

104TH CONGRESS
2^D SESSION

S. 1124

AMENDMENTS

In the House of Representatives, U. S.,

January 5, 1996.

Resolved, That the bill from the Senate (S. 1124) entitled “An Act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, 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 1996”.*

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

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

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

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

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

14 *(4) Division D—Federal Acquisition Reform.*

1 (5) *Division E—Information Technology Man-*
2 *agement Reform.*

3 (b) *TABLE OF CONTENTS.—The table of contents for*
4 *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.

5 ***DIVISION A—DEPARTMENT OF DEFENSE***
6 ***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 programs.

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Sec. 112. Repeal of requirements for armored vehicle upgrades.

Sec. 113. Multiyear procurement of helicopters.

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

Sec. 115. Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement.

Subtitle C—Navy Programs

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Sec. 132. Research for advanced submarine technology.

Sec. 133. Cost limitation for Seawolf submarine program.

Sec. 134. Repeal of prohibition on backfit of Trident submarines.

Sec. 135. Arleigh Burke class destroyer program.

Sec. 136. Acquisition program for crash attenuating seats.

Sec. 137. T-39N trainer aircraft.

Sec. 138. Pioneer unmanned aerial vehicle program.

Subtitle D—Air Force Programs

Sec. 141. B-2 aircraft program.

Sec. 142. Procurement of B-2 bombers.

Sec. 143. MC-130H aircraft program.

Subtitle E—Chemical Demilitarization Program

- Sec. 151. Repeal of requirement to proceed expeditiously with development of chemical demilitarization cryofracture facility at Tooele Army Depot, Utah.
- Sec. 152. Destruction of existing stockpile of lethal chemical agents and munitions.
- Sec. 153. Administration of chemical demilitarization program.

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- Sec. 202. Amount for basic research and exploratory development.
- Sec. 203. Modifications to Strategic Environmental Research and Development Program.
- Sec. 204. Defense dual use technology initiative.

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- Sec. 212. Tactical manned reconnaissance.
- Sec. 213. Joint Advanced Strike Technology (JAST) program.
- Sec. 214. Development of laser program.
- Sec. 215. Navy mine countermeasures program.
- Sec. 216. Space-based infrared system.
- Sec. 217. Defense Nuclear Agency programs.
- Sec. 218. Counterproliferation support program.
- Sec. 219. Nonlethal weapons study.
- Sec. 220. Federally funded research and development centers and university-affiliated research centers.
- Sec. 221. Joint seismic program and global seismic network.
- Sec. 222. Hydra-70 rocket product improvement program.
- Sec. 223. Limitation on obligation of funds until receipt of electronic combat consolidation master plan.
- Sec. 224. Obligation of certain funds delayed until receipt of report on science and technology rescissions.
- Sec. 225. Obligation of certain funds delayed until receipt of report on reductions in research, development, test, and evaluation.
- Sec. 226. Advanced Field Artillery System (Crusader).
- Sec. 227. Demilitarization of conventional munitions, rockets, and explosives.
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- Sec. 238. Ballistic Missile Defense cooperation with allies.

- Sec. 239. *ABM Treaty defined.*
 Sec. 240. *Repeal of Missile Defense Act of 1991.*

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- Sec. 251. *Ballistic Missile Defense program elements.*
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- Sec. 261. *Precision-guided munitions.*
 Sec. 262. *Review of C⁴I by National Research Council.*
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- Sec. 355. Pilot program on private operation of defense dependents' schools.*
- Sec. 356. Program for improved travel process for the Department of Defense.*
- Sec. 357. Increased reliance on private-sector sources for commercial products and services.*

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- Sec. 361. Quarterly readiness reports.*
- Sec. 362. Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations.*
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- Sec. 364. Reviews of management of inventory control points and Material Management Standard System.*
- Sec. 365. Report on private performance of certain functions performed by military aircraft.*
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- Sec. 421. Authorization of training student loads.*

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Sec. 2834. Authority to lease property requiring environmental remediation at installations approved for closure or realignment.

Sec. 2835. Final funding for Defense Base Closure and Realignment Commission.

Sec. 2836. Exercise of authority delegated by the Administrator of General Services.

Sec. 2837. Lease back of property disposed from installations approved for closure or realignment.

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Sec. 2840. Authority to transfer property at military installations to be closed to persons who construct or provide military family housing.

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Sec. 2854. Modification of land conveyance, Fort Belvoir, Virginia.
Sec. 2855. Land exchange, Fort Lewis, Washington.
Sec. 2856. Land exchange, Army Reserve Center, Gainesville, Georgia.
Sec. 2857. Land conveyance, Holston Army Ammunition Plant, Mount Carmel, Tennessee.
Sec. 2858. Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana.
Sec. 2859. Land conveyance, Fort Ord, California.
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Sec. 2862. Land conveyance, Army Reserve Property, Fort Sheridan, Illinois.
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Sec. 2864. Modification of existing land conveyance, Army property, Hamilton Air Force Base, California.

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- Sec. 2865. Transfer of jurisdiction, Naval Weapons Industrial Reserve Plant, Calverton, New York.*
Sec. 2866. Modification of land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York.
Sec. 2867. Land conveyance alternative to existing lease authority, Naval Supply Center, Oakland, California.
Sec. 2868. Land conveyance, Naval Weapons Industrial Reserve Plant, McGregor, Texas.
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- Sec. 2881. Conveyance of resource recovery facility, Fort Dix, New Jersey.*

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- Sec. 2891. *Authority to use funds for certain educational purposes.*
- Sec. 2892. *Department of Defense Laboratory Revitalization Demonstration Program.*
- Sec. 2893. *Authority for Port Authority of State of Mississippi to use Navy property at Naval Construction Battalion Center, Gulfport, Mississippi.*
- Sec. 2894. *Prohibition on joint use of Naval Air Station and Marine Corps Air Station, Miramar, California.*
- Sec. 2895. *Report regarding Army water craft support facilities and activities.*
- Sec. 2896. *Residual value reports.*
- Sec. 2897. *Sense of Congress and report regarding Fitzsimons Army Medical Center, Colorado.*

**TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET
ARMY AMMUNITION PLANT, ILLINOIS**

- Sec. 2901. *Short title.*
- Sec. 2902. *Definitions.*

**Subtitle A—Conversion of Joliet Army Ammunition Plant to
Midwin National Tallgrass Prairie**

- Sec. 2911. *Principles of transfer.*
- Sec. 2912. *Transfer of management responsibilities and jurisdiction over Arsenal.*
- Sec. 2913. *Responsibility and liability.*
- Sec. 2914. *Establishment and administration of Midwin National Tallgrass Prairie.*
- Sec. 2915. *Special management requirements for Midwin National Tallgrass Prairie.*
- Sec. 2916. *Special transfer rules for certain Arsenal parcels intended for MNP.*

**Subtitle B—Other Land Conveyances Involving Joliet Army
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- Sec. 2922. *Conveyance of certain real property at Arsenal for a county landfill.*
- Sec. 2923. *Conveyance of certain real property at Arsenal for industrial parks.*

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- Sec. 2931. *Degree of environmental cleanup.*
- Sec. 2932. *Retention of property used for environmental cleanup.*

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 2 ***NATIONAL SECURITY AUTHORIZA-***
 3 ***TIONS AND OTHER AUTHORIZATIONS***

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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
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***Subtitle C—Program Authorizations, Restrictions, and
 Limitations***

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Sec. 3132. National Ignition Facility.
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Sec. 3136. Tritium recycling.
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Sec. 3138. Hydronuclear experiments.
Sec. 3139. Limitation on authority to conduct hydronuclear tests.
*Sec. 3140. Fellowship program for development of skills critical to the Depart-
 ment of Energy nuclear weapons complex.*
*Sec. 3141. Limitation on use of funds for certain research and development pur-
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Sec. 3143. Protection of workers at nuclear weapons facilities.
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- Sec. 3151. Report on foreign tritium purchases.*
Sec. 3152. Study on nuclear test readiness postures.
*Sec. 3153. Master plan for the certification, stewardship, and management of
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- Sec. 3154. Prohibition on international inspections of Department of Energy facilities unless protection of restricted data is certified.*
- Sec. 3155. Review of certain documents before declassification and release.*
- Sec. 3156. Accelerated schedule for environmental restoration and waste management activities.*
- Sec. 3157. Sense of Congress regarding certain environmental restoration requirements.*
- Sec. 3158. Responsibility for Defense Programs Emergency Response Program.*
- Sec. 3159. Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1996.*
- Sec. 3160. Report on hydronuclear testing.*
- Sec. 3161. Applicability of Atomic Energy Community Act of 1955 to Los Alamos, New Mexico.*
- Sec. 3162. Sense of Congress regarding shipments of spent nuclear fuel.*

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- Sec. 3201. Authorization.*

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- Sec. 3303. Disposal of chromite and manganese ores and chromium ferro and manganese metal electrolytic.*
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- Sec. 3305. Titanium initiative to support battle tank upgrade program.*

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- Sec. 3311. Transfer of excess defense-related materials to stockpile for disposal.*

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- Sec. 3401. Authorization of appropriations.*
- Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1996.*

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- Sec. 3411. Definitions.*
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- Sec. 3413. Effect of sale of reserve.*
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- Sec. 3501. Short title.*
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Subtitle B—Reconstitution of Commission as Government Corporation

- Sec. 3521. Short title.*
Sec. 3522. Reconstitution of Commission as Government corporation.
Sec. 3523. Supervisory Board.
Sec. 3524. General and specific powers of Commission.
Sec. 3525. Congressional review of budget.
Sec. 3526. Audits.
Sec. 3527. Prescription of measurement rules and rates of tolls.
Sec. 3528. Procedures for changes in rules of measurement and rates of tolls.
Sec. 3529. Miscellaneous technical amendments.
Sec. 3530. Conforming amendment to title 31, United States Code.

1 *DIVISION D—FEDERAL ACQUISITION*
2 *REFORM*

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- Sec. 4201. Commercial item exception to requirement for cost or pricing data.*
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- Sec. 4301. Elimination of certain certification requirements.*
Sec. 4302. Authorities conditioned on FACNET capability.
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Sec. 4304. Procurement integrity.
Sec. 4305. Further acquisition streamlining provisions.
Sec. 4306. Value engineering for Federal agencies.
Sec. 4307. Acquisition workforce.
Sec. 4308. Demonstration project relating to certain personnel management policies and procedures.
Sec. 4309. Cooperative purchasing.
Sec. 4310. Procurement notice technical amendments.
Sec. 4311. Micro-purchases without competitive quotations.

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- Sec. 4321. Amendments related to Federal Acquisition Streamlining Act of 1994.*
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TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

- Sec. 4401. Effective date and applicability.*
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1 DIVISION E—INFORMATION TECHNOLOGY**2 MANAGEMENT REFORM**

- Sec. 5001. Short title.*
Sec. 5002. Definitions.

TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY**Subtitle A—General Authority**

- Sec. 5101. Repeal of central authority of the Administrator of General Services.*

Subtitle B—Director of the Office of Management and Budget

- Sec. 5111. Responsibility of Director.*
Sec. 5112. Capital planning and investment control.
Sec. 5113. Performance-based and results-based management.

Subtitle C—Executive Agencies

- Sec. 5121. Responsibilities.*
Sec. 5122. Capital planning and investment control.
Sec. 5123. Performance and results-based management.
Sec. 5124. Acquisitions of information technology.
Sec. 5125. Agency Chief Information Officer.
Sec. 5126. Accountability.
Sec. 5127. Significant deviations.
Sec. 5128. Interagency support.

Subtitle D—Other Responsibilities

- Sec. 5131. Responsibilities regarding efficiency, security, and privacy of Federal computer systems.*
Sec. 5132. Sense of Congress.

Subtitle E—National Security Systems

- Sec. 5141. Applicability to national security systems.*
Sec. 5142. National security system defined.

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

- Sec. 5201. Procurement procedures.*
Sec. 5202. Incremental acquisition of information technology.

**TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION
PILOT PROGRAMS**

Subtitle A—Conduct of Pilot Programs

- Sec. 5301. Authority to conduct pilot programs.*
Sec. 5302. Evaluation criteria and plans.
Sec. 5303. Report.
Sec. 5304. Recommended legislation.
Sec. 5305. Rule of construction.

Subtitle B—Specific Pilot Programs

- Sec. 5311. Share-in-savings pilot program.*
Sec. 5312. Solutions-based contracting pilot program.

**TITLE LIV—ADDITIONAL INFORMATION RESOURCES
MANAGEMENT MATTERS**

- Sec. 5401. On-line multiple award schedule contracting.*
Sec. 5402. Identification of excess and surplus computer equipment.
Sec. 5403. Access of certain information in information systems to the directory established under section 4101 of title 44, United States Code.

**TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE
COMPTROLLER GENERAL**

- Sec. 5501. Period for processing protests.*
Sec. 5502. Availability of funds following GAO resolution of challenge to contracting action.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

- Sec. 5601. Amendments to title 10, United States Code.*
Sec. 5602. Amendments to title 28, United States Code.
Sec. 5603. Amendment to title 31, United States Code.
Sec. 5604. Amendments to title 38, United States Code.
Sec. 5605. Provisions of title 44, United States Code, relating to paperwork reduction.
Sec. 5606. Amendment to title 49, United States Code.
Sec. 5607. Other laws.
Sec. 5608. Clerical amendments.

**TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND
RULES OF CONSTRUCTION**

- Sec. 5701. Effective date.*
Sec. 5702. Savings provisions.
Sec. 5703. Rules of construction.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

3 (2) *the Committee on National Security and the*
4 *Committee on Appropriations of the House of Rep-*
5 *resentatives.*

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 1996 for procurement for the Army as follows:*

14 (1) *For aircraft, \$1,558,805,000.*

15 (2) *For missiles, \$865,555,000.*

16 (3) *For weapons and tracked combat vehicles,*
17 *\$1,652,745,000.*

18 (4) *For ammunition, \$1,093,991,000.*

19 (5) *For other procurement, \$2,763,443,000.*

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

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

24 (1) *For aircraft, \$4,572,394,000.*

1 (2) *For weapons, including missiles and tor-*
2 *pedoes, \$1,659,827,000.*

3 (3) *For shipbuilding and conversion,*
4 *\$6,643,958,000.*

5 (4) *For other procurement, \$2,414,771,000.*

6 (b) *MARINE CORPS.—Funds are hereby authorized to*
7 *be appropriated for fiscal year 1996 for procurement for*
8 *the Marine Corps in the amount of \$458,947,000.*

9 (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*
10 *are hereby authorized to be appropriated for procurement*
11 *of ammunition for the Navy and the Marine Corps in the*
12 *amount of \$430,053,000.*

13 ***SEC. 103. AIR FORCE.***

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

16 (1) *For aircraft, \$7,349,783,000.*

17 (2) *For missiles, \$2,938,883,000.*

18 (3) *For ammunition, \$343,848,000.*

19 (4) *For other procurement, \$6,268,430,000.*

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

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 1996 for Defense-wide procurement in the amount*
23 *of \$2,124,379,000.*

1 **SEC. 105. RESERVE COMPONENTS.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 1996 for procurement of aircraft, vehicles, commu-*
4 *nications equipment, and other equipment for the reserve*
5 *components of the Armed Forces as follows:*

6 (1) *For the Army National Guard, \$160,000,000.*

7 (2) *For the Air National Guard, \$255,000,000.*

8 (3) *For the Army Reserve, \$85,700,000.*

9 (4) *For the Naval Reserve, \$67,000,000.*

10 (5) *For the Air Force Reserve, \$135,600,000.*

11 (6) *For the Marine Corps Reserve, \$73,700,000.*

12 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

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

16 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

17 *There is hereby authorized to be appropriated for fiscal*
18 *year 1996 the amount of \$672,250,000 for—*

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

23 (2) *the destruction of chemical warfare materiel*
24 *of the United States that is not covered by section*
25 *1412 of such Act.*

1 **SEC. 108. DEFENSE HEALTH PROGRAMS.**

2 *Funds are hereby authorized to be appropriated for fis-*
 3 *cal year 1996 for the Department of Defense for procure-*
 4 *ment for carrying out health care programs, projects, and*
 5 *activities of the Department of Defense in the total amount*
 6 *of \$288,033,000.*

7 **Subtitle B—Army Programs**

8 **SEC. 111. PROCUREMENT OF OH-58D ARMED KIOWA WAR-**
 9 **RIOR HELICOPTERS.**

10 *The prohibition in section 133(a)(2) of the National*
 11 *Defense Authorization Act for Fiscal Years 1990 and 1991*
 12 *(Public Law 101-189; 103 Stat. 1383) does not apply to*
 13 *the obligation of funds in amounts not to exceed*
 14 *\$140,000,000 for the procurement of not more than 20 OH-*
 15 *58D Armed Kiowa Warrior aircraft from funds appro-*
 16 *priated for fiscal year 1996 pursuant to section 101.*

17 **SEC. 112. REPEAL OF REQUIREMENTS FOR ARMORED VEHI-**
 18 **CLE UPGRADES.**

19 *Subsection (j) of section 21 of the Arms Export Control*
 20 *Act (22 U.S.C. 2761) is repealed.*

21 **SEC. 113. MULTIYEAR PROCUREMENT OF HELICOPTERS.**

22 *The Secretary of the Army may, in accordance with*
 23 *section 2306b of title 10, United States Code, enter into*
 24 *multiyear procurement contracts for procurement of the fol-*
 25 *lowing:*

26 (1) *AH-64D Longbow Apache attack helicopters.*

1 (2) *UH-60 Black Hawk utility helicopters.*

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

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

7 (1) *a plan to provide for the upgrade of all*
8 *Army AH-64D helicopters with T700-701C engine*
9 *kits commencing in fiscal year 1996; and*

10 (2) *a detailed timeline and statement of funding*
11 *requirements for the engine upgrade program de-*
12 *scribed in paragraph (1).*

13 **SEC. 115. REQUIREMENT FOR USE OF PREVIOUSLY AU-**
14 **THORIZED MULTIYEAR PROCUREMENT AU-**
15 **THORITY FOR ARMY SMALL ARMS PROCURE-**
16 **MENT.**

17 (a) *REQUIREMENT.—The Secretary of the Army (sub-*
18 *ject to the provision of authority in an appropriations Act)*
19 *shall enter into a multiyear procurement contract during*
20 *fiscal year 1997 in accordance with section 115(b)(2) of the*
21 *National Defense Authorization for Fiscal Year 1995 (Pub-*
22 *lic Law 103-337; 108 Stat. 2681).*

23 (b) *TECHNICAL AMENDMENT.—Section 115(b)(1) of*
24 *the National Defense Authorization for Fiscal Year 1995*

1 *(Public Law 103–337; 108 Stat. 2681) is amended by strik-*
 2 *ing out “2306(h)” and inserting in lieu thereof “2306b”.*

3 ***Subtitle C—Navy Programs***

4 ***SEC. 131. NUCLEAR ATTACK SUBMARINES.***

5 *(a) AMOUNTS AUTHORIZED.—(1) Of the amount au-*
 6 *thorized by section 102 to be appropriated for Shipbuilding*
 7 *and Conversion, Navy, for fiscal year 1996—*

8 *(A) \$700,000,000 is available for construction of*
 9 *the third vessel (designated SSN–23) in the Seawolf*
 10 *attack submarine class, which shall be the final vessel*
 11 *in that class; and*

12 *(B) \$804,498,000 is available for long-lead and*
 13 *advance construction and procurement of components*
 14 *for construction of the fiscal year 1998 and fiscal*
 15 *year 1999 submarines (previously designated by the*
 16 *Navy as the New Attack Submarine), of which—*

17 *(i) \$704,498,000 shall be available for long-*
 18 *lead and advance construction and procurement*
 19 *for the fiscal year 1998 submarine, which shall*
 20 *be built by Electric Boat Division; and*

21 *(ii) \$100,000,000 shall be available for long-*
 22 *lead and advance construction and procurement*
 23 *for the fiscal year 1999 submarine, which shall*
 24 *be built by Newport News Shipbuilding.*

1 (2) *Of the amount authorized by section 201(2),*
2 *\$10,000,000 shall be available only for participation of*
3 *Newport News Shipbuilding in the design of the submarine*
4 *previously designated by the Navy as the New Attack Sub-*
5 *marine.*

6 (b) *COMPETITION, REPORT, AND BUDGET REVISION*
7 *LIMITATIONS.—(1) Of the amounts specified in subsection*
8 *(a)(1), not more than \$200,000,000 may be obligated or ex-*
9 *pended until the Secretary of the Navy certifies in writing*
10 *to the Committee on Armed Services of the Senate and the*
11 *Committee on National Security of the House of Represent-*
12 *atives that procurement of nuclear attack submarines to be*
13 *constructed beginning—*

14 (A) *after fiscal year 1999, or*

15 (B) *if four submarines are procured as provided*
16 *for in the plan described in subsection (c), after fiscal*
17 *year 2001,*

18 *will be under one or more contracts that are entered into*
19 *after competition between potential competitors (as defined*
20 *in subsection (k)) in which the Secretary solicits competi-*
21 *tive proposals and awards the contract or contracts on the*
22 *basis of price.*

23 (2) *Of the amounts specified in subsection (a)(1), not*
24 *more than \$1,000,000,000 may be obligated or expended*

1 *until the Secretary of Defense, not later than March 15,*
2 *1996, accomplishes each of the following:*

3 *(A) Submits to the Committee on Armed Services*
4 *of the Senate and the Committee on National Secu-*
5 *rity of the House of Representatives in accordance*
6 *with subsection (c) the plan required by that sub-*
7 *section for a program to produce a more capable, less*
8 *expensive nuclear attack submarine than the sub-*
9 *marine design previously designated by the Navy as*
10 *the New Attack Submarine.*

11 *(B) Notwithstanding any other provision of law,*
12 *or the funding level in the President's budget for each*
13 *year after fiscal year 1996, the Under Secretary of*
14 *Defense (Comptroller) shall incorporate the costs of*
15 *the plan required by subsection (c) in the Future*
16 *Years Defense Program (FYDP) even if the total cost*
17 *of that Program exceeds the President's budget.*

18 *(C) Directs that the Under Secretary of Defense*
19 *for Acquisition and Technology conduct oversight over*
20 *the development and improvement of the nuclear at-*
21 *tack submarine program of the Navy. Officials of the*
22 *Department of the Navy exercising management over-*
23 *sight of the program shall report to the Under Sec-*
24 *retary of Defense for Acquisition and Technology with*
25 *respect to that program.*

1 (c) *PLAN FOR FISCAL YEAR 1998, 1999, 2000, AND*
2 *2001 SUBMARINES.—(1) The Secretary of Defense shall, not*
3 *later than March 15, 1996, develop (and submit to the com-*
4 *mittees specified in subsection (b)(2)(A)) a detailed plan for*
5 *development of a program that will lead to production of*
6 *a more capable, less expensive submarine than the sub-*
7 *marine previously designated as the New Attack Sub-*
8 *marine.*

9 (2) *As part of such plan, the Secretary shall provide*
10 *for a program for the design, development, and procurement*
11 *of four nuclear attack submarines to be procured during*
12 *fiscal years 1998 through 2001, the purpose of which shall*
13 *be to develop and demonstrate new technologies that will*
14 *result in each successive submarine of those four being a*
15 *more capable and more affordable submarine than the sub-*
16 *marine that preceded it. The program shall be structured*
17 *so that—*

18 (A) *one of the four submarines is to be con-*
19 *structed with funds appropriated for each fiscal year*
20 *from fiscal year 1998 through fiscal year 2001;*

21 (B) *in order to ensure flexibility for innovation,*
22 *the fiscal year 1998 and the fiscal year 2000 sub-*
23 *marines are to be constructed by the Electric Boat Di-*
24 *vision and the fiscal year 1999 and the fiscal year*

1 2001 submarines are to be constructed by Newport
2 News Shipbuilding;

3 (C) the design designated by the Navy for the
4 submarine previously designated as the New Attack
5 Submarine will be used as the base design by both
6 contractors;

7 (D) each contractor shall be called upon to pro-
8 pose improvements, including design improvements,
9 for each successive submarine as new and better tech-
10 nology is demonstrated and matures so that—

11 (i) each successive submarine is more capa-
12 ble and more affordable; and

13 (ii) the design for a future class of nuclear
14 attack submarines will incorporate the latest,
15 best, and most affordable technology; and

16 (E) the fifth and subsequent nuclear attack sub-
17 marines to be built after the SSN-23 submarine shall
18 be procured as required by subsection (b)(1).

