the semicolon at the*
23 *end of paragraph (2); and*

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

1 “(3) the expenses of transporting a privately
2 owned motor vehicle to the extent authorized under
3 section 5727(c);”.

4 **SEC. 1416. AUTHORITY TO PAY LIMITED RELOCATION AL-**
5 **LOWANCES TO AN EMPLOYEE WHO IS PER-**
6 **FORMING AN EXTENDED ASSIGNMENT.**

7 (a) *IN GENERAL.*—Subchapter II of chapter 57 of title
8 5, United States Code, is amended by adding at the end
9 the following new section:

10 **“§5736. Relocation expenses of an employee who is**
11 **performing an extended assignment**

12 “(a) Under regulations prescribed under section 5737,
13 an agency may pay to or on behalf of an employee assigned
14 from the employee’s official station to a duty station for
15 a period of no less than 6 months and no greater than 30
16 months, the following expenses in lieu of payment of ex-
17 penses authorized under subchapter I of this chapter:

18 “(1) Travel expenses to and from the assignment
19 location in accordance with section 5724.

20 “(2) Transportation expenses of the immediate
21 family and household goods and personal effects to
22 and from the assignment location in accordance with
23 section 5724.

1 “(3) *A per diem allowance for the employee’s im-*
2 *mediate family to and from the assignment location*
3 *in accordance with section 5724a(a).*

4 “(4) *Travel and transportation expenses of the*
5 *employee and spouse to seek residence quarters at the*
6 *assignment location in accordance with section*
7 *5724a(b).*

8 “(5) *Subsistence expenses of the employee and the*
9 *employee’s immediate family while occupying tem-*
10 *porary quarters upon commencement and termi-*
11 *nation of the assignment in accordance with section*
12 *5724a(c).*

13 “(6) *An amount, in accordance with section*
14 *5724a(g), to be used by the employee for miscellaneous*
15 *expenses.*

16 “(7) *The expenses of transporting a privately*
17 *owned motor vehicle or vehicles to the assignment lo-*
18 *cation in accordance with section 5727.*

19 “(8) *An allowance as authorized under section*
20 *5724b of this title for Federal, State, and local income*
21 *taxes incurred on reimbursement of expenses paid*
22 *under this section or on services provided in kind*
23 *under this section.*

24 “(9) *Expenses of nontemporary storage of house-*
25 *hold goods and personal effects as defined in section*

1 *tablished by the Administrator in consultation with the Di-*
2 *rector of the Office of Management and Budget, to encourage*
3 *the employee to aggressively market the employee's residence*
4 *at the old official station when—*

5 “(1) *the residence is entered into a program es-*
6 *tablished under a contract in accordance with section*
7 *5724c of this chapter, to arrange for the purchase of*
8 *the residence;*

9 “(2) *the employee finds a buyer who completes*
10 *the purchase of the residence through the program;*
11 *and*

12 “(3) *the sale of the residence to the individual re-*
13 *sults in a reduced cost to the Government.*

14 “(b) *For fiscal years 1997 and 1998, the Adminis-*
15 *trator shall establish a maximum payment amount of 5*
16 *percent of the sales price of the residence.”.*

17 **(b) CLERICAL AMENDMENT.**—*The table of sections for*
18 *chapter 57 of title 5, United States Code, is amended by*
19 *inserting at the end the following:*

“5756. Home marketing incentive payment.”.

20 **SEC. 1418. CONFORMING AMENDMENTS.**

21 **(a) AMENDMENTS TO TITLE 5, UNITED STATES**
22 **CODE.**—(1) *Section 5724a of title 5, United States Code,*
23 *is further amended by adding at the end the following new*
24 *subsections:*

1 “(g)(1) Subject to paragraph (2), an employee who is
2 reimbursed under subsections (a) through (f) of this section
3 or section 5724(a) of this title is entitled to an amount for
4 miscellaneous expenses—

5 “(A) not to exceed 2 weeks’ basic pay, if such
6 employee has an immediate family; or

7 “(B) not to exceed 1 week’s basic pay, if such
8 employee does not have an immediate family.

9 “(2) Amounts paid under paragraph (1) may not ex-
10 ceed amounts determined at the maximum rate payable for
11 a position at GS–13 of the General Schedule.

12 “(h) A former employee separated by reason of reduc-
13 tion in force or transfer of function who within 1 year after
14 the separation is reemployed by a nontemporary appoint-
15 ment at a different geographical location from that where
16 the separation occurred, may be allowed and paid the ex-
17 penses authorized by sections 5724, 5725, 5726(b), and 5727
18 of this title, and may receive the benefits authorized by sub-
19 sections (a) through (g) of this section, in the same manner
20 as though such employee had been transferred in the interest
21 of the Government without a break in service to the location
22 of reemployment from the location where separated.

23 “(i) Payments for subsistence expenses, including
24 amounts in lieu of per diem or actual subsistence expenses
25 or a combination thereof, authorized under this section shall

1 *not exceed the maximum payment allowed under regula-*
2 *tions which implement section 5702 of this title.*

3 “(j) Subsections (a), (b), and (c) shall be implemented
4 under regulations issued under section 5737.”.

5 (2) Section 3375 of title 5, United States Code, is
6 amended—

7 (A) in subsection (a)(3), by striking “section
8 5724a(a)(1) of this title” and inserting “section
9 5724a(a) of this title”;

10 (B) in subsection (a)(4), by striking “section
11 5724a(a)(3) of this title” and inserting “section
12 5724a(c) of this title”; and

13 (C) in subsection (a)(5), by striking “section
14 5724a(b) of this title” and inserting “section 5724a(g)
15 of this title”.

16 (3) Section 5724(e) of title 5, United States Code, is
17 amended by striking “section 5724a(a), (b) of this title”
18 and inserting “section 5724a(a) through (g) of this title”.

19 (b) MISCELLANEOUS.—(1) Section 707 of title 38,
20 United States Code, is amended—

21 (A) in subsection (a)(6), by striking “Section
22 5724a(a)(3)” and inserting “Section 5724a(c)”; and

23 (B) in subsection (a)(7), by striking “Section
24 5724a(a)(4)” and inserting “section 5724a(d)”.

1 (2) *Section 501 of the Public Health Service Act (42*
2 *U.S.C. 290aa) is amended—*

3 (A) *in subsection (g)(2)(A), by striking*
4 *“5724a(a)(1)” and inserting “5724a(a)”;* and

5 (B) *in subsection (g)(2)(A), by striking*
6 *“5724a(a)(3)” and inserting “5724a(c)”.*

7 (3) *Section 925 of the Public Health Service Act (42*
8 *U.S.C. 299c–4) is amended—*

9 (A) *in subsection (f)(2)(A), by striking*
10 *“5724a(a)(1)” and inserting “5724a(a)”;* and

11 (B) *in subsection (f)(2)(A), by striking*
12 *“5724a(a)(3)” and inserting “5724a(c)”.*

13 ***Subtitle B—Miscellaneous***
14 ***Provisions***

15 ***SEC. 1431. REPEAL OF THE LONG-DISTANCE TELEPHONE***

16 ***CALL CERTIFICATION REQUIREMENT.***

17 *Section 1348 of title 31, United States Code, is amend-*
18 *ed—*

19 (1) *by striking the last sentence of subsection*
20 *(a)(2);*

21 (2) *by striking subsection (b); and*

22 (3) *by redesignating subsections (c) and (d) as*
23 *subsections (b) and (c), respectively.*

1 **SEC. 1432. TRANSFER OF AUTHORITY TO ISSUE REGULA-**
2 **TIONS.**

3 (a) *IN GENERAL.*—Subchapter II of chapter 57 of title
4 5, United States Code, is further amended by adding at
5 the end the following new section:

6 **“§5737. Regulations**

7 “(a)(1) *Except as specifically provided in this sub-*
8 *chapter, the Administrator of General Services shall pre-*
9 *scribe regulations necessary for the administration of this*
10 *subchapter.*

11 “(2) *Notwithstanding any limitation of this sub-*
12 *chapter, in promulgating regulations under paragraph (1)*
13 *of this subsection, the Administrator of General Services*
14 *shall include a provision authorizing the head of an agency*
15 *or his designee to waive any limitation of this subchapter*
16 *or in any implementing regulation for any employee relo-*
17 *cating to or from a remote or isolated location who would*
18 *otherwise suffer hardship.*

19 “(b) *The Administrator of General Services shall pre-*
20 *scribe regulations necessary for the implementation of sec-*
21 *tion 5724b of this subchapter in consultation with the Sec-*
22 *retary of the Treasury.*

23 “(c) *The Secretary of Defense shall prescribe regula-*
24 *tions necessary for the implementation of section 5735 of*
25 *this subchapter.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
2 *chapter 57 of title 5, United States Code, is further amended*
3 *by inserting after the item relating to section 5736 the fol-*
4 *lowing new item:*

“5737. Regulations.”.

5 (c) *CONFORMING AMENDMENTS.*—(1) *Section 5722 of*
6 *title 5, United States Code, is amended by striking “Under*
7 *such regulations as the President may prescribe”, and in-*
8 *serting “Under regulations prescribed under section 5737*
9 *of this title”.*

10 (2) *Section 5723 of title 5, United States Code, is*
11 *amended by striking “Under such regulations as the Presi-*
12 *dent may prescribe”, and inserting “Under regulations pre-*
13 *scribed under section 5737 of this title”.*

14 (3) *Section 5724 of title 5, United States Code, is*
15 *amended—*

16 (A) *in subsections (a) through (c), by striking*
17 *“Under such regulations as the President may pre-*
18 *scribe” each place it appears and inserting “Under*
19 *regulations prescribed under section 5737 of this*
20 *title”;*

21 (B) *in subsections (c) and (e), by striking*
22 *“under regulations prescribed by the President” and*
23 *inserting “under regulations prescribed under section*
24 *5737 of this title”; and*

1 (C) in subsection (f), by striking “under the reg-
2 ulations of the President” and inserting “under regu-
3 lations prescribed under section 5737 of this title”.

4 (4) Section 5724b of title 5, United States Code, is
5 amended by striking “Under such regulations as the Presi-
6 dent may prescribe” and inserting “Under regulations pre-
7 scribed under section 5737 of this title”.

8 (5) Section 5726 of title 5, United States Code, is
9 amended—

10 (A) in subsection (a), by striking “as the Presi-
11 dent may by regulation authorize” and inserting “as
12 authorized under regulations prescribed under section
13 5737 of this title”; and

14 (B) in subsections (b) and (c), by striking
15 “Under such regulations as the President may pre-
16 scribe” each place it appears and inserting “under
17 regulations prescribed under section 5737 of this
18 title”.

19 (6) Section 5727(b) of title 5, United States Code, is
20 amended by striking “Under such regulations as the Presi-
21 dent may prescribe” and inserting “Under regulations pre-
22 scribed under section 5737 of this title”.

23 (7) Section 5728 of title 5, United States Code, is
24 amended in subsections (a), (b), and (c)(1), by striking
25 “Under such regulations as the President may prescribe”

1 *each place it appears and inserting “Under regulations pre-*
2 *scribed under section 5737 of this title”.*

3 (8) *Section 5729 of title 5, United States Code, is*
4 *amended in subsections (a) and (b), by striking “Under*
5 *such regulations as the President may prescribe” each place*
6 *it appears and inserting “Under regulations prescribed*
7 *under section 5737 of this title”.*

8 (9) *Section 5731 of title 5, United States Code, is*
9 *amended by striking “in accordance with regulations pre-*
10 *scribed by the President” and inserting “in accordance with*
11 *regulations prescribed under section 5737 of this title”.*

12 **SEC. 1433. REPORT ON ASSESSMENT OF COST SAVINGS.**

13 *No later than 1 year after the effective date of the final*
14 *regulations issued under section 1434(b), the General Ac-*
15 *counting Office shall submit a report to the Committee on*
16 *Governmental Affairs of the Senate and the Committee on*
17 *Government Reform and Oversight of the House of Rep-*
18 *resentatives on an assessment of the cost savings to Federal*
19 *travel administration resulting from statutory and regu-*
20 *latory changes under this Act.*

21 **SEC. 1434. EFFECTIVE DATE; ISSUANCE OF REGULATIONS.**

22 (a) *EFFECTIVE DATE.*—*The amendments made by this*
23 *title shall take effect upon the expiration of the 180-day pe-*
24 *riod beginning on the date of the enactment of this Act.*

1 (b) *REGULATIONS.*—*The Administrator of General*
 2 *Services shall issue final regulations implementing the*
 3 *amendments made by this title by not later than the expira-*
 4 *tion of the period referred to in subsection (a).*

5 ***DIVISION B—MILITARY CON-***
 6 ***STRUCTION AUTHORIZA-***
 7 ***TIONS***

8 ***SEC. 2001. SHORT TITLE.***

9 *This division may be cited as the “Military Construc-*
 10 *tion Authorization Act for Fiscal Year 1997”.*

11 ***TITLE XXI—ARMY***

12 ***SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND***
 13 ***ACQUISITION PROJECTS.***

14 (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*
 15 *propriated pursuant to the authorization of appropriations*
 16 *in section 2104(a)(1), the Secretary of the Army may ac-*
 17 *quire real property and carry out military construction*
 18 *projects for the installations and locations inside the United*
 19 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Total</i>
<i>Alabama</i>	<i>Fort Rucker</i>	<i>\$3,250,000</i>
<i>California</i>	<i>Camp Roberts</i>	<i>\$5,500,000</i>
	<i>Naval Weapons Station, Concord</i>	<i>\$27,000,000</i>
<i>Colorado</i>	<i>Fort Carson</i>	<i>\$13,000,000</i>
<i>District of Columbia</i>	<i>Fort McNair</i>	<i>\$6,900,000</i>
<i>Georgia</i>	<i>Fort Benning</i>	<i>\$53,400,000</i>
	<i>Fort McPherson</i>	<i>\$3,500,000</i>
	<i>Fort Stewart</i>	<i>\$6,000,000</i>
<i>Hawaii</i>	<i>Schofield Barracks</i>	<i>\$16,500,000</i>
<i>Kansas</i>	<i>Fort Riley</i>	<i>\$29,350,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$67,600,000</i>
	<i>Fort Knox</i>	<i>\$13,000,000</i>
<i>Louisiana</i>	<i>Fort Polk</i>	<i>\$4,800,000</i>

Army: Inside the United States—Continued

State	Installation or location	Total
<i>New Mexico</i>	<i>White Sands Missile Range</i>	\$10,000,000
<i>New York</i>	<i>Fort Drum</i>	\$6,500,000
<i>Texas</i>	<i>Fort Hood</i>	\$40,900,000
	<i>Fort Sam Houston</i>	\$3,100,000
<i>Virginia</i>	<i>Fort Eustis</i>	\$3,550,000
<i>Washington</i>	<i>Fort Lewis</i>	\$54,600,000
<i>CONUS Classified</i>	<i>Classified Locations</i>	\$4,600,000
	<i>Total:</i>	\$373,050,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 *appropriated pursuant to the authorization of appropri-*
3 *tions in section 2104(a)(2), the Secretary of the Army may*
4 *acquire real property and carry out military construction*
5 *projects for the locations outside the United States, and in*
6 *the amounts, set forth in the following table:*

Army: Outside the United States

Country	Installation or location	Total
<i>Germany</i>	<i>Spinellii Barracks, Mannheim</i>	\$8,100,000
	<i>Taylor Barracks, Mannheim</i>	\$9,300,000
<i>Italy</i>	<i>Camp Ederle</i>	\$3,100,000
<i>Korea</i>	<i>Camp Casey</i>	\$16,000,000
	<i>Camp Red Cloud</i>	\$14,000,000
<i>Overseas Classified</i>	<i>Classified Locations</i>	\$64,000,000
<i>Worldwide</i>	<i>Host Nation Support</i>	\$20,000,000
	<i>Total:</i>	\$134,500,000

7 **SEC. 2102. FAMILY HOUSING.**

8 **(a) CONSTRUCTION AND ACQUISITION.**—Using
9 *amounts appropriated pursuant to the authorization of ap-*
10 *propriations in section 2104(a)(5)(A), the Secretary of the*
11 *Army may construct or acquire family housing units (in-*
12 *cluding land acquisition) at the installations, for the pur-*
13 *poses, and in the amounts set forth in the following table:*

1 (1) *For military construction projects inside the*
2 *United States authorized by section 2101(a),*
3 *\$373,050,000.*

4 (2) *For military construction projects outside the*
5 *United States authorized by section 2101(b),*
6 *\$134,500,000.*

7 (3) *For unspecified minor military construction*
8 *projects authorized by section 2805 of title 10, United*
9 *States Code, \$7,000,000.*

10 (4) *For architectural and engineering services*
11 *and construction design under section 2807 of title*
12 *10, United States Code, \$31,748,000.*

13 (5) *For military family housing functions:*

14 (A) *For construction and acquisition, plan-*
15 *ning and design, and improvement of military*
16 *family housing and facilities, \$152,133,000.*

17 (B) *For support of military family housing*
18 *(including the functions described in section*
19 *2833 of title 10, United States Code),*
20 *\$1,212,466,000.*

21 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
22 *PROJECTS.—Notwithstanding the cost variations author-*
23 *ized by section 2853 of title 10, United States Code, and*
24 *any other cost variation authorized by law, the total cost*
25 *of all projects carried out under section 2101 of this Act*

1 *may not exceed the total amount authorized to be appro-*
 2 *priated under paragraphs (1) and (2) of subsection (a).*

3 **SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE**
 4 **HISTORIC DISTRICT AT THE FOREST GLEN**
 5 **ANNEX OF WALTER REED MEDICAL CENTER,**
 6 **MARYLAND.**

7 *Not later than 30 days after the date of the enactment*
 8 *of this Act, the Secretary of the Army shall submit to the*
 9 *congressional defense committees a comprehensive plan for*
 10 *basic repairs and stabilization measures throughout the his-*
 11 *toric district at the Forest Glen Annex of Walter Reed Army*
 12 *Medical Center, Maryland, together with funding options*
 13 *for the implementation of the plan.*

14 **TITLE XXII—NAVY**

15 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 16 **ACQUISITION PROJECTS.**

17 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 18 *propriated pursuant to the authorization of appropriations*
 19 *in section 2205(a)(1), the Secretary of the Navy may ac-*
 20 *quire real property and carry out military construction*
 21 *projects for the installations and locations inside the United*
 22 *States, and in the amounts, set forth in the following table:*

Navy: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Navy Detachment, Camp Navajo</i>	<i>\$3,920,000</i>
<i>California</i>	<i>Marine Corps Air-Ground Combat Center, Twenty-nine Palms.</i>	<i>\$4,020,000</i>
	<i>Marine Corps Air Station, Camp Pendle- ton.</i>	<i>\$6,240,000</i>

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Marine Corps Base, Camp Pendleton	\$51,630,000
	Marine Corps Recruit Depot, San Diego ...	\$8,150,000
	Naval Air Station, North Island	\$76,872,000
	Naval Facility, San Clemente Island	\$17,000,000
	Naval Station, San Diego	\$7,050,000
	Naval Command Control & Ocean Surveil- lance Center, San Diego.	\$1,960,000
Connecticut	Naval Submarine Base, New London	\$13,830,000
District of Columbia	Naval District, Commandant, Washington	\$19,300,000
Florida	Naval Air Station, Key West	\$2,250,000
Hawaii	Naval Station, Pearl Harbor	\$19,600,000
	Naval Submarine Base, Pearl Harbor	\$35,890,000
Idaho	Naval Surface Warfare Center, Bayview ...	\$7,150,000
Illinois	Naval Training Center, Great Lakes	\$22,900,000
Maryland	Naval Air Warfare Center, Patuxent River	\$1,270,000
	United States Naval Academy	\$10,480,000
Mississippi	Naval Station, Pascagoula	\$4,990,000
	Stennis Space Center	\$7,960,000
Nevada	Naval Air Station, Fallon	\$20,600,000
North Carolina	Marine Corps Air Station, Cherry Point ...	\$1,630,000
	Marine Corps Air Station, New River	\$17,040,000
	Marine Corps Base, Camp LeJeune	\$20,750,000
Rhode Island	Naval Undersea Warfare Center	\$8,900,000
South Carolina	Marine Corps Recruit Depot, Parris Is- land.	\$2,550,000
Texas	Naval Station, Ingleside	\$16,850,000
	Naval Air Station, Kingsville	\$1,810,000
Virginia	Armed Forces Staff College, Norfolk	\$12,900,000
	Marine Corps Combat Development Com- mand, Quantico.	\$14,570,000
	Naval Station, Norfolk	\$47,920,000
	Naval Surface Warfare Center, Dahlgren	\$8,030,000
Washington	Naval Station, Everett	\$25,740,000
	<i>Total:</i>	\$521,752,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2205(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
Bahrain	Administrative Support Unit, Bahrain	\$5,980,000
Greece	Naval Support Activity, Souda Bay	\$7,050,000
Italy	Naval Air Station, Sigonella	\$15,700,000
	Naval Support Activity, Naples	\$8,620,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
Puerto Rico	Naval Station, Roosevelt Roads	\$23,600,000
United Kingdom	Joint Maritime Communications Center, St. Maugan.	\$4,700,000
	<i>Total:</i>	\$65,650,000

1 SEC. 2202. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2205(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	Installation	Purpose	Amount
Arizona	Marine Corps Air Sta- tion, Yuma.	Community Center.	\$709,000
California	Marine Corps Air- Ground Combat Cen- ter, Twentynine Palms.	Community Center.	\$1,982,000
	Marine Corps Air- Ground Combat Cen- ter, Twentynine Palms.	Housing Office	\$956,000
	Marine Corps Base, Camp Pendleton.	128 Units	\$19,483,000
	Naval Air Station, Lemoore.	276 Units	\$39,837,000
Hawaii	Navy Public Works Cen- ter, San Diego.	366 Units	\$48,719,000
	Marine Corps Air Sta- tion, Kaneohe Bay.	54 Units	\$11,676,000
	Navy Public Works Cen- ter, Pearl Harbor.	264 Units	\$52,586,000
Maryland	Naval Air Warfare Cen- ter, Patuxent River.	Community Center.	\$1,233,000
North Carolina	Marine Corps Base, Camp LeJeune.	Community Center.	\$845,000
Virginia	AEGIS Combat Systems Center, Wallops Island.	20 Units	\$2,975,000
	Naval Security Group Activity, Northwest.	Community Center.	\$741,000
Washington	Naval Station, Everett ...	100 Units	\$15,015,000
	Naval Submarine Base, Bangor.	Housing Office	\$934,000
	<i>Total:</i>		\$197,691,000

1 *tary family housing functions of the Department of the*
2 *Navy in the total amount of \$2,054,793,000 as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2201(a),*
5 *\$515,952,000.*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2201(b),*
8 *\$65,650,000.*

9 *(3) For unspecified minor construction projects*
10 *authorized by section 2805 of title 10, United States*
11 *Code, \$7,115,000.*

12 *(4) For architectural and engineering services*
13 *and construction design under section 2807 of title*
14 *10, United States Code, \$47,519,000.*

15 *(5) For advances to the Secretary of Transpor-*
16 *tation for construction of defense access roads under*
17 *section 210 of title 23, United States Code, \$300,000.*

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, \$410,216,000.*

22 *(B) For support of military housing (in-*
23 *cluding functions described in section 2833 of*
24 *title 10, United States Code), \$1,014,241,000.*

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 (c) *ADJUSTMENT.*—*The total amount authorized to be*
 9 *appropriated pursuant to paragraphs (1) through (6) of*
 10 *subsection (a) is the sum of the amounts authorized to be*
 11 *appropriated in such paragraphs, reduced by \$12,000,000,*
 12 *which represents the combination of project savings result-*
 13 *ing from favorable bids, reduced overhead costs, and can-*
 14 *cellations due to force structure changes.*

15 **TITLE XXIII—AIR FORCE**

16 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 17 **LAND ACQUISITION PROJECTS.**

18 (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*
 19 *propriated pursuant to the authorization of appropriations*
 20 *in section 2304(a)(1), the Secretary of the Air Force may*
 21 *acquire real property and carry out military construction*
 22 *projects for the installations and locations inside the United*
 23 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	<i>\$7,875,000</i>
<i>Alaska</i>	<i>Eielson Air Force Base</i>	<i>\$3,900,000</i>
	<i>Elmendorf Air Force Base</i>	<i>\$21,530,000</i>