19 (3) The plan under paragraph (1) shall—

20 (A) set forth a program to accomplish the design,
21 development, and construction of the four submarines
22 taking maximum advantage of a streamlined acquisi-
23 tion process, as provided under subsection (d);

24 (B) culminate in selection of a design for a next
25 submarine for serial production not earlier than fiscal

1 *year 2003, with such submarine to be procured as re-*
2 *quired by subsection (b)(1);*

3 *(C) identify advanced technologies that are in*
4 *various phases of research and development, as well*
5 *as those that are commercially available off-the-shelf,*
6 *that are candidates to be incorporated into the plan*
7 *to design, develop, and procure the submarines;*

8 *(D) designate the fifth submarine to be procured*
9 *as the lead ship in the next generation submarine*
10 *class, unless the Secretary of the Navy, in consulta-*
11 *tion with the special submarine review panel de-*
12 *scribed in subsection (f), determines that more sub-*
13 *marines should be built before the design of the new*
14 *class of submarines is fixed, in which case each such*
15 *additional submarine shall be procured in the same*
16 *manner as is required by subsection (b)(1); and*

17 *(E) identify the impact of the submarine pro-*
18 *gram described in paragraph (1) on the remainder of*
19 *the appropriation account known as “Shipbuilding*
20 *and Conversion, Navy”, as such impact relates to—*

21 *(i) force structure levels required by the Oc-*
22 *tober 1993 Department of Defense report entitled*
23 *“Report on the Bottom-Up Review”;*

24 *(ii) force structure levels required by the*
25 *1995 report on the Surface Ship Combatant*

1 *Study that was carried out for the Department*
2 *of Defense; and*

3 *(iii) the funding requirements for sub-*
4 *marine construction, as a percentage of the total*
5 *ship construction account, for each fiscal year*
6 *throughout the FYDP.*

7 *(d) STREAMLINED ACQUISITION PROCESS.—The Sec-*
8 *retary of Defense shall prescribe and use streamlined acqui-*
9 *sition policies and procedures to reduce the cost and in-*
10 *crease the efficiency of the submarine program under this*
11 *section.*

12 *(e) ANNUAL REVISIONS TO PLAN.—The Secretary shall*
13 *submit to the Committee on Armed Services of the Senate*
14 *and the Committee on National Security of the House of*
15 *Representatives an annual update to the plan required to*
16 *be submitted under subsection (b). Each such update shall*
17 *be submitted concurrent with the President's budget submis-*
18 *sion to Congress for each of fiscal years 1998 through 2002.*

19 *(f) SPECIAL SUBMARINE REVIEW PANEL.—(1) The*
20 *plan under subsection (c) and each annual update under*
21 *subsection (e) shall be reviewed by a special bipartisan con-*
22 *gressional panel working with the Navy. The panel shall*
23 *consist of three members of the Committee on Armed Serv-*
24 *ices of the Senate, who shall be designated by the chairman*
25 *of that committee, and three members of the Committee on*

1 *National Security of the House of Representatives, who*
2 *shall be designated by the chairman of that committee. The*
3 *members of the panel shall be briefed by the Secretary of*
4 *the Navy on the status of the submarine modernization pro-*
5 *gram and the status of submarine-related research and de-*
6 *velopment under this section.*

7 (2) *Not later than May 1 of each year, the panel shall*
8 *report to the Committee on Armed Services of the Senate*
9 *and the Committee on National Security of the House of*
10 *Representatives on the panel's findings and recommenda-*
11 *tions regarding the progress of the Secretary in procuring*
12 *a more capable, less expensive submarine. The panel may*
13 *recommend any funding adjustments it believes appropriate*
14 *to achieve this objective.*

15 (g) *LINKAGE OF FISCAL YEAR 1998 AND 1999 SUB-*
16 *MARINES.—Funds referred to in subsection (a)(1)(B) that*
17 *are available for the fiscal year 1998 and fiscal year 1999*
18 *submarines under this section may not be expended during*
19 *fiscal year 1996 for the fiscal year 1998 submarine (other*
20 *than for design) unless funds are obligated or expended dur-*
21 *ing such fiscal year for a contract in support of procure-*
22 *ment of the fiscal year 1999 submarine.*

23 (h) *CONTRACTS AUTHORIZED.—The Secretary of the*
24 *Navy is authorized, using funds available pursuant to*
25 *paragraph (1)(B) of subsection (a), to enter into contracts*

1 *with Electric Boat Division and Newport News Shipbuild-*
2 *ing, and suppliers of components, during fiscal year 1996*
3 *for—*

4 *(1) the procurement of long-lead components for*
5 *the fiscal year 1998 submarine and the fiscal year*
6 *1999 submarine under this section; and*

7 *(2) advance construction of such components and*
8 *other components for such submarines.*

9 *(i) ADVANCED RESEARCH PROJECTS AGENCY DEVEL-*
10 *OPMENT OF ADVANCED TECHNOLOGIES.—(1) Of the*
11 *amount provided in section 201(4) for the Advanced Re-*
12 *search Projects Agency, \$100,000,000 is available only for*
13 *development and demonstration of advanced technologies*
14 *for incorporation into the submarines constructed as part*
15 *of the plan developed under subsection (c). Such advanced*
16 *technologies shall include the following:*

17 *(A) Electric drive.*

18 *(B) Hydrodynamic quieting.*

19 *(C) Ship control automation.*

20 *(D) Solid-state power electronics.*

21 *(E) Wake reduction technologies.*

22 *(F) Superconductor technologies.*

23 *(G) Torpedo defense technologies.*

24 *(H) Advanced control concept.*

25 *(I) Fuel cell technologies.*

1 *(J) Propulsors.*

2 *(2) The Director of the Advanced Research Projects*
3 *Agency shall implement a rapid prototype acquisition*
4 *strategy for both land-based and at-sea subsystem and sys-*
5 *tem demonstrations of advanced technologies under para-*
6 *graph (1). Such acquisition strategy shall be developed and*
7 *implemented in concert with Electric Boat Division and*
8 *Newport News Shipbuilding and the Navy.*

9 *(j) REFERENCES TO CONTRACTORS.—For purposes of*
10 *this section—*

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

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

17 *(k) POTENTIAL COMPETITOR DEFINED.—For purposes*
18 *of this section, the term “potential competitor” means any*
19 *source to which the Secretary of the Navy has awarded,*
20 *within 10 years before the date of the enactment of this Act,*
21 *a contract or contracts to construct one or more nuclear*
22 *attack submarines.*

1 **SEC. 132. RESEARCH FOR ADVANCED SUBMARINE TECH-**
2 **NOLOGY.**

3 *Of the amount appropriated for fiscal year 1996 for*
4 *the National Defense Sealift Fund, \$50,000,000 shall be*
5 *available only for the Director of the Advanced Research*
6 *Projects Agency for advanced submarine technology activi-*
7 *ties.*

8 **SEC. 133. COST LIMITATION FOR SEAWOLF SUBMARINE**
9 **PROGRAM.**

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

14 (b) *AUTOMATIC INCREASE OF LIMITATION AMOUNT.—*
15 *The amount of the limitation set forth in subsection (a) is*
16 *increased by the following amounts:*

17 (1) *The amounts of outfitting costs and post-de-*
18 *livery costs incurred for the submarines referred to in*
19 *such subsection.*

20 (2) *The amounts of increases in costs attrib-*
21 *utable to economic inflation after September 30, 1995.*

22 (3) *The amounts of increases in costs attrib-*
23 *utable to compliance with changes in Federal, State,*
24 *or local laws enacted after September 30, 1995.*

25 (c) *REPEAL OF SUPERSEDED PROVISION.—Section*
26 *122 of the National Defense Authorization Act for Fiscal*

1 Year 1995 (Public Law 103–337; 108 Stat. 2682) is re-
2 pealed.

3 **SEC. 134. REPEAL OF PROHIBITION ON BACKFIT OF TRI-**
4 **DENT SUBMARINES.**

5 Section 124 of the National Defense Authorization Act
6 for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2683)
7 is repealed.

8 **SEC. 135. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

9 (a) *AUTHORIZATION FOR PROCUREMENT OF SIX VES-*
10 *SELS.—The Secretary of the Navy is authorized to construct*
11 *six Arleigh Burke class destroyers in accordance with this*
12 *section. Within the amount authorized to be appropriated*
13 *pursuant to section 102(a)(3), \$2,169,257,000 is authorized*
14 *to be appropriated for construction (including advance pro-*
15 *curement) for the Arleigh Burke class destroyers.*

16 (b) *CONTRACTS.—(1) The Secretary is authorized to*
17 *enter into contracts in fiscal year 1996 for the construction*
18 *of three Arleigh Burke class destroyers.*

19 (2) *The Secretary is authorized, in fiscal year 1997,*
20 *to enter into contracts for the construction of the other three*
21 *Arleigh Burke class destroyers covered by subsection (a),*
22 *subject to the availability of appropriations for such de-*
23 *stroyers.*

24 (3) *In awarding contracts for the six vessels covered*
25 *by subsection (a), the Secretary shall continue the contract*

1 *award pattern and sequence used by the Secretary for the*
2 *procurement of Arleigh Burke class destroyers during fiscal*
3 *years 1994 and 1995.*

4 *(4) A contract for construction of a vessel or vessels*
5 *that is entered into in accordance with paragraph (1) shall*
6 *include a clause that limits the liability of the Government*
7 *to the contractor for any termination of the contract. The*
8 *maximum liability of the Government under the clause*
9 *shall be the amount appropriated for the vessel or vessels.*

10 *(c) USE OF AVAILABLE FUNDS.—(1) Subject to para-*
11 *graph (2), the Secretary may take appropriate actions to*
12 *use for full funding of a contract entered into in accordance*
13 *with subsection (b)—*

14 *(A) any funds that, having been appropriated*
15 *for shipbuilding and conversion programs of the Navy*
16 *other than Arleigh Burke class destroyer programs*
17 *pursuant to the authorization in section 102(a)(3),*
18 *become excess to the needs of the Navy for such pro-*
19 *grams by reason of cost savings achieved for such pro-*
20 *grams;*

21 *(B) any unobligated funds that are available to*
22 *the Secretary for shipbuilding and conversion for any*
23 *fiscal year before fiscal year 1996; and*

24 *(C) any funds that are appropriated after the*
25 *date of the enactment of the Department of Defense*

1 *Appropriations Act, 1996, to complete the full fund-*
2 *ing of the contract.*

3 (2) *The Secretary may not, in the exercise of authority*
4 *provided in subparagraph (A) or (B) of paragraph (1), obli-*
5 *gate funds for a contract entered into in accordance with*
6 *subsection (b) until 30 days after the date on which the*
7 *Secretary submits to the congressional defense committees*
8 *in writing a notification of the intent to obligate the funds.*
9 *The notification shall set forth the source or sources of the*
10 *funds and the amount of the funds from each such source*
11 *that is to be so obligated.*

12 **SEC. 136. ACQUISITION PROGRAM FOR CRASH ATTENUAT-**
13 **ING SEATS.**

14 (a) *PROGRAM AUTHORIZED.*—*The Secretary of the*
15 *Navy shall establish a program to procure for, and install*
16 *in, H-53E military transport helicopters commercially de-*
17 *veloped, energy absorbing, crash attenuating seats that the*
18 *Secretary determines are consistent with military specifica-*
19 *tions for seats for such helicopters.*

20 (b) *FUNDING.*—*To the extent provided in appropria-*
21 *tions Acts, of the unobligated balance of amounts appro-*
22 *priated for the Legacy Resource Management Program pur-*
23 *suant to the authorization of appropriations in section*
24 *301(5) of the National Defense Authorization Act for Fiscal*
25 *Year 1995 (Public Law 103-337; 108 Stat. 2706), not more*

1 *than \$10,000,000 shall be available to the Secretary of the*
2 *Navy, by transfer to the appropriate accounts, for carrying*
3 *out the program authorized in subsection (a).*

4 ***SEC. 137. T-39N TRAINER AIRCRAFT.***

5 *(a) LIMITATION.—The Secretary of the Navy may not*
6 *enter into a contract, using funds appropriated for fiscal*
7 *year 1996 for procurement of aircraft for the Navy, for the*
8 *acquisition of the aircraft described in subsection (b) until*
9 *60 days after the date on which the Under Secretary of De-*
10 *fense for Acquisition and Technology submits to the Com-*
11 *mittee on Armed Services of the Senate and the Committee*
12 *on National Security of the House of Representatives—*

13 *(1) an analysis of the proposed acquisition of*
14 *such aircraft; and*

15 *(2) a certification that the proposed acquisition*
16 *during fiscal year 1996 (A) is in the best interest of*
17 *the Government, and (B) is the most cost effective*
18 *means of meeting the requirements of the Navy for*
19 *aircraft for use in the training of naval flight officers.*

20 *(b) COVERED AIRCRAFT.—Subsection (a) applies to*
21 *certain T-39 trainer aircraft that as of November 1, 1995*
22 *(1) are used by the Navy under a lease arrangement for*
23 *the training of naval flight officers, and (2) are offered for*
24 *sale to the Government.*

1 **SEC. 138. PIONEER UNMANNED AERIAL VEHICLE PROGRAM.**

2 *Not more than one-sixth of the amount appropriated*
3 *pursuant to this Act for the activities and operations of the*
4 *Unmanned Aerial Vehicle Joint Program Office (UAV-*
5 *JPO), and none of the unobligated balances of funds appro-*
6 *priated for fiscal years before fiscal year 1996 for the activi-*
7 *ties and operations of such office, may be obligated until*
8 *the Secretary of the Navy certifies to the Committee on*
9 *Armed Services of the Senate and the Committee on Na-*
10 *tional Security of the House of Representatives that funds*
11 *have been obligated to equip nine Pioneer Unmanned Aerial*
12 *Vehicle systems with the Common Automatic Landing and*
13 *Recovery System (CARS).*

14 **Subtitle D—Air Force Programs**

15 **SEC. 141. B-2 AIRCRAFT PROGRAM.**

16 (a) *REPEAL OF LIMITATIONS.*—*The following provi-*
17 *sions of law are repealed:*

18 (1) *Section 151(c) of the National Defense Au-*
19 *thorization Act for Fiscal Year 1993 (Public Law*
20 *102-484; 106 Stat. 2339).*

21 (2) *Sections 131(c) and 131(d) of the National*
22 *Defense Authorization Act for Fiscal Year 1994 (Pub-*
23 *lic Law 103-160; 107 Stat. 1569).*

24 (3) *Section 133(e) of the National Defense Au-*
25 *thorization Act for Fiscal Year 1995 (Public Law*
26 *103-337; 108 Stat. 2688).*

1 **(b) CONVERSION OF LIMITATION TO ANNUAL REPORT**
2 *REQUIREMENT.*—*Section 112 of the National Defense Au-*
3 *thorization Act for Fiscal Years 1990 and 1991 (Public*
4 *Law 101–189; 103 Stat. 1373) is amended—*

5 (1) *by striking out subsection (a);*

6 (2) *by striking out the matter in subsection (b)*
7 *preceding paragraph (1) and inserting in lieu thereof*
8 *the following:*

9 “(a) *ANNUAL REPORTING REQUIREMENT.*—*Not later*
10 *than March 1 of each year, the Secretary of Defense shall*
11 *submit to the Committee on Armed Services of the Senate*
12 *and the Committee on National Security of the House of*
13 *Representatives a report that sets forth the finding of the*
14 *Secretary (as of January 1 of such year) on each of the*
15 *following matters:”;*

16 (3) *by striking out “That” in paragraphs (1),*
17 *(2), (3), (4), and (5) and inserting in lieu thereof*
18 *“Whether”;*

19 (4) *in paragraph (1), by striking out “latest”*
20 *and all that follows through “100–180” and inserting*
21 *in lieu thereof “Requirements Correlation Matrix*
22 *found in the user-defined Operational Requirements*
23 *Document (as contained in Attachment B to a letter*
24 *from the Secretary of Defense to Congress dated Octo-*
25 *ber 14, 1993)”;*

1 (5) in paragraph (3), by striking out “congres-
2 sional defense”;

3 (6) in paragraph (4), by striking out “such cer-
4 tification to be submitted”;

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

6 “(b) *FIRST REPORT.*—The Secretary shall submit the
7 first annual report under subsection (a) not later than
8 March 1, 1996.”; and

9 (8) by amending the section heading to read as
10 follows:

11 **“SEC. 112. ANNUAL REPORT ON B-2 BOMBER AIRCRAFT**
12 **PROGRAM.”.**

13 (c) *REPEAL OF CONDITION ON OBLIGATION OF FUNDS*
14 *IN ENHANCED BOMBER CAPABILITY FUND.*—Section
15 133(d)(3) of the National Defense Authorization Act for Fis-
16 cal Year 1995 (Public Law 103–337; 108 Stat. 2688) is
17 amended by striking out “If,” and all that follows through
18 “bombers, the Secretary” and inserting in lieu thereof “The
19 Secretary”.

20 **SEC. 142. PROCUREMENT OF B-2 BOMBERS.**

21 Of the amount authorized to be appropriated by sec-
22 tion 103 for the B–2 bomber procurement program, not
23 more than \$279,921,000 may be obligated or expended be-
24 fore March 31, 1996.

1 **SEC. 143. MC-130H AIRCRAFT PROGRAM.**

2 *The limitation on the obligation of funds for payment*
3 *of an award fee and the procurement of contractor-fur-*
4 *nished equipment for the MC-130H Combat Talon aircraft*
5 *set forth in section 161(a) of the National Defense Author-*
6 *ization Act for Fiscal Years 1990 and 1991 (Public Law*
7 *101-189; 103 Stat. 1388) shall cease to apply upon deter-*
8 *mination by the Director of Operational Test and Evalua-*
9 *tion (and submission of a certification of that determina-*
10 *tion to the congressional defense committees) that, based on*
11 *the operational test and evaluation and the analysis con-*
12 *ducted on that aircraft to the date of that determination,*
13 *such aircraft is operationally effective and meets the needs*
14 *of its intended users.*

15 **Subtitle E—Chemical**
16 **Demilitarization Program**

17 **SEC. 151. REPEAL OF REQUIREMENT TO PROCEED EXPEDI-**
18 **TIOSLY WITH DEVELOPMENT OF CHEMICAL**
19 **DEMILITARIZATION CRYOFRACTURE FACIL-**
20 **ITY AT TOOLE ARMY DEPOT, UTAH.**

21 *Subsection (a) of section 173 of the National Defense*
22 *Authorization Act for Fiscal Years 1990 and 1991 (Public*
23 *Law 101-189; 103 Stat. 1393) is repealed.*

1 **SEC. 152. DESTRUCTION OF EXISTING STOCKPILE OF LE-**
2 **THAL CHEMICAL AGENTS AND MUNITIONS.**

3 (a) *IN GENERAL.*—*The Secretary of Defense shall pro-*
4 *ceed with the program for destruction of the chemical muni-*
5 *tions stockpile of the Department of Defense while main-*
6 *taining the maximum protection of the environment, the*
7 *general public, and the personnel involved in the actual de-*
8 *struction of the munitions. In carrying out such program,*
9 *the Secretary shall use technologies and procedures that will*
10 *minimize the risk to the public at each site.*

11 (b) *INITIATION OF DEMILITARIZATION OPERATIONS.*—
12 *The Secretary of Defense may not initiate destruction of*
13 *the chemical munitions stockpile stored at a site until the*
14 *following support measures are in place:*

15 (1) *Support measures that are required by De-*
16 *partment of Defense and Army chemical surety and*
17 *security program regulations.*

18 (2) *Support measures that are required by the*
19 *general and site chemical munitions demilitarization*
20 *plans specific to that installation.*

21 (3) *Support measures that are required by the*
22 *permits required by the Solid Waste Disposal Act (42*
23 *U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C.*
24 *7401 et seq.) for chemical munitions demilitarization*
25 *operations at that installation, as approved by the*
26 *appropriate State regulatory agencies.*

1 (c) *ASSESSMENT OF ALTERNATIVES.*—(1) *The Sec-*
2 *retary of Defense shall conduct an assessment of the current*
3 *chemical demilitarization program and of measures that*
4 *could be taken to reduce significantly the total cost of the*
5 *program, while ensuring maximum protection of the gen-*
6 *eral public, the personnel involved in the demilitarization*
7 *program, and the environment. The measures considered*
8 *shall be limited to those that would minimize the risk to*
9 *the public. The assessment shall be conducted without re-*
10 *gard to any limitation that would otherwise apply to the*
11 *conduct of such an assessment under any provision of law.*

12 (2) *The assessment shall be conducted in coordination*
13 *with the National Research Council.*

14 (3) *Based on the results of the assessment, the Sec-*
15 *retary shall develop appropriate recommendations for revi-*
16 *sion of the chemical demilitarization program.*

17 (4) *Not later than March 1, 1996, the Secretary of De-*
18 *fense shall submit to the congressional defense committees*
19 *an interim report assessing the current status of the chemi-*
20 *cal stockpile demilitarization program, including the re-*
21 *sults of the Army's analysis of the physical and chemical*
22 *integrity of the stockpile and implications for the chemical*
23 *demilitarization program, and providing recommendations*
24 *for revisions to that program that have been included in*
25 *the budget request of the Department of Defense for fiscal*

1 year 1997. The Secretary shall submit to the congressional
2 defense committees with the submission of the budget request
3 of the Department of Defense for fiscal year 1998 a final
4 report on the assessment conducted in accordance with
5 paragraph (1) and recommendations for revision to the pro-
6 gram, including an assessment of alternative demilitariza-
7 tion technologies and processes to the baseline incineration
8 process and potential reconfiguration of the stockpile that
9 should be incorporated in the program.

10 (d) ASSISTANCE FOR CHEMICAL WEAPONS STOCKPILE
11 COMMUNITIES AFFECTED BY BASE CLOSURE.—(1) The
12 Secretary of Defense shall review and evaluate issues associ-
13 ated with closure and reutilization of Department of De-
14 fense facilities co-located with continuing chemical stockpile
15 and chemical demilitarization operations.

16 (2) The review shall include the following:

17 (A) An analysis of the economic impacts on these
18 communities and the unique reuse problems facing
19 local communities associated with ongoing chemical
20 weapons programs.

21 (B) Recommendations of the Secretary on meth-
22 ods for expeditious and cost-effective transfer or lease
23 of these facilities to local communities for reuse by
24 those communities.