Air Force: Inside the United States—Continued

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
	<i>King Salmon Air Force Base</i>	\$5,700,000
<i>Arizona</i>	<i>Davis–Monthan Air Force Base</i>	\$9,920,000
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	\$18,105,000
<i>California</i>	<i>Beale Air Force Base</i>	\$14,425,000
	<i>Edwards Air Force Base</i>	\$20,080,000
	<i>Travis Air Force Base</i>	\$14,980,000
	<i>Vandenberg Air Force Base</i>	\$3,290,000
<i>Colorado</i>	<i>Buckley Air National Guard Base</i>	\$17,960,000
	<i>Falcon Air Force Station</i>	\$2,095,000
	<i>Peterson Air Force Base</i>	\$20,720,000
	<i>United States Air Force Academy</i>	\$12,165,000
<i>Delaware</i>	<i>Dover Air Force Base</i>	\$19,980,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	\$4,590,000
	<i>Eglin Auxiliary Field 9</i>	\$6,825,000
	<i>Patrick Air Force Base</i>	\$10,495,000
	<i>Tyndall Air Force Base</i>	\$3,600,000
<i>Georgia</i>	<i>Moody Air Force Base</i>	\$3,350,000
	<i>Robins Air Force Base</i>	\$25,045,000
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	\$15,945,000
<i>Kansas</i>	<i>McConnell Air Force Base</i>	\$25,830,000
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	\$4,890,000
<i>Maryland</i>	<i>Andrews Air Force Base</i>	\$8,140,000
<i>Mississippi</i>	<i>Keesler Air Force Base</i>	\$14,465,000
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	\$6,300,000
<i>Nevada</i>	<i>Indian Springs Air Force Auxiliary Air Field.</i>	\$4,690,000
	<i>Nellis Air Force Base</i>	\$14,700,000
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	\$8,080,000
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	\$7,100,000
	<i>Kirtland Air Force Base</i>	\$16,300,000
<i>North Carolina</i>	<i>Pope Air Force Base</i>	\$5,915,000
	<i>Seymour Johnson Air Force Base</i>	\$11,280,000
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	\$12,470,000
	<i>Minot Air Force Base</i>	\$3,940,000
<i>Ohio</i>	<i>Wright–Patterson Air Force Base</i>	\$7,400,000
<i>Oklahoma</i>	<i>Tinker Air Force Base</i>	\$9,880,000
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$43,110,000
	<i>Shaw Air Force Base</i>	\$14,465,000
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	\$4,150,000
<i>Tennessee</i>	<i>Arnold Engineering Development Center.</i>	\$6,781,000
<i>Texas</i>	<i>Dyess Air Force Base</i>	\$5,895,000
	<i>Kelly Air Force Base</i>	\$3,250,000
	<i>Lackland Air Force Base</i>	\$9,413,000
	<i>Sheppard Air Force Base</i>	\$9,400,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$3,690,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$8,005,000
<i>Washington</i>	<i>Fairchild Air Force Base</i>	\$18,155,000
	<i>McChord Air Force Base</i>	\$57,065,000
	<i>Total:</i>	\$607,334,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 *appropriated pursuant to the authorization of appropri-*
3 *tions in section 2304(a)(2), the Secretary of the Air Force*
4 *may acquire real property and carry out military construc-*

1 tion projects for the installations and locations outside the
 2 United States, and in the amounts, set forth in the following
 3 table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	\$5,370,000
	Spangdahlem Air Base	\$1,890,000
Italy	Aviano Air Base	\$10,066,000
Korea	Osan Air Base	\$9,780,000
Turkey	Incirlik Air Base	\$7,160,000
United Kingdom	Croughton Royal Air Force Base	\$1,740,000
	Lakenheath Royal Air Force Base	\$17,525,000
	Mildenhall Royal Air Force Base	\$6,195,000
Overseas Classified	Classified Locations	\$18,395,000
	Total:	\$78,115,000

4 **SEC. 2302. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2304(a)(5)(A), the Secretary of the
 8 Air Force may construct or acquire family housing units
 9 (including land acquisition) at the installations, for the
 10 purposes, and in the amounts set forth in the following
 11 table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alaska	Eielson Air Force Base	72 units	\$21,127,000
		Fire Station	\$2,950,000
California	Beale Air Force Base	56 units	\$8,893,000
	Travis Air Force Base	70 units	\$8,631,000
	Vandenberg Air Force Base.	112 units	\$20,891,000
District of Columbia	Bolling Air Force Base	40 units	\$5,000,000
Florida	Eglin Auxiliary Field 9 MacDill Air Force Base Patrick Air Force Base	1 unit	\$249,000
		56 units	\$8,822,000
		Housing Maintenance Facility.	\$853,000
		Housing Support & Storage Facility.	\$756,000
Louisiana	Barksdale Air Force Base.	Housing Office	\$821,000
		80 units	\$9,570,000

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 1996, 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 \$1,844,786,000 as follows:

8 (1) *For military construction projects inside the*
9 *United States authorized by section 2301(a),*
10 *\$607,334,000.*

11 (2) *For military construction projects outside the*
12 *United States authorized by section 2301(b),*
13 *\$78,115,000.*

14 (3) *For unspecified minor construction projects*
15 *authorized by section 2805 of title 10, United States*
16 *Code, \$11,328,000.*

17 (4) *For architectural and engineering services*
18 *and construction design under section 2807 of title*
19 *10, United States Code, \$53,497,000.*

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, \$265,038,000.*

24 (B) *For support of military family housing*
25 *(including the functions described in section*

1 2833 of title 10, United States Code),
2 \$829,474,000.

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 **TITLE XXIV—DEFENSE**
11 **AGENCIES**

12 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
13 **TION AND LAND ACQUISITION PROJECTS.**

14 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
15 propriated pursuant to the authorization of appropriations
16 in section 2406(a)(1), the Secretary of Defense may acquire
17 real property and carry out military construction projects
18 for the installations and locations inside the United States,
19 and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
<i>Chemical Agents and Muni- tions Destruction.</i>	<i>Pueblo Army Depot, Colorado</i>	<i>\$179,000,000</i>
<i>Defense Finance & Accounting Service.</i>	<i>Norton Air Force Base, California</i>	<i>\$13,800,000</i>
	<i>Naval Training Center, Orlando, Florida</i>	<i>\$2,600,000</i>
	<i>Rock Island Arsenal, Illinois</i>	<i>\$14,400,000</i>
	<i>Loring Air Force Base, Maine</i>	<i>\$6,900,000</i>
	<i>Offutt Air Force Base, Nebraska</i>	<i>\$7,000,000</i>
	<i>Griffiss Air Force Base, New York</i>	<i>\$10,200,000</i>
	<i>Gentile Air Force Station, Ohio</i>	<i>\$11,400,000</i>

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
<i>Defense Intelligence Agency.</i>	<i>Charleston, South Carolina</i>	<i>\$6,200,000</i>
	<i>Bolling Air Force Base, District of Columbia</i>	<i>\$6,790,000</i>
<i>Defense Logistics Agency.</i>	<i>National Ground Intelligence Center, Charlottesville, Virginia</i>	<i>\$2,400,000</i>
	<i>Elmendorf Air Force Base, Alaska</i>	<i>\$21,000,000</i>
	<i>Defense Distribution, San Diego, California</i>	<i>\$15,700,000</i>
	<i>Naval Air Facility, El Centro, California</i>	<i>\$5,700,000</i>
	<i>Travis Air Force Base, California</i>	<i>\$15,200,000</i>
	<i>McConnell Air Force Base, Kansas</i>	<i>\$2,200,000</i>
	<i>Barksdale Air Force Base, Louisiana</i>	<i>\$4,300,000</i>
	<i>Andrews Air Force Base, Maryland</i>	<i>\$12,100,000</i>
	<i>Naval Air Station, Fallon, Nevada</i>	<i>\$2,100,000</i>
	<i>Defense Construction Supply Center, Columbus, Ohio</i>	<i>\$600,000</i>
<i>Defense Medical Facility Office.</i>	<i>Altus Air Force Base, Oklahoma</i>	<i>\$3,200,000</i>
	<i>Shaw Air Force Base, South Carolina</i>	<i>\$2,900,000</i>
	<i>Naval Air Station, Oceana, Virginia</i>	<i>\$1,500,000</i>
	<i>Maxwell Air Force Base, Alabama</i>	<i>\$25,000,000</i>
	<i>Marine Corps Base, Camp Pendleton, California</i>	<i>\$3,300,000</i>
	<i>Naval Air Station, Lemoore, California</i>	<i>\$38,000,000</i>
	<i>Naval Air Station, Key West, Florida</i>	<i>\$15,200,000</i>
	<i>Andrews Air Force Base, Maryland</i>	<i>\$15,500,000</i>
	<i>Fort Bragg, North Carolina</i>	<i>\$11,400,000</i>
	<i>Charleston Air Force Base, South Carolina</i>	<i>\$1,300,000</i>
<i>Special Operations Command.</i>	<i>Fort Bliss, Texas</i>	<i>\$6,600,000</i>
	<i>Fort Hood, Texas</i>	<i>\$1,950,000</i>
	<i>Naval Air Station, Norfolk, Virginia</i>	<i>\$1,250,000</i>
	<i>Naval Amphibious Base, Coronado, California</i>	<i>\$7,700,000</i>
	<i>Naval Station, Ford Island, Pearl Harbor, Hawaii</i>	<i>\$12,800,000</i>
	<i>Fort Campbell, Kentucky</i>	<i>\$4,200,000</i>
	<i>Fort Bragg, North Carolina</i>	<i>\$14,000,000</i>
	<i>Total:</i>	<i>\$505,390,000</i>

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 *appropriated pursuant to the authorization of appropria-*
3 *tions in section 2406(a)(2), the Secretary of Defense may*
4 *acquire real property and carry out military construction*
5 *projects for the installations and locations outside the Unit-*

1 *ed States, and in the amounts, set forth in the following*
 2 *table:*

Defense Agencies: Outside the United States

<i>Agency</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Defense Logistics Agency.</i>	<i>Naval Air Station, Sigonella, Italy ...</i>	<i>\$6,100,000</i>
	<i>Moron Air Base, Spain</i>	<i>\$12,958,000</i>
<i>Defense Medical Facility Office.</i>	<i>Administrative Support Unit, Bah- rain, Bahrain</i>	<i>\$4,600,000</i>
	<i>Total:</i>	<i>\$23,658,000</i>

3 ***SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.***

4 *Using amounts appropriated pursuant to the author-*
 5 *ization of appropriation in section 2406(a)(15)(A), the Sec-*
 6 *retary of Defense may carry out architectural and engineer-*
 7 *ing services and construction design activities with respect*
 8 *to the construction or improvement of military family hous-*
 9 *ing units in an amount not to exceed \$500,000.*

10 ***SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING***
 11 ***UNITS.***

12 *Subject to section 2825 of title 10, United States Code,*
 13 *and using amounts appropriated pursuant to the author-*
 14 *ization of appropriation in section 2406(a)(15)(A), the Sec-*
 15 *retary of Defense may improve existing military family*
 16 *housing units in an amount not to exceed \$3,871,000.*

17 ***SEC. 2404. MILITARY HOUSING IMPROVEMENT PROGRAM.***

18 *(a) AVAILABILITY OF FUNDS FOR CREDIT TO FAMILY*
 19 *HOUSING IMPROVEMENT FUND.—The amount authorized to*
 20 *be appropriated pursuant to section 2406(a)(15)(C) shall*

1 *be available for crediting to the Department of Defense*
2 *Family Housing Improvement Fund established by section*
3 *2883(a)(1) of title 10, United States Code.*

4 **(b) AVAILABILITY OF FUNDS FOR CREDIT TO UNAC-**
5 *COMPANIED HOUSING IMPROVEMENT FUND.—The amount*
6 *authorized to be appropriated pursuant to section*
7 *2406(a)(14) shall be available for crediting to the Depart-*
8 *ment of Defense Military Unaccompanied Housing Im-*
9 *provement Fund established by section 2883(a)(2) of title*
10 *10, United States Code.*

11 **(c) USE OF FUNDS.—The Secretary of Defense may**
12 *use funds credited to the Department of Defense Family*
13 *Housing Improvement Fund under subsection (a) to carry*
14 *out any activities authorized by subchapter IV of chapter*
15 *169 of such title with respect to military family housing*
16 *and may use funds credited to the Department of Defense*
17 *Military Unaccompanied Housing Improvement Fund*
18 *under subsection (b) to carry out any activities authorized*
19 *by that subchapter with respect to military unaccompanied*
20 *housing.*

21 **SEC. 2405. ENERGY CONSERVATION PROJECTS.**

22 *Using amounts appropriated pursuant to the author-*
23 *ization of appropriations in section 2406(a)(12), the Sec-*
24 *retary of Defense may carry out energy conservation*
25 *projects under section 2865 of title 10, United States Code.*

1 **SEC. 2406. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
2 **AGENCIES.**

3 (a) *IN GENERAL.*—Funds are hereby authorized to be
4 appropriated for fiscal years beginning after September 30,
5 1996, for military construction, land acquisition, and mili-
6 tary family housing functions of the Department of Defense
7 (other than the military departments), in the total amount
8 of \$3,399,166,000 as follows:

9 (1) *For military construction projects inside the*
10 *United States authorized by section 2401(a),*
11 *\$340,287,000.*

12 (2) *For military construction projects outside the*
13 *United States authorized by section 2401(b),*
14 *\$23,658,000.*

15 (3) *For military construction projects at Naval*
16 *Hospital, Portsmouth, Virginia, hospital replacement,*
17 *authorized by section 2401(a) of the Military Con-*
18 *struction Authorization Act for Fiscal Years 1990 and*
19 *1991 (division B of Public Law 101–189; 103 Stat.*
20 *1640), \$24,000,000.*

21 (4) *For military construction projects at Walter*
22 *Reed Army Institute of Research, Maryland, hospital*
23 *replacement, authorized by section 2401(a) of the*
24 *Military Construction Authorization Act for Fiscal*
25 *Year 1993 (division B of Public Law 102–484; 106*
26 *Stat. 2599), \$92,000,000.*

1 (5) *For military construction projects at Fort*
2 *Bragg, North Carolina, hospital replacement, author-*
3 *ized by section 2401(a) of the Military Construction*
4 *Authorization Act for Fiscal Year 1993 (106 Stat.*
5 *2599), \$89,000,000.*

6 (6) *For military construction projects at Pine*
7 *Bluff Arsenal, Arkansas, authorized by section*
8 *2401(a) of the Military Construction Authorization*
9 *Act for Fiscal Year 1995 (division B of the Public*
10 *Law 103–337; 108 Stat. 3040), \$46,000,000.*

11 (7) *For military construction projects at*
12 *Umatilla Army Depot, Oregon, authorized by section*
13 *2401(a) of the Military Construction Authorization*
14 *Act for Fiscal Year 1995 (108 Stat. 3040),*
15 *\$64,000,000.*

16 (8) *For military construction projects at Defense*
17 *Finance and Accounting Service, Columbus, Ohio,*
18 *authorized by section 2401(a) of the Military Con-*
19 *struction Authorization Act of Fiscal Year 1996 (divi-*
20 *sion B of Public Law 104–106; 110 Stat. 535),*
21 *\$20,822,000.*

22 (9) *For contingency construction projects of the*
23 *Secretary of Defense under section 2804 of title 10,*
24 *United States Code, \$9,500,000.*

1 (10) *For unspecified minor construction projects*
2 *under section 2805 of title 10, United States Code,*
3 *\$21,874,000.*

4 (11) *For architectural and engineering services*
5 *and construction design under section 2807 of title*
6 *10, United States Code, \$14,239,000.*

7 (12) *For energy conservation projects under sec-*
8 *tion 2865 of title 10, United States Code,*
9 *\$47,765,000.*

10 (13) *For base closure and realignment activities*
11 *as authorized by the Defense Base Closure and Re-*
12 *alignment Act of 1990 (part A of title XXIX of Public*
13 *Law 101–510; 10 U.S.C. 2687 note), \$2,507,476,000.*

14 (14) *For credit to the Department of Defense*
15 *Military Unaccompanied Housing Improvement*
16 *Fund as authorized by section 2404(b) of this Act,*
17 *\$5,000,000.*

18 (15) *For military family housing functions:*

19 (A) *For improvement and planning of mili-*
20 *tary family housing and facilities, \$4,371,000.*

21 (B) *For support of military housing (in-*
22 *cluding functions described in section 2833 of*
23 *title 10, United States Code), \$30,963,000, of*
24 *which not more than \$25,637,000 may be obli-*

1 gated or expended for the leasing of military
2 family housing units worldwide.

3 (C) For credit to the Department of Defense
4 Family Housing Improvement Fund as author-
5 ized by section 2404(a) of this Act, \$20,000,000.

6 (D) For the Homeowners Assistance Pro-
7 gram as authorized by section 2832 of title 10,
8 United States Code, \$36,181,000, to remain
9 available until expended.

10 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*

11 *PROJECTS.*—Notwithstanding the cost variation authorized
12 by section 2853 of title 10, United States Code, and any
13 other cost variations authorized by law, the total cost of
14 all projects carried out under section 2401 of this Act may
15 not exceed—

16 (1) the total amount authorized to be appro-
17 priated under paragraphs (1) and (2) of subsection
18 (a);

19 (2) \$161,503,000 (the balance of the amount au-
20 thorized under section 2401(a) of this Act for the con-
21 struction of a chemical demilitarization facility at
22 Pueblo Army Depot, Colorado); and

23 (3) \$1,600,000 (the balance of the amount au-
24 thorized under section 2401(a) of this Act for the con-

1 **SEC. 2503. REDESIGNATION OF NORTH ATLANTIC TREATY**
2 **ORGANIZATION INFRASTRUCTURE PROGRAM.**

3 (a) *REDESIGNATION.*—Subsection (b) of section 2806
4 of title 10, United States Code, is amended by striking out
5 “North Atlantic Treaty Organization Infrastructure pro-
6 gram” and inserting in lieu thereof “North Atlantic Treaty
7 Organization Security Investment program”.

8 (b) *REFERENCES.*—Any reference to the North Atlan-
9 tic Treaty Organization Infrastructure program in any
10 Federal law, Executive order, regulation, delegation of au-
11 thority, or document of or pertaining to the Department
12 of Defense shall be deemed to refer to the North Atlantic
13 Treaty Organization Security Investment program.

14 (c) *CLERICAL AMENDMENTS.*—(1) The section heading
15 of such section is amended to read as follows:

16 **“§2806. Contributions for North Atlantic Treaty Orga-
17 nizations Security Investment”.**

18 (2) The table of sections at the beginning of subchapter
19 I of chapter 169 of title 10, United States Code, is amended
20 by striking out the item relating to section 2806 and insert-
21 ing in lieu thereof the following:

“2806. Contributions for North Atlantic Treaty Organizations Security Invest-
ment.”.

22 (d) *CONFORMING AMENDMENTS.*—(1) Section
23 2861(b)(3) of title 10, United States Code, is amended by
24 striking out “North Atlantic Treaty Organization Infra-

1 *structure program” and inserting in lieu thereof “North At-*
 2 *lantic Treaty Organization Security Investment program”.*

3 (2) *Section 21(h)(1)(B) of the Arms Export Control*
 4 *Act (22 U.S.C. 2761(h)(1)(B)) is amended by striking out*
 5 *“North Atlantic Treaty Organization Infrastructure Pro-*
 6 *gram” and inserting in lieu thereof “North Atlantic Treaty*
 7 *Organization Security Investment program”.*

8 **TITLE XXVI—GUARD AND**
 9 **RESERVE FORCES FACILITIES**

10 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 11 **TION AND LAND ACQUISITION PROJECTS.**

12 *There are authorized to be appropriated for fiscal*
 13 *years beginning after September 30, 1996, for the costs of*
 14 *acquisition, architectural and engineering services, and*
 15 *construction of facilities for the Guard and Reserve Forces,*
 16 *and for contributions therefor, under chapter 1803 of title*
 17 *10, United States Code (including the cost of acquisition*
 18 *of land for those facilities), the following amounts:*

19 (1) *For the Department of the Army—*
 20 (A) *for the Army National Guard of the*
 21 *United States, \$94,528,000: Notwithstanding*
 22 *any other provision of this Act, none of the funds*
 23 *authorized for construction, phase I, of a com-*
 24 *bined support maintenance shop at Camp*
 25 *Guernsey, Wyoming may be obligated until the*

1 *Secretary of Defense certifies to Congress that the*
2 *project is in the future years defense plan; and*

3 *(B) for the Army Reserve, \$59,174,000.*

4 *(2) For the Department of the Navy, for the*
5 *Naval and Marine Corps Reserve, \$32,743,000.*

6 *(3) For the Department of the Air Force—*

7 *(A) for the Air National Guard of the Unit-*
8 *ed States, \$209,884,000; and*

9 *(B) for the Air Force Reserve, \$54,770,000.*

10 **SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVE-**
11 **MENT OF RESERVE CENTERS IN THE STATE**
12 **OF WASHINGTON.**

13 *(a) FUNDING.—Notwithstanding any other provision*
14 *of law, of the funds appropriated under the heading “MILI-*
15 *TARY CONSTRUCTION, NAVAL RESERVE” in the Military*
16 *Construction Appropriations Act, 1995 (Public Law 103-*
17 *307; 108 Stat. 1661), that are available for the construction*
18 *of a Naval Reserve center in Seattle, Washington—*

19 *(1) \$5,200,000 shall be available for the construc-*
20 *tion of an Army Reserve Center at Fort Lawton,*
21 *Washington, of which \$700,000 may be used for pro-*
22 *gram and design activities relating to such construc-*
23 *tion;*

1 (2) \$4,200,000 shall be available for the construc-
2 tion of an addition to the Naval Reserve Center in
3 Tacoma, Washington;

4 (3) \$500,000 shall be available for unspecified
5 minor construction at Naval Reserve facilities in the
6 State of Washington; and

7 (4) \$500,000 shall be available for planning and
8 design activities with respect to improvements at
9 Naval Reserve facilities in the State of Washington.

10 (b) *MODIFICATION OF LAND CONVEYANCE AUTHOR-*
11 *ITY.—Paragraph (2) of section 127(d) of the Military Con-*
12 *struction Appropriations Act, 1995 (Public Law 103–337;*
13 *108 Stat. 1666), is amended to read as follows:*

14 “(2) *Before commencing construction of a facility to*
15 *be the replacement facility for the Naval Reserve Center*
16 *under paragraph (1), the Secretary shall comply with the*
17 *requirements of the National Environmental Policy Act (42*
18 *U.S.C. 4321 et seq.) with respect to such facility.”.*

1 **TITLE XXVII—EXPIRATION AND**
2 **EXTENSION OF AUTHORIZA-**
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
6 **LAW.**

7 (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*
8 *YEARS.*—*Except as provided in subsection (b), all author-*
9 *izations contained in titles XXI through XXVI for military*
10 *construction projects, land acquisition, family housing*
11 *projects and facilities, and contributions to the North At-*
12 *lantic Treaty Organization Security Investment program*
13 *(and authorizations of appropriations therefor) shall expire*
14 *on the later of—*

15 (1) *October 1, 1999; or*

16 (2) *the date of the enactment of an Act authoriz-*
17 *ing funds for military construction for fiscal year*
18 *2000.*

19 (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*
20 *thorizations for military construction projects, land acqui-*
21 *sition, family housing projects and facilities, and contribu-*
22 *tions to the North Atlantic Treaty Organization Security*
23 *Investment program (and authorizations of appropriations*
24 *therefor), for which appropriated funds have been obligated*
25 *before the later of—*

1 (1) October 1, 1999; or

2 (2) the date of the enactment of an Act authoriz-
3 ing funds for fiscal year 2000 for military construc-
4 tion projects, land acquisition, family housing
5 projects and facilities, or contributions to the North
6 Atlantic Treaty Organization Security Investment
7 program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
9 **FISCAL YEAR 1994 PROJECTS.**

10 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
11 the Military Construction Authorization Act for Fiscal Year
12 1994 (division B of Public Law 103–160; 107 Stat. 1880),
13 authorizations for the projects set forth in the tables in sub-
14 section (b), as provided in section 2101, 2102, 2201, 2301,
15 or 2601 of that Act, shall remain in effect until October
16 1, 1997, or the date of the enactment of an Act authorizing
17 funds for military construction for fiscal year 1998, which-
18 ever is later.