1 (3) *The Secretary shall submit to the congressional de-*
2 *fense committees a report on the review and evaluation*
3 *under this subsection. The report shall be submitted not*
4 *later than 90 days after the date of the enactment of this*
5 *Act.*

6 **SEC. 153. ADMINISTRATION OF CHEMICAL DEMILITARIZA-**
7 **TION PROGRAM.**

8 (a) *TRAVEL FUNDING FOR MEMBERS OF CHEMICAL*
9 *DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—*
10 *Section 172(g) of Public Law 102-484 (50 U.S.C. 1521*
11 *note) is amended to read as follows:*

12 “(g) *PAY AND EXPENSES.—Members of each commis-*
13 *sion shall receive no pay for their involvement in the activi-*
14 *ties of their commissions. Funds appropriated for the*
15 *Chemical Stockpile Demilitarization Program may be used*
16 *for travel and associated travel costs for Citizens' Advisory*
17 *Commissioners, when such travel is conducted at the invita-*
18 *tion of the Assistant Secretary of the Army (Research, De-*
19 *velopment, and Acquisition).”.*

20 (b) *QUARTERLY REPORT CONCERNING TRAVEL FUND-*
21 *ING FOR CITIZENS' ADVISORY COMMISSIONERS.—Section*
22 *1412(g) of the Department of Defense Authorization Act,*
23 *1986 (50 U.S.C. 1521(g)), is amended—*

1 (1) by striking out “(g) ANNUAL REPORT.—”
2 and inserting in lieu thereof “(g) PERIODIC RE-
3 PORTS.—”;

4 (2) in paragraph (2)—

5 (A) by striking out “Each such report shall
6 con- tain—” and inserting in lieu thereof “Each
7 annual report shall contain—”

8 (B) in subparagraph (B)—

9 (i) by striking out “and” at the end of
10 clause (iv);

11 (ii) by striking out the period at the
12 end of clause (v) and inserting in lieu there-
13 of “; and”; and

14 (iii) by adding at the end the follow-
15 ing:

16 “(vi) travel and associated travel costs for
17 Citizens’ Advisory Commissioners under section
18 172(g) of Public Law 102–484 (50 U.S.C. 1521
19 note).”;

20 (3) by redesignating paragraph (3) as para-
21 graph (4);

22 (4) by inserting after paragraph (2) the follow-
23 ing new paragraph (3):

24 “(3) The Secretary shall transmit to the Committee on
25 Armed Services and the Committee on Appropriations of

1 *the Senate and the Committee on National Security and*
2 *the Committee on Appropriations of the House of Rep-*
3 *resentatives a quarterly report containing an accounting of*
4 *all funds expended (during the quarter covered by the re-*
5 *port) for travel and associated travel costs for Citizens' Ad-*
6 *visory Commissioners under section 172(g) of Public Law*
7 *102-484 (50 U.S.C. 1521 note). The quarterly report for*
8 *the final quarter of the period covered by a report under*
9 *paragraph (1) may be included in that report.”; and*

10 (5) *in paragraph (4), as redesignated by para-*
11 *graph (3)—*

12 (A) *by striking out “this subsection” and*
13 *inserting in lieu thereof “paragraph (1)”;* and

14 (B) *by adding at the end the following: “No*
15 *quarterly report is required under paragraph (3)*
16 *after the transmittal of the final report under*
17 *paragraph (1).”.*

18 (c) *DIRECTOR OF PROGRAM.—Section 1412(e)(3) of*
19 *the Department of Defense Authorization Act, 1986 (50*
20 *U.S.C. 1521(e)(3)), is amended by inserting “or civilian*
21 *equivalent” after “general officer”.*

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 1996 for the use of the Department of Defense for*
 9 *research, development, test, and evaluation as follows:*

10 (1) *For the Army, \$4,737,581,000.*

11 (2) *For the Navy, \$8,474,783,000.*

12 (3) *For the Air Force, \$12,914,868,000.*

13 (4) *For Defense-wide activities, \$9,693,180,000,*
 14 *of which—*

15 (A) *\$251,082,000 is authorized for the ac-*
 16 *tivities of the Director, Test and Evaluation; and*

17 (B) *\$22,587,000 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 1996.—Of the amounts authorized*
 22 *to be appropriated by section 201, \$4,088,879,000 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. MODIFICATIONS TO STRATEGIC ENVIRON-**
 7 **MENTAL RESEARCH AND DEVELOPMENT PRO-**
 8 **GRAM.**

9 (a) *COUNCIL MEMBERSHIP.*—*Section 2902(b) of title*
 10 *10, United States Code, is amended—*

11 (1) *by striking out “thirteen” and inserting in*
 12 *lieu thereof “12”;*

13 (2) *by striking out paragraph (3);*

14 (3) *by redesignating paragraphs (4), (5), (6),*
 15 *(7), (8), (9), and (10) as paragraphs (3), (4), (5), (6),*
 16 *(7), (8), and (9), respectively; and*

17 (4) *in paragraph (8), as redesignated, by strik-*
 18 *ing out “, who shall be nonvoting members”.*

19 (b) *ANNUAL REPORT.*—(1) *Section 2902 of such title*
 20 *is amended in subsection (d)—*

21 (A) *by striking out paragraph (3) and inserting*
 22 *in lieu thereof the following:*

23 “(3) *To prepare an annual report that contains*
 24 *the following:*

1 “(A) A description of activities of the strate-
2 gic environmental research and development pro-
3 gram carried out during the fiscal year before
4 the fiscal year in which the report is prepared.

5 “(B) A general outline of the activities
6 planned for the program during the fiscal year
7 in which the report is prepared.

8 “(C) A summary of projects continued from
9 the fiscal year before the fiscal year in which the
10 report is prepared and projects expected to be
11 started during the fiscal year in which the report
12 is prepared and during the following fiscal
13 year.”; and

14 (B) in paragraph (4), by striking out “Federal
15 Coordinating Council on Science, Engineering, and
16 Technology” and inserting in lieu thereof “National
17 Science and Technology Council”.

18 (2) Section 2902 of such title is further amended—

19 (A) by striking out subsections (f) and (h);

20 (B) by redesignating subsection (g) as subsection
21 (f); and

22 (C) by adding at the end the following new sub-
23 section:

1 “(g)(1) Not later than February 1 of each year, the
2 Council shall submit to the Secretary of Defense the annual
3 report prepared pursuant to subsection (d)(3).

4 “(2) Not later than March 15 of each year, the Sec-
5 retary of Defense shall submit such annual report to Con-
6 gress, along with such comments as the Secretary considers
7 appropriate.”.

8 (3) The amendments made by this subsection shall
9 apply with respect to the annual report prepared during
10 fiscal year 1997 and each fiscal year thereafter.

11 (c) *POLICIES AND PROCEDURES*.—Section 2902(e) of
12 such title is amended in paragraph (3) by striking out
13 “programs, particularly” and all that follows through the
14 end of the paragraph and inserting in lieu thereof “pro-
15 grams;”.

16 (d) *COMPETITIVE PROCEDURES*.—Section 2903(c) of
17 such title is amended—

18 (1) by striking out “or” after “contracts” and
19 inserting in lieu thereof “using competitive proce-
20 dures. The Executive Director may enter into”; and

21 (2) by striking out “law, except that” and insert-
22 ing in lieu thereof “law. In either case,”.

23 (e) *CONTINUATION OF EXPIRING AUTHORITY*.—(1)
24 Section 2903(d) of such title is amended in paragraph (2)
25 by striking out the last sentence.

1 (2) *The amendment made by paragraph (1) shall take*
2 *effect as of September 29, 1995.*

3 **SEC. 204. DEFENSE DUAL USE TECHNOLOGY INITIATIVE.**

4 (a) *FISCAL YEAR 1996 AMOUNT.*—*Of the amount au-*
5 *thorized to be appropriated in section 201(4), \$195,000,000*
6 *shall be available for the defense dual use technology initia-*
7 *tive conducted under chapter 148 of title 10, United States*
8 *Code.*

9 (b) *AVAILABILITY OF FUNDS FOR EXISTING TECH-*
10 *NOLOGY REINVESTMENT PROJECTS.*—*The Secretary of De-*
11 *fense shall use amounts made available for the defense dual*
12 *use technology initiative under subsection (a) only for the*
13 *purpose of continuing or completing technology reinvest-*
14 *ment projects that were initiated before October 1, 1995.*

15 (c) *NOTICE CONCERNING PROJECTS TO BE CARRIED*
16 *OUT.*—*Of the amounts made available for the defense dual*
17 *use technology initiative under subsection (a)—*

18 (1) *\$145,000,000 shall be available for obligation*
19 *only after the date on which the Secretary of Defense*
20 *notifies the congressional defense committees regard-*
21 *ing the defense reinvestment projects to be funded*
22 *using such funds; and*

23 (2) *the remaining \$50,000,000 shall be available*
24 *for obligation only after the date on which the Sec-*
25 *retary of Defense certifies to the congressional defense*

1 *committees that the defense reinvestment projects to be*
2 *funded using such funds have been determined by the*
3 *Joint Requirements Oversight Council to be of signifi-*
4 *cant military priority.*

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

7 ***SEC. 211. SPACE LAUNCH MODERNIZATION.***

8 *(a) ALLOCATION OF FUNDS.—Of the amount author-*
9 *ized to be appropriated pursuant to the authorization in*
10 *section 201(3), \$50,000,000 shall be available for a competi-*
11 *tive reusable rocket technology program.*

12 *(b) LIMITATION.—Funds made available pursuant to*
13 *subsection (a)(1) may be obligated only to the extent that*
14 *the fiscal year 1996 current operating plan of the National*
15 *Aeronautics and Space Administration allocates at least an*
16 *equal amount for its Reusable Space Launch program.*

17 ***SEC. 212. TACTICAL MANNED RECONNAISSANCE.***

18 *(a) LIMITATION.—None of the amounts appropriated*
19 *or otherwise made available pursuant to an authorization*
20 *in this Act may be used by the Secretary of the Air Force*
21 *to conduct research, development, test, or evaluation for a*
22 *replacement aircraft, pod, or sensor payload for the tactical*
23 *manned reconnaissance mission until the report required*
24 *by subsection (b) is submitted to the congressional defense*
25 *committees.*

1 (b) *REPORT.*—*The Secretary of the Air Force shall*
2 *submit to the congressional defense committees a report set-*
3 *ting forth in detail information about the manner in which*
4 *the funds authorized by section 201 of this Act and section*
5 *201 of the National Defense Authorization Act for Fiscal*
6 *Year 1995 (Public Law 103–337; 108 Stat. 2690) are*
7 *planned to be used during fiscal year 1996 for research,*
8 *development, test, and evaluation for the Air Force tactical*
9 *manned reconnaissance mission. At a minimum, the report*
10 *shall include the sources, by program element, of the funds*
11 *and the purposes for which the funds are planned to be used.*

12 **SEC. 213. JOINT ADVANCED STRIKE TECHNOLOGY (JAST)**

13 **PROGRAM.**

14 (a) *ALLOCATION OF FUNDS.*—*Of the amounts author-*
15 *ized to be appropriated pursuant to the authorizations in*
16 *section 201, \$200,156,000 shall be available for the Joint*
17 *Advanced Strike Technology (JAST) program. Of that*
18 *amount—*

19 (1) *\$83,795,000 shall be available for program*
20 *element 63800N in the budget of the Department of*
21 *Defense for fiscal year 1996;*

22 (2) *\$85,686,000 shall be available for program*
23 *element 63800F in such budget; and*

24 (3) *\$30,675,000 shall be available for program*
25 *element 63800E in such budget.*

1 (b) *ADDITIONAL ALLOCATION.*—Of the amounts made
2 available under paragraphs (1), (2), and (3) of subsection
3 (a)—

4 (1) \$25,000,000 shall be available from the
5 amount authorized to be appropriated pursuant to
6 the authorization in section 201(2) for the conduct,
7 during fiscal year 1996, of a 6-month program defini-
8 tion phase for the A/F117X, an F-117 fighter aircraft
9 modified for use by the Navy as a long-range, me-
10 dium attack aircraft; and

11 (2) \$7,000,000 shall be available to provide for
12 competitive engine concepts.

13 (c) *LIMITATION.*—Not more than 75 percent of the
14 amount appropriated for the Joint Advanced Strike Tech-
15 nology program pursuant to the authorizations in section
16 201 may be obligated until a period of 30 days has expired
17 after the report required by subsection (d) is submitted to
18 the congressional defense committees.

19 (d) *REPORT.*—The Secretary of Defense shall submit
20 to the congressional defense committees a report, in unclas-
21 sified and classified forms, not later than March 1, 1996,
22 that sets forth in detail the following information for the
23 period 1997 through 2005:

1 (1) *The total joint requirement, assuming the ca-*
2 *pability to successfully conduct two nearly simulta-*
3 *neous major regional contingencies, for the following:*

4 (A) *Numbers of bombers, tactical combat*
5 *aircraft, and attack helicopters and the charac-*
6 *teristics required of those aircraft in terms of ca-*
7 *pabilities, range, and low-observability.*

8 (B) *Surface- and air-launched standoff pre-*
9 *cision guided munitions.*

10 (C) *Cruise missiles.*

11 (D) *Ground-based systems, such as the Ex-*
12 *tended Range-Multiple Launch Rocket System*
13 *and the Army Tactical Missile System*
14 *(ATACMS), for joint warfighting capability.*

15 (2) *The warning time assumptions for two near-*
16 *ly simultaneous major regional contingencies, and the*
17 *effects on future tactical attack/fighter aircraft re-*
18 *quirements using other warning time assumptions.*

19 (3) *The requirements that exist for the Joint Ad-*
20 *vanced Strike Technology program that cannot be met*
21 *by existing aircraft or by those in development.*

22 **SEC. 214. DEVELOPMENT OF LASER PROGRAM.**

23 *Of the amount authorized to be appropriated by sec-*
24 *tion 201(2), \$9,000,000 shall be used for the development*
25 *by the Naval High Energy Laser Office of a continuous*

1 *wave, superconducting radio frequency free electron laser*
2 *program.*

3 **SEC. 215. NAVY MINE COUNTERMEASURES PROGRAM.**

4 *Section 216(a) of the National Defense Authorization*
5 *Act for Fiscal Years 1992 and 1993 (Public Law 102–190;*
6 *105 Stat. 1317) is amended—*

7 *(1) by striking out “Director, Defense Research*
8 *and Engineering” and inserting in lieu thereof*
9 *“Under Secretary of Defense for Acquisition and*
10 *Technology”; and*

11 *(2) by striking out “fiscal years 1995 through*
12 *1999” and inserting in lieu thereof “fiscal years 1996*
13 *through 1999”.*

14 **SEC. 216. SPACE-BASED INFRARED SYSTEM.**

15 *(a) PROGRAM BASELINE.—The Secretary of Defense*
16 *shall establish a program baseline for the Space-Based In-*
17 *frared System. Such baseline shall—*

18 *(1) include—*

19 *(A) program cost and an estimate of the*
20 *funds required for development and acquisition*
21 *activities for each fiscal year in which such ac-*
22 *tivities are planned to be carried out;*

23 *(B) a comprehensive schedule with program*
24 *milestones and exit criteria; and*

1 (C) *optimized performance parameters for*
2 *each segment of an integrated space-based infra-*
3 *red system;*

4 (2) *be structured to achieve initial operational*
5 *capability of the low earth orbit space segment (the*
6 *Space and Missile Tracking System) in fiscal year*
7 *2003, with a first launch of Block I satellites in fiscal*
8 *year 2002;*

9 (3) *ensure integration of the Space and Missile*
10 *Tracking System into the architecture of the Space-*
11 *Based Infrared System; and*

12 (4) *ensure that the performance parameters of all*
13 *space segment components are selected so as to opti-*
14 *mize the performance of the Space-Based Infrared*
15 *System while minimizing unnecessary redundancy*
16 *and cost.*

17 (b) *REPORT ON PROGRAM BASELINE.*—*Not later than*
18 *60 days after the date of the enactment of this Act, the Sec-*
19 *retary of Defense shall submit to the congressional defense*
20 *committees a report, in classified and unclassified forms as*
21 *necessary, on the program baseline established under sub-*
22 *section (a).*

23 (c) *ESTABLISHMENT OF PROGRAM ELEMENTS.*—*In the*
24 *budget justification materials submitted to Congress in sup-*
25 *port of the Department of Defense budget for any fiscal year*

1 *after fiscal year 1996 (as submitted in the budget of the*
2 *President under section 1105(a) of title 31, United States*
3 *Code), the amount requested for the Space-Based Infrared*
4 *System shall be set forth in accordance with the following*
5 *program elements:*

6 (1) *Space Segment High.*

7 (2) *Space Segment Low (Space and Missile*
8 *Tracking System).*

9 (3) *Ground Segment.*

10 (d) *FUNDING FOR FISCAL YEAR 1996.—Of the*
11 *amounts authorized to be appropriated pursuant to section*
12 *201(3) for fiscal year 1996, or otherwise made available to*
13 *the Department of Defense for fiscal year 1996, the follow-*
14 *ing amounts shall be available for the Space-Based Infrared*
15 *System:*

16 (1) *\$265,744,000 for demonstration and valida-*
17 *tion, of which \$249,824,000 shall be available for the*
18 *Space and Missile Tracking System.*

19 (2) *\$162,219,000 for engineering and manufac-*
20 *turing development, of which \$9,400,000 shall be*
21 *available for the Miniature Sensor Technology Inte-*
22 *gration program.*

23 **SEC. 217. DEFENSE NUCLEAR AGENCY PROGRAMS.**

24 (a) *AGENCY FUNDING.—Of the amounts authorized to*
25 *be appropriated to the Department of Defense in section*

1 201, \$241,703,000 shall be available for the Defense Nuclear
2 Agency.

3 (b) *TUNNEL CHARACTERIZATION AND NEUTRALIZA-*
4 *TION PROGRAM.*—Of the amount made available under sub-
5 section (a), \$3,000,000 shall be available for a tunnel char-
6 acterization and neutralization program to be managed by
7 the Defense Nuclear Agency as part of the
8 counterproliferation activities of the Department of Defense.

9 (c) *LONG-TERM RADIATION TOLERANT MICROELEC-*
10 *TRONICS PROGRAM.*—(1) Of the amount made available
11 under subsection (a), \$6,000,000 shall be available for the
12 establishment of a long-term radiation tolerant microelec-
13 tronics program to be managed by the Defense Nuclear
14 Agency for the purposes of—

15 (A) providing for the development of affordable
16 and effective hardening technologies and for incorpora-
17 tion of such technologies into systems;

18 (B) sustaining the supporting industrial base;
19 and

20 (C) ensuring that a use of a nuclear weapon in
21 regional threat scenarios does not interrupt or defeat
22 the continued operability of systems of the Armed
23 Forces exposed to the combined effects of radiation
24 emitted by the weapon.

1 (2) *Not later than 120 days after the date of the enact-*
2 *ment of this Act, the Secretary of Defense shall submit to*
3 *Congress a report on how the long-term radiation tolerant*
4 *microelectronics program is to be conducted and funded in*
5 *the fiscal years after fiscal year 1996 that are covered by*
6 *the future-years defense program submitted to Congress in*
7 *1995.*

8 (d) *ELECTROTHERMAL GUN TECHNOLOGY PRO-*
9 *GRAM.—Of the amount made available under subsection*
10 *(a), \$4,000,000 shall be available for the electrothermal gun*
11 *technology program of the Defense Nuclear Agency.*

12 **SEC. 218. COUNTERPROLIFERATION SUPPORT PROGRAM.**

13 (a) *FUNDING.—Of the funds authorized to be appro-*
14 *priated to the Department of Defense under section 201(4),*
15 *\$138,237,000 shall be available for the Counterproliferation*
16 *Support Program, of which \$30,000,000 shall be available*
17 *for a tactical antisatellite technologies program.*

18 (b) *ADDITIONAL AUTHORITY TO TRANSFER AUTHOR-*
19 *IZATIONS.—(1) In addition to the transfer authority pro-*
20 *vided in section 1001, upon determination by the Secretary*
21 *of Defense that such action is necessary in the national in-*
22 *terest, the Secretary may transfer amounts of authoriza-*
23 *tions made available to the Department of Defense in this*
24 *division for fiscal year 1996 to counterproliferation pro-*
25 *grams, projects, and activities identified as areas for*

1 *progress by the Counterproliferation Program Review Com-*
2 *mittee established by section 1605 of the National Defense*
3 *Authorization Act for Fiscal Year 1994 (Public Law 103-*
4 *160; 107 Stat. 1845). Amounts of authorizations so trans-*
5 *ferred shall be merged with and be available for the same*
6 *purposes as the authorization to which transferred.*

7 (2) *The total amount of authorizations transferred*
8 *under the authority of this subsection may not exceed*
9 *\$50,000,000.*

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

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

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

17 (4) *A transfer made from one account to another under*
18 *the authority of this subsection shall be deemed to increase*
19 *the amount authorized for the account to which the amount*
20 *is transferred by an amount equal to the amount trans-*
21 *ferred.*

22 (5) *The Secretary of Defense shall promptly notify*
23 *Congress of transfers made under the authority of this sub-*
24 *section.*

1 **SEC. 219. NONLETHAL WEAPONS STUDY.**

2 (a) *FINDINGS.*—Congress finds the following:

3 (1) *The role of the United States military in op-*
4 *erations other than war has increased.*

5 (2) *Weapons and instruments that are nonlethal*
6 *in application yet immobilizing could have wide-*
7 *spread operational utility and application.*

8 (3) *The use of nonlethal weapons in operations*
9 *other than war poses a number of important doctrine,*
10 *legal, policy, and operations questions which should*
11 *be addressed in a comprehensive and coordinated*
12 *manner.*

13 (4) *The development of nonlethal technologies*
14 *continues to spread across military and agency budg-*
15 *ets.*

16 (5) *The Department of Defense should provide*
17 *improved budgetary focus and management direction*
18 *to the nonlethal weapons program.*

19 (b) *RESPONSIBILITY FOR DEVELOPMENT OF*
20 *NONLETHAL WEAPONS TECHNOLOGY.*—Not later than Feb-
21 *ruary 15, 1996, the Secretary of Defense shall assign cen-*
22 *tralized responsibility for development (and any other func-*
23 *tional responsibility the Secretary considers appropriate)*
24 *of nonlethal weapons technology to an existing office within*
25 *the Office of the Secretary of Defense or to a military service*
26 *as the executive agent.*

1 (c) *REPORT.*—Not later than February 15, 1996, the
2 Secretary of Defense shall submit to Congress a report set-
3 ting forth the following:

4 (1) *The name of the office or military service as-*
5 *signed responsibility for the nonlethal weapons pro-*
6 *gram by the Secretary of Defense pursuant to sub-*
7 *section (b) and a discussion of the rationale for such*
8 *assignment.*

9 (2) *The degree to which nonlethal weapons are*
10 *required by more than one of the armed forces.*

11 (3) *The time frame for the development and de-*
12 *ployment of such weapons.*

13 (4) *The appropriate role of the military depart-*
14 *ments and defense agencies in the development of such*
15 *weapons.*

16 (5) *The military doctrine, legal, policy, and*
17 *operational issues that must be addressed by the De-*
18 *partment of Defense before such weapons achieve oper-*
19 *ational capability.*

20 (d) *AUTHORIZATION.*—Of the amount authorized to be
21 appropriated under section 201(4), \$37,200,000 shall be
22 available for nonlethal weapons programs and nonlethal
23 technologies programs.

1 (e) *DEFINITION.*—For purposes of this section, the
2 term “nonlethal weapon” means a weapon or instrument
3 the effect of which on human targets is less than fatal.

4 **SEC. 220. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
5 **MENT CENTERS AND UNIVERSITY-AFFILI-**
6 **ATED RESEARCH CENTERS.**

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

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

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 1996; and

4 (B) for each such center, the proposed funding
5 level and the estimated personnel level for fiscal year
6 1996.

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 appropriated or oth-
12 erwise made available for the Department of Defense for fis-
13 cal year 1996 pursuant to an authorization of appropria-
14 tions in section 201 for FFRDCs and UARCs may be obli-
15 gated to procure work from an FFRDC or UARC until the
16 Secretary of Defense submits the report required by sub-
17 section (b).

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

23 (e) *AUTHORITY TO WAIVE FUNDING LIMITATION.*—
24 The Secretary of Defense may waive the limitation regard-
25 ing the maximum funding amount that applies under sub-

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

14 *(f) FIVE-YEAR PLAN.—(1) The Secretary of Defense,*
15 *in consultation with the Secretaries of the military depart-*
16 *ments, shall develop a five-year plan to reduce and consoli-*
17 *date the activities performed by FFRDCs and UARCs and*
18 *establish a framework for the future workload of such cen-*
19 *ters.*

20 *(2) The plan shall—*

21 *(A) set forth the manner in which the Secretary*
22 *of Defense could achieve by October 1, 2000, imple-*
23 *mentation by FFRDCs and UARCs of only those core*
24 *activities, as defined by the Secretary, that require*

1 *the unique capabilities and arrangements afforded by*
2 *such centers; and*

3 *(B) include an assessment of the number of per-*
4 *sonnel needed in each FFRDC and UARC during*
5 *each year over the five years covered by the plan.*

6 *(3) Not later than February 1, 1996, the Secretary of*
7 *Defense shall submit to the congressional defense committees*
8 *a report on the plan required by this subsection.*

9 **SEC. 221. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC**
10 **NETWORK.**

11 *Of the amount authorized to be appropriated under*
12 *section 201(3), \$9,500,000 shall be available for fiscal year*
13 *1996 (in program element 61101F in the budget of the De-*
14 *partment of Defense for fiscal year 1996) for continuation*
15 *of the Joint Seismic Program and Global Seismic Network.*

16 **SEC. 222. HYDRA-70 ROCKET PRODUCT IMPROVEMENT PRO-**
17 **GRAM.**

18 *(a) FUNDING AUTHORIZATION.—Of the amount au-*
19 *thorized to be appropriated under section 201(1) for Other*
20 *Missile Product Improvement Programs, \$10,000,000 is au-*
21 *thorized to be appropriated for a Hydra-70 rocket product*
22 *improvement program and to be made available under such*
23 *program for full qualification and operational platform cer-*
24 *tification of a Hydra-70 rocket described in subsection (b)*
25 *for use on the Apache attack helicopter.*

1 (b) *HYDRA-70 ROCKET COVERED.*—*The Hydra-70*
2 *rocket referred to in subsection (a) is any Hydra-70 rocket*
3 *that has as its propulsion component a 2.75-inch rocket*
4 *motor that is a nondevelopmental item and uses a compos-*
5 *ite propellant.*

6 (c) *COMPETITION REQUIRED.*—*The Secretary of the*
7 *Army shall conduct the product improvement program re-*
8 *ferred to in subsection (a) with full and open competition.*

9 (d) *SUBMISSION OF TECHNICAL DATA PACKAGE RE-*
10 *QUIRED.*—*Upon the full qualification and operational plat-*
11 *form certification of a Hydra-70 rocket as described in sub-*
12 *section (a), the contractor providing the rocket so qualified*
13 *and certified shall submit the technical data package for*
14 *the rocket to the Secretary of the Army. The Secretary shall*
15 *use the technical data package in competitions for contracts*
16 *for the procurement of Hydra-70 rockets described in sub-*
17 *section (b) for the Army.*

18 (e) *DEFINITIONS.*—*For purposes of this section, the*
19 *terms “full and open competition” and “nondevelopmental*
20 *item” have the meanings given such terms in section 4 of*
21 *the Office of Federal Procurement Policy Act (41 U.S.C.*
22 *403).*

1 **SEC. 223. LIMITATION ON OBLIGATION OF FUNDS UNTIL**
2 **RECEIPT OF ELECTRONIC COMBAT CONSOLI-**
3 **DATION MASTER PLAN.**

4 (a) *LIMITATION.*—Not more than 75 percent of the
5 amounts appropriated or otherwise made available pursu-
6 ant to the authorization of appropriations in section 201
7 for test and evaluation program elements 65896A, 65864N,
8 65807F, and 65804D in the budget of the Department of
9 Defense for fiscal year 1996 may be obligated until 14 days
10 after the date on which the congressional defense committees
11 receive the plan specified in subsection (b).

12 (b) *PLAN.*—The plan referred to in subsection (a) is
13 the master plan for electronic combat consolidation de-
14 scribed under Defense-Wide Programs under Research, De-
15 velopment, Test, and Evaluation in the Report of the Com-
16 mittee on Armed Services of the House of Representatives
17 on H.R. 4301 (House Report 103-499), dated May 10,
18 1994.

19 **SEC. 224. OBLIGATION OF CERTAIN FUNDS DELAYED**
20 **UNTIL RECEIPT OF REPORT ON SCIENCE AND**
21 **TECHNOLOGY RESCISSIONS.**

22 (a) *DELAY IN OBLIGATION OF CERTAIN FUNDS.*—None
23 of the amounts appropriated or otherwise made available
24 pursuant to the authorization in section 201(4) may be ob-
25 ligated until 14 days after the date on which the congres-
26 sional defense committees receive a report by the Under Sec-

1 *retary of Defense (Comptroller) that sets forth in detail the*
2 *allocation of rescissions for science and technology described*
3 *in subsection (b).*

4 **(b) DESCRIPTION OF RESCISSIONS.**—*The rescissions*
5 *for science and technology covered by subsection (a) are the*
6 *Army, Navy, Air Force, and Defense-wide science and tech-*
7 *nology (1995/1996) rescissions that are made by the Emer-*
8 *gency Supplemental Appropriations and Rescissions for the*
9 *Department of Defense to Preserve and Enhance Military*
10 *Readiness Act of 1995 (Public Law 104–6), as set forth in*
11 *the Joint Explanatory Statement of the Committee of Con-*
12 *ference in the conference report accompanying that Act*
13 *(House Report 104–101).*

14 **SEC. 225. OBLIGATION OF CERTAIN FUNDS DELAYED**
15 **UNTIL RECEIPT OF REPORT ON REDUCTIONS**
16 **IN RESEARCH, DEVELOPMENT, TEST, AND**
17 **EVALUATION.**

18 **(a) DELAY IN OBLIGATION OF CERTAIN FUNDS.**—*Not*
19 *more than 50 percent of the amounts appropriated or other-*
20 *wise made available pursuant to the authorization in sec-*
21 *tion 201(4) may be obligated until 14 days after the date*
22 *on which the congressional defense committees receive a re-*
23 *port by the Under Secretary of Defense (Comptroller) that*
24 *sets forth in detail the allocation of reductions for research,*

1 *development, test, and evaluation described in subsection*
2 *(b).*

3 *(b) DESCRIPTION OF REDUCTIONS.—The reductions*
4 *for research, development, test, and evaluation covered by*
5 *subsection (a) are the following Army, Navy, Air Force, and*
6 *Defense-wide reductions, as required by the Department of*
7 *Defense Appropriations Act, 1996:*

8 *(1) General reductions.*

9 *(2) Reductions to reflect savings from revised*
10 *economic assumptions.*

11 *(3) Reductions to reflect the funding ceiling for*
12 *defense federally funded research and development*
13 *centers.*

14 *(4) Reductions for savings through improved*
15 *management of contractor automatic data processing*
16 *costs charged through indirect rates on Department of*
17 *Defense acquisition contracts.*

18 **SEC. 226. ADVANCED FIELD ARTILLERY SYSTEM (CRU-**
19 **SADER).**

20 *(a) AUTHORITY TO USE FUNDS FOR ALTERNATIVE*
21 *PROPELLANT TECHNOLOGIES.—During fiscal year 1996,*
22 *the Secretary of the Army may use funds appropriated for*
23 *the liquid propellant portion of the Advanced Field Artil-*
24 *lery System (Crusader) program for fiscal year 1996 for*

1 *alternative propellant technologies and integration of those*
2 *technologies into the design of the Crusader if—*

3 (1) *the Secretary determines that the technical*
4 *risk associated with liquid propellant will increase*
5 *costs and delay the initial operational capability of*
6 *the Crusader; and*

7 (2) *the Secretary notifies the congressional de-*
8 *fense committees of the proposed use of the funds and*
9 *the reasons for the proposed use of the funds.*

10 (b) *LIMITATION.—The Secretary of the Army may not*
11 *spend funds for the liquid propellant portion of the Cru-*
12 *sader program after August 15, 1996, unless—*

13 (1) *the report required by subsection (c) has been*
14 *submitted by that date; and*

15 (2) *such report includes documentation of sig-*
16 *nificant progress, as determined by the Secretary, to-*
17 *ward meeting the objectives for the liquid propellant*
18 *portion of the program, as set forth in the baseline de-*
19 *scription for the Crusader program and approved by*
20 *the Office of the Secretary of Defense on January 4,*
21 *1995.*

22 (c) *REPORT REQUIRED.—Not later than August 1,*
23 *1996, the Secretary of the Army shall submit to the congres-*
24 *sional defense committees a report containing documenta-*
25 *tion of the progress being made in meeting the objectives*

1 *set forth in the baseline description for the Crusader pro-*
2 *gram and approved by the Office of the Secretary of Defense*
3 *on January 4, 1995. The report shall specifically address*
4 *the progress being made toward meeting the following objec-*
5 *tives:*

6 (1) *Establishment of breech and ignition design*
7 *criteria for rate of fire for the cannon of the Crusader.*

8 (2) *Selection of a satisfactory ignition concept*
9 *for the next prototype of the cannon.*

10 (3) *Selection, on the basis of modeling and sim-*
11 *ulation, of design concepts to prevent chamber piston*
12 *reversals, and validation of the selected concepts by*
13 *gun and mock chamber firings.*

14 (4) *Achievement of an understanding of the*
15 *chemistry and physics of propellant burn resulting*
16 *from the firing of liquid propellant into any target*
17 *zone, and achievement, on the basis of modeling and*
18 *simulation, of an ignition process that is predictable.*

19 (5) *Completion of an analysis of the manage-*
20 *ment of heat dissipation for the full range of perform-*
21 *ance requirements for the cannon, completion of con-*
22 *cept designs supported by that analysis, and proposal*
23 *of such concept designs for engineering.*

24 (6) *Development, for integration into the next*
25 *prototype of the cannon, of engineering designs to*

1 *control pressure oscillations in the chamber of the*
2 *cannon during firing.*

3 *(7) Completion of an assessment of the sensitiv-*
4 *ity of liquid propellant to contamination by various*
5 *materials to which it may be exposed throughout the*
6 *handling and operation of the cannon, and docu-*
7 *mentation of predictable reactions of contaminated or*
8 *sensitized liquid propellant.*

9 *(d) ADDITIONAL MATTERS TO BE COVERED BY RE-*
10 *PORT.—The report required by subsection (c) also shall con-*
11 *tain the following:*

12 *(1) An assertion that all the known hazards asso-*
13 *ciated with liquid propellant have been identified and*
14 *are controllable to acceptable levels.*

15 *(2) An assessment of the technology for each com-*
16 *ponent of the Crusader (the cannon, vehicle, and crew*
17 *module), including, for each performance goal of the*
18 *Crusader program (including the goal for total system*
19 *weight), information about the maturity of the tech-*
20 *nology to achieve that goal, the maturity of the design*
21 *of the technology, and the manner in which the design*
22 *has been proven (for example, through simulation,*
23 *bench testing, or weapon firing).*

24 *(3) An assessment of the cost of continued devel-*
25 *opment of the Crusader after August 1, 1996, and the*

1 *cost of each unit of the Crusader in the year the Cru-*
2 *sader will be completed.*

3 **SEC. 227. DEMILITARIZATION OF CONVENTIONAL MUNI-**
4 **TIONS, ROCKETS, AND EXPLOSIVES.**

5 *Of the amount appropriated pursuant to the author-*
6 *ization in section 201 for explosives demilitarization tech-*
7 *nology, \$15,000,000 shall be available to establish an inte-*
8 *grated program for the development and demonstration of*
9 *conventional munitions and explosives demilitarization*
10 *technologies that comply with applicable environmental*
11 *laws for the demilitarization and disposal of unserviceable,*
12 *obsolete, or nontreaty compliant munitions, rocket motors,*
13 *and explosives.*

14 **SEC. 228. DEFENSE AIRBORNE RECONNAISSANCE PRO-**
15 **GRAM.**

16 *(a) LIMITATION.—Not more than three percent of the*
17 *total amount appropriated for research and development*
18 *under the Defense Airborne Reconnaissance program pursu-*
19 *ant to the authorizations of appropriations in section 201*
20 *may be obligated for systems engineering and technical as-*
21 *sistance (SETA) contracts until—*

22 *(1) funds are obligated (out of such appropriated*
23 *funds) for—*

1 (A) the upgrade of U-2 aircraft senior year
2 electro-optical reconnaissance sensors to the new-
3 est configuration; and

4 (B) the upgrade of the U-2 SIGINT system;
5 and

6 (2) the Under Secretary of Defense for Acquisi-
7 tion and Technology submits the report required
8 under subsection (b).

9 (b) *REPORT ON U-2-RELATED UPGRADES.*—(1) Not
10 later than April 1, 1996, the Under Secretary of Defense
11 for Acquisition and Technology shall transmit to the Com-
12 mittee on Armed Services of the Senate and the Committee
13 on National Security of the House of Representatives a re-
14 port on obligations of funds for upgrades relating to air-
15 borne reconnaissance by U-2 aircraft.

16 (2) The report shall set forth the specific purposes
17 under the general purposes described in subparagraphs (A)
18 and (B) of subsection (a)(1) for which funds have been obli-
19 gated (as of the date of the report) and the amounts that
20 have been obligated (as of such date) for those specific pur-
21 poses.

1 **Subtitle C—Ballistic Missile**
2 **Defense Act of 1995**

3 **SEC. 231. SHORT TITLE.**

4 *This subtitle may be cited as the “Ballistic Missile De-*
5 *fense Act of 1995”.*

6 **SEC. 232. FINDINGS.**

7 *Congress makes the following findings:*

8 (1) *The emerging threat that is posed to the na-*
9 *tional security interests of the United States by the*
10 *proliferation of ballistic missiles is significant and*
11 *growing, both in terms of numbers of missiles and in*
12 *terms of the technical capabilities of those missiles.*

13 (2) *The deployment of ballistic missile defenses is*
14 *a necessary, but not sufficient, element of a broader*
15 *strategy to discourage both the proliferation of weap-*
16 *ons of mass destruction and the proliferation of the*
17 *means of their delivery and to defend against the con-*
18 *sequences of such proliferation.*

19 (3) *The deployment of effective Theater Missile*
20 *Defense systems can deter potential adversaries of the*
21 *United States from escalating a conflict by threaten-*
22 *ing or attacking United States forces or the forces or*
23 *territory of coalition partners or allies of the United*
24 *States with ballistic missiles armed with weapons of*
25 *mass destruction to offset the operational and tech-*

1 *nical advantages of the United States and its coal-*
2 *ition partners and allies.*

3 (4) *United States intelligence officials have pro-*
4 *vided intelligence estimates to congressional commit-*
5 *tees that (A) the trend in missile proliferation is to-*
6 *ward longer range and more sophisticated ballistic*
7 *missiles, (B) North Korea may deploy an interconti-*
8 *ental ballistic missile capable of reaching Alaska or*
9 *beyond within five years, and (C) although a new, in-*
10 *digenuously developed ballastic missile threat to the*
11 *continental United States is not foreseen within the*
12 *next ten years, determined countries can acquire*
13 *intercontinental ballistic missiles in the near future*
14 *and with little warning by means other than indige-*
15 *nous development.*

16 (5) *The development and deployment by the*
17 *United States and its allies of effective defenses*
18 *against ballistic missiles of all ranges will reduce the*
19 *incentives for countries to acquire such missiles or to*
20 *augment existing missile capabilities.*

21 (6) *The concept of mutual assured destruction*
22 *(based upon an offense-only form of deterrence), which*
23 *is the major philosophical rationale underlying the*
24 *ABM Treaty, is now questionable as a basis for sta-*
25 *bility in a multipolar world in which the United*

1 *States and the states of the former Soviet Union are*
2 *seeking to normalize relations and eliminate Cold*
3 *War attitudes and arrangements.*

4 *(7) The development and deployment of a Na-*
5 *tional Missile Defense system against the threat of*
6 *limited ballistic missile attacks—*

7 *(A) would strengthen deterrence at the levels*
8 *of forces agreed to by the United States and Rus-*
9 *sia under the Strategic Arms Reduction Talks*
10 *Treaty (START-I); and*

11 *(B) would further strengthen deterrence if*
12 *reductions below the levels permitted under*
13 *START-I should be agreed to and implemented*
14 *in the future.*

15 *(8) The distinction made during the Cold War,*
16 *based upon the technology of the time, between strate-*
17 *gic ballistic missiles and nonstrategic ballistic mis-*
18 *siles, which resulted in the distinction made in the*
19 *ABM Treaty between strategic defense and nonstrate-*
20 *gic defense, has become obsolete because of techno-*
21 *logical advancement (including the development by*
22 *North Korea of long-range Taepo-Dong I and Taepo-*
23 *Dong II missiles) and, therefore, that distinction in*
24 *the ABM Treaty should be reviewed.*

1 **SEC. 233. BALLISTIC MISSILE DEFENSE POLICY.**

2 *It is the policy of the United States—*

3 *(1) to deploy affordable and operationally effec-*
4 *tive theater missile defenses to protect forward-de-*
5 *ployed and expeditionary elements of the Armed*
6 *Forces of the United States and to complement the*
7 *missile defense capabilities of forces of coalition part-*
8 *ners and of allies of the United States;*

9 *(2) to—*

10 *(A) deploy a National Missile Defense sys-*
11 *tem that—*

12 *(i) is affordable and operationally ef-*
13 *fective against limited, accidental, or unau-*
14 *thorized ballistic missile attacks on the ter-*
15 *ritory of the United States; and*

16 *(ii) can be augmented over time as the*
17 *threat changes to provide a layered defense*
18 *against limited, accidental, or unauthorized*
19 *ballistic missile threats;*

20 *(B) initiate negotiations with the Russian*
21 *Federation as necessary to provide for the Na-*
22 *tional Missile Defense system specified in section*
23 *235; and*

24 *(C) consider, if those negotiations fail, the*
25 *option of withdrawing from the ABM Treaty in*
26 *accordance with the provisions of Article XV of*

1 *that treaty, subject to consultations between the*
2 *President and the Congress;*

3 *(3) to ensure congressional review, before deploy-*
4 *ment of the system specified in paragraph (2), of (A)*
5 *the affordability and operational effectiveness of such*
6 *system, (B) the threat to be countered by such a sys-*
7 *tem, and (C) ABM Treaty considerations with respect*
8 *to such a system; and*

9 *(4) to seek a cooperative, negotiated transition to*
10 *a regime that does not feature an offense-only form of*
11 *deterrence as the basis for strategic stability.*

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

13 *(a) ESTABLISHMENT OF CORE PROGRAM.—To imple-*
14 *ment the policy established in paragraph (1) of section 233,*
15 *the Secretary of Defense shall restructure the core theater*
16 *missile defense program to consist of the following systems,*
17 *to be carried out so as to achieve the specified capabilities:*

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

20 *(2) The Navy Lower Tier (Area) system, with a*
21 *user operational evaluation system (UOES) capabil-*
22 *ity during fiscal year 1997 and an initial oper-*
23 *ational capability (IOC) during fiscal year 1999.*

24 *(3) The Theater High-Altitude Area Defense*
25 *(THAAD) system, with a user operational evaluation*

1 *system (UOES) capability not later than fiscal year*
2 *1998 and a first unit equipped (FUE) not later than*
3 *fiscal year 2000.*

4 *(4) The Navy Upper Tier (Theater Wide) system,*
5 *with a user operational evaluation system (UOES)*
6 *capability during fiscal year 1999 and an initial*
7 *operational capability (IOC) during fiscal year 2001.*

8 *(b) USE OF STREAMLINED ACQUISITION PROCEDURE-*
9 *DURES.—The Secretary of Defense shall prescribe and use*
10 *streamlined acquisition policies and procedures to reduce*
11 *the cost and increase the efficiency of developing and de-*
12 *ploying the theater missile defense systems specified in sub-*
13 *section (a).*

14 *(c) INTEROPERABILITY AND SUPPORT OF CORE SYS-*
15 *TEMS.—To maximize effectiveness and flexibility of the sys-*
16 *tems comprising the core theater missile defense program,*
17 *the Secretary of Defense shall ensure that those systems are*
18 *integrated and complementary and are fully capable of ex-*
19 *ploiting external sensor and battle management support*
20 *from systems such as—*

21 *(A) the Cooperative Engagement Capability*
22 *(CEC) system of the Navy;*
23 *(B) airborne sensors; and*
24 *(C) space-based sensors (including, in particular,*
25 *the Space and Missile Tracking System).*

1 (d) *FOLLOW-ON SYSTEMS.*—(1) *The Secretary of De-*
2 *fense shall prepare an affordable development plan for thea-*
3 *ter missile defense systems to be developed as follow-on sys-*
4 *tems to the core systems specified in subsection (a). The Sec-*
5 *retary shall make the selection of a system for inclusion in*
6 *the plan based on the capability of the system to satisfy*
7 *military requirements not met by the systems in the core*
8 *program and on the capability of the system to use prior*
9 *investments in technologies, infrastructure, and battle-man-*
10 *agement capabilities that are incorporated in, or associated*
11 *with, the systems in the core program.*

12 (2) *The Secretary may not proceed with the develop-*
13 *ment of a follow-on theater missile defense system beyond*
14 *the Demonstration/Validation stage of development unless*
15 *the Secretary designates that system as a part of the core*
16 *program under this section and submits to the congressional*
17 *defense committees notice of that designation. The Secretary*
18 *shall include with any such notification a report describ-*
19 *ing—*

20 (A) *the requirements for the system and the spe-*
21 *cific threats that such system is designed to counter;*

22 (B) *how the system will relate to, support, and*
23 *build upon existing core systems;*

24 (C) *the planned acquisition strategy for the sys-*
25 *tem; and*

1 (D) a preliminary estimate of total program cost
2 for that system and the effect of development and ac-
3 quisition of such system on Department of Defense
4 budget projections.

5 (e) *PROGRAM ACCOUNTABILITY REPORT.*—(1) As part
6 of the annual report of the Ballistic Missile Defense Organi-
7 zation required by section 224 of Public Law 101–189 (10
8 U.S.C. 2431 note), the Secretary of Defense shall describe
9 the technical milestones, the schedule, and the cost of each
10 phase of development and acquisition (together with total
11 estimated program costs) for each core and follow-on theater
12 missile defense program.

13 (2) As part of such report, the Secretary shall describe,
14 with respect to each program covered in the report, any
15 variance in the technical milestones, program schedule mile-
16 stones, and costs for the program compared with the infor-
17 mation relating to that program in the report submitted
18 in the previous year and in the report submitted in the
19 first year in which that program was covered.

20 (f) *REPORTS ON TMD SYSTEM LIMITATIONS UNDER*
21 *ABM TREATY.*—(1) Whenever, after January 1, 1993, the
22 Secretary of Defense issues a certification with respect to
23 the compliance of a particular Theater Missile Defense sys-
24 tem with the ABM Treaty, the Secretary shall transmit to
25 the Committee on Armed Services of the Senate and the

1 *Committee on National Security of the House of Represent-*
2 *atives a copy of such certification. Such transmittal shall*
3 *be made not later than 30 days after the date on which*
4 *such certification is issued, except that in the case of a cer-*
5 *tification issued before the date of the enactment of this Act,*
6 *such transmittal shall be made not later than 60 days after*
7 *the date of the enactment of this Act.*

8 (2) *If a certification under paragraph (1) is based on*
9 *application of a policy concerning United States compli-*
10 *ance with the ABM Treaty that differs from the policy of*
11 *the United States specified in section 237(b)(1), the Sec-*
12 *retary shall include with the transmittal under that para-*
13 *graph a report providing a detailed assessment of—*

14 (A) *how the policy applied differs from the pol-*
15 *icy of the United States specified in section 237(b)(1);*
16 *and*

17 (B) *how the application of that policy (rather*
18 *than the policy specified in section 237(b)(1)) will af-*
19 *fect the cost, schedule, and performance of that sys-*
20 *tem.*

21 **SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITEC-**
22 **TURE.**

23 (a) *REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—*
24 *To implement the policy established in paragraph (2) of*
25 *section 233, the Secretary of Defense shall develop for de-*

1 *ployment an affordable and operationally effective National*
2 *Missile Defense (NMD) system which shall achieve an ini-*
3 *tial operational capability (IOC) by the end of 2003.*

4 *(b) ELEMENTS OF THE NMD SYSTEM.—The system to*
5 *be developed for deployment shall include the following ele-*
6 *ments:*

7 *(1) Ground-based interceptors capable of being*
8 *deployed at multiple sites, the locations and numbers*
9 *of which are to be determined so as to optimize defen-*
10 *sive coverage of the continental United States, Alaska,*
11 *and Hawaii against limited, accidental, or unauthor-*
12 *ized ballistic missile attacks.*

13 *(2) Fixed ground-based radars.*

14 *(3) Space-based sensors, including the type of*
15 *space-based sensors known as ABM-adjunct sensors*
16 *(and specifically including the system known as the*
17 *Space and Missile Tracking System), such ABM-ad-*
18 *junct sensors—*

19 *(A) not being prohibited by the ABM Trea-*
20 *ty; and*

21 *(B) being capable of cuing ground-based*
22 *anti-ballistic missile interceptors and of provid-*
23 *ing initial targeting vectors.*

24 *(4) Battle management, command, control, and*
25 *communications (BM/C³).*

1 (c) *IMPLEMENTATION.—The Secretary shall—*

2 (1) *during fiscal year 1996 initiate required pre-*
3 *paratory and planning actions (such as initial site*
4 *surveys and selection and planning for the necessary*
5 *environmental impact studies) that are necessary so*
6 *as to be capable of meeting the initial operational ca-*
7 *pability (IOC) date specified in subsection (a);*

8 (2) *plan to conduct by the end of 1998 an inte-*
9 *grated systems test which uses elements (including*
10 *BM/C³ elements) that are representative of and trace-*
11 *able to the National Missile Defense system architec-*
12 *ture specified in subsection (b);*

13 (3) *prescribe and use streamlined acquisition*
14 *policies and procedures to reduce the cost and in-*
15 *crease the efficiency of developing the system specified*
16 *in subsection (b); and*

17 (4) *develop an affordable NMD follow-on pro-*
18 *gram which—*

19 (A) *leverages off of the NMD system speci-*
20 *fied in subsection (a), and*

21 (B) *can augment that system, as the threat*
22 *changes, to provide for a layered defense.*

23 (d) *REPORT ON PLAN FOR NMD SYSTEM DEVELOP-*
24 *MENT AND DEPLOYMENT.—Not later than the date on which*
25 *the President submits the budget for fiscal year 1997 under*

1 *section 1105 of title 31, United States Code, the Secretary*
2 *of Defense shall submit to the congressional defense commit-*
3 *tees a report containing the following matters:*

4 (1) *The Secretary's plan for carrying out this*
5 *section.*

6 (2) *The Secretary's estimate of the appropri-*
7 *ations required for research, development, test, evalua-*
8 *tion, and for procurement, for each of fiscal years*
9 *1997 through 2003 in order to achieve the initial*
10 *operational capability date specified in subsection*
11 *(a).*