19 (b) *TABLES.*—The tables referred to in subsection (a)
20 are as follows:

Army: Extension of 1994 Project Authorizations

State	Installation or loca- tion	Project	Amount
New Jersey	Picatinny Arsenal	Advance War- head Develop- ment Facility.	\$4,400,000
North Carolina	Fort Bragg	Land Acquisi- tion.	\$15,000,000
Wisconsin	Fort McCoy	Family Hous- ing Construc- tion (16 units).	\$2,950,000

Navy: Extension of 1994 Project Authorizations

State or Location	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base.	Sewage Facility	\$7,930,000
Connecticut	New London Naval Submarine Base.	Hazardous Waste Transfer Facility.	\$1,450,000
New Jersey	Earle Naval Weapons Station.	Explosives Holding Yard.	\$1,290,000
Virginia	Oceana Naval Air Station.	Jet Engine Test Cell Replacement.	\$5,300,000
Various Locations	Various Locations	Land Acquisition Inside the United States.	\$540,000
Various Locations	Various Locations	Land Acquisition Outside the United States.	\$800,000

Air Force: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Upgrade Water Treatment Plant.	\$3,750,000
	Elmendorf Air Force Base.	Corrosion Control Facility.	\$5,975,000
California	Beale Air Force Base	Educational Center.	\$3,150,000
Florida	Tyndall Air Force Base	Base Supply Logistics Center.	\$2,600,000
Mississippi	Keesler Air Force Base	Upgrade Student Dormitory.	\$4,500,000
North Carolina	Pope Air Force Base	Add To and Alter Dormitories.	\$4,300,000
Virginia	Langley Air Force Base	Fire Station	\$3,850,000

Army National Guard: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Birmingham	Aviation Support Facility.	\$4,907,000
Arizona	Marana	Organization Maintenance Shop.	\$553,000
	Marana	Dormitory/Dining Facility.	\$2,919,000
California	Fresno	Organization Maintenance Shop Modification.	\$905,000
	Van Nuys	Armory Addition.	\$6,518,000

Army National Guard: Extension of 1994 Project Authorizations—
Continued

State	Installation or Location	Project	Amount
New Mexico	White Sands Missile Range.	Organization Maintenance Shop.	\$2,940,000
	White Sands Missile Range.	Tactical Site	\$1,995,000
	White Sands Missile Range.	Mobilization and Training Equipment Site.	\$3,570,000
Pennsylvania	Indiantown Gap	State Military Building.	\$9,200,000
	Johnstown	Armory Addition/Flight Facility.	\$5,004,000
	Johnstown	Armory	\$3,000,000

1 **SEC. 2703. 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, 2301, or 2601 of
8 that Act and extended by section 2702 of the Military Con-
9 struction Authorization Act for Fiscal Year 1996 (division
10 B of Public Law 104–106; 110 Stat. 541), shall remain in
11 effect until October 1, 1997, or the date of the enactment
12 of an Act authorizing funds for military construction for
13 fiscal year 1998, whichever is later.

14 (b) *TABLES.*—The tables referred to in subsection (a)
15 are as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	\$15,000,000

Air Force: Extension of 1993 Project Authorization

Country	Installation or location	Project	Amount
Portugal	Lajes Field	Water Wells	\$950,000

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

1 **SEC. 2704. 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 table in sub-
7 section (b), as provided in section 2101 of that Act and ex-
8 tended by section 2702(a) of the Military Construction Au-
9 thorization Act for Fiscal Year 1995 (division B of Public
10 Law 103–337; 108 Stat. 3047) and section 2703(a) of the
11 Military Construction Authorization Act for Fiscal Year
12 1996 (division B of Public Law 104–106; 110 Stat. 543),
13 shall remain in effect until October 1, 1997, or the date
14 of the enactment of an Act authorizing funds for military
15 construction for fiscal year 1998, whichever is later.

1 (b) *TABLE.*—The table referred to in subsection (a) is
 2 as follows:

Army: Extension of 1992 Project Authorizations

<i>State</i>	<i>Installation or location</i>	<i>Project</i>	<i>Amount</i>
<i>Oregon</i>	<i>Umatilla Army Depot ...</i>	<i>Ammunition Demilitarization Support Facility.</i>	<i>\$3,600,000</i>
	<i>Umatilla Army Depot</i>	<i>Ammunition Demilitarization Utilities.</i>	<i>\$7,500,000</i>

3 **SEC. 2705. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
 4 **PROJECTS.**

5 (a) *PROHIBITION.*—Notwithstanding any other provi-
 6 sion of this Act, no funds authorized to be appropriated
 7 by this Act may be obligated or expended for the military
 8 construction project listed under subsection (b) until the
 9 Secretary of Defense certifies to Congress that the project
 10 is included in the current future-years defense program.

11 (b) *COVERED PROJECT.*—Subsection (a) applies to the
 12 following military construction project:

13 (1) *Phase II, Construction, Consolidated Edu-*
 14 *cation Center, Fort Campbell, Kentucky.*

15 (2) *Phase III, Construction, Western Kentucky*
 16 *Training Site.*

17 **SEC. 2706. EFFECTIVE DATE.**

18 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
 19 *take effect on the later of—*

20 (1) *October 1, 1996; or*

1 (2) *the date of the enactment of this Act.*

2 **TITLE XXVIII—GENERAL**
3 **PROVISIONS**

4 **Subtitle A—Military Construction**
5 **Program and Military Family**
6 **Housing Changes**

7 **SEC. 2801. INCREASE IN CERTAIN THRESHOLDS FOR UN-**
8 **SPECIFIED MINOR CONSTRUCTION**
9 **PROJECTS.**

10 (a) *O&M FUNDING FOR PROJECTS.*—Section
11 *2805(c)(1)(B) of title 10, United States Code, is amended*
12 *by striking out “\$300,000” and inserting in lieu thereof*
13 *“\$500,000”.*

14 (b) *O&M FUNDING FOR RESERVE COMPONENT FACILI-*
15 *TIES.*—Subsection (b) of section 18233a of such title is
16 *amended by striking out “\$300,000” and inserting in lieu*
17 *thereof “\$500,000”.*

18 (c) *NOTIFICATION FOR EXPENDITURES AND CON-*
19 *TRIBUTIONS FOR RESERVE COMPONENT FACILITIES.*—Sub-
20 *section (a)(1) of such section 18233a is amended by striking*
21 *out “\$400,000” and inserting in lieu thereof “\$1,500,000”.*

22 **SEC. 2802. CLARIFICATION OF AUTHORITY TO IMPROVE**
23 **MILITARY FAMILY HOUSING.**

24 (a) *EXCLUSION OF MINOR MAINTENANCE AND RE-*
25 *PAIR.*—Subsection (a)(2) of section 2825 of title 10, United

1 *States Code, is amended by inserting “(other than day-to-*
 2 *day maintenance or repair work)” after “work”.*

3 *(b) APPLICABILITY OF LIMITATION ON FUNDS FOR IM-*
 4 *PROVEMENTS.—Subsection (b)(2) of such section is amend-*
 5 *ed—*

6 *(1) by striking out “the cost of repairs” and all*
 7 *that follows through “in connection with” and insert-*
 8 *ing in lieu thereof “of the unit or units concerned the*
 9 *cost of maintenance or repairs undertaken in connec-*
 10 *tion with the improvement of the unit or units and*
 11 *any cost (other than the cost of activities undertaken*
 12 *beyond a distance of five feet from the unit or units)*
 13 *in connection with”; and*

14 *(2) by inserting “, drives,” after “roads”.*

15 **SEC. 2803. AUTHORITY TO GRANT EASEMENTS FOR RIGHTS-**
 16 **OF-WAY.**

17 *(a) EASEMENTS FOR ELECTRIC POLES AND LINES AND*
 18 *FOR COMMUNICATIONS LINES AND FACILITIES.—Section*
 19 *2668(a) of title 10, United States Code, is amended—*

20 *(1) by striking out “and” at the end of para-*
 21 *graph (9);*

22 *(2) by redesignating paragraph (10) as para-*
 23 *graph (13); and*

24 *(3) by inserting after paragraph (9) the follow-*
 25 *ing new paragraphs:*

1 “(10) poles and lines for the transmission or dis-
2 tribution of electric power;

3 “(11) poles and lines for the transmission or dis-
4 tribution of communications signals (including tele-
5 phone and telegraph signals);

6 “(12) structures and facilities for the trans-
7 mission, reception, and relay of such signals; and”.

8 (b) *CONFORMING AMENDMENTS*.—Such section is fur-
9 ther amended—

10 (1) in paragraph (3), by striking out “; tele-
11 phone lines, and telegraph lines,”; and

12 (2) in paragraph (13), as redesignated by sub-
13 section (a)(2), by striking out “or by the Act of March
14 4, 1911 (43 U.S.C. 961)”.

15 ***Subtitle B—Defense Base Closure***
16 ***and Realignment***

17 ***SEC. 2811. RESTORATION OF AUTHORITY UNDER 1988 BASE***
18 ***CLOSURE LAW TO TRANSFER PROPERTY AND***
19 ***FACILITIES TO OTHER ENTITIES IN THE DE-***
20 ***PARTMENT OF DEFENSE.***

21 (a) *RESTORATION OF AUTHORITY*.—Section 204(b)(2)
22 of the *Defense Authorization Amendments and Base Closure*
23 *and Realignment Act (Public Law 100–526; 10 U.S.C.*
24 *2687 note)* is amended—

1 *or otherwise disposed of in the case of installations closed*
 2 *under this title,” after “under this title”.*

3 (b) 1990 LAW.—Section 2905(b)(8)(A) of the Defense
 4 Base Closure and Realignment Act of 1990 (part A of title
 5 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is
 6 amended by inserting “, or at facilities not yet transferred
 7 or otherwise disposed of in the case of installations closed
 8 under this part,” after “under this part”.

9 **Subtitle C—Land Conveyances**

10 **SEC. 2821. TRANSFER OF LANDS, ARLINGTON NATIONAL** 11 **CEMETERY, ARLINGTON, VIRGINIA.**

12 (a) REQUIREMENT FOR SECRETARY OF INTERIOR TO
 13 TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to
 14 paragraph (2), the Secretary of the Interior shall transfer
 15 to the Secretary of the Army administrative jurisdiction
 16 over the following lands located in section 29 of the National
 17 Park System at Arlington National Cemetery, Virginia:

18 (A) The lands known as the Arlington National
 19 Cemetery Interment Zone.

20 (B) All lands in the Robert E. Lee Memorial
 21 Preservation Zone, other than those lands in the Pres-
 22 ervation Zone that the Secretary of the Interior deter-
 23 mines must be retained because of the historical sig-
 24 nificance of such lands or for the maintenance of
 25 nearby lands or facilities.

1 (2)(A) *The Secretary of the Interior may not make the*
2 *transfer referred to in paragraph (1)(B) until 60 days after*
3 *the date on which the Secretary submits to the Committee*
4 *on Armed Services of the Senate and the Committee on Na-*
5 *tional Security of the House of Representatives—*

6 (i) *a summary of the document entitled “Cul-*
7 *tural Landscape and Archaeological Study, Section*
8 *29, Arlington House, The Robert E. Lee Memorial”;*

9 (ii) *a summary of any environmental analysis*
10 *required with respect to the transfer under the Na-*
11 *tional Environmental Policy Act of 1969 (42 U.S.C.*
12 *4321 et seq.); and*

13 (iii) *the proposal of the Secretary and the Sec-*
14 *retary of the Army setting forth the lands to be trans-*
15 *ferred and the general manner in which the Secretary*
16 *of the Army will develop such lands after transfer.*

17 (B) *The Secretary of the Interior shall submit the in-*
18 *formation required under subparagraph (A) not later than*
19 *October 31, 1997.*

20 (3) *The transfer of lands under paragraph (1) shall*
21 *be carried out in accordance with the Interagency Agree-*
22 *ment Between the Department of the Interior, the National*
23 *Park Service, and the Department of the Army, Dated Feb-*
24 *ruary 22, 1995.*

1 (4) *The exact acreage and legal descriptions of the*
2 *lands to be transferred under paragraph (1) shall be deter-*
3 *mined by surveys satisfactory to the Secretary of the Inte-*
4 *rior and the Secretary of the Army.*

5 (b) *REQUIREMENT FOR ADDITIONAL TRANSFERS.—(1)*
6 *The Secretary of the Interior shall transfer to the Secretary*
7 *of the Army administrative jurisdiction over a parcel of*
8 *land, including any improvements thereon, consisting of*
9 *approximately 2.43 acres, located in the Memorial Drive*
10 *entrance area to Arlington National Cemetery.*

11 (2)(A) *The Secretary of the Army shall transfer to the*
12 *Secretary of the Interior administrative jurisdiction over*
13 *a parcel of land, including any improvements thereon, con-*
14 *sisting of approximately 0.17 acres, located at Arlington*
15 *National Cemetery, and known as the Old Administrative*
16 *Building site. The site is part of the original reservation*
17 *of Arlington National Cemetery.*

18 (B) *In connection with the transfer under subpara-*
19 *graph (A), the Secretary of the Army shall grant to the Sec-*
20 *retary of the Interior a perpetual right of ingress and egress*
21 *to the parcel transferred under that subparagraph.*

22 (3) *The exact acreage and legal descriptions of the*
23 *lands to be transferred pursuant to this subsection shall be*
24 *determined by surveys satisfactory to the Secretary of the*

1 *Interior and the Secretary of the Army. The costs of such*
2 *surveys shall be borne by the Secretary of the Army.*

3 **SEC. 2822. LAND TRANSFER, POTOMAC ANNEX, DISTRICT OF**
4 **COLUMBIA.**

5 (a) *TRANSFER REQUIRED.*—*Subject to subsection (b),*
6 *the Secretary of the Navy shall transfer, without consider-*
7 *ation other than the reimbursement provided for in sub-*
8 *section (d), to the United States Institute of Peace (in this*
9 *section referred to as the “Institute”) administrative juris-*
10 *isdiction over a parcel of real property, including any im-*
11 *provements thereon, consisting of approximately 3 acres, at*
12 *the northwest corner of Twenty-third Street and Constitu-*
13 *tion Avenue, Northwest, District of Columbia, the site of*
14 *the Potomac Annex.*

15 (b) *CONDITION.*—*The Secretary may not make the*
16 *transfer specified in subsection (a) unless the Institute*
17 *agrees to provide the Navy a number of parking spaces at*
18 *or in the vicinity of the headquarters to be constructed on*
19 *the parcel transferred equal to the number of parking spaces*
20 *available to the Navy on the parcel as of the date of the*
21 *transfer.*

22 (c) *REQUIREMENT RELATING TO TRANSFER.*—*The*
23 *transfer specified in subsection (a) may not occur until the*
24 *Institute obtains all permits, approvals, and site plan re-*

1 *views required by law with respect to the construction on*
2 *the parcel of a headquarters for operations of the Institute.*

3 (d) *COSTS.*—*The Institute shall reimburse the Sec-*
4 *retary for the costs incurred by the Secretary in carrying*
5 *out the transfer specified in subsection (a).*

6 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
7 *and legal description of the property to be transferred under*
8 *subsection (a) shall be determined by a survey that is satis-*
9 *factory to the Secretary. The cost of the survey shall be borne*
10 *by the Institute.*

11 **SEC. 2823. LAND CONVEYANCE, ARMY RESERVE CENTER,**
12 **MONTPELIER, VERMONT.**

13 (a) *CONVEYANCE AUTHORIZED.*—*Subject to subsection*
14 *(b), the Secretary of the Army may convey, without consid-*
15 *eration, to the City of Montpelier, Vermont (in this section*
16 *referred to as the “City”), all right, title, and interest of*
17 *the United States in and to a parcel of real property, in-*
18 *cluding improvements thereon, consisting of approximately*
19 *4.3 acres and located on Route 2 in Montpelier, Vermont,*
20 *the site of the Army Reserve Center, Montpelier, Vermont.*

21 (b) *REQUIREMENT FOR FEDERAL SCREENING OF*
22 *PROPERTY.*—*The Secretary may not carry out the convey-*
23 *ance of property authorized by subsection (a) unless the Sec-*
24 *retary determines that no department or agency of the Fed-*
25 *eral Government will accept the transfer of the property.*

1 (c) *CONDITION.*—*The conveyance authorized under*
2 *subsection (a) shall be subject to the condition that the City*
3 *agree to lease to the Civil Air Patrol, at no rental charge*
4 *to the Civil Air Patrol, the portion of the real property and*
5 *improvements located on the parcel to be conveyed that the*
6 *Civil Air Patrol leases from the Secretary as of the date*
7 *of the enactment of this Act.*

8 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
9 *and legal description of the real property to be conveyed*
10 *under subsection (a) shall be determined by a survey satis-*
11 *factory to the Secretary. The cost of the survey shall be borne*
12 *by the City.*

13 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
14 *retary may require such additional terms and conditions*
15 *in connection with the conveyance under this section as the*
16 *Secretary considers appropriate to protect the interests of*
17 *the United States.*

18 **SEC. 2824. LAND CONVEYANCE, FORMER NAVAL RESERVE**

19 **FACILITY, LEWES, DELAWARE.**

20 (a) *CONVEYANCE AUTHORIZED.*—*Subject to subsection*
21 *(b), the Secretary of the Navy may convey, without consid-*
22 *eration, to the State of Delaware (in this section referred*
23 *to as the “State”), all right, title, and interest of the United*
24 *States in and to a parcel of real property, including any*
25 *improvements thereon, consisting of approximately 16.8*

1 *acres at the site of the former Naval Reserve Facility,*
2 *Lewes, Delaware.*

3 (b) *REQUIREMENT FOR FEDERAL SCREENING OF*
4 *PROPERTY.—The Secretary may not carry out the convey-*
5 *ance of property authorized by subsection (a) unless the Sec-*
6 *retary determines that no department or agency of the Fed-*
7 *eral Government will accept the transfer of the property.*

8 (c) *CONDITION OF CONVEYANCE.—The conveyance*
9 *under subsection (a) shall be subject to the condition that*
10 *the State use the real property conveyed under that sub-*
11 *section in perpetuity solely for public park or recreational*
12 *purposes.*

13 (d) *REVERSION.—If the Secretary of the Interior deter-*
14 *mines at any time that the real property conveyed pursuant*
15 *to this section is not being used for a purpose specified in*
16 *subsection (b), all right, title, and interest in and to such*
17 *real property, including any improvements thereon, shall*
18 *revert to the United States and the United States shall have*
19 *the right of immediate entry thereon.*

20 (e) *DESCRIPTION OF PROPERTY.—The exact acreage*
21 *and legal description of the real property to be conveyed*
22 *pursuant to this section shall be determined by a survey*
23 *satisfactory to the Secretary of the Navy. The cost of such*
24 *survey shall be borne by the State.*

1 (c) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
2 *thorized under subsection (a) shall be subject to the condi-*
3 *tion that the District—*

4 (1) *use the property and facilities conveyed*
5 *under that subsection for education, economic develop-*
6 *ment, or housing purposes; or*

7 (2) *enter into an agreement with an appropriate*
8 *public or private entity to sell or lease the property*
9 *and facilities to such entity for such purposes.*

10 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
11 *and legal description of the property conveyed under this*
12 *section shall be determined by a survey satisfactory to the*
13 *Secretary. The cost of the survey shall be borne by the Dis-*
14 *trict.*

15 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
16 *retary may require such additional terms and conditions*
17 *in connection with the conveyance under this section as the*
18 *Secretary considers appropriate to protect the interests of*
19 *the United States.*

20 **SEC. 2826. CONVEYANCE OF PRIMATE RESEARCH COMPLEX,**
21 **HOLLOMAN AIR FORCE BASE, NEW MEXICO.**

22 (a) *CONVEYANCE AUTHORIZED.*—*Notwithstanding*
23 *any provision of the Federal Property and Administrative*
24 *Services Act of 1949 (40 U.S.C. 471 et seq.), or any regula-*
25 *tions prescribed thereunder, the Secretary of the Air Force*

1 *may convey all right, title, and interest of the United States*
2 *in and to the primate research complex at Holloman Air*
3 *Force Base, New Mexico. The conveyance shall include the*
4 *colony of chimpanzees owned by the Air Force that are*
5 *housed at or managed from the primate research complex.*
6 *The conveyance may not include the real property on which*
7 *the primate research complex is located.*

8 **(b) COMPETITIVE PROCEDURES REQUIRED.**—*The Sec-*
9 *retary shall use competitive procedures in selecting the per-*
10 *son or entity to which to make the conveyance authorized*
11 *by subsection (a).*

12 **(c) STANDARDS TO BE USED IN SOLICITATION OF**
13 *BIDS.*—*The Secretary shall develop standards for the care*
14 *and use of the primate research complex, and of chim-*
15 *panzees, to be used in soliciting bids for the conveyance au-*
16 *thorized by subsection (a). The Secretary shall develop such*
17 *standards in consultation with the Secretary of Agriculture*
18 *and the Director of the National Institutes of Health.*

19 **(d) CONDITIONS OF CONVEYANCE.**—*The conveyance*
20 *authorized by subsection (a) shall be subject to the*
21 *following conditions:*

22 **(1)** *That the recipient of the primate research*
23 *complex—*

1 (A) utilize any chimpanzees included in the
2 conveyance only for scientific research or medical
3 research purposes; or

4 (B) retire and provide adequate care for
5 such chimpanzees.

6 (2) That the recipient of the primate research
7 complex assume from the Secretary any leases at the
8 primate research complex that are in effect at the
9 time of the conveyance.

10 (e) *DESCRIPTION OF COMPLEX.*—The exact legal de-
11 scription of the primate research complex to be conveyed
12 under subsection (a) shall be determined by a survey or
13 other means satisfactory to the Secretary. The cost of any
14 survey or other services performed at the direction of the
15 Secretary under the authority in the preceding sentence
16 shall be borne by the recipient of the primate research com-
17 plex.

18 (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
19 retary may require such additional terms and conditions
20 in connection with the conveyance under subsection (a) as
21 the Secretary considers appropriate to protect the interests
22 of the United States.

1 **SEC. 2827. DEMONSTRATION PROJECT FOR INSTALLATION**
2 **AND OPERATION OF ELECTRIC POWER DIS-**
3 **TRIBUTION SYSTEM AT YOUNGSTOWN AIR RE-**
4 **SERVE STATION, OHIO.**

5 (a) *AUTHORITY.*—*The Secretary of the Air Force may*
6 *carry out a demonstration project to assess the feasibility*
7 *and advisability of permitting private entities to install,*
8 *operate, and maintain electric power distribution systems*
9 *at military installations. The Secretary shall carry out the*
10 *demonstration project through an agreement under sub-*
11 *section (b).*

12 (b) *AGREEMENT.*—(1) *In order to carry out the dem-*
13 *onstration project, the Secretary shall enter into an agree-*
14 *ment with an electric utility or other company in the*
15 *Youngstown, Ohio, area under which the utility or com-*
16 *pany, as the case may be, installs, operates, and maintains*
17 *(in a manner satisfactory to the Secretary and the utility*
18 *or company) an electric power distribution system at*
19 *Youngstown Air Reserve Station, Ohio.*

20 (2) *The Secretary may not enter into an agreement*
21 *under this subsection until—*

22 (A) *the Secretary submits to the congressional*
23 *defense committees a report on the agreement to be en-*
24 *tered into, including the costs to be incurred by the*
25 *United States under the agreement; and*

1 (B) a period of 21 days has elapsed from the
2 date of the receipt of the report by the committees.

3 (c) *LICENSES AND EASEMENTS.*—In order to facilitate
4 the installation, operation, and maintenance of the electric
5 power distribution system under the agreement under sub-
6 section (b), the Secretary may grant the utility or company
7 with which the Secretary enters into the agreement such li-
8 censes, easements, and rights-of-way as the Secretary and
9 the utility or company, as the case may be, jointly deter-
10 mine necessary for such purposes.