12 (3) *A sensitivity analysis of options to improve*
13 *the effectiveness of such system by adding one or a*
14 *combination of the following:*

15 (A) *Additional ground-based interceptors.*

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

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

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

19 (4) *A determination of the point at which any*
20 *activity that is required to be carried out under this*
21 *section and section 233(2) would conflict with the*
22 *terms of the ABM Treaty, together with a description*
23 *of any such activity, the legal basis for the Secretary's*
24 *determination, and an estimate of the time at which*
25 *such point would be reached in order to meet the ini-*

1 *tial operational capability date specified in sub-*
2 *section (a).*

3 **SEC. 236. POLICY REGARDING THE ABM TREATY.**

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

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

8 *(2) Articles XIII and XIV of the treaty establish*
9 *means for the parties to amend the treaty, and the*
10 *parties have in the past used those means to amend*
11 *the treaty.*

12 *(3) Article XV of the treaty establishes the means*
13 *for a party to withdraw from the treaty, upon six*
14 *months notice “if it decides that extraordinary events*
15 *related to the subject matter of this treaty have jeop-*
16 *ardized its supreme interests”.*

17 *(4) The policies, programs, and requirements of*
18 *this subtitle can be accomplished through processes*
19 *specified within, or consistent with, the ABM Treaty,*
20 *which anticipates the need and provides the means for*
21 *amendment to the Treaty.*

22 *(5) Previous discussions between the United*
23 *States and Russia, based on Russian President*
24 *Yeltsin’s proposal for a Global Protection System,*
25 *held promise of an agreement to amend the ABM*

1 *Treaty to allow (among other measures) deployment*
2 *of as many as four ground-based interceptor sites in*
3 *addition to the one site permitted under the ABM*
4 *Treaty and unrestricted exploitation of sensors based*
5 *within the atmosphere and in space.*

6 (b) *ABM TREATY NEGOTIATIONS.*—*In light of the*
7 *findings in subsection (a), Congress urges the President to*
8 *pursue high-level discussions with the Russian Federation*
9 *to amend the ABM Treaty to allow—*

10 (1) *deployment of multiple ground-based ABM*
11 *sites to provide effective defense of the territory of the*
12 *United States against limited ballistic missile attack;*

13 (2) *the unrestricted exploitation of sensors based*
14 *within the atmosphere and in space; and*

15 (3) *increased flexibility for development, testing,*
16 *and deployment of follow-on NMD systems.*

17 **SEC. 237. PROHIBITION ON USE OF FUNDS TO IMPLEMENT**

18 **AN INTERNATIONAL AGREEMENT CONCERN-**

19 **ING THEATER MISSILE DEFENSE SYSTEMS.**

20 (a) *FINDINGS.*—(1) *Congress hereby reaffirms—*

21 (A) *the finding in section 234(a)(7) of the Na-*
22 *tional Defense Authorization Act for Fiscal Year 1994*
23 *(Public Law 103–160; 107 Stat. 1595; 10 U.S.C.*
24 *2431 note) that the ABM Treaty was not intended to,*
25 *and does not, apply to or limit research, development,*

1 *testing, or deployment of missile defense systems, sys-*
2 *tem upgrades, or system components that are designed*
3 *to counter modern theater ballistic missiles, regardless*
4 *of the capabilities of such missiles, unless those sys-*
5 *tems, system upgrades, or system components are test-*
6 *ed against or have demonstrated capabilities to*
7 *counter modern strategic ballistic missiles; and*

8 *(B) the statement in section 232 of the National*
9 *Defense Authorization Act for Fiscal Year 1995 (Pub-*
10 *lic Law 103–337; 108 Stat. 2700) that the United*
11 *States shall not be bound by any international agree-*
12 *ment entered into by the President that would sub-*
13 *stantively modify the ABM Treaty unless the agree-*
14 *ment is entered into pursuant to the treaty making*
15 *power of the President under the Constitution.*

16 *(2) Congress also finds that the demarcation standard*
17 *described in subsection (b)(1) for compliance of a missile*
18 *defense system, system upgrade, or system component with*
19 *the ABM Treaty is based upon current technology.*

20 *(b) SENSE OF CONGRESS CONCERNING COMPLIANCE*
21 *POLICY.—It is the sense of Congress that—*

22 *(1) unless a missile defense system, system up-*
23 *grade, or system component (including one that ex-*
24 *ploits data from space-based or other external sensors)*
25 *is flight tested in an ABM-qualifying flight test (as*

1 *defined in subsection (e)), that system, system up-*
2 *grade, or system component has not, for purposes of*
3 *the ABM Treaty, been tested in an ABM mode nor*
4 *been given capabilities to counter strategic ballistic*
5 *missiles and, therefore, is not subject to any applica-*
6 *tion, limitation, or obligation under the ABM Treaty;*
7 *and*

8 (2) *any international agreement that would*
9 *limit the research, development, testing, or deploy-*
10 *ment of missile defense systems, system upgrades, or*
11 *system components that are designed to counter mod-*
12 *ern theater ballistic missiles in a manner that would*
13 *be more restrictive than the compliance criteria speci-*
14 *fied in paragraph (1) should be entered into only*
15 *pursuant to the treaty making powers of the Presi-*
16 *dent under the Constitution.*

17 (c) *PROHIBITION ON FUNDING.—Funds appropriated*
18 *or otherwise made available to the Department of Defense*
19 *for fiscal year 1996 may not be obligated or expended to*
20 *implement an agreement, or any understanding with re-*
21 *spect to interpretation of the ABM Treaty, between the*
22 *United States and any of the independent states of the*
23 *former Soviet Union entered into after January 1, 1995,*
24 *that—*

1 *capabilities developed and deployed by its allies and pos-*
2 *sible coalition partners. Therefore, the Congress urges the*
3 *President—*

4 *(1) to pursue high-level discussions with allies of*
5 *the United States and selected other states on the*
6 *means and methods by which the parties on a bilat-*
7 *eral basis can cooperate in the development, deploy-*
8 *ment, and operation of ballistic missile defenses;*

9 *(2) to take the initiative within the North Atlan-*
10 *tic Treaty Organization to develop consensus in the*
11 *Alliance for a timely deployment of effective ballistic*
12 *missile defenses by the Alliance; and*

13 *(3) in the interim, to seek agreement with allies*
14 *of the United States and selected other states on steps*
15 *the parties should take, consistent with their national*
16 *interests, to reduce the risks posed by the threat of*
17 *limited ballistic missile attacks, such steps to in-*
18 *clude—*

19 *(A) the sharing of early warning informa-*
20 *tion derived from sensors deployed by the United*
21 *States and other states;*

22 *(B) the exchange on a reciprocal basis of*
23 *technical data and technology to support both*
24 *joint development programs and the sale and*

1 *purchase of missile defense systems and compo-*
 2 *nents; and*

3 *(C) operational level planning to exploit*
 4 *current missile defense capabilities and to help*
 5 *define future requirements.*

6 **SEC. 239. ABM TREATY DEFINED.**

7 *For purposes of this subtitle, the term “ABM Treaty”*
 8 *means the Treaty Between the United States of America*
 9 *and the Union of Soviet Socialist Republics on the Limita-*
 10 *tion of Anti-Ballistic Missile Systems, and signed at Mos-*
 11 *cow on May 26, 1972, and includes the Protocols to that*
 12 *Treaty, signed at Moscow on July 3, 1974.*

13 **SEC. 240. REPEAL OF MISSILE DEFENSE ACT OF 1991.**

14 *The Missile Defense Act of 1991 (10 U.S.C. 2431 note)*
 15 *is repealed.*

16 **Subtitle D—Other Ballistic Missile**
 17 **Defense Provisions**

18 **SEC. 251. BALLISTIC MISSILE DEFENSE PROGRAM ELE-**
 19 **MENTS.**

20 *(a) ELEMENTS SPECIFIED.—In the budget justifica-*
 21 *tion materials submitted to Congress in support of the De-*
 22 *partment of Defense budget for any fiscal year after fiscal*
 23 *year 1996 (as submitted with the budget of the President*
 24 *under section 1105(a) of title 31, United States Code), the*
 25 *amount requested for activities of the Ballistic Missile De-*

1 *fense Organization shall be set forth in accordance with the*
2 *following program elements:*

3 (1) *The Patriot system.*

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

5 (3) *The Theater High-Altitude Area Defense*
6 *(THAAD) system.*

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

8 (5) *The Corps Surface-to-Air Missile (SAM) sys-*
9 *tem.*

10 (6) *Other Theater Missile Defense Activities.*

11 (7) *National Missile Defense.*

12 (8) *Follow-On and Support Technologies.*

13 (b) *TREATMENT OF CORE THEATER MISSILE DE-*
14 *FENSE PROGRAMS.*—*Amounts requested for core theater*
15 *missile defense programs specified in section 234 shall be*
16 *specified in individual, dedicated program elements, and*
17 *amounts appropriated for such programs shall be available*
18 *only for activities covered by those program elements.*

19 (c) *BM/C³I PROGRAMS.*—*Amounts requested for pro-*
20 *grams, projects, and activities involving battle manage-*
21 *ment, command, control, communications, and intelligence*
22 *(BM/C³I) shall be included in the “Other Theater Missile*
23 *Defense Activities” program element or the “National Mis-*
24 *sile Defense” program element, as determined on the basis*
25 *of the primary objectives involved.*

1 “(B) the results of which demonstrate the
2 achievement by the interceptors of the baseline per-
3 formance thresholds.

4 “(3) For purposes of this subsection, the baseline per-
5 formance thresholds with respect to a program are the
6 weapons systems performance thresholds specified in the
7 baseline description for the system established (pursuant to
8 section 2435(a)(1) of title 10, United States Code) before
9 the program entered the engineering and manufacturing de-
10 velopment stage.

11 “(4) The number of flight tests described in paragraph
12 (2) that are required in order to make the certification
13 under paragraph (1) shall be a number determined by the
14 Secretary of Defense to be sufficient for the purposes of this
15 section.

16 “(5) The Secretary may augment live-fire testing to
17 demonstrate weapons system performance goals for purposes
18 of the certification under paragraph (1) through the use of
19 modeling and simulation that is validated by ground and
20 flight testing.”.

21 **SEC. 253. REPEAL OF MISSILE DEFENSE PROVISIONS.**

22 *The following provisions of law are repealed:*

23 (1) Section 222 of the Department of Defense
24 Authorization Act, 1986 (Public Law 99-145; 99
25 Stat. 613; 10 U.S.C. 2431 note).

1 (2) *Section 225 of the Department of Defense*
2 *Authorization Act, 1986 (Public Law 99–145; 99*
3 *Stat. 614).*

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

7 (4) *Section 8123 of the Department of Defense*
8 *Appropriations Act, 1989 (Public Law 100–463; 102*
9 *Stat. 2270–40).*

10 (5) *Section 8133 of the Department of Defense*
11 *Appropriations Act, 1992 (Public Law 102–172; 105*
12 *Stat. 1211).*

13 (6) *Section 234 of the National Defense Author-*
14 *ization Act for Fiscal Year 1994 (Public Law 103–*
15 *160; 107 Stat. 1595; 10 U.S.C. 2431 note).*

16 (7) *Section 242 of the National Defense Author-*
17 *ization Act for Fiscal Year 1994 (Public Law 103–*
18 *160; 107 Stat. 1603; 10 U.S.C. 2431 note).*

19 (8) *Section 235 of the National Defense Author-*
20 *ization Act for Fiscal Year 1995 (Public Law 103–*
21 *337; 108 Stat. 2701; 10 U.S.C. 221 note).*

22 (9) *Section 2609 of title 10, United States Code.*

1 ***Subtitle E—Miscellaneous Reviews,***
2 ***Studies, and Reports***

3 ***SEC. 261. PRECISION-GUIDED MUNITIONS.***

4 (a) *ANALYSIS REQUIRED.*—*The Secretary of Defense*
5 *shall perform an analysis of the full range of precision-*
6 *guided munitions in production and in research, develop-*
7 *ment, test, and evaluation in order to determine the follow-*
8 *ing:*

9 (1) *The numbers and types of precision-guided*
10 *munitions that are needed to provide complementary*
11 *capabilities against each target class.*

12 (2) *The feasibility of carrying out joint develop-*
13 *ment and procurement of additional types of muni-*
14 *tions by more than one of the Armed Forces.*

15 (3) *The feasibility of integrating a particular*
16 *precision-guided munition on multiple service plat-*
17 *forms.*

18 (4) *The economy and effectiveness of continuing*
19 *the acquisition of—*

20 (A) *interim precision-guided munitions; or*

21 (B) *precision-guided munitions that, as a*
22 *result of being procured in decreasing numbers*
23 *to meet decreasing quantity requirements, have*
24 *increased in cost per unit by more than 50 per-*

1 *cent over the cost per unit for such munitions as*
2 *of December 1, 1991.*

3 *(b) REPORT.—(1) Not later than April 15, 1996, the*
4 *Secretary shall submit to Congress a report on the findings*
5 *and other results of the analysis.*

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

8 *(A) approves the development of new precision-*
9 *guided munitions;*

10 *(B) avoids duplication and redundancy in the*
11 *precision-guided munitions programs of the Army,*
12 *Navy, Air Force, and Marine Corps;*

13 *(C) ensures rationality in the relationship be-*
14 *tween the funding plans for precision-guided muni-*
15 *tions modernization for fiscal years following fiscal*
16 *year 1996 and the costs of such modernization for*
17 *those fiscal years; and*

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

21 *(c) FUNDING LIMITATION.—Funds authorized to be*
22 *appropriated by this Act may not be expended for research,*
23 *development, test, and evaluation or procurement of interim*
24 *precision-guided munitions after April 15, 1996, unless the*

1 *Secretary of Defense has submitted the report under sub-*
2 *section (b).*

3 (d) *INTERIM PRECISION-GUIDED MUNITION DE-*
4 *FINED.*—*For purposes of subsection (c), a precision-guided*
5 *munition is an interim precision-guided munition if the*
6 *munition is being procured in fiscal year 1996, but funding*
7 *is not proposed for additional procurement of the munition*
8 *in the fiscal years after fiscal year 1996 that are covered*
9 *by the future years defense program submitted to Congress*
10 *in 1995 under section 221(a) of title 10, United States*
11 *Code.*

12 **SEC. 262. REVIEW OF C⁴I BY NATIONAL RESEARCH COUN-**
13 **CIL.**

14 (a) *REVIEW BY NATIONAL RESEARCH COUNCIL.*—*Not*
15 *later than 90 days after the date of the enactment of this*
16 *Act, the Secretary of Defense shall request the National Re-*
17 *search Council of the National Academy of Sciences to con-*
18 *duct a comprehensive review of current and planned service*
19 *and defense-wide programs for command, control, commu-*
20 *nications, computers, and intelligence (C⁴I) with a special*
21 *focus on cross-service and inter-service issues.*

22 (b) *MATTERS TO BE ASSESSED IN REVIEW.*—*The re-*
23 *view shall address the following:*

1 (1) *The match between the capabilities provided*
2 *by current service and defense-wide C⁴I programs and*
3 *the actual needs of users of these programs.*

4 (2) *The interoperability of service and defense-*
5 *wide C⁴I systems that are planned to be operational*
6 *in the future.*

7 (3) *The need for an overall defense-wide architec-*
8 *ture for C⁴I.*

9 (4) *Proposed strategies for ensuring that future*
10 *C⁴I acquisitions are compatible and interoperable*
11 *with an overall architecture.*

12 (5) *Technological and administrative aspects of*
13 *the C⁴I modernization effort to determine the sound-*
14 *ness of the underlying plan and the extent to which*
15 *it is consistent with concepts for joint military oper-*
16 *ations in the future.*

17 (c) *TWO-YEAR PERIOD FOR CONDUCTING REVIEW.—*
18 *The review shall be conducted over the two-year period be-*
19 *ginning on the date on which the National Research Council*
20 *and the Secretary of Defense enter into a contract or other*
21 *agreement for the conduct of the review.*

22 (d) *REPORTS.—(1) In the contract or other agreement*
23 *for the conduct of the review, the Secretary of Defense shall*
24 *provide that the National Research Council shall submit to*
25 *the Department of Defense and Congress interim reports*

1 *and progress updates on a regular basis as the review pro-*
2 *ceeds. A final report on the review shall set forth the find-*
3 *ings, conclusions, and recommendations of the Council for*
4 *defense-wide and service C4I programs and shall be submit-*
5 *ted to the Committee on Armed Services of the Senate, the*
6 *Committee on National Security of the House of Represent-*
7 *atives, and the Secretary of Defense.*

8 (2) *To the maximum degree possible, the final report*
9 *shall be submitted in unclassified form with classified an-*
10 *nexes as necessary.*

11 (e) *INTERAGENCY COOPERATION WITH STUDY.—All*
12 *military departments, defense agencies, and other compo-*
13 *nents of the Department of Defense shall cooperate fully*
14 *with the National Research Council in its activities in car-*
15 *rying out the review under this section.*

16 (f) *EXPEDITED PROCESSING OF SECURITY CLEAR-*
17 *ANCES FOR STUDY.—For the purpose of facilitating the*
18 *commencement of the study under this section, the Secretary*
19 *of Defense shall expedite to the fullest degree possible the*
20 *processing of security clearances that are necessary for the*
21 *National Research Council to conduct the study.*

22 (g) *FUNDING.—Of the amount authorized to be appro-*
23 *priated in section 201 for defense-wide activities, \$900,000*
24 *shall be available for the study under this section.*

1 **SEC. 263. ANALYSIS OF CONSOLIDATION OF BASIC RE-**
2 **SEARCH ACCOUNTS OF MILITARY DEPART-**
3 **MENTS.**

4 (a) *ANALYSIS REQUIRED.*—*The Secretary of Defense*
5 *shall conduct an analysis of the cost and effectiveness of*
6 *consolidating the basic research accounts of the military de-*
7 *partments. The analysis shall determine potential infra-*
8 *structure savings and other benefits of co-locating and con-*
9 *solidating the management of basic research.*

10 (b) *DEADLINE.*—*On or before March 1, 1996, the Sec-*
11 *retary shall submit to the Committee on Armed Services*
12 *of the Senate and the Committee on National Security of*
13 *the House of Representatives a report on the analysis con-*
14 *ducted under subsection (a).*

15 **SEC. 264. CHANGE IN REPORTING PERIOD FROM CAL-**
16 **ENDAR YEAR TO FISCAL YEAR FOR ANNUAL**
17 **REPORT ON CERTAIN CONTRACTS TO COL-**
18 **LEGES AND UNIVERSITIES.**

19 *Section 2361(c)(2) of title 10, United States Code, is*
20 *amended—*

21 (1) *by striking out “calendar year” and insert-*
22 *ing in lieu thereof “fiscal year”; and*

23 (2) *by striking out “the year after the year” and*
24 *inserting in lieu thereof “the fiscal year after the fis-*
25 *cal year”.*

1 **SEC. 265. AERONAUTICAL RESEARCH AND TEST CAPABILI-**
2 **TIES ASSESSMENT.**

3 (a) *FINDINGS.*—Congress finds the following:

4 (1) *It is in the Nation's long-term national secu-*
5 *urity interests for the United States to maintain pre-*
6 *eminence in the area of aeronautical research and test*
7 *capabilities.*

8 (2) *Continued advances in aeronautical science*
9 *and engineering are critical to sustaining the strate-*
10 *gic and tactical air superiority of the United States*
11 *and coalition forces, as well as United States eco-*
12 *nomie security and international aerospace leader-*
13 *ship.*

14 (3) *It is in the national security and economic*
15 *interests of the United States and the budgetary inter-*
16 *ests of the Department of Defense for the department*
17 *to encourage the establishment of active partnerships*
18 *between the department and other Government agen-*
19 *cies, academic institutions, and private industry to*
20 *develop, maintain, and enhance aeronautical research*
21 *and test capabilities.*

22 (b) *REVIEW.*—The Secretary of Defense shall conduct
23 *a comprehensive review of the aeronautical research and*
24 *test facilities and capabilities of the United States in order*
25 *to assess the current condition of such facilities and capa-*
26 *bilities.*

1 (c) *REPORT.*—(1) *Not later than March 1, 1996, the*
2 *Secretary of Defense shall submit to the congressional de-*
3 *fense committees a report setting forth in detail the findings*
4 *of the review required by subsection (b).*

5 (2) *The report shall include the following:*

6 (A) *The options for providing affordable, oper-*
7 *able, reliable, and responsive long-term aeronautical*
8 *research and test capabilities for military and civil-*
9 *ian purposes and for the organization and conduct of*
10 *such capabilities within the Department or through*
11 *shared operations with other Government agencies,*
12 *academic institutions, and private industry.*

13 (B) *The projected costs of such options, including*
14 *costs of acquisition and technical and financial ar-*
15 *rangements (including the use of Government facili-*
16 *ties for reimbursable private use).*

17 (C) *Recommendations on the most efficient and*
18 *economic means of developing, maintaining, and con-*
19 *tinually modernizing aeronautical research and test*
20 *capabilities to meet current, planned, and prospective*
21 *military and civilian needs.*

1 ***Subtitle F—Other Matters***

2 ***SEC. 271. ADVANCED LITHOGRAPHY PROGRAM.***

3 *Section 216 of the National Defense Authorization Act*
4 *for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2693)*
5 *is amended—*

6 (1) *in subsection (a), by striking out “to help*
7 *achieve” and all that follows through the end of the*
8 *subsection and inserting in lieu thereof “to ensure*
9 *that lithographic processes being developed by United*
10 *States-owned companies or United States-incor-*
11 *porated companies operating in the United States*
12 *will lead to superior performance electronics systems*
13 *for the Department of Defense.”;*

14 (2) *in subsection (b), by adding at the end the*
15 *following new paragraph:*

16 “(3) *The Director of the Defense Advanced Research*
17 *Projects Agency may set priorities and funding levels for*
18 *various technologies being developed for the ALP and shall*
19 *consider funding recommendations made by the Semi-*
20 *conductor Industry Association as being advisory in na-*
21 *ture.”;*

22 (3) *in subsection (c)—*

23 (A) *by inserting “Defense” before “Ad-*
24 *vanced”;* and

1 (B) by striking out “ARPA” both places it
2 appears and inserting in lieu thereof “DARPA”;
3 and

4 (4) by adding at the end the following:

5 “(d) DEFINITIONS.—In this section:

6 “(1) The term ‘United States-owned company’
7 means a company the majority ownership or control
8 of which is held by citizens of the United States.

9 “(2) The term ‘United States-incorporated com-
10 pany’ means a company that the Secretary of Defense
11 finds is incorporated in the United States and has a
12 parent company that is incorporated in a country—

13 “(A) that affords to United States-owned
14 companies opportunities, comparable to those af-
15 forded to any other company, to participate in
16 any joint venture similar to those authorized
17 under section 28 of the National Institute of
18 Standards and Technology Act (15 U.S.C. 278n);

19 “(B) that affords to United States-owned
20 companies local investment opportunities com-
21 parable to those afforded to any other company;
22 and

23 “(C) that affords adequate and effective pro-
24 tection for the intellectual property rights of
25 United States-owned companies.”.