11 (d) *OWNERSHIP OF SYSTEM.*—The agreement between
12 the Secretary and the utility or company under subsection
13 (b) may provide that the utility or company, as the case
14 may be, shall own the electric power distribution system
15 installed under the agreement.

16 (e) *RATES.*—The rates charged by the utility or com-
17 pany for providing and distributing electric power at
18 Youngstown Air Reserve Station through the electric power
19 distribution system installed under the agreement under
20 subsection (b) may not include the costs, including the am-
21 ortization of any costs, incurred by the utility or company,
22 as the case may be, in installing the system.

23 (f) *REPORTS.*—Not later than February 1, 1997, and
24 February 1 of each year following a year in which the Sec-
25 retary carries out the demonstration project under this sec-

1 *tion, the Secretary shall submit to the congressional defense*
2 *committees a report on the project. The report shall include*
3 *the Secretary's current assessment of the project and the rec-*
4 *ommendations, if any, of the Secretary of extending the au-*
5 *thority with respect to the project to other facilities and in-*
6 *stallations of the Department of Defense.*

7 *(g) FUNDING.—In order to pay the costs of the United*
8 *States under the agreement under subsection (b), the Sec-*
9 *retary may use funds authorized to be appropriated by sec-*
10 *tion 2601(3)(B) of the Military Construction Authorization*
11 *Act for Fiscal Year 1996 (division B of Public Law 104–*
12 *106; 110 Stat. 540) for the purpose of rebuilding the electric*
13 *power distribution system at the Youngstown Air Reserve*
14 *Station that were appropriated for that purpose by the*
15 *Military Construction Appropriations Act, 1996 (Public*
16 *Law 104–32; 109 Stat. 283) and that remain available for*
17 *obligation for that purpose as of the date of the enactment*
18 *of this Act.*

19 *(h) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
20 *retary may require such additional terms and conditions*
21 *in the agreement under subsection (b) as the Secretary con-*
22 *siders appropriate to protect the interests of the United*
23 *States.*

1 **SEC. 2828. TRANSFER OF JURISDICTION AND LAND CON-**
2 **VEYANCE, FORT SILL, OKLAHOMA.**

3 (a) *TRANSFER OF LAND FOR NATIONAL CEMETERY.—*

4 (1) *TRANSFER AUTHORIZED.—The Secretary of*
5 *the Army may transfer, without reimbursement, to*
6 *the administrative jurisdiction of the Secretary of*
7 *Veterans Affairs a parcel of real property (including*
8 *any improvements thereon) consisting of approxi-*
9 *mately 400 acres and comprising a portion of Fort*
10 *Sill, Oklahoma.*

11 (2) *USE OF LAND.—The Secretary of Veterans*
12 *Affairs shall use the real property transferred under*
13 *paragraph (1) as a national cemetery under chapter*
14 *24 of title 38, United States Code.*

15 (3) *RETURN OF UNUSED LAND.—If the Secretary*
16 *of Veterans Affairs determines that any portion of the*
17 *real property transferred under paragraph (1) is not*
18 *needed for use as a national cemetery, the Secretary*
19 *of Veterans Affairs shall return such portion to the*
20 *administrative jurisdiction of the Secretary of the*
21 *Army.*

22 (b) *LEGAL DESCRIPTION.—The exact acreage and legal*
23 *description of the real property to be transferred or con-*
24 *veyed under this section shall be determined by surveys that*
25 *are satisfactory to the Secretary of the Army. The cost of*

1 *such surveys shall be borne by the recipient of the real prop-*
2 *erty.*

3 **SEC. 2829. RENOVATION OF THE PENTAGON RESERVATION.**

4 *The Secretary of Defense shall take such action as is*
5 *necessary to reduce the total cost of the renovation of the*
6 *Pentagon Reservation to not more than \$1,118,000,000.*

7 **SEC. 2830. LAND CONVEYANCE, WILLIAM LANGER JEWEL**
8 **BEARING PLANT, ROLLA, NORTH DAKOTA.**

9 *(a) AUTHORITY TO CONVEY.—The Administrator of*
10 *General Services may convey, without consideration, to the*
11 *Job Development Authority of the City of Rolla, North Da-*
12 *kota (in this section referred to as the “Authority”), all*
13 *right, title, and interest of the United States in and to a*
14 *parcel of real property, with improvements thereon and all*
15 *associated personal property, consisting of approximately*
16 *9.77 acres and comprising the William Langer Jewel Bear-*
17 *ing Plant in Rolla, North Dakota.*

18 *(b) CONDITION OF CONVEYANCE.—The conveyance au-*
19 *thorized under subsection (a) shall be subject to the condi-*
20 *tion that the Authority—*

21 *(1) use the real and personal property and im-*
22 *provements conveyed under that subsection for eco-*
23 *nomie development relating to the jewel bearing*
24 *plant;*

1 (2) *enter into an agreement with an appropriate*
2 *public or private entity or person to lease such prop-*
3 *erty and improvements to that entity or person for*
4 *such economic development; or*

5 (3) *enter into an agreement with an appropriate*
6 *public or private entity or person to sell such prop-*
7 *erty and improvements to that entity or person for*
8 *such economic development.*

9 (c) *PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL*
10 *BEARINGS.—(1) In offering to enter into agreements pursu-*
11 *ant to any provision of law for the disposal of jewel bear-*
12 *ings from the National Defense Stockpile, the President*
13 *shall give a right of first refusal on all such offers to the*
14 *Authority or to the appropriate public or private entity or*
15 *person with which the Authority enters into an agreement*
16 *under subsection (b).*

17 (2) *For the purposes of this section, the term “National*
18 *Defense Stockpile” means the stockpile provided for in sec-*
19 *tion 4 of the Strategic and Critical Materials Stock Piling*
20 *Act (50 U.S.C. 98(c)).*

21 (d) *AVAILABILITY OF FUNDS FOR MAINTENANCE AND*
22 *CONVEYANCE OF PLANT.—Notwithstanding any other pro-*
23 *vision of law, funds available in fiscal year 1995 for the*
24 *maintenance of the William Langer Jewel Bearing Plant*
25 *in Public Law 103–335 shall be available for the mainte-*

1 nance of that plant in fiscal year 1996, pending convey-
2 ance, and for the conveyance of that plant under this sec-
3 tion.

4 (e) *DESCRIPTION OF PROPERTY.*—The exact acreage
5 and legal description of the property conveyed under this
6 section shall be determined by a survey satisfactory to the
7 Administrator. The cost of the survey shall be borne by the
8 Administrator.

9 (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Ad-
10 ministrator may require such additional terms and condi-
11 tions in connection with the conveyance under this section
12 as the Administrator determines appropriate to protect the
13 interests of the United States.

14 **SEC. 2831. REAFFIRMATION OF LAND CONVEYANCES, FORT**
15 **SHERIDAN, ILLINOIS.**

16 As soon as practicable after the date of the enactment
17 of this Act, the Secretary of the Army shall complete the
18 land conveyances involving Fort Sheridan, Illinois, re-
19 quired or authorized under section 125 of the Military Con-
20 struction Appropriations Act, 1996 (Public Law 104–32;
21 109 Stat. 290).

1 **SEC. 2832. LAND CONVEYANCE, CRAFTS BROTHERS RE-**
2 **SERVE TRAINING CENTER, MANCHESTER,**
3 **NEW HAMPSHIRE.**

4 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
5 *Army may convey, without consideration, to Saint Anselm*
6 *College, Manchester, New Hampshire, all right, title, and*
7 *interest of the United States in and to a parcel of real prop-*
8 *erty, including improvements thereon, consisting of ap-*
9 *proximately 3.5 acres and located on Rockland Avenue in*
10 *Manchester, New Hampshire, the site of the Crafts Brothers*
11 *Reserve Training Center.*

12 (b) *REQUIREMENT RELATING TO CONVEYANCE.*—*The*
13 *Secretary may not make the conveyance authorized by sub-*
14 *section (a) until the Army Reserve units currently housed*
15 *at the Crafts Brothers Reserve Training Center are relo-*
16 *cated to the Joint Service Reserve Center to be constructed*
17 *at the Manchester Airport, New Hampshire.*

18 (c) *REQUIREMENT FOR FEDERAL SCREENING OF*
19 *PROPERTY.*—*The Secretary may not carry out the convey-*
20 *ance of property authorized by subsection (a) unless the Sec-*
21 *retary determines that no department or agency of the Fed-*
22 *eral Government will accept the transfer of the property.*

23 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
24 *and legal description of the real property to be conveyed*
25 *under subsection (a) shall be determined by a survey satis-*
26 *factory to the Secretary.*

1 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the conveyance under this section as the*
4 *Secretary considers appropriate to protect the interests of*
5 *the United States.*

6 **SEC. 2833. LAND TRANSFER, VERNON RANGER DISTRICT,**
7 **KISATCHIE NATIONAL FOREST, LOUISIANA.**

8 (a) *TRANSFER PURSUANT TO ADMINISTRATIVE*
9 *AGREEMENT.*—(1) *Not later than six months after the date*
10 *of the enactment of this Act, the Secretary of the Army and*
11 *the Secretary of Agriculture shall enter into an agreement*
12 *providing for the transfer to the Secretary of the Army of*
13 *administrative jurisdiction over such portion of land cur-*
14 *rently owned by the United States within the Vernon Rang-*
15 *er District of the Kisatchie National Forest, Louisiana, as*
16 *the Secretary of the Army and the Secretary of Agriculture*
17 *jointly determine appropriate for military training activi-*
18 *ties in connection with Fort Polk, Louisiana. The agree-*
19 *ment shall allocate responsibility for land management and*
20 *conservation activities with respect to the property trans-*
21 *ferred between the Secretary of the Army and the Secretary*
22 *of Agriculture.*

23 (2) *The Secretary of the Army and the Secretary of*
24 *Agriculture may jointly extend the deadline for entering*

1 *into an agreement under paragraph (1). The deadline may*
2 *be extended by not more than six months.*

3 (b) *ALTERNATIVE TRANSFER REQUIREMENT.—If the*
4 *Secretary of the Army and the Secretary of Agriculture fail*
5 *to enter into the agreement referred to paragraph (1) of sub-*
6 *section (a) within the time provided for in that subsection,*
7 *the Secretary of Agriculture shall, at the end of such time,*
8 *transfer to the Secretary of the Army administrative juris-*
9 *isdiction over property consisting of approximately 84,825*
10 *acres of land currently owned by the United States and lo-*
11 *cated in the Vernon Ranger District of the Kisatchie Na-*
12 *tional Forest, Louisiana, as generally depicted on the map*
13 *entitled “Fort Polk Military Installation map”, dated June*
14 *1995.*

15 (c) *LIMITATION ON ACQUISITION OF PRIVATE PROP-*
16 *ERTY.—The Secretary of the Army may acquire privately-*
17 *owned land within the property transferred under this sec-*
18 *tion only with the consent of the owner of the land.*

19 (d) *USE OF PROPERTY.—(1) Subject to paragraph (2),*
20 *the Secretary of the Army shall use the property transferred*
21 *under this section for military maneuvers, training and*
22 *weapons firing, and other military activities in connection*
23 *with Fort Polk, Louisiana.*

24 (2) *The Secretary may not permit the firing of live*
25 *ammunition on or over any portion of the property unless*

1 *the firing of such ammunition on or over such portion is*
2 *permitted as of the date of the enactment of this Act.*

3 (e) *MAP AND LEGAL DESCRIPTION.*—(1) *As soon as*
4 *practicable after the date of the transfer of property under*
5 *this section, the Secretary of Agriculture shall—*

6 (A) *publish in the Federal Register a notice con-*
7 *taining the legal description of the property trans-*
8 *ferred; and*

9 (B) *file a map and the legal description of the*
10 *property with the Committee on Energy and Natural*
11 *Resources, the Committee on Agriculture, Nutrition,*
12 *and Forestry, and the Committee on Armed Services*
13 *of the Senate and the Committee on Resources, the*
14 *Committee on Agriculture, and the Committee on Na-*
15 *tional Security of the House of Representatives.*

16 (2) *The maps and legal descriptions prepared under*
17 *paragraph (1) shall have the same force and effect as if in-*
18 *cluded in this subsection, except that the Secretary of Agri-*
19 *culture may correct clerical and typographical errors in the*
20 *maps and legal descriptions.*

21 (3) *As soon as practicable after the date of the enact-*
22 *ment of this Act, copies of the maps and legal descriptions*
23 *prepared under paragraph (1) shall be available for public*
24 *inspection in the following offices:*

25 (A) *The Office of the Secretary of Agriculture.*

1 (B) *Such offices of the United States Forest*
2 *Service as the Secretary of Agriculture shall des-*
3 *ignate.*

4 (C) *The Office of the Commander of Fort Polk,*
5 *Louisiana.*

6 (D) *The appropriate office in the Vernon Parish*
7 *Court House, Louisiana.*

8 (f) *MANAGEMENT OF PROPERTY.—(1) If the transfer*
9 *of property under this section occurs under subsection (a),*
10 *the Secretary of the Army and the Secretary of Agriculture*
11 *shall manage the property in accordance with the agree-*
12 *ment entered into under that subsection.*

13 (2)(A) *If the transfer of property under this section*
14 *occurs under subsection (b), the Secretary of the Army and*
15 *the Secretary of Agriculture shall manage the property in*
16 *accordance with the management plan under subparagraph*
17 *(B) and the memorandum of understanding under subpara-*
18 *graph (C).*

19 (B)(i) *For purposes of managing the property under*
20 *this paragraph, the Secretary of the Army shall, with the*
21 *concurrence of the Secretary of Agriculture, develop a plan*
22 *for the management of the property not later than two years*
23 *after the transfer of the property. The Secretary of the Army*
24 *shall provide for a period of public comment in developing*
25 *the plan in order to ensure that the concerns of local citizens*

1 *are taken into account in the development of the plan. The*
2 *Secretary of the Army may utilize the property pending*
3 *the completion of the plan.*

4 *(ii) The Secretary of the Army shall develop and im-*
5 *plement the plan in compliance with applicable Federal*
6 *law, including the provisions of the National Environ-*
7 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

8 *(iii) The plan shall provide for the management of the*
9 *natural, cultural, and other resources of the property, in-*
10 *cluding grazing, the management of wildlife and wildlife*
11 *habitat, recreational uses (including hunting and fishing),*
12 *and non-public uses of non-Federal lands within the prop-*
13 *erty.*

14 *(C)(i) For purposes of managing the property under*
15 *this paragraph, the Secretary of the Army and the Sec-*
16 *retary of Agriculture shall enter into a memorandum of un-*
17 *derstanding in order to provide for—*

18 *(I) the implementation of the management plan*
19 *developed under subparagraph (B); and*

20 *(II) the management by the Secretary of Agri-*
21 *culture of such areas of the property as the Secretary*
22 *of the Army and the Secretary of Agriculture des-*
23 *ignate for use for non-military purposes.*

1 (ii) *The Secretary of the Army and the Secretary of*
2 *Agriculture may amend the memorandum of understanding*
3 *by mutual agreement.*

4 (g) *REVERSION.—If at any time after the transfer of*
5 *property under this section the Secretary of the Army deter-*
6 *mines that the property, or any portion thereof, is no longer*
7 *to be retained by the Army for possible use for military*
8 *purposes, jurisdiction over the property, or such portion*
9 *thereof, shall revert to the Secretary of Agriculture who shall*
10 *manage the property, or portion thereof, as part of the*
11 *Kisatchie National Forest.*

12 (h) *IDENTIFICATION OF LAND FOR TRANSFER TO FOR-*
13 *EST SERVICE.—The Secretary of Defense shall seek to iden-*
14 *tify land equal in acreage to the land transferred under*
15 *this section and under the jurisdiction of the Department*
16 *of Defense that is suitable for transfer to the Secretary of*
17 *Agriculture for use by the Forest Service.*

18 **SEC. 2834. LAND CONVEYANCE, AIR FORCE PLANT NO. 85,**

19 **COLUMBUS, OHIO.**

20 (a) *CONVEYANCE AUTHORIZED.—(1) Notwithstanding*
21 *any other provision of law, the Secretary of the Air Force*
22 *may instruct the Administrator of General Services to con-*
23 *vey, without consideration, to the Columbus Municipal Air-*
24 *port Authority (in this section referred to as the “Author-*
25 *ity”)* all right, title, and interest of the United States in

1 *and to a parcel of real property, together with improve-*
2 *ments thereon, at Air Force Plant No. 85, Columbus, Ohio,*
3 *consisting of approximately 240 acres that contains the*
4 *land and buildings referred to as the “airport parcel” in*
5 *the correspondence from the General Services Administra-*
6 *tion to the Authority dated April 30, 1996, and is located*
7 *adjacent to the Port Columbus International Airport.*

8 (2) *If the Secretary does not have administrative juris-*
9 *isdiction over the parcel on the date of the enactment of this*
10 *Act, the conveyance shall be made by the Federal official*
11 *who has administrative jurisdiction over the parcel as of*
12 *that date.*

13 (b) *REQUIREMENT FOR FEDERAL SCREENING.—The*
14 *Federal official may not carry out the conveyance of prop-*
15 *erty authorized in subsection (a) unless the Federal official*
16 *determines, in consultation with the Administrator of Gen-*
17 *eral Services, that no department or agency of the Federal*
18 *Government will accept the transfer of the property.*

19 (c) *CONDITION OF CONVEYANCE.—The conveyance re-*
20 *quired under subsection (a) shall be subject to the condition*
21 *that the Authority use the conveyed property for public air-*
22 *port purposes.*

23 (d) *REVERSION.—If the Federal official making the*
24 *conveyance under subsection (a) determines that any por-*
25 *tion of the conveyed property is not being utilized in accord-*

1 *ance with subsection (c), all right, title, and interest in and*
2 *to such portion shall revert to the United States and the*
3 *United States shall have immediate right of entry thereon.*

4 *(e) DESCRIPTION OF PROPERTY.—The exact acreage*
5 *and legal description of the real property to be conveyed*
6 *under subsection (a) shall be determined by a survey satis-*
7 *factory to the Federal official making the conveyance. The*
8 *cost of the survey shall be borne by the Authority.*

9 *(f) ADDITIONAL TERMS AND CONDITIONS.—The Fed-*
10 *eral official making the conveyance of property under sub-*
11 *section (a) may require such additional terms and condi-*
12 *tions in connection with the conveyance as such official con-*
13 *siders appropriate to protect the interests of the United*
14 *States.*

15 **SEC. 2835. LAND CONVEYANCE, PINE BLUFF ARSENAL, AR-**
16 **KANSAS.**

17 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
18 *Army may convey, without consideration, to the Economic*
19 *Development Alliance of Jefferson County, Arkansas (in*
20 *this section referred to as the “Alliance”), all right, title,*
21 *and interest of the United States in and to a parcel of real*
22 *property, together with any improvements thereon, consist-*
23 *ing of approximately 1,500 acres and comprising a portion*
24 *of the Pine Bluff Arsenal, Arkansas.*

1 **(b) REQUIREMENTS RELATING TO CONVEYANCE.**—*The*
2 *Secretary may not carry out the conveyance of property*
3 *authorized under subsection (a) until—*

4 (1) *the completion by the Secretary of any envi-*
5 *ronmental restoration and remediation that is re-*
6 *quired with the respect to the property under applica-*
7 *ble law;*

8 (2) *the Secretary secures all permits required*
9 *under law applicable regarding the conduct of the*
10 *proposed chemical demilitarization mission at the ar-*
11 *senal; and*

12 (3) *the Secretary of Defense submits to the Com-*
13 *mittee on Armed Services of the Senate and the Com-*
14 *mittee on National Security of the House of Rep-*
15 *resentatives a certification that the conveyance will*
16 *not adversely affect the ability of the Department of*
17 *Defense to conduct that chemical demilitarization*
18 *mission.*

19 **(c) CONDITIONS OF CONVEYANCE.**—*The conveyance*
20 *authorized under subsection (a) shall be subject to the fol-*
21 *lowing conditions:*

22 (1) *That the Alliance agree not to carry out any*
23 *activities on the property to be conveyed that interfere*
24 *with the construction, operation, and decommission-*
25 *ing of the chemical demilitarization facility to be con-*

1 *structed at Pine Bluff Arsenal. If the Alliance fails to*
2 *comply with its agreement in paragraph (1) the prop-*
3 *erty conveyed under this section, all rights, title, and*
4 *interest in and to the property shall revert to the*
5 *United States and the United States shall have imme-*
6 *diate rights of entry thereon.*

7 *(2) That the property be used during the 25-year*
8 *period beginning on the date of the conveyance only*
9 *as the site of the facility known as the “Bioplex”, and*
10 *for activities related thereto.*

11 *(d) COSTS OF CONVEYANCE.—The Alliance shall be re-*
12 *sponsible for any costs of the Army associated with the con-*
13 *veyance of property under this section, including adminis-*
14 *trative costs, the costs of an environmental baseline survey*
15 *with respect to the property, and the cost of any protection*
16 *services required by the Secretary in order to secure oper-*
17 *ations of the chemical demilitarization facility from activi-*
18 *ties on the property after the conveyance.*

19 *(e) REVERSIONARY INTERESTS.—If the Secretary de-*
20 *termines at any time during the 25-year period referred*
21 *to in subsection (c)(2) that the property conveyed under this*
22 *section is not being used in accordance with that subsection,*
23 *all right, title, and interest in and to the property shall*
24 *revert to the United States and the United States shall have*
25 *immediate right of entry thereon.*

1 (f) *SALE OF PROPERTY BY ALLIANCE.*—*If at any time*
2 *during the 25-year period referred to in subsection (c)(2)*
3 *the Alliance sells all or a portion of the property conveyed*
4 *under this section, the Alliance shall pay the United States*
5 *an amount equal to the lesser of—*

6 (1) *the amount of the sale of the property sold;*

7 *or*

8 (2) *the fair market value of the property sold at*
9 *the time of the sale, excluding the value of any im-*
10 *provements to the property sold that have been made*
11 *by the Alliance.*

12 (g) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
13 *and legal description of the property conveyed under this*
14 *section shall be determined by a survey satisfactory to the*
15 *Secretary. The cost of the survey shall be borne by the Alli-*
16 *ance.*

17 (h) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
18 *retary may require such additional terms and conditions*
19 *in connection with conveyance under this section as the Sec-*
20 *retary considers appropriate to protect the interests of the*
21 *United States.*

1 **SEC. 2836. MODIFICATION OF BOUNDARIES OF WHITE**
2 **SANDS NATIONAL MONUMENT AND WHITE**
3 **SANDS MISSILE RANGE.**

4 (a) *PURPOSE.*—*The purpose of this section is to effect*
5 *an exchange between the Secretary of the Interior and the*
6 *Secretary of the Army of administrative jurisdiction over*
7 *the lands described in subsection (c) in order to facilitate*
8 *administration of the White Sands National Monument*
9 *and the White Sands Missile Range.*

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

11 (1) *MISSILE RANGE.*—*The term “missile range”*
12 *means the White Sands Missile Range, New Mexico,*
13 *administered by the Secretary of the Army.*

14 (2) *MONUMENT.*—*The term “monument” means*
15 *the White Sands National Monument, New Mexico,*
16 *established by Proclamation No. 2025 (16 U.S.C. 431*
17 *note) and administered by the Secretary of the Inte-*
18 *rior.*

19 (c) *EXCHANGE OF JURISDICTION.*—*The lands ex-*
20 *changed under this Act are the lands generally depicted on*
21 *the map entitled “White Sands National Monument,*
22 *Boundary Proposal”, numbered 142/80,061 and dated Jan-*
23 *uary 1994, comprising—*

24 (1) *approximately 2,524 acres of land within the*
25 *monument that is under the jurisdiction of the Sec-*

1 *retary of the Army, which are transferred to the Sec-*
2 *retary of the Interior;*

3 *(2) approximately 5,758 acres of land within the*
4 *missile range abutting the monument, which are*
5 *transferred to the Secretary of the Interior; and*

6 *(3) approximately 4,277 acres of land within the*
7 *monument abutting the missile range, which are*
8 *transferred to the Secretary of the Army.*

9 *(d) BOUNDARY MODIFICATION.—The boundary of the*
10 *monument is modified to include the land transferred to*
11 *the Secretary of the Interior and exclude the land trans-*
12 *ferred to the Secretary of the Army by subsection (c). The*
13 *boundary of the missile range is modified accordingly.*

14 *(e) ADMINISTRATION.—*

15 *(1) MONUMENT.—The Secretary of the Interior*
16 *shall administer the lands transferred to the Secretary*
17 *of the Interior by subsection (c) in accordance with*
18 *laws (including regulations) applicable to the monu-*
19 *ment.*

20 *(2) MISSILE RANGE.—The Secretary of the Army*
21 *shall administer the lands transferred to the Secretary*
22 *of the Army by subsection (c) as part of the missile*
23 *range.*

24 *(3) AIRSPACE.—The Secretary of the Army shall*
25 *maintain control of the airspace above the lands*

1 *transferred to the Secretary of the Army by subsection*
2 *(c) as part of the missile range.*

3 *(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of*
4 *the Interior and the Secretary of the Army shall prepare,*
5 *and the Secretary of the Interior shall keep on file for public*
6 *inspection in the headquarters of the monument, a map*
7 *showing the boundary of the monument as modified by this*
8 *Act.*

9 *(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—*
10 *Notwithstanding section 303(b)(1) of the National Parks*
11 *and Recreation Act of 1978 (92 Stat. 3476), land or an*
12 *interest in land that was deleted from the monument by*
13 *section 301(19) of the Act (92 Stat. 3475) may be exchanged*
14 *for land owned by the State of New Mexico within the*
15 *boundaries of any unit of the National Park System in the*
16 *State of New Mexico, may be transferred to the jurisdiction*
17 *of any other Federal agency without monetary consider-*
18 *ation, or may be administered as public land, as the Sec-*
19 *retary considers appropriate.*

20 **SEC. 2837. BANDELIER NATIONAL MONUMENT.**

21 *(a) FINDINGS AND PURPOSE.—*

22 *(1) FINDINGS.—Congress finds that—*

23 *(A) under the provisions of a special use*
24 *permit, sewage lagoons for Bandelier National*
25 *Monument, established by Proclamation No.*

1 1322 (16 U.S.C. 431 note) (referred to in this
2 section as the “monument”) are located on land
3 administered by the Secretary of Energy that is
4 adjacent to the monument; and

5 (B) modification of the boundary of the
6 monument to include the land on which the sew-
7 age lagoons are situated—

8 (i) would facilitate administration of
9 both the monument and the adjacent land
10 that would remain under the administrative
11 jurisdiction of the Secretary of Energy; and

12 (ii) can be accomplished at no cost.

13 (2) *PURPOSE.*—The purpose of this section is to
14 modify the boundary between the monument and ad-
15 jacent Department of Energy land to facilitate man-
16 agement of the monument and Department of Energy
17 land.

18 (b) *BOUNDARY MODIFICATION.*—

19 (1) *TRANSFER OF ADMINISTRATIVE JURISDIC-*
20 *TION.*—There is transferred from the Secretary of En-
21 ergy to the Secretary of the Interior administrative
22 jurisdiction over the land comprising approximately
23 4.47 acres depicted on the map entitled “Boundary
24 Map, Bandelier National Monument”, No. 315/
25 80,051, dated March 1995.

1 (2) *BOUNDARY MODIFICATION.*—*The boundary of*
2 *the monument is modified to include the land trans-*
3 *ferred by paragraph (1).*

4 (3) *PUBLIC AVAILABILITY OF MAP.*—*The map de-*
5 *scribed in paragraph (1) shall be on file and avail-*
6 *able for public inspection in the Lands Office at the*
7 *Southwest System Support Office of the National*
8 *Park Service, Santa Fe, New Mexico, and in the Su-*
9 *perintendent's Office of Bandelier National Monu-*
10 *ment.*

11 ***DIVISION C—DEPARTMENT OF***
12 ***ENERGY NATIONAL SECURITY***
13 ***AUTHORIZATIONS AND***
14 ***OTHER AUTHORIZATIONS***
15 ***TITLE XXXI—DEPARTMENT OF***
16 ***ENERGY NATIONAL SECURITY***
17 ***PROGRAMS***
18 ***Subtitle A—National Security***
19 ***Programs Authorizations***

20 ***SEC. 3101. WEAPONS ACTIVITIES.***

21 (a) *STOCKPILE STEWARDSHIP.*—*Funds are hereby au-*
22 *thorized to be appropriated to the Department of Energy*
23 *for fiscal year 1997 for stockpile stewardship in carrying*
24 *out weapons activities necessary for national security pro-*

1 *grams in the amount of \$1,636,767,000, to be allocated as*
2 *follows:*

3 (1) *For core stockpile stewardship,*
4 *\$1,200,907,000, to be allocated as follows:*

5 (A) *For operation and maintenance,*
6 *\$1,112,570,000.*

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 *\$88,337,000, to be allocated as follows:*

13 *Project 96–D–102, stockpile steward-*
14 *ship facilities revitalization, Phase VI, var-*
15 *ious locations, \$19,250,000.*

16 *Project 96–D–103, ATLAS, Los Ala-*
17 *mos National Laboratory, Los Alamos, New*
18 *Mexico, \$15,100,000.*

19 *Project 96–D–104, processing and en-*
20 *vironmental technology laboratory (PETL),*
21 *Sandia National Laboratories, Albuquerque,*
22 *New Mexico, \$14,100,000.*

23 *Project 96–D–105, contained firing fa-*
24 *cility addition, Lawrence Livermore Na-*

1 *tional Laboratory, Livermore, California,*
2 *\$17,100,000.*

3 *Project 95–D–102, Chemical and Met-*
4 *allurgy Research Building upgrades project,*
5 *Los Alamos National Laboratory, Los Ala-*
6 *mos, New Mexico, \$15,000,000.*

7 *Project 94–D–102, nuclear weapons re-*
8 *search, development, and testing facilities*
9 *revitalization, Phase V, various locations,*
10 *\$7,787,000.*

11 *(2) For inertial fusion, \$366,460,000, to be allo-*
12 *cated as follows:*

13 *(A) For operation and maintenance,*
14 *\$234,560,000.*

15 *(B) For the following plant project (includ-*
16 *ing maintenance, restoration, planning, con-*
17 *struction, acquisition, and modification of facili-*
18 *ties, and land acquisition related thereto):*

19 *Project 96–D–111, national ignition*
20 *facility, location to be determined,*
21 *\$131,900,000.*

22 *(3) For technology transfer and education,*
23 *\$69,400,000.*

24 *(b) STOCKPILE MANAGEMENT.—Funds are hereby au-*
25 *thorized to be appropriated to the Department of Energy*

1 *for fiscal year 1997 for stockpile management in carrying*
2 *out weapons activities necessary for national security pro-*
3 *grams in the amount of \$1,988,831,000, to be allocated as*
4 *follows:*

5 (1) *For operation and maintenance,*
6 *\$1,894,470,000.*

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), \$94,361,000, to be allocated as follows:*

12 *Project 97-D-121, consolidated pit packag-*
13 *ing system, Pantex Plant, Amarillo, Texas,*
14 *\$870,000.*

15 *Project 97-D-122, nuclear materials stor-*
16 *age facility renovation, Los Alamos National*
17 *Laboratory, Los Alamos, New Mexico,*
18 *\$4,000,000.*

19 *Project 97-D-123, structural upgrades,*
20 *Kansas City Plant, Kansas City, Missouri,*
21 *\$1,400,000.*

22 *Project 97-D-124, steam plant waste water*
23 *treatment facility upgrade, Y-12 plant, Oak*
24 *Ridge, Tennessee, \$600,000.*

1 *Project 96-D-122, sewage treatment quality*
2 *upgrade (STQU), Pantex Plant, Amarillo,*
3 *Texas, \$100,000.*

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 *\$7,000,000.*

8 *Project 96-D-125, Washington measure-*
9 *ments operations facility, Andrews Air Force*
10 *Base, Camp Springs, Maryland, \$3,825,000.*

11 *Project 95-D-122, sanitary sewer upgrade,*
12 *Y-12 plant, Oak Ridge, Tennessee, \$10,900,000.*

13 *Project 94-D-124, hydrogen fluoride supply*
14 *system, Y-12 plant, Oak Ridge, Tennessee,*
15 *\$4,900,000.*

16 *Project 94-D-125, upgrade life safety, Kan-*
17 *sas City Plant, Kansas City, Missouri,*
18 *\$5,200,000.*

19 *Project 94-D-127, emergency notification*
20 *system, Pantex Plant, Amarillo, Texas,*
21 *\$2,200,000.*

22 *Project 93-D-122, life safety upgrades, Y-*
23 *12 plant, Oak Ridge, Tennessee, \$7,200,000.*

24 *Project 93-D-123, non-nuclear reconfigura-*
25 *tion, complex-21, various locations, \$14,487,000.*

1 *Project 88-D-122, facilities capability as-*
2 *surance program, various locations, \$21,940,000.*

3 *Project 88-D-123, security enhancement,*
4 *Pantex Plant, Amarillo, Texas, \$9,739,000.*

5 *(c) PROGRAM DIRECTION.—Funds are hereby author-*
6 *ized to be appropriated to the Department of Energy for*
7 *fiscal year 1997 for program direction in carrying out*
8 *weapons activities necessary for national security programs*
9 *in the amount of \$323,404,000.*

10 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
11 **MANAGEMENT.**

12 *(a) ENVIRONMENTAL RESTORATION.—Subject to sub-*
13 *section (j), funds are hereby authorized to be appropriated*
14 *to the Department of Energy for fiscal year 1997 for envi-*
15 *ronmental restoration in carrying out environmental res-*
16 *toration and waste management activities necessary for na-*
17 *tional security programs in the amount of \$1,777,194,000.*

18 *(b) WASTE MANAGEMENT.—Subject to subsection (j),*
19 *funds are hereby authorized to be appropriated to the De-*
20 *partment of Energy for fiscal year 1997 for waste manage-*
21 *ment in carrying out environmental restoration and waste*
22 *management activities necessary for national security pro-*
23 *grams in the amount of \$1,601,653,000, to be allocated as*
24 *follows:*

1 (1) For operation and maintenance,
2 \$1,513,326,000.

3 (2) For plant projects (including maintenance,
4 restoration, planning, construction, acquisition, modi-
5 fication of facilities, and the continuation of projects
6 authorized in prior years, and land acquisition relat-
7 ed thereto), \$88,327,000, to be allocated as follows:

8 Project 97-D-402, tank restoration and safe
9 operations, Richland, Washington, \$7,584,000.

10 Project 96-D-408, waste management up-
11 grades, various locations, \$11,246,000.

12 Project 95-D-402, install permanent elec-
13 trical service, Waste Isolation Pilot Plant, Carls-
14 bad, New Mexico, \$752,000.

15 Project 95-D-405, industrial landfill V and
16 construction/demolition landfill VII, Phase III,
17 Y-12 Plant, Oak Ridge, Tennessee, \$200,000.

18 Project 94-D-404, Melton Valley storage
19 tank capacity increase, Oak Ridge National Lab-
20 oratory, Oak Ridge, Tennessee, \$6,345,000.

21 Project 94-D-407, initial tank retrieval
22 systems, Richland, Washington, \$12,600,000.

23 Project 93-D-182, replacement of cross-site
24 transfer system, Richland, Washington,
25 \$8,100,000.

1 *Project 93–D–187, high-level waste removal*
2 *from filled waste tanks, Savannah River Site,*
3 *South Carolina, \$20,000,000.*

4 *Project 89–D–174, replacement high-level*
5 *waste evaporator, Savannah River Site, Aiken,*
6 *South Carolina, \$11,500,000.*

7 *Project 86–D–103, decontamination and*
8 *waste treatment facility, Lawrence Livermore*
9 *National Laboratory, Livermore, California,*
10 *\$10,000,000.*

11 *(c) TECHNOLOGY DEVELOPMENT.—Subject to sub-*
12 *section (j), funds are hereby authorized to be appropriated*
13 *to the Department of Energy for fiscal year 1997 for tech-*
14 *nology development in carrying out environmental restora-*
15 *tion and waste management activities necessary for na-*
16 *tional security programs in the amount of \$328,771,000.*

17 *(d) NUCLEAR MATERIALS AND FACILITIES STABILIZA-*
18 *TION.—Subject to subsection (j), funds are hereby author-*
19 *ized to be appropriated to the Department of Energy for*
20 *fiscal year 1997 for nuclear materials and facilities sta-*
21 *bilization in carrying out environmental restoration and*
22 *waste management activities necessary for national security*
23 *programs in the amount of \$994,821,000, to be allocated*
24 *as follows:*

1 (1) For operation and maintenance,
2 \$909,664,000.

3 (2) For plant projects (including maintenance,
4 restoration, planning, construction, acquisition, modi-
5 fication of facilities, and the continuation of projects
6 authorized in prior years, and land acquisition relat-
7 ed thereto), \$85,157,000, to be allocated as follows:

8 Project 97-D-450, actinide packaging and
9 storage facility, Savannah River Site, Aiken,
10 South Carolina, \$7,900,000.

11 Project 97-D-451, B-plant safety class ven-
12 tilation upgrades, Richland, Washington,
13 \$1,500,000.

14 Project 96-D-406, spent nuclear fuels can-
15 ister storage and stabilization facility, Richland,
16 Washington, \$60,672,000.

17 Project 96-D-464, electrical and utility sys-
18 tems upgrade, Idaho Chemical Processing Plant,
19 Idaho National Engineering Laboratory, Idaho,
20 \$10,440,000.

21 Project 95-D-456, security facilities up-
22 grade, Idaho Chemical Processing Plant, Idaho
23 National Engineering Laboratory, Idaho,
24 \$4,645,000.

1 (e) *POLICY AND MANAGEMENT.*—Subject to subsection
2 (j), funds are hereby authorized to be appropriated to the
3 Department of Energy for fiscal year 1997 policy and man-
4 agement activities (including development and direction of
5 policy, training and education, and management) in carry-
6 ing out environmental restoration and waste management
7 activities necessary for national security programs in the
8 amount of \$26,155,000.

9 (f) *SITE OPERATIONS.*—Subject to subsection (j), funds
10 are hereby authorized to be appropriated to the Department
11 of Energy for fiscal year 1997 for site operations in carry-
12 ing out environmental restoration and waste management
13 activities necessary for national security programs in the
14 amount of \$363,469,000, to be allocated as follows:

15 (1) For operation and maintenance,
16 \$331,054,000.

17 (2) For plant projects (including maintenance,
18 restoration, planning, construction, acquisition, modi-
19 fication of facilities, and the continuation of projects
20 authorized in prior years, and land acquisition relat-
21 ed thereto), \$32,415,000, to be allocated as follows:

22 Project 96–D–461, electrical distribution
23 upgrade, Idaho National Engineering Labora-
24 tory, Idaho, \$6,790,000.

1 *Project 96–D–470, environmental monitor-*
2 *ing laboratory, Savannah River Site, Aiken,*
3 *South Carolina, \$2,500,000.*

4 *Project 96–D–471, chlorofluorocarbon heat-*
5 *ing, ventilation, and air conditioning and chiller*
6 *retrofit, Savannah River Site, Aiken, South*
7 *Carolina, \$8,541,000.*

8 *Project 96–D–473, health physics site sup-*
9 *port facility, Savannah River Site, Aiken, South*
10 *Carolina, \$2,000,000.*

11 *Project 95–E–600, hazardous materials*
12 *management and emergency response training*
13 *center, Richland, Washington, \$7,900,000.*

14 *Project 95–D–155, upgrade site road infra-*
15 *structure, Savannah River, South Carolina,*
16 *\$4,137,000.*

17 *Project 94–D–401, emergency response facil-*
18 *ity, Idaho National Engineering Laboratory,*
19 *Idaho, \$547,000.*

20 *(g) ENVIRONMENTAL SCIENCE AND RISK POLICY.—*
21 *Subject to subsection (j), funds are hereby authorized to be*
22 *appropriated to the Department of Energy for fiscal year*
23 *1997 for environmental science and risk policy activities*
24 *in carrying out environmental restoration and waste man-*

1 *agement activities necessary for national security programs*
2 *in the amount of \$52,136,000.*

3 *(h) ENVIRONMENTAL MANAGEMENT PRIVATIZATION.—*
4 *Subject to subsection (j), funds are hereby authorized to be*
5 *appropriated to the Department of Energy for fiscal year*
6 *1997 for environmental management privatization activi-*
7 *ties in carrying out environmental restoration and waste*
8 *management necessary for national security programs in*
9 *the amount of \$185,000,000.*

10 *(i) PROGRAM DIRECTION.—Subject to subsection (j),*
11 *funds are hereby authorized to be appropriated to the De-*
12 *partment of Energy for fiscal year 1997 for program direc-*
13 *tion in carrying out environmental restoration and waste*
14 *management activities necessary for national security pro-*
15 *grams in the amount of \$436,511,000.*

16 *(j) ADJUSTMENTS.—The total amount authorized to be*
17 *appropriated pursuant to this section is the sum of the*
18 *amounts authorized to be appropriated in subsections (a)*
19 *through (i) reduced by the sum of—*

20 *(1) \$150,400,000, for use of prior year balances;*

21 *and*

22 *(2) \$8,000,000, for Savannah River Pension Re-*
23 *fund.*

1 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

2 *Funds are hereby authorized to be appropriated to the*
3 *Department of Energy for fiscal year 1997 for other defense*
4 *activities in carrying out programs necessary for national*
5 *security in the amount of \$1,560,700,000, to be allocated*
6 *as follows:*

7 (1) *For verification and control technology,*
8 *\$456,348,000, to be allocated as follows:*

9 (A) *For nonproliferation and verification*
10 *research and development, \$204,919,000.*

11 (B) *For arms control, \$216,244,000.*

12 (C) *For intelligence, \$35,185,000.*

13 (2) *For nuclear safeguards and security,*
14 *\$47,208,000.*

15 (3) *For security investigations, \$22,000,000.*

16 (4) *For environment, safety, and health, defense,*
17 *\$53,094,000.*

18 (5) *For program direction, environment, safety,*
19 *and health, defense, \$10,706,000.*

20 (6) *For worker and community transition assist-*
21 *ance, \$62,659,000.*

22 (7) *For program direction, worker and commu-*
23 *nity transition assistance, \$4,341,000.*

24 (8) *For fissile materials \$93,796,000, to be allo-*
25 *cated as follows:*

1 (A) For control and disposition,
2 \$73,163,000.

3 (B) For the following plant project (includ-
4 ing maintenance, restoration, planning, con-
5 struction, acquisition, and modification of facili-
6 ties, and land acquisition related thereto):

7 Project 97-D-140, consolidated special
8 nuclear materials storage plant, location to
9 be determined, \$17,000,000.

10 (C) For program direction, \$3,633,000.

11 (9) For emergency management, \$16,794,000.

12 (10) For program direction, nonproliferation
13 and national security, \$90,622,000.

14 (11) For naval reactors development,
15 \$681,932,000, to be allocated as follows:

16 (A) For operation and infrastructure,
17 \$649,330,000.

18 (B) For plant projects (including mainte-
19 nance, restoration, planning, construction, ac-
20 quisition, modification of facilities, and the con-
21 tinuation of projects authorized in prior years,
22 and land acquisition related thereto),
23 \$13,700,000, to be allocated as follows:

24 Project 97-D-201, advanced test reac-
25 tor secondary coolant system upgrades

1 *Idaho National Engineering Laboratory,*
2 *Idaho, \$400,000.*

3 *Project 95–D–200, laboratory systems*
4 *and hot cell upgrades, various locations,*
5 *\$4,800,000.*

6 *Project 95–D–201, advanced test reac-*
7 *tor radioactive waste system upgrades,*
8 *Idaho National Engineering Laboratory,*
9 *Idaho, \$500,000.*

10 *Project 90–N–102, expended core facil-*
11 *ity dry cell project, Naval Reactors Facility,*
12 *Idaho, \$8,000,000.*

13 *(C) For program direction, \$18,902,000.*

14 *(12) For international nuclear safety,*
15 *\$15,200,000.*

16 *(13) For nuclear security, \$6,000,000.*

17 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

18 *Funds are hereby authorized to be appropriated to the*
19 *Department of Energy for fiscal year 1996 for payment to*
20 *the Nuclear Waste Fund established in section 302(c) of the*
21 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in*
22 *the amount of \$200,000,000.*

1 **Subtitle B—Recurring General**
2 **Provisions**

3 **SEC. 3121. REPROGRAMMING.**

4 (a) *IN GENERAL.*—Until the Secretary of Energy sub-
5 mits to the congressional defense committees the report re-
6 ferred to in subsection (b) and a period of 30 days has
7 elapsed after the date on which such committees receive the
8 report, the Secretary may not use amounts appropriated
9 pursuant to this title for any program—

10 (1) *in amounts that exceed, in a fiscal year—*

11 (A) *110 percent of the amount authorized*
12 *for that program by this title; or*

13 (B) *\$1,000,000 more than the amount au-*
14 *thorized for that program by this title; or*

15 (2) *which has not been presented to, or requested*
16 *of, Congress.*

17 (b) *REPORT.*—(1) *The report referred to in subsection*
18 *(a) is a report containing a full and complete statement*
19 *of the action proposed to be taken and the facts and cir-*
20 *cumstances relied upon in support of such proposed action.*

21 (2) *In the computation of the 30-day period under sub-*
22 *section (a), there shall be excluded any day on which either*
23 *House of Congress is not in session because of an adjourn-*
24 *ment of more than 3 days to a day certain.*

1 (c) *LIMITATIONS.*—(1) *In no event may the total*
2 *amount of funds obligated pursuant to this title exceed the*
3 *total amount authorized to be appropriated by this title.*

4 (2) *Funds appropriated pursuant to this title may not*
5 *be used for an item for which Congress has specifically de-*
6 *nied funds.*

7 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

8 (a) *IN GENERAL.*—*The Secretary of Energy may carry*
9 *out any construction project under the general plant*
10 *projects authorized by this title if the total estimated cost*
11 *of the construction project does not exceed \$5,000,000.*

12 (b) *REPORT TO CONGRESS.*—*If, at any time during*
13 *the construction of any general plant project authorized by*
14 *this title, the estimated cost of the project is revised because*
15 *of unforeseen cost variations and the revised cost of the*
16 *project exceeds \$5,000,000, the Secretary shall immediately*
17 *furnish a complete report to the congressional defense com-*
18 *mittees explaining the reasons for the cost variation.*

19 (c) *STUDY ON PERMANENT AUTHORIZATION FOR GEN-*
20 *ERAL PLANT PROJECTS.*—*Not later than February 1, 1997,*
21 *the Secretary of Energy shall report to the appropriate con-*
22 *gressional committees on the need for, and desirability of,*
23 *a permanent authorization formula for defense and civilian*
24 *general plant projects in the Department of Energy that*
25 *includes periodic adjustments for inflation, including any*

1 *legislative recommendations to enact such formula into per-*
2 *manent law. The report of the Secretary shall describe ac-*
3 *tions that would be taken by the Department to provide for*
4 *cost control of general plant projects, taking into account*
5 *the size and nature of such projects.*

6 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

7 (a) *IN GENERAL.*—(1) *Except as provided in para-*
8 *graph (2), construction on a construction project may not*
9 *be started or additional obligations incurred in connection*
10 *with the project above the total estimated cost, whenever the*
11 *current estimated cost of the construction project, which is*
12 *authorized by section 3101, 3102, or 3103, or which is in*
13 *support of national security programs of the Department*
14 *of Energy and was authorized by any previous Act, exceeds*
15 *by more than 25 percent the higher of—*

16 (A) *the amount authorized for the project; or*

17 (B) *the amount of the total estimated cost for the*
18 *project as shown in the most recent budget justifica-*
19 *tion data submitted to Congress.*

20 (2) *An action described in paragraph (1) may be taken*
21 *if—*

22 (A) *the Secretary of Energy has submitted to the*
23 *congressional defense committees a report on the ac-*
24 *tions and the circumstances making such action nec-*
25 *essary; and*

1 (B) a period of 30 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

4 (3) In the computation of the 30-day period under
5 paragraph (2), there shall be excluded any day on which
6 either House of Congress is not in session because of an
7 adjournment of more than 3 days to a day certain.