1 **SEC. 272. ENHANCED FIBER OPTIC GUIDED MISSILE**
2 **(EFOG-M) SYSTEM.**

3 (a) *LIMITATIONS.—(1) The Secretary of the Army may*
4 *not obligate more than \$280,000,000 (based on fiscal year*
5 *1995 constant dollars) to develop and deliver for test and*
6 *evaluation by the Army the following items:*

7 (A) *44 enhanced fiber optic guided test missiles.*

8 (B) *256 fully operational enhanced fiber optic*
9 *guided missiles.*

10 (C) *12 fully operational fire units.*

11 (2) *The Secretary of the Army may not spend funds*
12 *for the enhanced fiber optic guided missile (EFOG-M) sys-*
13 *tem after September 30, 1998, if the items described in*
14 *paragraph (1) have not been delivered to the Army by that*
15 *date and at a cost not greater than the amount set forth*
16 *in paragraph (1).*

17 (3) *The Secretary of the Army may not enter into an*
18 *advanced development phase for the EFOG-M system un-*
19 *less—*

20 (A) *an advanced concept technology demonstra-*
21 *tion of the system has been successfully completed;*
22 *and*

23 (B) *the Secretary certifies to the congressional*
24 *defense committees that there is a requirement for the*
25 *EFOG-M system that is supported by a cost and*
26 *operational effectiveness analysis.*

1 (b) *GOVERNMENT-FURNISHED EQUIPMENT.*—*The Sec-*
2 *retary of the Army shall ensure that all Government-fur-*
3 *nished equipment that the Army agrees to provide under*
4 *the contract for the EFOG–M system is provided to the*
5 *prime contractor in accordance with the terms of the con-*
6 *tract.*

7 ***SEC. 273. STATES ELIGIBLE FOR ASSISTANCE UNDER DE-***
8 ***FENSE EXPERIMENTAL PROGRAM TO STIMU-***
9 ***LATE COMPETITIVE RESEARCH.***

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

14 “(A) *the average annual amount of all Depart-*
15 *ment of Defense obligations for science and engineer-*
16 *ing research and development that were in effect with*
17 *institutions of higher education in the State for the*
18 *three fiscal years preceding the fiscal year for which*
19 *the designation is effective or for the last three fiscal*
20 *years for which statistics are available is less than the*
21 *amount determined by multiplying 60 percent times*
22 *the amount equal to $\frac{1}{50}$ of the total average annual*
23 *amount of all Department of Defense obligations for*
24 *science and engineering research and development*
25 *that were in effect with institutions of higher edu-*

1 *cation in the United States for such three preceding*
2 *or last fiscal years, as the case may be (to be deter-*
3 *mined in consultation with the Secretary of De-*
4 *fense);”.*

5 **SEC. 274. CRUISE MISSILE DEFENSE INITIATIVE.**

6 *(a) IN GENERAL.—The Secretary of Defense shall un-*
7 *dertake an initiative to coordinate and strengthen the cruise*
8 *missile defense programs of the Department of Defense to*
9 *ensure that the United States develops and deploys afford-*
10 *able and operationally effective defenses against existing*
11 *and future cruise missile threats to United States military*
12 *forces and operations.*

13 *(b) COORDINATION WITH BALLISTIC MISSILE DE-*
14 *FENSE EFFORTS.—In carrying out subsection (a), the Sec-*
15 *retary shall ensure that, to the extent practicable, the cruise*
16 *missile defense programs of the Department of Defense and*
17 *the ballistic missile defense programs of the Department of*
18 *Defense are coordinated with each other and that those pro-*
19 *grams are mutually supporting.*

20 *(c) DEFENSES AGAINST EXISTING AND NEAR-TERM*
21 *CRUISE MISSILE THREATS.—As part of the initiative*
22 *under subsection (a), the Secretary shall ensure that appro-*
23 *priate existing and planned air defense systems are up-*
24 *graded to provide an affordable and operationally effective*

1 *defense against existing and near-term cruise missile*
2 *threats to United States military forces and operations.*

3 (d) *DEFENSES AGAINST ADVANCED CRUISE MIS-*
4 *SILES.—As part of the initiative under subsection (a), the*
5 *Secretary shall undertake a well-coordinated development*
6 *program to support the future deployment of cruise missile*
7 *defense systems that are affordable and operationally effec-*
8 *tive against advanced cruise missiles, including cruise mis-*
9 *siles with low observable features.*

10 (e) *IMPLEMENTATION PLAN.—Not later than the date*
11 *on which the President submits the budget for fiscal year*
12 *1997 under section 1105 of title 31, United States Code,*
13 *the Secretary of Defense shall submit to the congressional*
14 *defense committees a detailed plan, in unclassified and clas-*
15 *sified forms, as necessary, for carrying out this section. The*
16 *plan shall include an assessment of the following:*

17 (1) *The systems of the Department of Defense*
18 *that currently have or could have cruise missile de-*
19 *fense capabilities and existing programs of the De-*
20 *partment of Defense to improve these capabilities.*

21 (2) *The technologies that could be deployed in the*
22 *near- to mid-term to provide significant advances*
23 *over existing cruise missile defense capabilities and*
24 *the investments that would be required to ready those*
25 *technologies for deployment.*

1 (2) *in subsection (e), by striking out the sentence*
2 *beginning with “Such selection process”.*

3 **SEC. 276. MANUFACTURING TECHNOLOGY PROGRAM.**

4 (a) *IN GENERAL.*—Section 2525 of title 10, United
5 *States Code, is amended as follows:*

6 (1) *The heading is amended by striking out the*
7 *second and third words.*

8 (2) *Subsection (a) is amended—*

9 (A) *by striking out “Science and”; and*

10 (B) *by inserting after the first sentence the*
11 *following: “The Secretary shall use the joint*
12 *planning process of the directors of the Depart-*
13 *ment of Defense laboratories in establishing the*
14 *program.”.*

15 (3) *Subsection (c) is amended—*

16 (A) *by inserting “(1)” after “(c) EXECU-*
17 *TION.—”; and*

18 (B) *by adding at the end the following:*

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

22 (4) *Subsection (d) is amended—*

23 (A) *in paragraph (2)—*

24 (i) *by striking out “or” at the end of*
25 *subparagraph (A);*

1 (ii) by striking out the period at the
2 end of subparagraph (B) and inserting in
3 lieu thereof “; or”; and

4 (iii) by adding at the end the following
5 new subparagraph:

6 “(C) will be carried out by an institution of
7 higher education.”; and

8 (B) by adding at the end the following new
9 paragraphs:

10 “(3) At least 25 percent of the funds available for the
11 program each fiscal year shall be used for awarding grants
12 and entering into contracts, cooperative agreements, and
13 other transactions on a cost-share basis under which the
14 ratio of recipient cost to Government cost is two to one.

15 “(4) If the requirement of paragraph (3) cannot be met
16 by July 15 of a fiscal year, the Under Secretary of Defense
17 for Acquisition and Technology may waive the requirement
18 and obligate the balance of the funds available for the pro-
19 gram for that fiscal year on a cost-share basis under which
20 the ratio of recipient cost to Government cost is less than
21 two to one. Before implementing any such waiver, the
22 Under Secretary shall submit to the Committee on Armed
23 Services of the Senate and the Committee on National Secu-
24 rity of the House of Representatives the reasons for the
25 waiver.”.

1 (b) *CLERICAL AMENDMENT.*—*The item relating to sec-*
 2 *tion 2525 in the table of sections at the beginning of sub-*
 3 *chapter IV of chapter 148 of title 10, United States Code,*
 4 *is amended to read as follows:*

“2525. *Manufacturing Technology Program.*”.

5 ***SEC. 277. FIVE-YEAR PLAN FOR CONSOLIDATION OF DE-***
 6 ***FENSE LABORATORIES AND TEST AND EVAL-***
 7 ***UATION CENTERS.***

8 (a) *FIVE-YEAR PLAN.*—*The Secretary of Defense, act-*
 9 *ing through the Vice Chief of Staff of the Army, the Vice*
 10 *Chief of Naval Operations, and the Vice Chief of Staff of*
 11 *the Air Force (in their roles as test and evaluation executive*
 12 *agent board of directors) shall develop a five-year plan to*
 13 *consolidate and restructure the laboratories and test and*
 14 *evaluation centers of the Department of Defense.*

15 (b) *OBJECTIVE.*—*The plan shall set forth the specific*
 16 *actions needed to consolidate the laboratories and test and*
 17 *evaluation centers into as few laboratories and centers as*
 18 *is practical and possible, in the judgment of the Secretary,*
 19 *by October 1, 2005.*

20 (c) *PREVIOUSLY DEVELOPED DATA REQUIRED TO BE*
 21 *USED.*—*In developing the plan, the Secretary shall use the*
 22 *following:*

23 (1) *Data and results obtained by the Test and*
 24 *Evaluation Joint Cross-Service Group and the Lab-*
 25 *oratory Joint Cross-Service Group in developing rec-*

1 *ommendations for the 1995 report of the Defense Base*
2 *Closure and Realignment Commission.*

3 (2) *The report dated March 1994 on the consoli-*
4 *dation and streamlining of the test and evaluation*
5 *infrastructure, commissioned by the test and evalua-*
6 *tion board of directors, along with all supporting*
7 *data and reports.*

8 (d) *MATTERS TO BE CONSIDERED.—In developing the*
9 *plan, the Secretary shall consider, at a minimum, the fol-*
10 *lowing:*

11 (1) *Consolidation of common support functions,*
12 *including the following:*

13 (A) *Aircraft (fixed wing and rotary) sup-*
14 *port.*

15 (B) *Weapons support.*

16 (C) *Space systems support.*

17 (D) *Support of command, control, commu-*
18 *nications, computers, and intelligence.*

19 (2) *The extent to which any military construc-*
20 *tion, acquisition of equipment, or modernization of*
21 *equipment is planned at the laboratories and centers.*

22 (3) *The encroachment on the laboratories and*
23 *centers by residential and industrial expansion.*

24 (4) *The total cost to the Federal Government of*
25 *continuing to operate the laboratories and centers.*

1 (5) *The cost savings and program effectiveness of*
2 *locating laboratories and centers at the same sites.*

3 (6) *Any loss of expertise resulting from the con-*
4 *solidations.*

5 (7) *Whether any legislation is necessary to pro-*
6 *vide the Secretary with any additional authority nec-*
7 *essary to accomplish the downsizing and consolida-*
8 *tion of the laboratories and centers.*

9 (e) *REPORT.*—*Not later than May 1, 1996, the Sec-*
10 *retary of Defense shall submit to the congressional defense*
11 *committees a report on the plan. The report shall include*
12 *an identification of any additional legislation that the Sec-*
13 *retary considers necessary in order for the Secretary to ac-*
14 *complish the downsizing and consolidation of the labora-*
15 *tories and centers.*

16 (f) *LIMITATION.*—*Of the amounts appropriated or oth-*
17 *erwise made available pursuant to an authorization of ap-*
18 *propriations in section 201 for the central test and evalua-*
19 *tion investment development program, not more than 75*
20 *percent may be obligated before the report required by sub-*
21 *section (e) is submitted to Congress.*

22 **SEC. 278. LIMITATION ON T-38 AVIONICS UPGRADE PRO-**
23 **GRAM.**

24 (a) *REQUIREMENT.*—*The Secretary of Defense shall*
25 *ensure that, in evaluating proposals submitted in response*

1 *to a solicitation issued for a contract for the T-38 Avionics*
2 *Upgrade Program, the proposal of an entity may not be*
3 *considered unless—*

4 (1) *in the case of an entity that conducts sub-*
5 *stantially all of its business in a foreign country, the*
6 *foreign country provides equal access to similar con-*
7 *tract solicitations in that country to United States*
8 *entities; and*

9 (2) *in the case of an entity that conducts busi-*
10 *ness in the United States but that is owned or con-*
11 *trolled by a foreign government or by an entity incor-*
12 *porated in a foreign country, the foreign government*
13 *or foreign country of incorporation provides equal ac-*
14 *cess to similar contract solicitations in that country*
15 *to United States entities.*

16 (b) *DEFINITION.—In this section, the term “United*
17 *States entity” means an entity that is owned or controlled*
18 *by persons a majority of whom are United States citizens.*

19 **SEC. 279. GLOBAL POSITIONING SYSTEM.**

20 (a) *CONDITIONAL PROHIBITION ON USE OF SELECTIVE*
21 *AVAILABILITY FEATURE.—Except as provided in subsection*
22 *(b), after May 1, 1996, the Secretary of Defense may not*
23 *(through use of the feature known as “selective availabil-*
24 *ity”) deny access of non-Department of Defense users to the*
25 *full capabilities of the Global Positioning System.*

1 (b) *PLAN.*—*Subsection (a) shall cease to apply upon*
2 *submission by the Secretary of Defense to the Committee*
3 *on Armed Services of the Senate and the Committee on Na-*
4 *tional Security of the House of Representatives of a plan*
5 *for enhancement of the Global Positioning System that pro-*
6 *vides for—*

7 (1) *development and acquisition of effective ca-*
8 *pacilities to deny hostile military forces the ability to*
9 *use the Global Positioning System without hindering*
10 *the ability of United States military forces and civil*
11 *users to have access to and use of the system, together*
12 *with a specific date by which those capabilities could*
13 *be operational; and*

14 (2) *development and acquisition of receivers for*
15 *the Global Positioning System and other techniques*
16 *for weapons and weapon systems that provide sub-*
17 *stantially improved resistance to jamming and other*
18 *forms of electronic interference or disruption, together*
19 *with a specific date by which those receivers and other*
20 *techniques could be operational with United States*
21 *military forces.*

1 **SEC. 280. REVISION OF AUTHORITY FOR PROVIDING ARMY**
2 **SUPPORT FOR THE NATIONAL SCIENCE CEN-**
3 **TER FOR COMMUNICATIONS AND ELEC-**
4 **TRONICS.**

5 (a) *PURPOSE.*—Subsection (b)(2) of section 1459 of the
6 *Department of Defense Authorization Act, 1986 (Public*
7 *Law 99–145; 99 Stat. 763)* is amended by striking out “to
8 *make available*” and all that follows and inserting in lieu
9 thereof “to provide for the management, operation, and
10 maintenance of those areas in the national science center
11 that are designated for use by the Army and to provide inci-
12 dental support for the operation of those areas in the center
13 that are designated for general use.”.

14 (b) *AUTHORITY FOR SUPPORT.*—Subsection (c) of such
15 section is amended to read as follows:

16 “(c) *NATIONAL SCIENCE CENTER.*—(1) *The Secretary*
17 *may manage, operate, and maintain facilities at the center*
18 *under terms and conditions prescribed by the Secretary for*
19 *the purpose of conducting educational outreach programs*
20 *in accordance with chapter 111 of title 10, United States*
21 *Code.*

22 “(2) *The Foundation, or NSC Discovery Center, Incor-*
23 *porated, a nonprofit corporation of the State of Georgia,*
24 *shall submit to the Secretary for review and approval all*
25 *matters pertaining to the acquisition, design, renovation,*
26 *equipping, and furnishing of the center, including all plans,*

1 *specifications, contracts, sites, and materials for the cen-*
2 *ter.”.*

3 (c) *AUTHORITY FOR ACCEPTANCE OF GIFTS AND*
4 *FUNDRAISING.—Subsection (d) of such section is amended*
5 *to read as follows:*

6 “(d) *GIFTS AND FUNDRAISING.—(1) Subject to para-*
7 *graph (3), the Secretary may accept a conditional or uncon-*
8 *ditional donation of money or property that is made for*
9 *the benefit of, or in connection with, the center.*

10 “(2) *Notwithstanding any other provision of law, the*
11 *Secretary may endorse, promote, and assist the efforts of*
12 *the Foundation and NSC Discovery Center, Incorporated,*
13 *to obtain—*

14 “(A) *funds for the management, operation, and*
15 *maintenance of the center; and*

16 “(B) *donations of exhibits, equipment, and other*
17 *property for use in the center.*

18 “(3) *The Secretary may not accept a donation under*
19 *this subsection that is made subject to—*

20 “(A) *any condition that is inconsistent with an*
21 *applicable law or regulation; or*

22 “(B) *except to the extent provided in appropria-*
23 *tions Acts, any condition that would necessitate an*
24 *expenditure of appropriated funds.*

1 “(4) *The Secretary shall prescribe in regulations the*
2 *criteria to be used in determining whether to accept a dona-*
3 *tion. The Secretary shall include criteria to ensure that ac-*
4 *ceptance of a donation does not establish an unfavorable*
5 *appearance regarding the fairness and objectivity with*
6 *which the Secretary or any other officer or employee of the*
7 *Department of Defense performs official responsibilities and*
8 *does not compromise or appear to compromise the integrity*
9 *of a Government program or any official involved in that*
10 *program.*”.

11 (d) *AUTHORIZED USES.*—*Such section is amended—*

12 (1) *by striking out subsection (f);*

13 (2) *by redesignating subsection (g) as subsection*
14 *(f); and*

15 (3) *in paragraph (1) of subsection (f), as redesign-*
16 *ated by paragraph (2), by inserting “areas des-*
17 *ignated for use by the Army in” after “The Secretary*
18 *may make”.*

19 (e) *ALTERNATIVE OF ADDITIONAL DEVELOPMENT AND*
20 *MANAGEMENT.*—*Such section, as amended by subsection*
21 *(d), is further amended by adding at the end the following:*

22 “(g) *ALTERNATIVE OR ADDITIONAL DEVELOPMENT*
23 *AND MANAGEMENT OF THE CENTER.*—(1) *The Secretary*
24 *may enter into an agreement with NSC Discovery Center,*
25 *Incorporated, to develop, manage, and maintain a national*

1 *science center under this section. In entering into an agree-*
2 *ment with NSC Discovery Center, Incorporated, the Sec-*
3 *retary may agree to any term or condition to which the*
4 *Secretary is authorized under this section to agree for pur-*
5 *poses of entering into an agreement with the Foundation.*

6 “(2) *The Secretary may exercise the authority under*
7 *paragraph (1) in addition to, or instead of, exercising the*
8 *authority provided under this section to enter into an agree-*
9 *ment with the Foundation.*”.

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

12 ***Subtitle A—Authorization of***
13 ***Appropriations***

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

15 *Funds are hereby authorized to be appropriated for fis-*
16 *cal year 1996 for the use of the Armed Forces and other*
17 *activities and agencies of the Department of Defense for ex-*
18 *penses, not otherwise provided for, for operation and main-*
19 *tenance, in amounts as follows:*

20 (1) *For the Army, \$18,746,695,000.*

21 (2) *For the Navy, \$21,493,155,000.*

22 (3) *For the Marine Corps, \$2,521,822,000.*

23 (4) *For the Air Force, \$18,719,277,000.*

24 (5) *For Defense-wide activities, \$9,910,476,000.*

25 (6) *For the Army Reserve, \$1,129,191,000.*

1 (7) *For the Naval Reserve, \$868,342,000.*

2 (8) *For the Marine Corps Reserve, \$100,283,000.*

3 (9) *For the Air Force Reserve, \$1,516,287,000.*

4 (10) *For the Army National Guard,*
5 *\$2,361,808,000.*

6 (11) *For the Air National Guard,*
7 *\$2,760,121,000.*

8 (12) *For the Defense Inspector General,*
9 *\$138,226,000.*

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

12 (14) *For Environmental Restoration, Defense,*
13 *\$1,422,200,000.*

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

16 (16) *For Medical Programs, Defense,*
17 *\$9,876,525,000.*

18 (17) *For support for the 1996 Summer Olym-*
19 *pics, \$15,000,000.*

20 (18) *For Cooperative Threat Reduction pro-*
21 *grams, \$300,000,000.*

22 (19) *For Overseas Humanitarian, Disaster, and*
23 *Civic Aid programs, \$50,000,000.*

1 **SEC. 302. WORKING CAPITAL FUNDS.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 1996 for the use of the Armed Forces and other*
4 *activities and agencies of the Department of Defense for*
5 *providing capital for working capital and revolving funds*
6 *in amounts as follows:*

7 (1) *For the Defense Business Operations Fund,*
8 *\$878,700,000.*

9 (2) *For the National Defense Sealift Fund,*
10 *\$1,024,220,000.*

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

12 *There is hereby authorized to be appropriated for fiscal*
13 *year 1996 from the Armed Forces Retirement Home Trust*
14 *Fund the sum of \$59,120,000 for the operation of the Armed*
15 *Forces Retirement Home, including the United States Sol-*
16 *diers' and Airmen's Home and the Naval Home.*

17 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**
18 **TRANSACTION FUND.**

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

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

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

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

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

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

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

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

12 **SEC. 305. CIVIL AIR PATROL.**

13 *Of the amounts authorized to be appropriated pursu-*
14 *ant to this Act, there shall be made available to the Civil*
15 *Air Patrol \$24,500,000, of which \$14,704,000 shall be made*
16 *available for the Civil Air Patrol Corporation.*

17 ***Subtitle B—Depot-Level Activities***

18 **SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-**
19 **LEVEL MAINTENANCE AND REPAIR FOR THE**
20 **DEPARTMENT OF DEFENSE.**

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

22 (1) *The Department of Defense does not have a*
23 *comprehensive policy regarding the performance of*
24 *depot-level maintenance and repair of military equip-*
25 *ment.*

1 (2) *The absence of such a policy has caused the*
2 *Congress to establish guidelines for the performance of*
3 *such functions.*

4 (3) *It is essential to the national security of the*
5 *United States that the Department of Defense main-*
6 *tain an organic capability within the department, in-*
7 *cluding skilled personnel, technical competencies,*
8 *equipment, and facilities, to perform depot-level*
9 *maintenance and repair of military equipment in*
10 *order to ensure that the Armed Forces of the United*
11 *States are able to meet training, operational, mobili-*
12 *zation, and emergency requirements without impedi-*
13 *ment.*

14 (4) *The organic capability of the Department of*
15 *Defense to perform depot-level maintenance and re-*
16 *pair of military equipment must satisfy known and*
17 *anticipated core maintenance and repair require-*
18 *ments across the full range of peacetime and wartime*
19 *scenarios.*

20 (5) *Although it is possible that savings can be*
21 *achieved by contracting with private-sector sources for*
22 *the performance of some work currently performed by*
23 *Department of Defense depots, the Department of De-*
24 *fense has not determined the type or amount of work*
25 *that should be performed under contract with private-*

1 *sector sources nor the relative costs and benefits of*
2 *contracting for the performance of such work by those*
3 *sources.*

4 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
5 *that there is a compelling need for the Department of De-*
6 *fense to articulate known and anticipated core maintenance*
7 *and repair requirements, to organize the resources of the*
8 *Department of Defense to meet those requirements economi-*
9 *cally and efficiently, and to determine what work should*
10 *be performed by the private sector and how such work*
11 *should be managed.*

12 *(c) REQUIREMENT FOR POLICY.—Not later than*
13 *March 31, 1996, the Secretary of Defense shall develop and*
14 *report to the Committee on Armed Services of the Senate*
15 *and the Committee on National Security of the House of*
16 *Representatives a comprehensive policy on the performance*
17 *of depot-level maintenance and repair for the Department*
18 *of Defense that maintains the capability described in sec-*
19 *tion 2464 of title 10, United States Code.*

20 *(d) CONTENT OF POLICY.—In developing the policy,*
21 *the Secretary of Defense shall do each of the following:*

22 *(1) Identify for each military department, with*
23 *the concurrence of the Secretary of that military de-*
24 *partment, those depot-level maintenance and repair*
25 *activities that are necessary to ensure the depot-level*

1 *maintenance and repair capability as required by*
2 *section 2464 of title 10, United States Code.*

3 (2) *Provide for performance of core depot-level*
4 *maintenance and repair capabilities in facilities*
5 *owned and operated by the United States.*

6 (3) *Provide for the core capabilities to include*
7 *sufficient skilled personnel, equipment, and facilities*
8 *that—*

9 (A) *is of the proper size (i) to ensure a*
10 *ready and controlled source of technical com-*
11 *petence and repair and maintenance capability*
12 *necessary to meet the requirements of the Na-*
13 *tional Military Strategy and other requirements*
14 *for responding to mobilizations and military*
15 *contingencies, and (ii) to provide for rapid aug-*
16 *mentation in time of emergency; and*

17 (B) *is assigned sufficient workload to ensure*
18 *cost efficiency and technical proficiency in time*
19 *of peace.*

20 (4) *Address environmental liability.*

21 (5) *In the case of depot-level maintenance and*
22 *repair workloads in excess of the workload required to*
23 *be performed by Department of Defense depots, pro-*
24 *vide for competition for those workloads between pub-*
25 *lic and private entities when there is sufficient poten-*

1 *tial for realizing cost savings based on adequate pri-*
2 *vate-sector competition and technical capabilities.*

3 (6) *Address issues concerning exchange of tech-*
4 *nical data between the Federal Government and the*
5 *private sector.*

6 (7) *Provide for, in the Secretary's discretion and*
7 *after consultation with the Secretaries of the military*
8 *departments, the transfer from one military depart-*
9 *ment to another, in accordance with merit-based selec-*
10 *tion processes, workload that supports the core depot-*
11 *level maintenance and repair capabilities in facilities*
12 *owned and operated by the United States.*

13 (8) *Require that, in any competition for a work-*
14 *load (whether among private-sector sources or between*
15 *depot-level activities of the Department of Defense and*
16 *private-sector sources), bids are evaluated under a*
17 *methodology that ensures that appropriate costs to the*
18 *Government and the private sector are identified.*

19 (9) *Provide for the performance of maintenance*
20 *and repair for any new weapons systems defined as*
21 *core, under section 2464 of title 10, United States*
22 *Code, in facilities owned and operated by the United*
23 *States.*

1 (e) *CONSIDERATIONS.*—*In developing the policy, the*
2 *Secretary shall take into consideration the following mat-*
3 *ters:*

4 (1) *The national security interests of the United*
5 *States.*

6 (2) *The capabilities of the public depots and the*
7 *capabilities of businesses in the private sector to per-*
8 *form the maintenance and repair work required by*
9 *the Department of Defense.*

10 (3) *Any applicable recommendations of the De-*
11 *fense Base Closure and Realignment Commission that*
12 *are required to be implemented under the Defense*
13 *Base Closure and Realignment Act of 1990.*

14 (4) *The extent to which the readiness of the*
15 *Armed Forces would be affected by a necessity to con-*
16 *struct new facilities to accommodate any redistribu-*
17 *tion of depot-level maintenance and repair workloads*
18 *that is made in accordance with the recommendation*
19 *of the Defense Base Closure and Realignment Com-*
20 *mission, under the Defense Base Closure and Realign-*
21 *ment Act of 1990, that such workloads be consolidated*
22 *at Department of Defense depots or private-sector fa-*
23 *cilities.*

24 (5) *Analyses of costs and benefits of alternatives,*
25 *including a comparative analysis of—*

1 (A) *the costs and benefits, including any*
2 *readiness implications, of any proposed policy to*
3 *convert to contractor performance of depot-level*
4 *maintenance and repair workloads where the*
5 *workload is being performed by Department of*
6 *Defense personnel; and*

7 (B) *the costs and benefits, including any*
8 *readiness implications, of a policy to transfer*
9 *depot-level maintenance and repair workloads*
10 *among depots.*

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

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

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

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

1 *of Representatives pursuant to section 311 of the Na-*
2 *tional Defense Authorization Act for Fiscal Year 1996*
3 *is approved.”; or*

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

14 (g) *ANNUAL REPORT.—If legislation referred to in sub-*
15 *section (f)(3) is enacted, the Secretary of Defense shall, not*
16 *later than March 1 of each year (beginning with the year*
17 *after the year in which such legislation is enacted), submit*
18 *to Congress a report that—*

19 (1) *specifies depot maintenance core capability*
20 *requirements determined in accordance with the pro-*
21 *cedures established to comply with the policy pre-*
22 *scribed pursuant to subsections (d)(2) and (d)(3);*

23 (2) *specifies the planned amount of workload to*
24 *be accomplished by the depot-level activities of each*

1 *military department in support of those requirements*
2 *for the following fiscal year; and*

3 *(3) identifies the planned amount of workload,*
4 *which—*

5 *(A) shall be measured by direct labor hours*
6 *and by amounts to be expended; and*

7 *(B) shall be shown separately for each com-*
8 *modity group.*

9 *(h) REVIEW BY GENERAL ACCOUNTING OFFICE.—(1)*
10 *The Secretary shall make available to the Comptroller Gen-*
11 *eral of the United States all information used by the De-*
12 *partment of Defense in developing the policy under sub-*
13 *sections (c) through (e) of this section.*

14 *(2) Not later than 45 days after the date on which*
15 *the Secretary submits to Congress the report required by*
16 *subsection (c), the Comptroller General shall transmit to*
17 *Congress a report containing a detailed analysis of the Sec-*
18 *retary's proposed policy as reported under such subsection.*

19 *(i) REPORT ON DEPOT-LEVEL MAINTENANCE AND RE-*
20 *PAIR WORKLOAD.—Not later than March 31, 1996, the Sec-*
21 *retary of Defense shall submit to Congress a report on the*
22 *depot-level maintenance and repair workload of the Depart-*
23 *ment of Defense. The report shall, to the maximum extent*
24 *practicable, include the following:*

1 (1) *An analysis of the need for and effect of the*
2 *requirement under section 2466 of title 10, United*
3 *States Code, that no more than 40 percent of the*
4 *depot-level maintenance and repair work of the De-*
5 *partment of Defense be contracted for performance by*
6 *non-Government personnel, including a description of*
7 *the effect on military readiness and the national secu-*
8 *rity resulting from that requirement and a descrip-*
9 *tion of any specific difficulties experienced by the De-*
10 *partment of Defense as a result of that requirement.*

11 (2) *An analysis of the distribution during the*
12 *five fiscal years ending with fiscal year 1995 of the*
13 *depot-level maintenance and repair workload of the*
14 *Department of Defense between depot-level activities*
15 *of the Department of Defense and non-Government*
16 *personnel, measured by direct labor hours and by*
17 *amounts expended, and displayed, for that five-year*
18 *period and for each year of that period, so as to show*
19 *(for each military department (and separately for the*
20 *Navy and Marine Corps)) such distribution.*

21 (3) *A projection of the distribution during the*
22 *five fiscal years beginning with fiscal year 1997 of the*
23 *depot-level maintenance and repair workload of the*
24 *Department of Defense between depot-level activities*
25 *of the Department of Defense and non-Government*

1 *personnel, measured by direct labor hours and by*
2 *amounts expended, and displayed, for that five-year*
3 *period and for each year of that period, so as to show*
4 *(for each military department (and separately for the*
5 *Navy and Marine Corps)) such distribution that*
6 *would be accomplished under a new policy as re-*
7 *quired under subsection (c).*

8 *(j) OTHER REVIEW BY GENERAL ACCOUNTING OF-*
9 *FICE.—(1) The Comptroller General of the United States*
10 *shall conduct an independent audit of the findings of the*
11 *Secretary of Defense in the report under subsection (i). The*
12 *Secretary of Defense shall provide to the Comptroller Gen-*
13 *eral for such purpose all information used by the Secretary*
14 *in preparing such report.*

15 *(2) Not later than 45 days after the date on which*
16 *the Secretary of Defense submits to Congress the report re-*
17 *quired under subsection (i), the Comptroller General shall*
18 *transmit to Congress a report containing a detailed analy-*
19 *sis of the report submitted under that subsection.*

20 **SEC. 312. MANAGEMENT OF DEPOT EMPLOYEES.**

21 *(a) DEPOT EMPLOYEES.—Chapter 146 of title 10,*
22 *United States Code, is amended by adding at the end the*
23 *following new section:*

1 **“§ 2472. Management of depot employees**

2 “(b) *ANNUAL REPORT.*—Not later than December 1 of
3 each fiscal year, the Secretary of Defense shall submit to
4 the Committee on Armed Services of the Senate and the
5 Committee on National Security of the House of Represent-
6 atives a report on the number of employees employed and
7 expected to be employed by the Department of Defense dur-
8 ing that fiscal year to perform depot-level maintenance and
9 repair of materiel. The report shall indicate whether that
10 number is sufficient to perform the depot-level maintenance
11 and repair functions for which funds are expected to be pro-
12 vided for that fiscal year for performance by Department
13 of Defense employees.”.

14 (b) *TRANSFER OF SUBSECTION.*—Subsection (b) of sec-
15 tion 2466 of title 10, United States Code, is transferred to
16 section 2472 of such title, as added by subsection (a), reded-
17 icated as subsection (a), and inserted after the section
18 heading.

19 (c) *SUBMISSION OF INITIAL REPORT.*—The report
20 under subsection (b) of section 2472 of title 10, United
21 States Code, as added by subsection (a), for fiscal year 1996
22 shall be submitted not later than March 15, 1996 (notwith-
23 standing the date specified in such subsection).

1 (d) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by adding at the*
 3 *end the following new item:*

 “2472. *Management of depot employees.*”.

4 **SEC. 313. EXTENSION OF AUTHORITY FOR AVIATION DE-**
 5 **POTS AND NAVAL SHIPYARDS TO ENGAGE IN**
 6 **DEFENSE-RELATED PRODUCTION AND SERV-**
 7 **ICES.**

8 Section 1425(e) of the *National Defense Authorization*
 9 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
 10 *1684)* is amended by striking out “September 30, 1995”
 11 *and inserting in lieu thereof “September 30, 1996”.*

12 **SEC. 314. MODIFICATION OF NOTIFICATION REQUIREMENT**
 13 **REGARDING USE OF CORE LOGISTICS FUNC-**
 14 **TIONS WAIVER.**

15 Section 2464(b) of title 10, *United States Code*, is
 16 *amended by striking out paragraphs (3) and (4) and insert-*
 17 *ing in lieu thereof the following new paragraph:*

18 “(3) *A waiver under paragraph (2) may not take effect*
 19 *until the end of the 30-day period beginning on the date*
 20 *on which the Secretary submits a report on the waiver to*
 21 *the Committee on Armed Services and the Committee on*
 22 *Appropriations of the Senate and the Committee on Na-*
 23 *tional Security and the Committee on Appropriations of*
 24 *the House of Representatives.*”.

1 ***Subtitle C—Environmental***
2 ***Provisions***

3 ***SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS***
4 ***FOR SERVICES UNDER ENVIRONMENTAL RES-***
5 ***TORATION PROGRAM.***

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

8 “(d) *SERVICES OF OTHER AGENCIES.*—

9 “(1) *IN GENERAL.*—*Subject to paragraph (2), the*
10 *Secretary may enter into agreements on a reimburs-*
11 *able or other basis with any other Federal agency, or*
12 *with any State or local government agency, to obtain*
13 *the services of the agency to assist the Secretary in*
14 *carrying out any of the Secretary’s responsibilities*
15 *under this section. Services which may be obtained*
16 *under this subsection include the identification, inves-*
17 *tigation, and cleanup of any off-site contamination*
18 *resulting from the release of a hazardous substance or*
19 *waste at a facility under the Secretary’s jurisdiction.*

20 “(2) *LIMITATION ON REIMBURSABLE AGREE-*
21 *MENTS.*—*An agreement with an agency under para-*
22 *graph (1) may not provide for reimbursement of the*
23 *agency for regulatory enforcement activities.”.*

24 (2)(A) *Except as provided in subparagraph (B), the*
25 *total amount of funds available for reimbursements under*

1 *agreements entered into under section 2710(d) of title 10,*
2 *United States Code, as amended by paragraph (1), in fiscal*
3 *year 1996 may not exceed \$10,000,000.*

4 *(B) The Secretary of Defense may pay in fiscal year*
5 *1996 an amount for reimbursements under agreements re-*
6 *ferred to in subparagraph (A) in excess of the amount speci-*
7 *fied in that subparagraph for that fiscal year if—*

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

13 *(ii) a period of 60 days has expired after the*
14 *date on which the certification is received by Con-*
15 *gress.*

16 *(b) REPORT ON SERVICES OBTAINED.—The Secretary*
17 *of Defense shall include in the report submitted to Congress*
18 *with respect to fiscal year 1998 under section 2706(a) of*
19 *title 10, United States Code, information on the services,*
20 *if any, obtained by the Secretary during fiscal year 1996*
21 *pursuant to each agreement on a reimbursable basis entered*
22 *into with a State or local government agency under section*
23 *2701(d) of title 10, United States Code, as amended by sub-*
24 *section (a). The information shall include a description of*

1 *the services obtained under each agreement and the amount*
 2 *of the reimbursement provided for the services.*

3 **SEC. 322. ADDITION OF AMOUNTS CREDITABLE TO DE-**
 4 **FENSE ENVIRONMENTAL RESTORATION AC-**
 5 **COUNT.**

6 *Section 2703(e) of title 10, United States Code, is*
 7 *amended to read as follows:*

8 *“(e) AMOUNTS RECOVERED.—The following amounts*
 9 *shall be credited to the transfer account:*

10 *“(1) Amounts recovered under CERCLA for re-*
 11 *sponse actions of the Secretary.*

12 *“(2) Any other amounts recovered by the Sec-*
 13 *retary or the Secretary of the military department*
 14 *concerned from a contractor, insurer, surety, or other*
 15 *person to reimburse the Department of Defense for*
 16 *any expenditure for environmental response activi-*
 17 *ties.”.*

18 **SEC. 323. USE OF DEFENSE ENVIRONMENTAL RESTORA-**
 19 **TION ACCOUNT.**

20 *(a) GOAL FOR CERTAIN DERA EXPENDITURES.—It*
 21 *shall be the goal of the Secretary of Defense to limit, by*
 22 *the end of fiscal year 1997, spending for administration,*
 23 *support, studies, and investigations associated with the De-*
 24 *fense Environmental Restoration Account to 20 percent of*
 25 *the total funding for that account.*

1 (b) *REPORT.*—Not later than April 1, 1996, the Sec-
2 retary shall submit to Congress a report that contains spe-
3 cific, detailed information on—

4 (1) *the extent to which the Secretary has at-*
5 *tained the goal described in subsection (a) as of the*
6 *date of the submission of the report; and*

7 (2) *if the Secretary has not attained such goal*
8 *by such date, the actions the Secretary plans to take*
9 *to attain the goal.*

10 **SEC. 324. REVISION OF AUTHORITIES RELATING TO RES-**
11 **TORATION ADVISORY BOARDS.**

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

15 “(2)(A) *The Secretary shall prescribe regulations re-*
16 *garding the establishment, characteristics, composition, and*
17 *funding of restoration advisory boards pursuant to this sub-*
18 *section.*

19 “(B) *The issuance of regulations under subparagraph*
20 *(A) shall not be a precondition to the establishment of res-*
21 *toration advisory boards under this subsection.”.*

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

1 “(3) *The Secretary may authorize the commander of*
2 *an installation (or, if there is no such commander, an ap-*
3 *propriate official of the Department of Defense designated*
4 *by the Secretary) to pay routine administrative expenses*
5 *of a restoration advisory board established for that installa-*
6 *tion. Such payments shall be made from funds available*
7 *under subsection (g).”.*

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

11 “(e) *TECHNICAL ASSISTANCE.—(1) The Secretary*
12 *may, upon the request of the technical review committee or*
13 *restoration advisory board for an installation, authorize the*
14 *commander of the installation (or, if there is no such com-*
15 *mander, an appropriate official of the Department of De-*
16 *fense designated by the Secretary) to obtain for the commit-*
17 *tee or advisory board, as the case may be, from private sec-*
18 *tor sources technical assistance for interpreting scientific*
19 *and engineering issues with regard to the nature of environ-*
20 *mental hazards at the installation and the restoration ac-*
21 *tivities conducted, or proposed to be conducted, at the in-*
22 *stallation. The commander of an installation (or, if there*
23 *is no such commander, an appropriate official of the De-*
24 *partment of Defense designated by the Secretary) shall use*

1 *funds made available under subsection (g) for obtaining as-*
2 *sistance under this paragraph.*

3 “(2) *The commander of an installation (or, if there*
4 *is no such commander, an appropriate official of the De-*
5 *partment of Defense designated by the Secretary) may ob-*
6 *tain technical assistance under paragraph (1) for a tech-*
7 *nical review committee or restoration advisory board only*
8 *if—*

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

17 “(B) *the technical assistance—*

18 “(i) *is likely to contribute to the efficiency,*
19 *effectiveness, or timeliness of environmental res-*
20 *toration activities at the installation; and*

21 “(ii) *is likely to contribute to community*
22 *acceptance of environmental restoration activi-*
23 *ties at the installation.”.*

24 (d) *FUNDING.—(1) Such section is further amended by*
25 *adding at the end the following new subsection:*

1 “(g) *FUNDING.*—*The Secretary shall, to the extent pro-*
2 *vided in appropriations Acts, make funds available for ad-*
3 *ministrative expenses and technical assistance under this*
4 *section using funds in the following accounts:*

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

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

15 (2)(A) *Subject to subparagraph (B), the total amount*
16 *of funds made available under section 2705(g) of title 10,*
17 *United States Code, as added by paragraph (1), for fiscal*
18 *year 1996 may not exceed \$6,000,000.*

19 (B) *Amounts may not be made available under sub-*
20 *section (g) of such section 2705 after September 15, 1996,*
21 *unless the Secretary of Defense publishes proposed final or*
22 *interim final regulations required under subsection (d) of*
23 *such section, as amended by subsection (a).*

1 (e) *DEFINITION.*—*Such section is further amended by*
 2 *adding after subsection (g) (as added by subsection (d)) the*
 3 *following new subsection:*

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

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

9 “(2) *The Defense Base Closure and Realignment*
 10 *Act of 1990 (part A of title XXIX of Public Law 101–*
 11 *510; 10 U.S.C. 2687 note).*

12 “(3) *Section 2687 of this title.*”.

13 (f) *REPORTS ON ACTIVITIES OF TECHNICAL REVIEW*
 14 *COMMITTEES AND RESTORATION ADVISORY BOARDS.*—*Sec-*
 15 *tion 2706(a)(2) of title 10, United States Code, is amended*
 16 *by adding at the end the following:*

17 “(J) *A statement of the activities, if any, includ-*
 18 *ing expenditures for administrative expenses and*
 19 *technical assistance under section 2705 of this title, of*
 20 *the technical review committee or restoration advisory*
 21 *board established for the installation under such sec-*
 22 *tion during the preceding fiscal year.*”.

23 **SEC. 325. DISCHARGES FROM VESSELS OF THE ARMED**
 24 **FORCES.**

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

1 (1) *enhance the operational flexibility of vessels*
 2 *of the Armed Forces domestically and internationally;*

3 (2) *stimulate the development of innovative ves-*
 4 *sel pollution control technology; and*

5 (3) *advance the development by the United*
 6 *States Navy of environmentally sound ships.*

7 (b) *UNIFORM NATIONAL DISCHARGE STANDARDS DE-*
 8 *VELOPMENT.—Section 312 of the Federal Water Pollution*
 9 *Control Act (33 U.S.C. 1322) is amended by adding at the*
 10 *end the following:*

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

13 “(1) *APPLICABILITY.—This subsection shall*
 14 *apply to vessels of the Armed Forces and discharges,*
 15 *other than sewage, incidental to the normal operation*
 16 *of a vessel of the Armed Forces, unless the Secretary*
 17 *of Defense finds that compliance with this subsection*
 18 *would not be in the national security interests of the*
 19 *United States.*

20 “(2) *DETERMINATION OF DISCHARGES REQUIRED*
 21 *TO BE CONTROLLED BY MARINE POLLUTION CONTROL*
 22 *DEVICES.—*

23 “(A) *IN GENERAL.—The Administrator and*
 24 *the Secretary of Defense, after consultation with*
 25 *the Secretary of the department in which the*

1 *Coast Guard is operating, the Secretary of Com-*
2 *merce, and interested States, shall jointly deter-*
3 *mine the discharges incidental to the normal op-*
4 *eration of a vessel of the Armed Forces for which*
5 *it is reasonable and practicable to require use of*
6 *a marine pollution control device to mitigate ad-*
7 *verse impacts on the marine environment. Not-*
8 *withstanding subsection (a)(1) of section 553 of*
9 *title 5, United States Code, the Administrator*
10 *and the Secretary of Defense shall promulgate*
11 *the determinations in accordance with such sec-*
12 *tion. The Secretary of Defense shall require the*
13 *use of a marine pollution control device on board*
14 *a vessel of the Armed Forces in any case in*
15 *which it is determined that the use of such a de-*
16 *vice is reasonable and practicable.*

17 “(B) *CONSIDERATIONS.*—*In making a de-*
18 *termination under subparagraph (A), the Ad-*
19 *ministrator and the Secretary of Defense shall*
20 *take into consideration—*

21 “(i) *the nature of the discharge;*

22 “(ii) *the environmental effects of the*
23 *discharge;*

24 “(iii) *the practicability of using the*
25 *marine pollution control device;*

1 “(iv) the effect that installation or use
2 of the marine pollution control device would
3 have on the operation or operational capa-
4 bility of the vessel;

5 “(v) applicable United States law;

6 “(vi) applicable international stand-
7 ards; and

8 “(vii) the economic costs of the instal-
9 lation and use of the marine pollution con-
10 trol device.

11 “(3) *PERFORMANCE STANDARDS FOR MARINE*
12 *POLLUTION CONTROL DEVICES.*—

13 “(A) *IN GENERAL.*—For each discharge for
14 which a marine pollution control device is deter-
15 mined to be required under paragraph (2), the
16 Administrator and the Secretary of Defense, in
17 consultation with the Secretary of the depart-
18 ment in which the Coast Guard is operating, the
19 Secretary of State, the Secretary of Commerce,
20 other interested Federal agencies, and interested
21 States, shall jointly promulgate Federal stand-
22 ards of performance for each marine pollution
23 control device required with respect to the dis-
24 charge. Notwithstanding subsection (a)(1) of sec-
25 tion 553 of title 5, United States Code, the Ad-

1 *administrator and the Secretary of Defense shall*
2 *promulgate the standards in accordance with*
3 *such section.*

4 “(B) *CONSIDERATIONS.—In promulgating*
5 *standards under this paragraph, the Adminis-*
6 *trator and the Secretary of Defense shall take*
7 *into consideration the matters set forth in para-*
8 *graph (2)(B).*

9 “(C) *CLASSES, TYPES, AND SIZES OF VES-*
10 *SELS.—The standards promulgated under this*
11 *paragraph may—*

12 “(i) *distinguish among classes, types,*
13 *and sizes of vessels;*

14 “(ii) *distinguish between new and ex-*
15 *isting vessels; and*

16 “(iii) *provide for a waiver of the ap-*
17 *plicability of the standards as necessary or*
18 *appropriate to a particular class, type, age,*
19 *or size of vessel.*

20 “(4) *REGULATIONS FOR USE OF MARINE POLLU-*
21 *TION CONTROL DEVICES.—The Secretary of Defense,*
22 *after consultation with the Administrator and the*
23 *Secretary of the department in which the Coast*
24 *Guard is operating, shall promulgate such regulations*
25 *governing the design, construction, installation, and*

1 *use of marine pollution control devices on board ves-*
2 *sels of the Armed Forces as are necessary to achieve*
3 *the standards promulgated under paragraph (3).*

4 “(5) *DEADLINES; EFFECTIVE DATE.*—

5 “(A) *DETERMINATIONS.*—*The Adminis-*
6 *trator and the Secretary of Defense shall—*

7 “(i) *make the initial determinations*
8 *under paragraph (2) not later than 2 years*
9 *after the date of the enactment of this sub-*
10 *section; and*

11 “(ii) *every 5 years—*

12 “(I) *review the determinations;*
13 *and*

14 “(II) *if necessary, revise the deter-*
15 *minations based on significant new in-*
16 *formation.*

17 “(B) *STANDARDS.*—*The Administrator and*
18 *the Secretary of Defense shall—*

19 “(i) *promulgate standards of perform-*
20 *ance for a marine pollution control device*
21 *under paragraph (3) not later than 2 years*
22 *after the date of a determination under*
23 *paragraph (2) that the marine pollution*
24 *control device is required; and*

25 “(ii) *every 5 years—*

1 “(I) review the standards; and

2 “(II) if necessary, revise the
3 standards, consistent with paragraph
4 (3)(B) and based on significant new
5 information.

6 “(C) REGULATIONS.—The Secretary of De-
7 fense shall promulgate regulations with respect to
8 a marine pollution control device under para-
9 graph (4) as soon as practicable after the Ad-
10 ministrator and the Secretary of Defense pro-
11 mulgate standards with respect to the device
12 under paragraph (3), but not later than 1 year
13 after the Administrator and the Secretary of De-
14 fense promulgate the standards. The regulations
15 promulgated by the Secretary of Defense under
16 paragraph (4) shall become effective upon pro-
17 mulgation unless another effective date is speci-
18 fied in the regulations.