8 (b) *EXCEPTION.*—Subsection (a) shall not apply to
9 any construction project which has a current estimated cost
10 of less than \$5,000,000.

11 **SEC. 3124. FUND TRANSFER AUTHORITY.**

12 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The
13 Secretary of Energy may transfer funds authorized to be
14 appropriated to the Department of Energy pursuant to this
15 title to other Federal agencies for the performance of work
16 for which the funds were authorized. Funds so transferred
17 may be merged with and be available for the same purposes
18 and for the same period as the authorizations of the Federal
19 agency to which the amounts are transferred.

20 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY;*
21 *LIMITATIONS.*—(1) Subject to paragraph (2), the Secretary
22 of Energy may transfer funds authorized to be appropriated
23 to the Department of Energy pursuant to this title between
24 any such authorizations. Amounts of authorizations so
25 transferred may be merged with and be available for the

1 *same purposes and for the same period as the authorization*
2 *to which the amounts are transferred.*

3 (2) *Not more than five percent of any such authoriza-*
4 *tion may be transferred between authorizations under para-*
5 *graph (1). No such authorization may be increased or de-*
6 *creased by more than five percent by a transfer under such*
7 *paragraph.*

8 (3) *The authority provided by this section to transfer*
9 *authorizations—*

10 (A) *may only be used to provide funds for items*
11 *relating to weapons activities necessary for national*
12 *security programs that have a higher priority than*
13 *the items from which the funds are transferred; and*

14 (B) *may not be used to provide authority for an*
15 *item that has been denied funds by Congress.*

16 (c) *NOTICE TO CONGRESS.—The Secretary of Energy*
17 *shall promptly notify the Committee on Armed Services of*
18 *the Senate and the Committee on National Security of the*
19 *House of Representatives of any transfer of funds to or from*
20 *authorizations under this title.*

21 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
22 **TION DESIGN.**

23 (a) *REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)*
24 *Subject to paragraph (2) and except as provided in para-*
25 *graph (3), before submitting to Congress a request for funds*

1 *for a construction project that is in support of a national*
2 *security program of the Department of Energy, the Sec-*
3 *retary of Energy shall complete a conceptual design for that*
4 *project. The Secretary shall submit to Congress a report on*
5 *each conceptual design completed under this paragraph.*

6 (2) *If the estimated cost of completing a conceptual*
7 *design for a construction project exceeds \$3,000,000, the*
8 *Secretary shall submit to Congress a request for funds for*
9 *the conceptual design before submitting a request for funds*
10 *for the construction project.*

11 (3) *The requirement in paragraph (1) does not apply*
12 *to a request for funds—*

13 (A) *for a construction project the total estimated*
14 *cost of which is less than \$5,000,000; or*

15 (B) *for emergency planning, design, and con-*
16 *struction activities under section 3126.*

17 (b) *AUTHORITY FOR CONSTRUCTION DESIGN.—(1)*
18 *Within the amounts authorized by this title, the Secretary*
19 *of Energy may carry out construction design (including ar-*
20 *chitectural and engineering services) in connection with*
21 *any proposed construction project if the total estimated cost*
22 *for such design does not exceed \$600,000.*

23 (2) *If the total estimated cost for construction design*
24 *in connection with any construction project exceeds*

1 \$600,000, funds for such design must be specifically author-
2 ized by law.

3 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
4 **SIGN, AND CONSTRUCTION ACTIVITIES.**

5 (a) *AUTHORITY.*—The Secretary of Energy may use
6 any funds available to the Department of Energy pursuant
7 to an authorization in this title, including those funds au-
8 thorized to be appropriated for advance planning and con-
9 struction design under sections 3101, 3102, and 3103, to
10 perform planning, design, and construction activities for
11 any Department of Energy national security program con-
12 struction project that, as determined by the Secretary, must
13 proceed expeditiously in order to protect public health and
14 safety, to meet the needs of national defense, or to protect
15 property.

16 (b) *LIMITATION.*—The Secretary may not exercise the
17 authority under subsection (a) in the case of any construc-
18 tion project until the Secretary has submitted to the con-
19 gressional defense committees a report on the activities that
20 the Secretary intends to carry out under this section and
21 the circumstances making such activities necessary.

22 (c) *SPECIFIC AUTHORITY.*—The requirement of section
23 3125(b)(2) does not apply to emergency planning, design,
24 and construction activities conducted under this section.

1 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
2 **RITY PROGRAMS OF THE DEPARTMENT OF**
3 **ENERGY.**

4 *Subject to the provisions of appropriations Acts and*
5 *section 3121, amounts appropriated pursuant to this title*
6 *for management and support activities and for general*
7 *plant projects are available for use, when necessary, in con-*
8 *nection with all national security programs of the Depart-*
9 *ment of Energy.*

10 **SEC. 3128. AVAILABILITY OF FUNDS.**

11 *When so specified in an appropriations Act, amounts*
12 *appropriated for operation and maintenance or for plant*
13 *projects may remain available until expended.*

14 **Subtitle C—Program Authoriza-**
15 **tions, Restrictions, and Limita-**
16 **tions**

17 **SEC. 3131. TRITIUM PRODUCTION.**

18 *(a) ACCELERATION OF TRITIUM PRODUCTION.—(1)*
19 *The Secretary of Energy shall, during fiscal year 1997,*
20 *make a final decision on the technologies to be utilized, and*
21 *the accelerated schedule to be adopted, for tritium produc-*
22 *tion in order to meet the requirements of the Nuclear Weap-*
23 *ons Stockpile Memorandum relating to tritium production,*
24 *including the new tritium production date of 2005 specified*
25 *in the Nuclear Weapons Stockpile Memorandum.*

1 (2) *In making the final decision, the Secretary shall*
2 *take into account the following:*

3 (A) *The requirements for tritium production*
4 *specified in the Nuclear Weapons Stockpile Memorandum,*
5 *including, in particular, the requirements for*
6 *the “upload hedge” component of the nuclear weapons*
7 *stockpile.*

8 (B) *The ongoing activities of the Department re-*
9 *lating to the evaluation and demonstration of tech-*
10 *nologies under the accelerator reactor program and*
11 *the commercial light water reactor program.*

12 (b) *REPORT.—(1) Not later than April 15, 1997, the*
13 *Secretary shall submit to the Congress a report that sets*
14 *forth the final decision of the Secretary under subsection*
15 *(a)(1). The report shall set forth in detail—*

16 (A) *the technologies decided on under that sub-*
17 *section; and*

18 (B) *the accelerated schedule for the production of*
19 *tritium decided on under that subsection.*

20 (2) *If the Secretary determines that it is not possible*
21 *to make the final decision by the date specified in para-*
22 *graph (1), the Secretary shall submit to Congress on that*
23 *date a report that explains in detail why the final decision*
24 *cannot be made by that date.*

1 (c) *NEW TRITIUM PRODUCTION FACILITY.*—*The Sec-*
2 *retary shall commence planning and design activities and*
3 *infrastructure development for a new tritium production fa-*
4 *cility.*

5 (d) *IN-REACTOR TESTS.*—*The Secretary may perform*
6 *in-reactor tests of tritium target rods as part of the activi-*
7 *ties carried out under the commercial light water reactor*
8 *program.*

9 (e) *FUNDING.*—*Of the funds authorized to be appro-*
10 *priated to the Department of Energy pursuant to section*
11 *3101(b)(1)—*

12 (1) *not more than \$45,000,000 shall be available*
13 *for research, development, and technology demonstra-*
14 *tion activities and other activities relating to the pro-*
15 *duction of tritium in accelerators;*

16 (2) *not more than \$15,000,000 shall be available*
17 *for the commercial light water reactor project, includ-*
18 *ing activities relating to target development, extrac-*
19 *tion capability, and reactor acquisition or initial*
20 *tritium operations; and*

21 (3) *not more than \$100,000,000 shall be avail-*
22 *able for other tritium production research activities.*

1 **SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRIT-**
2 **IUM RECYCLING FACILITIES.**

3 (a) *IN GENERAL.*—*The Secretary of Energy shall*
4 *carry out activities to modernize and consolidate the facili-*
5 *ties for recycling tritium for weapons at the Savannah*
6 *River Site, South Carolina, so as to ensure that such facili-*
7 *ties have a capacity to recycle tritium from weapons that*
8 *is adequate to meet the tritium requirements for weapons*
9 *specified in the Nuclear Weapons Stockpile Memorandum.*

10 (b) *FUNDING.*—*Of the funds authorized to be appro-*
11 *priated to the Department of Energy pursuant to section*
12 *3101, not more than \$6,000,000 shall be available for ac-*
13 *tivities under subsection (a).*

14 **SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANU-**
15 **FACTURING INFRASTRUCTURE FOR REFAB-**
16 **RICATION AND CERTIFICATION OF NUCLEAR**
17 **WEAPONS STOCKPILE.**

18 (a) *GENERAL PROGRAM REQUIREMENTS.*—*Subsection*
19 *(a) of section 3137 of the National Defense Authorization*
20 *Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.*
21 *620; 42 U.S.C. 2121 note) is amended—*

22 (1) *by inserting “(1)” before “The Secretary of*
23 *Energy”;*

24 (2) *by redesignating paragraphs (1) through (5)*
25 *as subparagraphs (A) through (E), respectively; and*

26 (3) *by adding at the end the following:*

1 “(2) *The purpose of the program carried out under*
2 *paragraph (1) shall also be to develop manufacturing capa-*
3 *bilities and capacities necessary to meet the requirements*
4 *specified in the annual Nuclear Weapons Stockpile Re-*
5 *view.*”.

6 (b) *REQUIRED CAPABILITIES.*—*Subsection (b)(3) of*
7 *such section is amended to read as follows:*

8 “(3) *The capabilities of the Savannah River Site*
9 *relating to tritium recycling and fissile materials*
10 *components processing and fabrication.*”.

11 (c) *PLAN AND REPORT.*—*Not later than March 1,*
12 *1997, the Secretary of Energy shall submit to Congress a*
13 *report containing a plan for carrying out the program es-*
14 *tablished under section 3137(a) of the National Defense Au-*
15 *thorization Act for Fiscal Year 1996, as amended by this*
16 *section. The report shall set forth the obligations that the*
17 *Secretary has incurred, and proposes to incur, during fiscal*
18 *year 1997 in carrying out the program.*

19 (d) *FUNDING.*—*Of the funds authorized to be appro-*
20 *priated pursuant to section 3101(b), \$5,000,000 shall be*
21 *available for carrying out the program established under*
22 *section 3137(a) of the National Defense Authorization Act*
23 *for Fiscal Year 1996, as so amended.*

1 **SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN RE-**
2 **SEARCH AND DEVELOPMENT PURPOSES.**

3 (a) *LIMITATION.*—No funds appropriated or otherwise
4 made available to the Department of Energy for fiscal year
5 1997 under section 3101 may be obligated or expended for
6 activities under the Department of Energy Laboratory Di-
7 rected Research and Development Program, or under any
8 Department of Energy technology transfer program or coop-
9 erative research and development agreement, unless such ac-
10 tivities support the national security mission of the Depart-
11 ment of Energy.

12 (b) *ANNUAL REPORT.*—(1) *The Secretary of Energy*
13 *shall annually submit to the congressional defense commit-*
14 *tees a report on the funds expended during the preceding*
15 *fiscal year on activities under the Department of Energy*
16 *Laboratory Directed Research and Development Program.*
17 *The purpose of the report is to permit an assessment of the*
18 *extent to which such activities support the national security*
19 *mission of the Department of Energy.*

20 (2) *Each report shall be prepared by the officials re-*
21 *sponsible for Federal oversight of the funds expended on ac-*
22 *tivities under the program.*

23 (3) *Each report shall set forth the criteria utilized by*
24 *the officials preparing the report in determining whether*
25 *or not the activities reviewed by such officials support the*
26 *national security mission of the Department.*

1 **SEC. 3135. ACCELERATED SCHEDULE FOR ISOLATING HIGH-**
2 **LEVEL NUCLEAR WASTE AT THE DEFENSE**
3 **WASTE PROCESSING FACILITY, SAVANNAH**
4 **RIVER SITE.**

5 *The Secretary of Energy shall accelerate the schedule*
6 *for the isolation of high-level nuclear waste in glass can-*
7 *isters at the Defense Waste Processing Facility at the Sa-*
8 *vannah River Site if the Secretary determines that the ac-*
9 *celeration of such schedule—*

10 *(1) will achieve long-term cost savings to the*
11 *Federal Government; and*

12 *(2) could accelerate the removal and isolation of*
13 *high-level nuclear waste from long-term storage tanks*
14 *at the site.*

15 **SEC. 3136. PROCESSING OF HIGH-LEVEL NUCLEAR WASTE**
16 **AND SPENT NUCLEAR FUEL RODS.**

17 *(a) IN GENERAL.—In order to provide for an effective*
18 *response to requirements for managing spent nuclear fuel*
19 *that is sent to Department of Energy consolidation sites*
20 *pursuant to the Department of Energy Programmatic*
21 *Spent Nuclear Fuel Management and Idaho National Engi-*
22 *neering Laboratory Environmental Restoration and Waste*
23 *Management Programs Final Environmental Impact*
24 *Statement, dated April 1995, there shall be available to the*
25 *Secretary of Energy, from amounts authorized to be appro-*

1 *priated pursuant to section 3102(b), the following amounts*
2 *for the purposes stated:*

3 (1) *Not more than \$65,700,000 for the develop-*
4 *ment and implementation of a program for the proc-*
5 *essing, reprocessing, separation, reduction, isolation,*
6 *and interim storage of high-level nuclear waste associ-*
7 *ated with Department of Energy aluminum clad*
8 *spent fuel rods and foreign spent fuel rods in the H-*
9 *canyon facility and F-canyon facility.*

10 (2) *Not more than \$80,000,000 for the develop-*
11 *ment and implementation of a program for the treat-*
12 *ment, preparation, and conditioning of high-level nu-*
13 *clear waste associated with Department of Energy*
14 *non-aluminum clad spent nuclear fuel rods (includ-*
15 *ing naval spent nuclear fuel) for interim storage and*
16 *final disposition.*

17 (b) *UPDATE OF IMPLEMENTATION PLAN.*—*Not later*
18 *than April 30, 1997, the Secretary shall submit to Congress*
19 *a plan which updates the five-year plan required by section*
20 *3142(b) of the National Defense Authorization Act for Fis-*
21 *cal Year 1996 (Public Law 104–106; 110 Stat. 622). The*
22 *updated plan shall include—*

23 (1) *the matters required by paragraphs (1)*
24 *through (4) of such section, current as of the date of*
25 *the updated plan; and*

1 (2) *the assessment of the Secretary of the*
2 *progress made in implementing the program covered*
3 *by the plans.*

4 **SEC. 3137. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
5 **SKILLS CRITICAL TO DEPARTMENT OF EN-**
6 **ERGY NUCLEAR WEAPONS COMPLEX.**

7 (a) *FUNDING.*—*Subject to subsection (b), of the funds*
8 *authorized to be appropriated pursuant to section 3101(b),*
9 *\$5,000,000 may be used for conducting the fellowship pro-*
10 *gram for the development of skills critical to the ongoing*
11 *mission of the Department of Energy nuclear weapons com-*
12 *plex required by section 3140 of the National Defense Au-*
13 *thorization Act for Fiscal Year 1996 (Public Law 104–106;*
14 *110 Stat. 621; 42 U.S.C. 2121 note).*

15 (b) *NOTICE AND WAIT.*—*The Secretary of Energy may*
16 *not obligate or expend funds under subsection (a) for the*
17 *fellowship program referred to in that subsection until—*

18 (1) *the Secretary submits to Congress a report*
19 *setting forth—*

20 (A) *the steps the Department has taken to*
21 *implement the fellowship program;*

22 (B) *the amount the Secretary proposes to*
23 *obligate; and*

24 (C) *the purposes for which such amount*
25 *will be obligated; and*

1 (2) a period of 21 days elapses from the date of
2 the receipt of the report by Congress.

3 **SEC. 3138. PAYMENT OF COSTS OF OPERATION AND MAIN-**
4 **TENANCE OF INFRASTRUCTURE AT NEVADA**
5 **TEST SITE.**

6 Notwithstanding any other provision of law and effec-
7 tive as of September 30, 1996, the costs associated with op-
8 erating and maintaining the infrastructure at the Nevada
9 Test Site, Nevada, with respect to any activities initiated
10 at the site after that date by the Department of Defense
11 pursuant to a work for others agreement may be paid for
12 from funds authorized to be appropriated to the Department
13 of Energy for activities at the Nevada Test Site.

14 **Subtitle D—Other Matters**

15 **SEC. 3151. REQUIREMENT FOR ANNUAL FIVE-YEAR BUDGET**
16 **FOR THE NATIONAL SECURITY PROGRAMS OF**
17 **THE DEPARTMENT OF ENERGY.**

18 (a) *REQUIREMENT.*—The Secretary of Energy shall
19 prepare each year a budget for the national security pro-
20 grams of the Department of Energy for the five-year period
21 beginning in the year the budget is prepared. Each budget
22 shall contain the estimated expenditures and proposed ap-
23 propriations necessary to support the programs, projects,
24 and activities of the national security programs during the
25 five-year period covered by the budget and shall be at a

1 *level of detail comparable to that contained in the budget*
2 *submitted by the President to Congress under section 1105*
3 *of title 31, United States Code.*

4 (b) *SUBMITTAL.—The Secretary shall submit each*
5 *year to the congressional defense committees the budget re-*
6 *quired under subsection (a) in that year at the same time*
7 *as the President submits to Congress the budget for the com-*
8 *ing fiscal year pursuant to such section 1105.*

9 **SEC. 3152. REQUIREMENTS FOR DEPARTMENT OF ENERGY**
10 **WEAPONS ACTIVITIES BUDGETS FOR FISCAL**
11 **YEARS AFTER FISCAL YEAR 1997.**

12 (a) *IN GENERAL.—The weapons activities budget of*
13 *the Department of Energy for any fiscal year after fiscal*
14 *year 1997 shall—*

15 (1) *set forth with respect to each of the activities*
16 *under the budget (including stockpile stewardship,*
17 *stockpile management, and program direction) the*
18 *funding requested to carry out each project or activity*
19 *that is necessary to meet the requirements of the Nu-*
20 *clear Weapons Stockpile Memorandum; and*

21 (2) *identify specific infrastructure requirements*
22 *arising from the Nuclear Posture Review, the Nuclear*
23 *Weapons Stockpile Memorandum, and the pro-*
24 *grammatic and technical requirements associated*
25 *with the review and memorandum.*

1 (b) *REQUIRED DETAIL.*—*The Secretary of Energy*
2 *shall include in the materials that the Secretary submits*
3 *to Congress in support of the budget for any fiscal year*
4 *after fiscal year 1997 that is submitted by the President*
5 *pursuant to section 1105 of title 31, United States Code,*
6 *the following:*

7 (1) *A long-term program plan, and a near-term*
8 *program plan, for the certification and stewardship of*
9 *the nuclear weapons stockpile.*

10 (2) *An assessment of the effects of the plans re-*
11 *ferred to in paragraph (1) on each nuclear weapons*
12 *laboratory and each nuclear weapons production*
13 *plant.*

14 (c) *DEFINITIONS.*—*In this section:*

15 (1) *The term “Nuclear Posture Review” means*
16 *the Department of Defense Nuclear Posture Review as*
17 *contained in the report of the Secretary of Defense to*
18 *the President and the Congress dated February 19,*
19 *1995, or in subsequent such reports.*

20 (2) *The term “nuclear weapons laboratory”*
21 *means the following:*

22 (A) *Lawrence Livermore National Labora-*
23 *tory, California.*

24 (B) *Los Alamos National Laboratory, New*
25 *Mexico.*

1 (C) Sandia National Laboratories.

2 (3) The term “nuclear weapons production
3 plant” means the following:

4 (A) The Pantex Plant.

5 (B) The Savannah River Site.

6 (C) The Kansas City Plant, Missouri.

7 (D) The Y-12 Plant, Oak Ridge, Tennessee.

8 **SEC. 3153. REPEAL OF REQUIREMENT RELATING TO AC-**
9 **COUNTING PROCEDURES FOR DEPARTMENT**
10 **OF ENERGY FUNDS.**

11 Section 3151 of the National Defense Authorization
12 Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat.
13 3089) is repealed.

14 **SEC. 3154. PLANS FOR ACTIVITIES TO PROCESS NUCLEAR**
15 **MATERIALS AND CLEAN UP NUCLEAR WASTE**
16 **AT THE SAVANNAH RIVER SITE.**

17 (a) NEAR-TERM PLAN FOR PROCESSING SPENT FUEL
18 RODS.—(1) Not later than March 15, 1997, the Secretary
19 of Energy shall submit to Congress a plan for a near-term
20 program to process the spent nuclear fuel rods described in
21 paragraph (2) in the H-canyon facility and the F-canyon
22 facility at the Savannah River Site. The plan shall include
23 cost projections and resource requirements for the program
24 and identify program milestones for the program.

1 (2) *The spent nuclear fuel rods to be processed under*
2 *the program referred to in paragraph (1) are the following:*

3 (A) *Spent nuclear fuel rods produced at the Sa-*
4 *vannah River Site.*

5 (B) *Spent nuclear fuel rods being sent to the site*
6 *from other Department of Energy facilities for proc-*
7 *essing, interim storage, and other treatment.*

8 (C) *Foreign nuclear spent fuel rods being sent to*
9 *the site for processing, interim storage, and other*
10 *treatment.*

11 (b) *MULTI-YEAR PLAN FOR CLEAN-UP AT SITE.—The*
12 *Secretary shall develop and implement a multi-year plan*
13 *for the clean-up of nuclear waste at the Savannah River*
14 *Site that results, or has resulted, from the following:*

15 (1) *Nuclear weapons activities carried out at the*
16 *site.*

17 (2) *The processing of Department of Energy do-*
18 *mestic and foreign spent nuclear fuel rods at the site.*

19 (c) *REQUIREMENT FOR CONTINUING OPERATIONS.—*
20 *The Secretary shall continue operations and maintain a*
21 *high state of readiness at the H-canyon facility and the F-*
22 *canyon facility at the Savannah River Site, and shall pro-*
23 *vide technical staff necessary to operate and so maintain*
24 *such facilities, pending the development and implementa-*
25 *tion of the plan referred to in subsection (b).*

1 **SEC. 3155. UPDATE OF REPORT ON NUCLEAR TEST READI-**
2 **NESS POSTURES.**

3 *Not later than February 15, 1997, the Secretary of En-*
4 *ergy shall submit to Congress a report which updates the*
5 *report submitted by the Secretary under section 3152 of the*
6 *National Defense Authorization Act for Fiscal Year 1996*
7 *(Public Law 104–106; 110 Stat. 623). The updated report*
8 *shall include the matters specified under such section, cur-*
9 *rent as of the date of the updated report.*

10 **SEC. 3156. REPORTS ON CRITICAL DIFFICULTIES AT NU-**
11 **CLEAR WEAPONS LABORATORIES AND NU-**
12 **CLEAR WEAPONS PRODUCTION PLANTS.**

13 *(a) REPORTS BY HEADS OF LABORATORIES AND*
14 *PLANTS.—In the event of a difficulty at a nuclear weapons*
15 *laboratory or a nuclear weapons production plant that has*
16 *a significant bearing on confidence in the safety or reliabil-*
17 *ity of a nuclear weapon or nuclear weapon type, the head*
18 *of the laboratory or plant, as the case may be, shall submit*
19 *to the Assistant Secretary of Energy for Defense Programs*
20 *a report on the difficulty. The head of the laboratory or*
21 *plant shall submit the report as soon as practicable after*
22 *discovery of the difficulty.*

23 *(b) TRANSMITTAL BY ASSISTANT SECRETARY.—As*
24 *soon as practicable after receipt of a report under subsection*
25 *(a), the Assistant Secretary shall transmit the report (to-*
26 *gether with the comments of the Assistant Secretary) to the*

1 congressional defense committees and to the Secretary of
2 Energy and the Secretary of Defense.

3 (c) *REPORTS BY NUCLEAR WEAPONS COUNCIL.*—Sec-
4 tion 179 of title 10, United States Code, is amended—

5 (1) by redesignating subsection (e) as subsection
6 (f); and

7 (2) by inserting after subsection (d) the following
8 new subsection (e):

9 “(e) In addition to the responsibilities set forth in sub-
10 section (d), the Council shall also submit to Congress a re-
11 port on any analysis conducted by the Council with respect
12 to difficulties at nuclear weapons laboratories or nuclear
13 weapons production plants that have significant bearing on
14 confidence in the safety or reliability of nuclear weapons
15 or nuclear weapon types.”.

16 (d) *DEFINITIONS.*—In this section:

17 (1) The term “nuclear weapons laboratory”
18 means the following:

19 (A) Lawrence Livermore National Labora-
20 tory, California.

21 (B) Los Alamos National Laboratory, New
22 Mexico.

23 (C) Sandia National Laboratories.

24 (2) The term “nuclear weapons production
25 plant” means the following:

1 (A) *The Pantex Plant.*

2 (B) *The Savannah River Site.*

3 (C) *The Kansas City Plant, Missouri.*

4 (D) *The Y-12 Plant, Oak Ridge, Tennessee.*

5 **SEC. 3157. EXTENSION OF APPLICABILITY OF NOTICE-AND-**
6 **WAIT REQUIREMENT REGARDING PROPOSED**
7 **COOPERATION AGREEMENTS.**

8 *Section 3155(b) of the National Defense Authorization*
9 *Act for Fiscal Year 1995 (42 U.S.C. 2153 note) is amended*
10 *by striking out “October 1, 1996” and inserting in lieu*
11 *thereof “December 31, 1997”.*

12 **SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNA-**
13 **TION OF DEFENSE ENVIRONMENTAL RES-**
14 **TORATION AND WASTE MANAGEMENT PRO-**
15 **GRAM.**

16 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
17 *that the program of the Department of Energy known as*
18 *the Defense Environmental Restoration and Waste Manage-*
19 *ment Program, and also known as the Environmental Man-*
20 *agement Program, be redesignated as the Defense Nuclear*
21 *Waste Management Program of the Department of Energy.*

22 (b) *REPORT ON REDESIGNATION.—Not later than Jan-*
23 *uary 31, 1997, the Secretary of Energy shall submit to the*
24 *congressional defense committees a report on the costs and*
25 *other difficulties, if any, associated with the following:*

1 (1) *The redesignation of the program of known*
2 *as the Defense Environmental Restoration and Waste*
3 *Management Program, and also known as the Envi-*
4 *ronmental Management Program, as the Defense Nu-*
5 *clear Waste Management Program of the Department*
6 *of Energy.*

7 (2) *The redesignation of the Defense Environ-*
8 *mental Restoration and Waste Management Account*
9 *as the Defense Nuclear Waste Management Account.*

10 **SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES**
11 **NUCLEAR WEAPONS EXPERTISE.**

12 (a) *ESTABLISHMENT.*—*There is hereby established a*
13 *commission to be known as the “Commission on Maintain-*
14 *ing United States Nuclear Weapons Expertise” (in this sec-*
15 *tion referred to as the “Commission”).*

16 (b) *ORGANIZATIONAL MATTERS.*—(1)(A) *The Commis-*
17 *sion shall be composed of nine members appointed from*
18 *among individuals in the public and private sectors who*
19 *have significant experience in matters relating to nuclear*
20 *weapons as follows:*

21 (i) *Two shall be appointed by the Majority Lead-*
22 *er of the Senate (in consultation with the Minority*
23 *Leader of the Senate).*

1 (ii) One shall be appointed by the Minority
2 Leader of the Senate (in consultation with the Major-
3 ity Leader of the Senate).

4 (iii) Two shall be appointed by the Speaker of
5 the House of Representatives (in consultation with the
6 Minority Leader of the House of Representatives).

7 (iv) One shall be appointed by the Minority
8 Leader of the House of Representatives (in consulta-
9 tion with the Speaker of the House of Representa-
10 tives).

11 (v) Three shall be appointed by the Secretary of
12 Energy.

13 (B) Members shall be appointed for the life of the Com-
14 mission. Any vacancy in the Commission shall not affect
15 its powers, but shall be filled in the same manner as the
16 original appointment.

17 (C) The chairman of the Commission shall be des-
18 ignated from among the members of the Commission ap-
19 pointed under subparagraph (A) by the Majority Leader
20 of the Senate, in consultation with the Minority Leader of
21 the Senate.

22 (2) The members of the Commission shall establish pro-
23 cedures for the activities of the Commission, including pro-
24 cedures for calling meetings, requirements for quorums, and
25 the manner of taking votes.

1 (c) *DUTIES.*—(1) *The Commission shall develop a plan*
2 *for recruiting and retaining within the Department of En-*
3 *ergy nuclear weapons complex such scientific, engineering,*
4 *and technical personnel as the Commission determines ap-*
5 *propriate in order to permit the Department to maintain*
6 *over the long term a safe and reliable nuclear weapons*
7 *stockpile without engaging in underground testing.*

8 (2) *In developing the plan, the Commission shall—*

9 (A) *identify actions that the Secretary may un-*
10 *dertake to attract qualified scientific, engineering,*
11 *and technical personnel to the nuclear weapons com-*
12 *plex of the Department; and*

13 (B) *review and recommend improvements to the*
14 *on-going efforts of the Department to attract such per-*
15 *sonnel to the nuclear weapons complex.*

16 (d) *REPORT.*—*Not later than March 15, 1998, the*
17 *Commission shall submit to the Secretary and to Congress*
18 *a report containing the plan developed under subsection (c).*
19 *The report may include recommendations for legislation*
20 *and administrative action.*

21 (e) *COMMISSION PERSONNEL MATTERS.*—(1) *Each*
22 *member of the Commission who is not an officer or em-*
23 *ployee of the Federal Government shall be compensated at*
24 *a rate equal to the daily equivalent of the annual rate of*
25 *basic pay prescribed for level IV of the Executive Schedule*

1 *under section 5315 of title 5, United States Code, for each*
2 *day (including travel time) during which such member is*
3 *engaged in the performance of the duties of the Commission.*
4 *All members of the Commission who are officers or employ-*
5 *ees of the United States shall serve without compensation*
6 *in addition to that received for their services as officers or*
7 *employees of the United States.*

8 (2) *The members of the Commission shall be allowed*
9 *travel expenses, including per diem in lieu of subsistence,*
10 *at rates authorized for employees of agencies under sub-*
11 *chapter I of chapter 57 of title 5, United States Code, while*
12 *away from their homes or regular places of business in the*
13 *performance of services for the Commission.*

14 (3) *The Commission may, without regard to the civil*
15 *service laws and regulations, appoint and terminate such*
16 *personnel as may be necessary to enable the Commission*
17 *to perform its duties. The Commission may fix the com-*
18 *ensation of the personnel of the Commission without re-*
19 *gard to the provisions of chapter 51 and subchapter III of*
20 *chapter 53 of title 5, United States Code, relating to classi-*
21 *fication of positions and General Schedule pay rates.*

22 (4) *Any Federal Government employee may be detailed*
23 *to the Commission without reimbursement, and such detail*
24 *shall be without interruption or loss of civil service status*
25 *or privilege.*

1 (f) *TERMINATION.*—*The Commission shall terminate*
2 *30 days after the date on which the Commission submits*
3 *its report under subsection (d).*

4 (g) *APPLICABILITY OF FACA.*—*The provisions of the*
5 *Federal Advisory Committee Act (5 U.S.C. App.) shall not*
6 *apply to the activities of the Commission.*

7 (h) *FUNDING.*—*Of the amounts authorized to be appro-*
8 *priated pursuant to section 3101, not more than \$1,000,000*
9 *shall be available for the activities of the Commission under*
10 *this section. Funds made available to the Commission under*
11 *this section shall remain available until expended.*

12 **SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY AND**
13 **SAFETY OF REMAINING NUCLEAR FORCES.**

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

16 (1) *The United States is committed to proceeding*
17 *with a robust science-based stockpile stewardship pro-*
18 *gram with respect to production of nuclear weapons,*
19 *and to maintaining nuclear weapons production ca-*
20 *pabilities and capacities, that are adequate—*

21 (A) *to ensure the safety, reliability, and*
22 *performance of the United States nuclear arse-*
23 *nal; and*

24 (B) *to meet such changing national security*
25 *requirements as may result from international*

1 *developments or technical problems with nuclear*
2 *warheads.*

3 *(2) The United States is committed to reestab-*
4 *lishing and maintaining production of nuclear weap-*
5 *ons at levels that are sufficient—*

6 *(A) to satisfy requirements for the safety,*
7 *reliability, and performance of United States nu-*
8 *clear weapons; and*

9 *(B) to demonstrate and sustain production*
10 *capabilities and capacities.*

11 *(3) The United States is committed to maintain-*
12 *ing the nuclear weapons laboratories and protecting*
13 *core nuclear weapons competencies.*

14 *(4) The United States is committed to ensuring*
15 *the rapid access to a new production source of tritium*
16 *within the next decade, as it currently has no mean-*
17 *ingful capability to produce tritium, a component*
18 *that is essential to the performance of modern nuclear*
19 *weapons.*

20 *(5) The United States reserves the right, consist-*
21 *ent with United States law, to resume underground*
22 *nuclear testing to maintain confidence in the United*
23 *States' stockpile of nuclear weapons if warhead design*
24 *flaws or aging of nuclear weapons result in problems*

1 *that a robust stockpile stewardship program cannot*
2 *solve.*

3 *(6) The United States is committed to funding*
4 *the Nevada Test Site at a level that maintains the*
5 *ability of the United States to resume underground*
6 *nuclear testing within one year after a national deci-*
7 *sion to do so is made.*

8 *(7) The United States reserves the right to invoke*
9 *the supreme national interest of the United States*
10 *and withdraw from any future arms control agree-*
11 *ment to limit underground nuclear testing.*

12 *(b) SENSE OF THE SENATE REGARDING PRESI-*
13 *DENTIAL CONSULTATION WITH CONGRESS.—It is the sense*
14 *of the Senate that the President should consult closely with*
15 *Congress regarding United States policy and practices to*
16 *ensure confidence in the safety and reliability of the nuclear*
17 *stockpile of the United States.*

18 *(c) SENSE OF THE SENATE REGARDING NOTIFICATION*
19 *AND CONSULTATION.—It is the sense of the Senate that,*
20 *upon a determination by the President that a problem with*
21 *the safety or reliability of the nuclear stockpile has occurred*
22 *and that the problem cannot be corrected within the stock-*
23 *pile stewardship program, the President shall—*

24 *(1) immediately notify Congress of the problem;*
25 *and*

1 (2) *submit to Congress in a timely manner a*
2 *plan for corrective action with respect to the problem,*
3 *including—*

4 (A) *a technical description of the activities*
5 *required under the plan; and*

6 (B) *if underground testing of nuclear weap-*
7 *ons would assist in such corrective action, an as-*
8 *essment of advisability of withdrawing from*
9 *any treaty that prohibits underground testing of*
10 *nuclear weapons.*

11 **SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABILITY**

12 **AT DEPARTMENT SUPERFUND SITES.**

13 (a) *STUDY.—The Secretary of Energy shall, using*
14 *funds authorized to be appropriated to the Department of*
15 *Energy by section 3102, carry out a study of the liability*
16 *of the Department for damages for injury to, destruction*
17 *of, or loss of natural resources under section 107(a)(4)(C)*
18 *of the Comprehensive Environmental Response, Compensa-*
19 *tion, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C))*
20 *at each site controlled or operated by the Department that*
21 *is or is anticipated to become subject to the provisions of*
22 *that Act.*

23 (b) *CONDUCT OF STUDY.—(1) The Secretary shall*
24 *carry out the study using personnel of the Department or*
25 *by contract with an appropriate private entity.*

1 (2) *In determining the extent of Department liability*
2 *for purposes of the study, the Secretary shall treat the De-*
3 *partment as a private person liable for damages under sec-*
4 *tion 107(f) of that Act (42 U.S.C. 9607(f)) and subject to*
5 *suit by public trustees of natural resources under such sec-*
6 *tion 107(f) for such damages.*

7 (c) *REPORT.—Not later than 90 days after the date*
8 *of the enactment of this Act, the Secretary shall submit a*
9 *report on the study carried out under subsection (a) to the*
10 *following committees:*

11 (1) *The Committees on Environment and Public*
12 *Works and Armed Services and Energy and Natural*
13 *Resources of the Senate.*

14 (2) *The Committees on Commerce and National*
15 *Security and Resources of the House of Representa-*
16 *tives.*

17 **SEC. 3162. FISCAL YEAR 1998 FUNDING FOR GREENVILLE**
18 **ROAD IMPROVEMENT PROJECT, LIVERMORE,**
19 **CALIFORNIA.**

20 (a) *FUNDING.—The Secretary of Energy shall include*
21 *in budget for fiscal year 1998 submitted by the Secretary*
22 *of Energy to the Office of Management and Budget, a re-*
23 *quest for sufficient funds to pay the United States portion*
24 *of the cost of transportation improvements under the Green-*
25 *ville Road Improvement Project, Livermore, California.*

1 (b) *COOPERATION WITH LIVERMORE, CALIFORNIA.*—
2 *The Secretary shall work with the City of Livermore, Cali-*
3 *fornia, to determine the cost of the transportation improve-*
4 *ments referred to in subsection (a).*

5 **SEC. 3163. OPPORTUNITY FOR REVIEW AND COMMENT BY**
6 **STATE OF OREGON REGARDING CERTAIN RE-**
7 **MEDIAL ACTIONS AT HANFORD RESERVA-**
8 **TION, WASHINGTON.**

9 (a) *OPPORTUNITY.*—(1) *Subject to subsection (b), the*
10 *Site Manager at the Hanford Reservation, Washington,*
11 *shall, in consultation with the signatories to the Tri-Party*
12 *Agreement, provide the State of Oregon an opportunity to*
13 *review and comment upon any information the Site Man-*
14 *ager provides the State of Washington under the Hanford*
15 *Tri-Party Agreement if the agreement provides for the re-*
16 *view of and comment upon such information by the State*
17 *of Washington.*

18 (2) *In order to facilitate the review and comment of*
19 *the State of Oregon under paragraph (1), the Site Manager*
20 *shall provide information referred to in that paragraph to*
21 *the State of Oregon at the same time, or as soon thereafter*
22 *as is practicable, that the Site Manager provides such infor-*
23 *mation to the State of Washington*

24 (b) *CONSTRUCTION.*—*This section may not be con-*
25 *strued—*

1 (1) to require the Site Manager to provide the
2 State of Oregon sensitive information on enforcement
3 under the Tri-Party Agreement or information on the
4 negotiation, dispute resolution, or State cost recovery
5 provisions of the agreement;

6 (2) to require the Site Manager to provide con-
7 fidential information on the budget or procurement at
8 Hanford under terms other than those provided in the
9 Tri-Party Agreement for the transmission of such
10 confidential information to the State of Washington;

11 (3) to authorize the State of Oregon to partici-
12 pate in enforcement actions, dispute resolution, or ne-
13 gotiation actions conducted under the provisions of
14 the Tri-Party Agreement;

15 (4) to authorize any delay in the implementation
16 of remedial, environmental management, or other pro-
17 grammatic activities at Hanford; or

18 (5) to require the Department of Energy to pro-
19 vide funds to the State of Oregon.

20 **SEC. 3164. SENSE OF SENATE ON HANFORD MEMORANDUM**
21 **OF UNDERSTANDING.**

22 *It is the sense of the Senate that—*

23 (1) the State of Oregon has the authority to enter
24 into a memorandum of understanding with the State
25 of Washington, or a memorandum of understanding

1 *with the State of Washington and the Site Manager*
2 *of the Hanford Reservation, Washington, in order to*
3 *address issues of mutual concern to such States re-*
4 *garding the Hanford Reservation; and*

5 *(2) such agreements are not expected to create*
6 *any additional obligation of the Department of En-*
7 *ergy to provide funds to the State of Oregon.*

8 **SEC. 3165. FOREIGN ENVIRONMENTAL TECHNOLOGY.**

9 *Section 2536(b) of title 10, United States Code, is*
10 *amended to read as follows:*

11 *(b) WAIVER AUTHORITY.—(1) The Secretary concerned*
12 *may waive the application of subsection (a) to a contract*
13 *award if—*

14 *(A) the Secretary concerned determines that the*
15 *waiver is essential to the national security interests*
16 *of the United States; or*

17 *(B) in the case of a Department of Energy con-*
18 *tract awarded for environmental restoration, remedi-*
19 *ation, or waste management at a Department of En-*
20 *ergy facility—*

21 *(i) the Secretary determines that the waiver*
22 *will advance the environmental restoration, re-*
23 *mediation, or waste management objectives of the*
24 *Department of Energy and will not harm the*

1 *national security interests of the United States;*
2 *and*

3 *(ii) the entity to which the contract is*
4 *awarded is controlled by a foreign government*
5 *with which the Secretary is authorized to ex-*
6 *change Restricted Data under section 144(c) of*
7 *the Atomic Energy Act of 1954 (42 U.S.C.*
8 *2164(c)).*

9 *(2) The Secretary of Energy shall notify the appro-*
10 *priate committees of Congress of any decision to grant a*
11 *waiver under paragraph (1)(B). The contract may be exe-*
12 *cuted only after the end of the 45-day period beginning on*
13 *the date the notification is received by the committees.*

14 **SEC. 3166. STUDY ON WORKER PROTECTION AT THE MOUND**
15 **FACILITY.**

16 *(a) Not later than March 15, 1997, the Secretary of*
17 *Energy shall report to the defense committees of the Con-*
18 *gress regarding the status of projects and programs to im-*
19 *prove worker safety and health at the Mound Facility in*
20 *Miamisburg, Ohio.*

21 *(b) The report shall include the following:*

22 *(1) the status of actions completed in fiscal year*
23 *1996;*

24 *(2) the status of actions completed or proposed to*
25 *be completed in fiscal years 1997 and 1998;*

1 (3) a description of the fiscal year 1998 budget
2 request for Mound worker safety and health protec-
3 tion; and

4 (4) an accounting of expenditures for worker
5 safety and health at Mound by year from fiscal year
6 1994 through and including fiscal year 1996.

7 ***Subtitle E—Environmental Restora-***
8 ***tion at Defense Nuclear Facili-***
9 ***ties***

10 ***SEC. 3171. SHORT TITLE.***

11 *This subtitle may be cited as the “Defense Nuclear Fa-*
12 *cility Environmental Restoration Pilot Program Act of*
13 *1996”.*

14 ***SEC. 3172. APPLICABILITY.***

15 (a) *IN GENERAL.*—*The provisions of this subtitle shall*
16 *apply to the following defense nuclear facilities:*

17 (1) *Hanford.*

18 (2) *Any other defense nuclear facility if—*

19 (A) *the chief executive officer of the State in*
20 *which the facility is located submits to the Sec-*
21 *retary a request that the facility be covered by*
22 *the provisions of this subtitle; and*

23 (B) *the Secretary approves the request.*

24 (b) *LIMITATION.*—*The Secretary may not approve a*
25 *request under subsection (a)(2) until 60 days after the date*

1 *on which the Secretary notifies the congressional defense*
2 *committees of the Secretary's receipt of the request.*

3 **SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVI-**
4 **RONMENTAL CLEANUP DEMONSTRATION**
5 **AREAS.**

6 (a) *DESIGNATION.*—*Each defense nuclear facility cov-*
7 *ered by this subtitle under section 3172(a) is hereby des-*
8 *ignated as an environmental cleanup demonstration area.*
9 *The purpose of the designation is to establish each such fa-*
10 *cility as a demonstration area at which to utilize and*
11 *evaluate new technologies to be used in environmental res-*
12 *toration and remediation at other defense nuclear facilities.*

13 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
14 *that Federal and State regulatory agencies, members of the*
15 *surrounding communities, and other affected parties with*
16 *respect to each defense nuclear facility covered by this sub-*
17 *title should continue to—*

18 (1) *develop expedited and streamlined processes*
19 *and systems for cleaning up such facility;*

20 (2) *eliminate unnecessary administrative com-*
21 *plexity and unnecessary duplication of regulation*
22 *with respect to the clean up of such facility;*

23 (3) *proceed expeditiously and cost-effectively*
24 *with environmental restoration and remediation ac-*
25 *tivities at such facility;*

1 (4) *consider future land use in selecting environ-*
2 *mental clean up remedies at such facility; and*

3 (5) *identify and recommend to Congress changes*
4 *in law needed to expedite the clean up of such facil-*
5 *ity.*

6 **SEC. 3174. SITE MANAGERS.**

7 (a) *APPOINTMENT.—(1)(A) The Secretary shall ap-*
8 *point a site manager for Hanford not later than 90 days*
9 *after the date of the enactment of this Act.*

10 (B) *The Secretary shall develop a list of the criteria*
11 *to be used in appointing a site manager for Hanford. The*
12 *Secretary may consult with affected and knowledgeable par-*
13 *ties in developing the list.*

14 (2) *The Secretary shall appoint the site manager for*
15 *any other defense nuclear facility covered by this subtitle*
16 *not later than 90 days after the date of the approval of*
17 *the request with respect to the facility under section*
18 *3172(a)(2).*

19 (3) *An individual appointed as a site manager under*
20 *this subsection shall, if not an employee of the Department*
21 *at the time of the appointment, be an employee of the De-*
22 *partment while serving as a site manager under this sub-*
23 *title.*

24 (b) *DUTIES.—(1) Subject to paragraphs (2) and (3),*
25 *in addition to other authorities provided for in this subtitle,*

1 *the site manager for a defense nuclear facility shall have*
2 *full authority to oversee and direct operations at the facil-*
3 *ity, including the authority to—*

4 (A) *enter into and modify contractual agree-*
5 *ments to enhance environmental restoration and*
6 *waste management at the facility;*

7 (B) *request that the Department headquarters*
8 *submit to Congress a reprogramming package shifting*
9 *among accounts funds available for the facility in*
10 *order to facilitate the most efficient and timely envi-*
11 *ronmental restoration and waste management at the*
12 *facility, and, in the event that the Department head-*
13 *quarters does not act upon the request within 30 days*
14 *of the date of the request, submit such request to the*
15 *appropriate committees of Congress for review;*

16 (C) *negotiate amendments to environmental*
17 *agreements applicable to the facility for the Depart-*
18 *ment; and*

19 (D) *manage environmental management and*
20 *programmatic personnel of the Department at the fa-*
21 *cility.*

22 (2) *A site manager shall negotiate amendments under*
23 *paragraph (1)(C) with the concurrence of the Secretary.*

24 (3) *A site manager may not undertake or provide for*
25 *any action under paragraph (1) that would result in an*

1 *expenditure of funds for environmental restoration or waste*
2 *management at the defense nuclear facility concerned in ex-*
3 *cess of the amount authorized to be expended for environ-*
4 *mental restoration or waste management at the facility*
5 *without the approval of such action by the Secretary.*

6 (c) *INFORMATION ON PROGRESS.*—*The Secretary shall*
7 *regularly inform Congress of the progress made by site man-*
8 *agers under this subtitle in achieving expedited environ-*
9 *mental restoration and waste management at the defense*
10 *nuclear facilities covered by this subtitle.*

11 **SEC. 3175. DEPARTMENT OF ENERGY ORDERS.**

12 *Effective 60 days after the appointment of a site man-*
13 *ager for a defense nuclear facility under section 3174(a),*
14 *an order relating to the execution of environmental restora-*
15 *tion, waste management, technology development, or other*
16 *site operation activities at the facility may be imposed at*
17 *the facility if the Secretary makes a finding that the*
18 *order—*

19 (1) *is essential to the protection of human health*
20 *or the environment or to the conduct of critical ad-*
21 *ministrative functions; and*

22 (2) *will not interfere with bringing the facility*
23 *into compliance with environmental laws, including*
24 *the terms of any environmental agreement.*

1 **SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REME-**
2 **DIATION OF DEFENSE NUCLEAR WASTE.**

3 (a) *IN GENERAL.*—*The site manager for a defense nu-*
4 *clear facility under this subtitle shall promote the dem-*
5 *onstration, verification, certification, and implementation*
6 *of innovative environmental technologies for the remedi-*
7 *ation of defense nuclear waste at the facility.*

8 (b) *DEMONSTRATION PROGRAM.*—*To carry out sub-*
9 *section (a), each site manager shall establish a program at*
10 *the defense nuclear facility concerned for testing environ-*
11 *mental technologies for the remediation of defense nuclear*
12 *waste at the facility. In establishing such a program, the*
13 *site manager may—*

14 (1) *establish a simplified, standardized, and*
15 *timely process for the testing and verification of envi-*
16 *ronmental technologies;*

17 (2) *solicit and accept applications to test envi-*
18 *ronmental technology suitable for environmental res-*
19 *toration and waste management activities at the fa-*
20 *ility, including prevention, control, characterization,*
21 *treatment, and remediation of contamination;*

22 (3) *consult and cooperate with the heads of exist-*
23 *ing programs at the facility for the certification and*
24 *verification of environmental technologies at the facil-*
25 *ity; and*

1 (4) *pay the costs of the demonstration of such*
2 *technologies.*

3 (c) *FOLLOW-ON CONTRACTS.*—(1) *If the Secretary and*
4 *a person demonstrating a technology under the program*
5 *enter into a contract for remediation of nuclear waste at*
6 *a defense nuclear facility covered by this subtitle, or at any*
7 *other Department facility, as a follow-on to the demonstra-*
8 *tion of the technology, the Secretary shall ensure that the*
9 *contract provides for the Secretary to recoup from the con-*
10 *tractor the costs incurred by the Secretary pursuant to sub-*
11 *section (b)(4) for the demonstration.*

12 (2) *No contract between the Department and a con-*
13 *tractor for the demonstration of technology under subsection*
14 *(b) may provide for reimbursement of the costs of the con-*
15 *tractor on a cost plus fee basis.*

16 (d) *SAFE HARBORS.*—*In the case of an environmental*
17 *technology demonstrated, verified, certified, and imple-*
18 *mented at a defense nuclear facility under a program estab-*
19 *lished under subsection (b), the site manager of another de-*
20 *fense nuclear facility may request the Secretary to waive*
21 *or limit contractual or Department regulatory requirements*
22 *that would otherwise apply in implementing the same envi-*
23 *ronmental technology at such other facility.*

1 **SEC. 3177. REPORTS TO CONGRESS.**

2 *Not later than 120 days after the date of the appoint-*
3 *ment of a site manager under section 3174(a), the site man-*
4 *ager shall submit to Congress and the Secretary a report*
5 *describing the expectations of the site manager with respect*
6 *to environmental restoration and waste management at the*
7 *defense nuclear facility concerned by reason of the exercise*
8 *of the authorities provided in this subtitle. The report shall*
9 *describe the manner in which the exercise of such authorities*
10 *is expected to improve environmental restoration and waste*
11 *management at the facility and identify savings that are*
12 *expected to accrue to the Department as a result of the exer-*
13 *cise of such authorities.*

14 **SEC. 3178. TERMINATION.**

15 *The authorities provided for in this subtitle shall ex-*
16 *pire five years after the date of the enactment of this Act.*

17 **SEC. 3179. DEFINITIONS.**

18 *In this subtitle:*

19 (1) *The term “Department” means the Depart-*
20 *ment of Energy.*

21 (2) *The term “defense nuclear facility” has the*
22 *meaning given the term “Department of Energy de-*
23 *fense nuclear facility” in section 318 of the Atomic*
24 *Energy Act of 1954 (42 U.S.C. 2286g).*

25 (3) *The term “Hanford” means the defense nu-*
26 *clear facility located in southeastern Washington*

1 *State known as the Hanford Reservation, Washing-*
2 *ton.*

3 (4) *The term “Secretary” means the Secretary of*
4 *Energy.*

5 ***Subtitle F—Waste Isolation Pilot***
6 ***Plant Land Withdrawal Act***
7 ***Amendments.***

8 ***SEC. 3181. SHORT TITLE AND REFERENCE.***

9 (a) *SHORT TITLE.*—*This subtitle may be cited as the*
10 *“Waste Isolation Pilot Plant Land Withdrawal Amendment*
11 *Act”.*

12 (b) *REFERENCE.*—*Except as otherwise expressly pro-*
13 *vided, whenever in this subtitle an amendment or repeal*
14 *is expressed in terms of an amendment to, or repeal of, a*
15 *section or other provision, the reference shall be considered*
16 *to be made to a section or other provision of the Waste Isola-*
17 *tion Pilot Plant Land Withdrawal Act (Public Law 102–*
18 *579).*

19 ***SEC. 3182. DEFINITIONS.***

20 *Paragraphs (18) and (19) of section 2 are repealed.*

21 ***SEC. 3183. TEST PHASE AND RETRIEVAL PLANS.***

22 *Section 5 and the item relating to such section in the*
23 *table of contents are repealed.*

1 **SEC. 3184. MANAGEMENT PLAN.**

2 *Section 4(b)(5)(B) is amended by striking “or with the*
3 *Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)”.*

4 **SEC. 3185. TEST PHASE ACTIVITIES.**

5 *Section 6 is amended—*

6 *(1) by repealing subsections (a) and (b),*
7 *(2) by repealing paragraph (1) of subsection (c),*
8 *(3) by redesignating subsection (c) as subsection*
9 *(a) and in that subsection—*

10 *(A) by repealing subparagraph (A) of para-*
11 *graph (2),*

12 *(B) by striking the subsection heading and*
13 *the matter immediately following the subsection*
14 *heading and inserting “STUDY.—The following*
15 *study shall be conducted:”;*

16 *(C) by striking “(2) REMOTE-HANDLED*
17 *WASTE.—”;*

18 *(D) by striking “(B) STUDY.—”;*

19 *(E) by redesignating clauses (i), (ii), and*
20 *(iii) as paragraphs (1), (2), and (3), respec-*
21 *tively, and*

22 *(F) by realigning the margins of such*
23 *clauses to be margins of paragraphs,*

24 *(4) in subsection (d), by striking “, during the*
25 *test phase, a biennial” and inserting “a” and by*

1 *striking “, consisting of a documented analysis of”*
2 *and inserting “as necessary to demonstrate”, and*
3 *(5) by redesignating subsection (d) as subsection*
4 *(b).*

5 **SEC. 3186. DISPOSAL OPERATIONS.**

6 *Section 7(b) is amended to read as follows:*

7 *“(b) REQUIREMENTS FOR COMMENCEMENT OF DIS-*
8 *POSAL OPERATIONS.—The Secretary may commence em-*
9 *placement of transuranic waste underground for disposal*
10 *at WIPP only upon completion of—*

11 *“(1) the Administrator’s certification under sec-*
12 *tion 8(d)(1) that the WIPP facility will comply with*
13 *the final disposal regulations;*

14 *“(2) the acquisition by the Secretary (whether by*
15 *purchase, condemnation, or otherwise) of Federal Oil*
16 *and Gas Leases No. NMNM 02953 and No. NMNM*
17 *02953C, unless the Administrator determines, under*
18 *section 4(b)(5), that such acquisition is not required;*
19 *and,*

20 *“(3) the expiration of the 30-day period begin-*
21 *ning on the date on which the Secretary notifies Con-*
22 *gress that the requirements of section 9(a)(1) have*
23 *been met.”.*

1 **SEC. 3187. ENVIRONMENTAL PROTECTION AGENCY DIS-**
2 **POSAL REGULATIONS.**

3 (a) *SECTION 8(d)(1).*—*Section 8(d)(1) is amended—*
4 *(1) by amending subparagraph (A) to read as*
5 *follows:*

6 “(A) *APPLICATION FOR COMPLIANCE.*—
7 *Within 30 days after the date of the enactment*
8 *of the Waste Isolation Pilot Plant Land With-*
9 *drawal Amendment Act, the Secretary shall pro-*
10 *vide to Congress a schedule for the incremental*
11 *submission of chapters of the application to the*
12 *Administrator beginning no later than 30 days*
13 *after such date. The Administrator shall review*
14 *the submitted chapters and provide requests for*
15 *additional information from the Secretary as*
16 *needed for completeness within 45 days of the re-*
17 *ceipt of each chapter. The Administrator shall*
18 *notify Congress of such requests. The schedule*
19 *shall call for the Secretary to submit all chapters*
20 *to the Administrator no later than October 31,*
21 *1996. The Administrator may at any time re-*
22 *quest additional information from the Secretary*
23 *as needed to certify, pursuant to subparagraph*
24 *(B), whether the WIPP facility will comply with*
25 *the final disposal regulations.”; and*

1 *hibitions in section 3004(d), (e), (f), and (g) of the Solid*
2 *Waste Disposal Act.”.*

3 (b) *SECTION 9(b).*—*Subsection (b) of section 9 is re-*
4 *pealed.*

5 (c) *SECTION 9(c)(2).*—*Subsection (c)(2) of section 9 is*
6 *repealed.*

7 (d) *SECTION 14.*—*Section 14 is amended—*

8 (1) *in subsection (a), by striking “No provision”*
9 *and inserting “Except for the exemption from the*
10 *land disposal restrictions described in section 9(a)(1),*
11 *no provision”;* and

12 (2) *in subsection (b)(2), by striking “including*
13 *all terms and conditions of the No-Migration Deter-*
14 *mination” and inserting “except that the transuranic*
15 *mixed waste designated by the Secretary for disposal*
16 *at WIPP is exempt from the land disposal restrictions*
17 *described in section 9(a)(1)”.*

18 **SEC. 3189. RETRIEVABILITY.**

19 (a) *SECTION 10.*—*Section 10 is amended to read as*
20 *follows:*

21 **“SEC. 10. TRANSURANIC WASTE.**

22 *“It is the intent of Congress that the Secretary will*
23 *complete all actions required under section 7(b) to com-*
24 *mence emplacement of transuranic waste underground for*
25 *disposal at WIPP no later than November 30, 1997.”.*

1 (b) *CONFORMING AMENDMENT.*—*The item relating to*
 2 *section 10 in the table of contents is amended to read as*
 3 *follows:*

 “*Sec. 10. Transuranic waste.*”.

4 **SEC. 3190. DECOMMISSIONING OF WIPP**

5 *Section 13 is amended—*

6 (1) *by repealing subsection (a), and*

7 (2) *in subsection (b), by striking “(b) MANAGE-*
 8 *MENT PLAN FOR THE WITHDRAWAL AFTER DECOM-*
 9 *MISSIONING.—Within 5 years after the date of the en-*
 10 *actment of this Act, the” and inserting “The”.*

11 **SEC. 3191. ECONOMIC ASSISTANCE AND MISCELLANEOUS**
 12 **PAYMENTS.**

13 (a) *Section 15(a) is amended by adding at the end*
 14 *the following: “An appropriation to the State shall be in*
 15 *addition to any appropriation for WIPP.”.*

16 (b) *\$20,000,000 is authorized to be appropriated in fis-*
 17 *cal year 1997 to the Secretary for payment to the State*
 18 *of New Mexico for road improvements in connection with*
 19 *the WIPP.*

20 **TITLE XXXII—DEFENSE NU-**
 21 **CLEAR FACILITIES SAFETY**
 22 **BOARD**

23 **SEC. 3201. AUTHORIZATION.**

24 *There are authorized to be appropriated for fiscal year*
 25 *1997, \$17,000,000 for the operation of the Defense Nuclear*

1 *Facilities Safety Board under chapter 21 of the Atomic En-*
2 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

3 **TITLE XXXIII—NATIONAL**
4 **DEFENSE STOCKPILE**

5 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

6 (a) *OBLIGATIONS AUTHORIZED.*—*During fiscal year*
7 *1997, the National Defense Stockpile Manager may obligate*
8 *up to \$60,000,000 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. 3302. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL**
 2 **DEFENSE STOCKPILE.**

3 (a) *DISPOSAL REQUIRED.*—The President shall dis-
 4 pose of materials contained in the National Defense Stock-
 5 pile and specified in the table in subsection (b) so as to
 6 result in receipts to the United States in amounts equal
 7 to—

8 (1) \$338,000,000 during the five-fiscal year pe-
 9 riod ending on September 30, 2001; and

10 (2) \$649,000,000 during the seven-fiscal year pe-
 11 riod ending on September 30, 2003.

12 (b) *LIMITATION ON DISPOSAL QUANTITY.*—The total
 13 quantities of materials authorized for disposal by the Presi-
 14 dent under subsection (a) may not exceed the amounts set
 15 forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Aluminum	62,881 short tons
Cobalt	30,000,000 pounds con- tained
Columbium Ferro	930,911 pounds contained
Germanium Metal	40,000 kilograms
Indium	35,000 troy ounces
Palladium	15,000 troy ounces
Platinum	10,000 troy ounces
Rubber, Natural	125,138 long tons
Tantalum, Carbide Powder	6,000 pounds contained
Tantalum, Minerals	750,000 pounds contained
Tantalum, Oxide	40,000 pounds contained

16 (c) *DEPOSIT OF RECEIPTS.*—(1) Notwithstanding sec-
 17 tion 9 of the Strategic and Critical Materials Stock Piling
 18 Act (50 U.S.C. 98h) and except as provided in paragraph
 19 (2), funds received as a result of the disposal of materials

1 *under subsection (a) shall be deposited into the general fund*
2 *of the Treasury.*

3 *(2) Funds received as a result of such disposal in excess*
4 *of the amount of receipts specified in subsection (a)(2) shall*
5 *be deposited in the National Defense Stockpile Transaction*
6 *Fund established by section 9(a) of that Act.*

7 *(d) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*
8 *ITY.—The disposal authority provided in subsection (a) is*
9 *new disposal authority and is in addition to, and shall not*
10 *affect, any other disposal authority provided by law regard-*
11 *ing the materials specified in such subsection.*

12 *(e) DEFINITION.—The term “National Defense Stock-*
13 *pile” means the National Defense Stockpile provided for in*
14 *section 4 of the Strategic and Critical Materials Stock Pil-*
15 *ing Act (50 U.S.C. 98c).*

16 **SEC. 3303. ADDITIONAL AUTHORITY TO DISPOSE OF MATE-**
17 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

18 *(a) DISPOSAL REQUIRED.—Subject to subsection (c),*
19 *the President shall dispose of materials contained in the Na-*
20 *tional Defense Stockpile and specified in the table in sub-*
21 *section (b) so as to result in receipts to the United States*
22 *in amounts equal to—*

23 *(1) \$110,000,000 during the five-fiscal year pe-*
24 *riod ending September 30, 2001;*

1 (2) \$260,000,000 during the seven-fiscal year pe-
2 riod ending September 30, 2003; and

3 (3) \$440,000,000 during the nine-fiscal year pe-
4 riod ending September 30, 2005.

5 (b) *LIMITATION ON DISPOSAL QUANTITY.*—The total
6 quantities of materials authorized for disposal by the Presi-
7 dent under subsection (a) may not exceed the amounts set
8 forth in the following table:

Authorized Stockpile Disposals

<i>Material for disposal</i>	<i>Quantity</i>
<i>Chrome Metal, Electrolytic</i>	8,471 short tons
<i>Cobalt</i>	9,902,774 pounds
<i>Columbium Carbide</i>	21,372 pounds
<i>Columbium Ferro</i>	249,395 pounds
<i>Diamond, Bort</i>	91,542 carats
<i>Diamond, Stone</i>	3,029,413 carats
<i>Germanium</i>	28,207 kilograms
<i>Indium</i>	15,205 troy ounces
<i>Palladium</i>	1,249,601 troy ounces
<i>Platinum</i>	442,641 troy ounces
<i>Rubber</i>	567 long tons
<i>Tantalum, Carbide Powder</i>	22,688 pounds contained
<i>Tantalum, Minerals</i>	1,748,947 pounds contained
<i>Tantalum, Oxide</i>	123,691 pounds contained
<i>Titanium Sponge</i>	36,830 short tons
<i>Tungsten</i>	76,358,235 pounds
<i>Tungsten, Carbide</i>	2,032,942 pounds
<i>Tungsten, Metal Powder</i>	1,181,921 pounds
<i>Tungsten, Ferro</i>	2,024,143 pounds

9 (c) *MINIMIZATION OF DISRUPTION AND LOSS.*—The
10 President may not dispose of materials under subsection (a)
11 to the extent that the disposal will result in—

12 (1) undue disruption of the usual markets of
13 producers, processors, and consumers of the materials
14 proposed for disposal; or

15 (2) avoidable loss to the United States.

1 (d) *TREATMENT OF RECEIPTS.*—(1) *Notwithstanding*
2 *section 9 of the Strategic and Critical Materials Stock Pil-*
3 *ing Act (50 U.S.C. 98h), funds received as a result of the*
4 *disposal of materials under subsection (a) shall be deposited*
5 *into the general fund of the Treasury and used to offset the*
6 *revenues lost as a result of the amendments made by sub-*
7 *section (a) of section 4303 of the National Defense Author-*
8 *ization Act for Fiscal Year 1996 (Public Law 104–106; 110*
9 *Stat. 658).*

10 (2) *This section shall be treated as qualifying offsetting*
11 *legislation for purposes of subsection (b) of such section*
12 *4303.*

13 (e) *RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*
14 *ITY.*—*The disposal authority provided in subsection (a) is*
15 *new disposal authority and is in addition to, and shall not*
16 *affect, any other disposal authority provided by law regard-*
17 *ing the materials specified in such subsection.*

18 (f) *DEFINITION.*—*The term “National Defense Stock-*
19 *pile” means the National Defense Stockpile provided for in*
20 *section 4 of the Strategic and Critical Materials Stock Pil-*
21 *ing Act (50 U.S.C. 98c).*

22 (g) *ADDITIONAL LIMITATION.*—*Of the amounts listed*
23 *in the table in subsection (b), titanium sponge may be sold*
24 *only to the extent necessary to attain the level of receipts*

1 *specified in subsection (a), after taking into account the es-*
 2 *timated receipts from the other materials in such table.*

3 **TITLE XXXIV—NAVAL**
 4 **PETROLEUM RESERVES**

5 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

6 *There is hereby authorized to be appropriated to the*
 7 *Secretary of Energy \$149,500,000 for fiscal year 1997 for*
 8 *the purpose of carrying out activities under chapter 641*
 9 *of title 10, United States Code, relating to the naval petro-*
 10 *leum reserves (as defined in section 7420(2) of such title).*
 11 *Funds appropriated pursuant to such authorization shall*
 12 *remain available until expended.*

13 **TITLE XXXV—PANAMA CANAL**
 14 **COMMISSION**

15 **SEC. 3501. SHORT TITLE.**

16 *This title may be cited as the “Panama Canal Com-*
 17 *mission Authorization Act for Fiscal Year 1997”.*

18 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

19 *(a) IN GENERAL.—Subject to subsection (b), the Pan-*
 20 *ama Canal Commission is authorized to make such expend-*
 21 *itures within the limits of funds and borrowing authority*
 22 *available to it in accordance with law, and to make such*
 23 *contracts and commitments, to be derived from the Panama*
 24 *Canal Commission Revolving Fund, as may be necessary*
 25 *under the Panama Canal Act of 1979 (22 U.S.C. 3601 et*

1 *seq.) for the operation, maintenance, improvement, and ad-*
2 *ministration of the Panama Canal for fiscal year 1997.*

3 (b) *LIMITATIONS.—For fiscal year 1997, the Panama*
4 *Canal Commission may expend from funds in the Panama*
5 *Canal Revolving Fund not more than \$73,000 for reception*
6 *and representation expenses, of which—*

7 (1) *not more than \$18,000 may be used for offi-*
8 *cial reception and representation expenses of the Su-*
9 *pervisory Board of the Commission;*

10 (2) *not more than \$10,000 may be used for offi-*
11 *cial reception and representation expenses of the Sec-*
12 *retary of the Commission; and*

13 (3) *not more than \$45,000 may be used for offi-*
14 *cial reception and representation expenses of the Ad-*
15 *ministrator of the Commission.*

16 **SEC. 3503. PURCHASE OF VEHICLES.**

17 *Notwithstanding any provision of law relating to pur-*
18 *chase of vehicles by agencies of the Federal Government,*
19 *funds available to the Panama Canal Commission shall be*
20 *available for the purchase of, and for transportation to the*
21 *Republic of Panama of, passenger motor vehicles, including*
22 *large, heavy-duty vehicles.*

1 **SEC. 3504. EXPENDITURES IN ACCORDANCE WITH OTHER**
2 **LAWS.**

3 *Expenditures authorized under this title may be made*
4 *only in accordance with the Panama Canal Treaties of*
5 *1977 and any law of the United States implementing those*
6 *treaties.*

7 **TITLE XXXVI—MISCELLANEOUS**
8 **PROVISION**

9 **SEC. 3601. SENSE OF THE SENATE REGARDING THE RE-**
10 **OPENING OF PENNSYLVANIA AVENUE.**

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

13 *(1) In 1791, President George Washington com-*
14 *missioned Pierre Charles L'Enfant to draft a blue-*
15 *print for America's new capital city; they envisioned*
16 *Pennsylvania Avenue as a bold, ceremonial boulevard*
17 *physically linking the U.S. Capitol building and the*
18 *White House, and symbolically the Legislative and*
19 *Executive branches of government.*

20 *(2) An integral element of the District of Colum-*
21 *bia, Pennsylvania Avenue stood for 195 years as a*
22 *vital, working, unbroken roadway, elevating it into a*
23 *place of national importance as "America's Main*
24 *Street".*

25 *(3) 1600 Pennsylvania Avenue, the White House,*
26 *has become America's most recognized address and a*

1 *primary destination of visitors to the Nation's Cap-*
2 *ital; "the People's House" is host to 5,000 tourists*
3 *daily, and 15,000,000 annually.*

4 (4) *As home to the President, and given its*
5 *prominent location on Pennsylvania Avenue and its*
6 *proximity to the People, the White House has become*
7 *a powerful symbol of freedom, openness, and an indi-*
8 *vidual's access to their government.*

9 (5) *On May 20, 1995, citing possible security*
10 *risks from vehicles transporting terrorist bombs,*
11 *President Clinton ordered the Secret Service, in con-*
12 *junction with the Department of the Treasury, to*
13 *close Pennsylvania Avenue to vehicular traffic for two*
14 *blocks in front of the White House.*

15 (6) *While the security of the President and visi-*
16 *tors to the White House is of grave concern and is not*
17 *to be taken lightly, the need to assure the President's*
18 *safety must be balanced with the expectation of free-*
19 *dom inherent in a democracy; the present situation is*
20 *tilted too heavily toward security at freedom's ex-*
21 *pense.*

22 (7) *By impeding access and imposing undue*
23 *hardships upon tourists, residents of the District,*
24 *commuters, and local business owners and their cus-*
25 *tomers, the closure of Pennsylvania Avenue, under-*

1 *taken without the counsel of the government of the*
2 *District of Columbia, has replaced the former open-*
3 *ness of the area surrounding the White House with*
4 *barricades, additional security checkpoints, and an*
5 *atmosphere of fear and distrust.*

6 *(8) In the year following the closure of Penn-*
7 *sylvania Avenue, the taxpayers have borne a signifi-*
8 *cant burden for additional security measures along*
9 *the Avenue near the White House.*

10 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
11 *ate that the President should request the Department of the*
12 *Treasury and the Secret Service to work with the Govern-*
13 *ment of the District of Columbia to develop a plan for the*
14 *permanent reopening to vehicular traffic of Pennsylvania*
15 *Avenue in front of the White House in order to restore the*
16 *Avenue to its original state and return it to the people: Pro-*
17 *vided, That the Secretary of the Treasury and the Secret*
18 *Service certify that the plan protects the security of the peo-*
19 *ple who live and work in the White House.*

Amend the title so as to read: “An Act to authorize appropriations for fiscal year 1997 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.”.

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 3230

AMENDMENTS

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HR 3230 EAS—4
HR 3230 EAS—5
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