19 “(D) PETITION FOR REVIEW.—The Gov-
20 ernor of any State may submit a petition re-
21 questing that the Secretary of Defense and the
22 Administrator review a determination under
23 paragraph (2) or a standard under paragraph
24 (3), if there is significant new information, not
25 considered previously, that could reasonably re-

1 *sult in a change to the particular determination*
2 *or standard after consideration of the matters set*
3 *forth in paragraph (2)(B). The petition shall be*
4 *accompanied by the scientific and technical in-*
5 *formation on which the petition is based. The*
6 *Administrator and the Secretary of Defense shall*
7 *grant or deny the petition not later than 2 years*
8 *after the date of receipt of the petition.*

9 “(6) *EFFECT ON OTHER LAWS.—*

10 “(A) *PROHIBITION ON REGULATION BY*
11 *STATES OR POLITICAL SUBDIVISIONS OF*
12 *STATES.—Beginning on the effective date of—*

13 “(i) *a determination under paragraph*
14 *(2) that it is not reasonable and practicable*
15 *to require use of a marine pollution control*
16 *device regarding a particular discharge in-*
17 *cidental to the normal operation of a vessel*
18 *of the Armed Forces; or*

19 “(ii) *regulations promulgated by the*
20 *Secretary of Defense under paragraph (4);*
21 *except as provided in paragraph (7), neither a*
22 *State nor a political subdivision of a State may*
23 *adopt or enforce any statute or regulation of the*
24 *State or political subdivision with respect to the*
25 *discharge or the design, construction, installa-*

1 *tion, or use of any marine pollution control de-*
2 *vice required to control discharges from a vessel*
3 *of the Armed Forces.*

4 “(B) *FEDERAL LAWS.*—*This subsection*
5 *shall not affect the application of section 311 to*
6 *discharges incidental to the normal operation of*
7 *a vessel.*

8 “(7) *ESTABLISHMENT OF STATE NO-DISCHARGE*
9 *ZONES.*—

10 “(A) *STATE PROHIBITION.*—

11 “(i) *IN GENERAL.*—*After the effective*
12 *date of—*

13 “(I) *a determination under para-*
14 *graph (2) that it is not reasonable and*
15 *practicable to require use of a marine*
16 *pollution control device regarding a*
17 *particular discharge incidental to the*
18 *normal operation of a vessel of the*
19 *Armed Forces; or*

20 “(II) *regulations promulgated by*
21 *the Secretary of Defense under para-*
22 *graph (4);*

23 *if a State determines that the protection*
24 *and enhancement of the quality of some or*
25 *all of the waters within the State require*

1 *greater environmental protection, the State*
2 *may prohibit 1 or more discharges inciden-*
3 *tal to the normal operation of a vessel,*
4 *whether treated or not treated, into the wa-*
5 *ters. No prohibition shall apply until the*
6 *Administrator makes the determinations de-*
7 *scribed in subclauses (II) and (III) of sub-*
8 *paragraph (B)(i).*

9 “(ii) *DOCUMENTATION.*—*To the extent*
10 *that a prohibition under this paragraph*
11 *would apply to vessels of the Armed Forces*
12 *and not to other types of vessels, the State*
13 *shall document the technical or environ-*
14 *mental basis for the distinction.*

15 “(B) *PROHIBITION BY THE ADMINIS-*
16 *TRATOR.*—

17 “(i) *IN GENERAL.*—*Upon application*
18 *of a State, the Administrator shall by regu-*
19 *lation prohibit the discharge from a vessel*
20 *of 1 or more discharges incidental to the*
21 *normal operation of a vessel, whether treat-*
22 *ed or not treated, into the waters covered by*
23 *the application if the Administrator deter-*
24 *mines that—*

1 “(I) the protection and enhance-
2 ment of the quality of the specified wa-
3 ters within the State require a prohibi-
4 tion of the discharge into the waters;

5 “(II) adequate facilities for the
6 safe and sanitary removal of the dis-
7 charge incidental to the normal oper-
8 ation of a vessel are reasonably avail-
9 able for the waters to which the prohi-
10 bition would apply; and

11 “(III) the prohibition will not
12 have the effect of discriminating
13 against a vessel of the Armed Forces by
14 reason of the ownership or operation
15 by the Federal Government, or the
16 military function, of the vessel.

17 “(ii) APPROVAL OR DISAPPROVAL.—
18 The Administrator shall approve or dis-
19 approve an application submitted under
20 clause (i) not later than 90 days after the
21 date on which the application is submitted
22 to the Administrator. Notwithstanding
23 clause (i)(II), the Administrator shall not
24 disapprove an application for the sole rea-
25 son that there are not adequate facilities to

1 *remove any discharge incidental to the nor-*
2 *mal operation of a vessel from vessels of the*
3 *Armed Forces.*

4 “(C) *APPLICABILITY TO FOREIGN FLAGGED*
5 *VESSELS.—A prohibition under this para-*
6 *graph—*

7 “(i) *shall not impose any design, con-*
8 *struction, manning, or equipment standard*
9 *on a foreign flagged vessel engaged in inno-*
10 *cent passage unless the prohibition imple-*
11 *ments a generally accepted international*
12 *rule or standard; and*

13 “(ii) *that relates to the prevention, re-*
14 *duction, and control of pollution shall not*
15 *apply to a foreign flagged vessel engaged in*
16 *transit passage unless the prohibition im-*
17 *plements an applicable international regu-*
18 *lation regarding the discharge of oil, oily*
19 *waste, or any other noxious substance into*
20 *the waters.*

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

1 “(A) operate in the navigable waters of the
 2 United States or the waters of the contiguous
 3 zone, if the vessel is not equipped with any re-
 4 quired marine pollution control device meeting
 5 standards established under this subsection; or

6 “(B) discharge overboard any discharge in-
 7 cidental to the normal operation of a vessel in
 8 waters with respect to which a prohibition on the
 9 discharge has been established under paragraph
 10 (7).

11 “(9) *ENFORCEMENT.*—*This subsection shall be*
 12 *enforceable, as provided in subsections (j) and (k),*
 13 *against any agency of the United States responsible*
 14 *for vessels of the Armed Forces notwithstanding any*
 15 *immunity asserted by the agency.”.*

16 (c) *CONFORMING AMENDMENTS.*—

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

20 (A) *in paragraph (8)—*

21 (i) *by striking “or”; and*

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

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

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

2 “(12) ‘discharge incidental to the normal oper-
3 ation of a vessel’—

4 “(A) means a discharge, including—

5 “(i) graywater, bilge water, cooling
6 water, weather deck runoff, ballast water,
7 oil water separator effluent, and any other
8 pollutant discharge from the operation of a
9 marine propulsion system, shipboard ma-
10 neuversing system, crew habitability system,
11 or installed major equipment, such as an
12 aircraft carrier elevator or a catapult, or
13 from a protective, preservative, or absorp-
14 tive application to the hull of the vessel; and

15 “(ii) a discharge in connection with
16 the testing, maintenance, and repair of a
17 system described in clause (i) whenever the
18 vessel is waterborne; and

19 “(B) does not include—

20 “(i) a discharge of rubbish, trash, gar-
21 bage, or other such material discharged
22 overboard;

23 “(ii) an air emission resulting from
24 the operation of a vessel propulsion system,
25 motor driven equipment, or incinerator; or

1 “(iii) a discharge that is not covered
2 by part 122.3 of title 40, Code of Federal
3 Regulations (as in effect on the date of the
4 enactment of subsection (n));

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

9 “(A) designed to receive, retain, treat, con-
10 trol, or discharge a discharge incidental to the
11 normal operation of a vessel; and

12 “(B) determined by the Administrator and
13 the Secretary of Defense to be the most effective
14 equipment or management practice to reduce the
15 environmental impacts of the discharge consist-
16 ent with the considerations set forth in sub-
17 section (n)(2)(B); and

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

19 “(A) any vessel owned or operated by the
20 Department of Defense, other than a time or voy-
21 age chartered vessel; and

22 “(B) any vessel owned or operated by the
23 Department of Transportation that is designated
24 by the Secretary of the department in which the

1 *Coast Guard is operating as a vessel equivalent*
2 *to a vessel described in subparagraph (A).”.*

3 (2) *ENFORCEMENT.*—*The first sentence of section*
4 *312(j) of the Federal Water Pollution Control Act (33*
5 *U.S.C. 1322(j)) is amended—*

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

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

10 (3) *OTHER DEFINITIONS.*—*Subparagraph (A) of*
11 *the second sentence of section 502(6) of the Federal*
12 *Water Pollution Control Act (33 U.S.C. 1362(6)) is*
13 *amended by striking ““sewage from vessels’” and in-*
14 *serting ““sewage from vessels or a discharge inciden-*
15 *tal to the normal operation of a vessel of the Armed*
16 *Forces’”.*

17 (d) *COOPERATION IN STANDARDS DEVELOPMENT.*—
18 *The Administrator of the Environmental Protection Agency*
19 *and the Secretary of Defense may, by mutual agreement,*
20 *with or without reimbursement, provide for the use of infor-*
21 *mation, reports, personnel, or other resources of the Envi-*
22 *ronmental Protection Agency or the Department of Defense*
23 *to carry out section 312(n) of the Federal Water Pollution*
24 *Control Act (as added by subsection (b)), including the use*
25 *of the resources—*

1 (1) to determine—

2 (A) the nature and environmental effect of
3 discharges incidental to the normal operation of
4 a vessel of the Armed Forces;

5 (B) the practicability of using marine pol-
6 lution control devices on vessels of the Armed
7 Forces; and

8 (C) the effect that installation or use of ma-
9 rine pollution control devices on vessels of the
10 Armed Forces would have on the operation or
11 operational capability of the vessels; and

12 (2) to establish performance standards for ma-
13 rine pollution control devices on vessels of the Armed
14 Forces.

15 **Subtitle D—Commissaries and**
16 **Nonappropriated Fund Instru-**
17 **mentalities**

18 **SEC. 331. OPERATION OF COMMISSARY SYSTEM.**

19 (a) COOPERATION WITH OTHER ENTITIES.—Section
20 2482 of title 10, United States Code, is amended—

21 (1) in the section heading, by striking out “**pri-**
22 **vate**”;

23 (2) by inserting “(a) PRIVATE OPERATION.—”
24 before “Private persons”; and

1 (3) *by adding at the end the following new sub-*
2 *section:*

3 “(b) *CONTRACTS WITH OTHER AGENCIES AND IN-*
4 *STRUMENTALITIES.—(1) The Defense Commissary Agency,*
5 *and any other agency of the Department of Defense that*
6 *supports the operation of the commissary system, may enter*
7 *into a contract or other agreement with another depart-*
8 *ment, agency, or instrumentality of the Department of De-*
9 *fense or another Federal agency to provide services bene-*
10 *ficial to the efficient management and operation of the com-*
11 *missary system.*

12 “(2) *A commissary store operated by a*
13 *nonappropriated fund instrumentality of the Department*
14 *of Defense shall be operated in accordance with section 2484*
15 *of this title. Subject to such section, the Secretary of Defense*
16 *may authorize a transfer of goods, supplies, and facilities*
17 *of, and funds appropriated for, the Defense Commissary*
18 *Agency or any other agency of the Department of Defense*
19 *that supports the operation of the commissary system to a*
20 *nonappropriated fund instrumentality for the operation of*
21 *a commissary store.”.*

22 (b) *CLERICAL AMENDMENT.—The item relating to*
23 *such section in the table of sections at the beginning of chap-*
24 *ter 147 of such title is amended to read as follows:*

 “2482. *Commissary stores: operation.”.*

1 **SEC. 332. LIMITED RELEASE OF COMMISSARY STORES**
 2 **SALES INFORMATION TO MANUFACTURERS,**
 3 **DISTRIBUTORS, AND OTHER VENDORS DOING**
 4 **BUSINESS WITH DEFENSE COMMISSARY**
 5 **AGENCY.**

6 *Section 2487(b) of title 10, United States Code, is*
 7 *amended in the second sentence by inserting before the pe-*
 8 *riod the following: “unless the agreement is between the De-*
 9 *fense Commissary Agency and a manufacturer, distributor,*
 10 *or other vendor doing business with the Agency and is re-*
 11 *stricted to information directly related to merchandise pro-*
 12 *vided by that manufacturer, distributor, or vendor”.*

13 **SEC. 333. ECONOMICAL DISTRIBUTION OF DISTILLED SPIR-**
 14 **ITS BY NONAPPROPRIATED FUND INSTRU-**
 15 **MENTALITIES.**

16 *(a) ECONOMICAL DISTRIBUTION.—Subsection (a)(1) of*
 17 *section 2488 of title 10, United States Code, is amended*
 18 *by inserting after “most competitive source” the following:*
 19 *“and distributed in the most economical manner”.*

20 *(b) DETERMINATION OF MOST ECONOMICAL DIS-*
 21 *TRIBUTION METHOD.—Such section is further amended—*

22 *(1) by redesignating subsection (c) as subsection*
 23 *(d); and*

24 *(2) by inserting after subsection (b) the following*
 25 *new subsection:*

1 “(c)(1) *In the case of covered alcoholic beverage pur-*
2 *chases of distilled spirits, to determine whether a*
3 *nonappropriated fund instrumentality of the Department*
4 *of Defense provides the most economical method of distribu-*
5 *tion to package stores, the Secretary of Defense shall con-*
6 *sider all components of the distribution costs incurred by*
7 *the nonappropriated fund instrumentality, such as over-*
8 *head costs (including costs associated with management, lo-*
9 *gistics, administration, depreciation, and utilities), the*
10 *costs of carrying inventory, and handling and distribution*
11 *costs.*

12 “(2) *If the use of a private distributor would subject*
13 *covered alcoholic beverage purchases of distilled spirits to*
14 *direct or indirect State taxation, a nonappropriated fund*
15 *instrumentality shall be considered to be the most economi-*
16 *cal method of distribution regardless of the results of the*
17 *determination under paragraph (1).*

18 “(3) *The Secretary shall use the agencies performing*
19 *audit functions on behalf of the armed forces and the In-*
20 *spector General of the Department of Defense to make deter-*
21 *minations under this subsection.”.*

1 **SEC. 334. TRANSPORTATION BY COMMISSARIES AND EX-**
2 **CHANGES TO OVERSEAS LOCATIONS.**

3 (a) *IN GENERAL.*—Chapter 157 of title 10, United
4 States Code, is amended by adding at the end the following
5 new section:

6 **“§2643. Commissary and exchange services: transpor-**
7 **tation overseas**

8 “The Secretary of Defense shall authorize the officials
9 responsible for operation of commissaries and military ex-
10 changes to negotiate directly with private carriers for the
11 most cost-effective transportation of commissary and ex-
12 change supplies by sea without relying on the Military Sea-
13 lift Command or the Military Traffic Management Com-
14 mand. Section 2631 of this title, regarding the preference
15 for vessels of the United States or belonging to the United
16 States in the transportation of supplies by sea, shall apply
17 to the negotiation of transportation contracts under the au-
18 thority of this section.”.

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:

“2643. Commissary and exchange services: transportation overseas.”.

1 **SEC. 335. DEMONSTRATION PROJECT FOR UNIFORM FUND-**
2 **ING OF MORALE, WELFARE, AND RECREATION**
3 **ACTIVITIES AT CERTAIN MILITARY INSTALLA-**
4 **TIONS.**

5 (a) *DEMONSTRATION PROJECT REQUIRED.*—(1) *The*
6 *Secretary of Defense shall conduct a demonstration project*
7 *to evaluate the feasibility of using only nonappropriated*
8 *funds to support morale, welfare, and recreation programs*
9 *at military installations in order to facilitate the procure-*
10 *ment of property and services for those programs and the*
11 *management of employees used to carry out those programs.*

12 (2) *Under the demonstration project—*

13 (A) *procurements of property and services for*
14 *programs referred to in paragraph (1) may be carried*
15 *out in accordance with laws and regulations applica-*
16 *ble to procurements paid for with nonappropriated*
17 *funds; and*

18 (B) *appropriated funds available for such pro-*
19 *grams may be expended in accordance with laws ap-*
20 *plicable to expenditures of nonappropriated funds as*
21 *if the appropriated funds were nonappropriated*
22 *funds.*

23 (3) *The Secretary shall prescribe regulations to carry*
24 *out paragraph (2). The regulations shall provide for finan-*
25 *cial management and accounting of appropriated funds ex-*

1 *pended in accordance with subparagraph (B) of such para-*
2 *graph.*

3 (b) *COVERED MILITARY INSTALLATIONS.*—*The Sec-*
4 *retary shall select not less than three and not more than*
5 *six military installations to participate in the demonstra-*
6 *tion project.*

7 (c) *PERIOD OF DEMONSTRATION PROJECT.*—*The dem-*
8 *onstration project shall terminate not later than September*
9 *30, 1998.*

10 (d) *EFFECT ON EMPLOYEES.*—*For the purpose of test-*
11 *ing fiscal accounting procedures, the Secretary may con-*
12 *vert, for the duration of the demonstration project, the sta-*
13 *tus of an employee who carries out a program referred to*
14 *in subsection (a)(1) from the status of an employee paid*
15 *by appropriated funds to the status of a nonappropriated*
16 *fund instrumentality employee, except that such conversion*
17 *may occur only—*

18 (1) *if the employee whose status is to be con-*
19 *verted—*

20 (A) *is fully informed of the effects of such*
21 *conversion on the terms and conditions of the*
22 *employment of that employee for purposes of title*
23 *5, United States Code, and on the benefits pro-*
24 *vided to that employee under such title; and*

25 (B) *consents to such conversion; or*

1 (2) *in a manner which does not affect such terms*
2 *and conditions of employment or such benefits.*

3 (e) *REPORTS.*—(1) *Not later than six months after the*
4 *date of the enactment of this Act, the Secretary shall submit*
5 *to Congress an interim report on the implementation of this*
6 *section.*

7 (2) *Not later than December 31, 1998, the Secretary*
8 *shall submit to Congress a final report on the results of the*
9 *demonstration project. The report shall include a compari-*
10 *son of—*

11 (A) *the cost incurred under the demonstration*
12 *project in using employees paid by appropriated*
13 *funds together with nonappropriated fund instrumen-*
14 *tality employees to carry out the programs referred to*
15 *in subsection (a)(1); and*

16 (B) *an estimate of the cost that would have been*
17 *incurred if only nonappropriated fund instrumentality*
18 *employees had been used to carry out such pro-*
19 *grams.*

20 **SEC. 336. OPERATION OF COMBINED EXCHANGE AND COM-**
21 **MISSARY STORES.**

22 (a) *IN GENERAL.*—(1) *Chapter 147 of title 10, United*
23 *States Code, is amended by adding at the end the following*
24 *new section:*

1 **“§ 2490a. Combined exchange and commissary stores**

2 “(a) *AUTHORITY.*—*The Secretary of Defense may au-*
3 *thorize a nonappropriated fund instrumentality to operate*
4 *a military exchange and a commissary store as a combined*
5 *exchange and commissary store on a military installation.*

6 “(b) *LIMITATIONS.*—(1) *Not more than ten combined*
7 *exchange and commissary stores may be operated pursuant*
8 *to this section.*

9 “(2) *The Secretary may select a military installation*
10 *for the operation of a combined exchange and commissary*
11 *store under this section only if—*

12 “(A) *the installation is to be closed, or has been*
13 *or is to be realigned, under a base closure law; or*

14 “(B) *a military exchange and a commissary*
15 *store are operated at the installation by separate enti-*
16 *ties at the time of, or immediately before, such selec-*
17 *tion and it is not economically feasible to continue*
18 *that separate operation.*

19 “(c) *OPERATION AT CARSWELL FIELD.*—*Combined ex-*
20 *change and commissary stores operated under this section*
21 *shall include the combined exchange and commissary store*
22 *that is operated at the Naval Air Station Fort Worth, Joint*
23 *Reserve Center, Carswell Field, Texas, under the authority*
24 *provided in section 375 of the National Defense Authoriza-*
25 *tion Act for Fiscal Year 1995 (Public Law 103–337; 108*
26 *Stat. 2736).*

1 “(d) *ADJUSTMENTS AND SURCHARGES.*—*Adjustments*
2 *to, and surcharges on, the sales price of a grocery food item*
3 *sold in a combined exchange and commissary store under*
4 *this section shall be provided for in accordance with the*
5 *same laws that govern such adjustments and surcharges for*
6 *items sold in a commissary store of the Defense Commissary*
7 *Agency.*

8 “(e) *USE OF APPROPRIATED FUNDS.*—(1) *If a*
9 *nonappropriated fund instrumentality incurs a loss in op-*
10 *erating a combined exchange and commissary store at a*
11 *military installation under this section as a result of the*
12 *requirement set forth in subsection (d), the Secretary may*
13 *authorize a transfer of funds available for the Defense Com-*
14 *missary Agency to the nonappropriated fund instrumentality*
15 *to offset the loss.*

16 “(2) *The total amount of appropriated funds trans-*
17 *ferred during a fiscal year to support the operation of a*
18 *combined exchange and commissary store at a military in-*
19 *stallation under this section may not exceed an amount that*
20 *is equal to 25 percent of the amount of appropriated funds*
21 *that was provided for the operation of the commissary store*
22 *of the Defense Commissary Agency on that installation dur-*
23 *ing the last full fiscal year of operation of that commissary*
24 *store.*

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

1 *Navy Exchange Service Command. The Secretary shall use*
2 *competitive procedures to enter into an agreement under*
3 *this paragraph.*

4 (2) *In order to facilitate the transition of the operation*
5 *of the programs referred to in paragraph (1) to commercial*
6 *operation under an agreement described in that paragraph,*
7 *the Secretary may initially limit the scope of any such*
8 *agreement so as to apply to only one of the programs.*

9 (b) *REPORT.—Not later than December 31, 1995, the*
10 *Secretary shall submit to Congress a report on the imple-*
11 *mentation of this section. The report shall also include an*
12 *analysis of the impact of the deferred payment programs*
13 *referred to in subsection (a)(1), including the impact of the*
14 *default and collection procedures under such programs, on*
15 *members of the Armed Forces and their families.*

16 **SEC. 338. AVAILABILITY OF FUNDS TO OFFSET EXPENSES**
17 **INCURRED BY ARMY AND AIR FORCE EX-**
18 **CHANGE SERVICE ON ACCOUNT OF TROOP**
19 **REDUCTIONS IN EUROPE.**

20 *Of funds authorized to be appropriated under section*
21 *301(5), not less than \$70,000,000 shall be available to the*
22 *Secretary of Defense for transfer to the Army and Air Force*
23 *Exchange Service to offset expenses incurred by the Army*
24 *and Air Force Exchange Service on account of reductions*

1 *in the number of members of the United States Armed*
2 *Forces assigned to permanent duty ashore in Europe.*

3 **SEC. 339. STUDY REGARDING IMPROVING EFFICIENCIES IN**
4 **OPERATION OF MILITARY EXCHANGES AND**
5 **OTHER MORALE, WELFARE, AND RECREATION**
6 **ACTIVITIES AND COMMISSARY STORES.**

7 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
8 *conduct a study regarding the manner in which greater effi-*
9 *ciencies can be achieved in the operation of—*

10 (1) *military exchanges;*

11 (2) *other instrumentalities of the United States*
12 *under the jurisdiction of the Armed Forces which are*
13 *conducted for the comfort, pleasure, contentment, or*
14 *physical or mental improvement of members of the*
15 *Armed Forces; and*

16 (3) *commissary stores.*

17 (b) *REPORT OF STUDY.*—*Not later than March 1,*
18 *1996, the Secretary of Defense shall submit to Congress a*
19 *report describing the results of the study and containing*
20 *such recommendations as the Secretary considers appro-*
21 *priate to implement options identified in the study to*
22 *achieve the greater efficiencies referred to in subsection (a).*

1 **SEC. 340. REPEAL OF REQUIREMENT TO CONVERT SHIPS'**
2 **STORES TO NONAPPROPRIATED FUND IN-**
3 **STRUMENTALITIES.**

4 (a) *REPEAL.*—Section 371 of the National Defense Au-
5 thorization Act for Fiscal Year 1994 (Public Law 103–160;
6 10 U.S.C. 7604 note) is amended—

7 (1) by striking out subsections (a) and (b); and

8 (2) by redesignating subsections (c) and (d) as
9 subsections (a) and (b), respectively.

10 (b) *INSPECTOR GENERAL REVIEW.*—Not later than
11 April 1, 1996, the Inspector General of the Department of
12 Defense shall submit to Congress a report that reviews the
13 report on the costs and benefits of converting to operation
14 of Navy ships' stores by nonappropriated fund instrumen-
15 talities that the Navy Audit Agency prepared in connection
16 with the postponement of the deadline for the conversion
17 provided for in section 374(a) of the National Defense Au-
18 thorization Act for Fiscal Year 1995 (Public Law 103–337;
19 108 Stat. 2736).

20 **SEC. 341. DISPOSITION OF EXCESS MORALE, WELFARE,**
21 **AND RECREATION FUNDS.**

22 Section 2219 of title 10, United States Code, is amend-
23 ed—

24 (1) in the first sentence, by striking out “a mili-
25 tary department” and inserting in lieu thereof “an
26 armed force”;

1 (2) *in the second sentence—*

2 (A) *by striking out “, department-wide”;*

3 *and*

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

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

9 **SEC. 342. CLARIFICATION OF ENTITLEMENT TO USE OF**
10 **MORALE, WELFARE, AND RECREATION FA-**
11 **CILITIES BY MEMBERS OF RESERVE COMPO-**
12 **NENTS AND DEPENDENTS.**

13 (a) *IN GENERAL.—Section 1065 of title 10, United*
14 *States Code, is amended to read as follows:*

15 **“§ 1065. Morale, welfare, and recreation retail facili-**
16 **ties: use by members of reserve compo-**
17 **nents and dependents**

18 “(a) *MEMBERS OF THE SELECTED RESERVE.—A*
19 *member of the Selected Reserve in good standing (as deter-*
20 *mined by the Secretary concerned) shall be permitted to use*
21 *MWR retail facilities on the same basis as members on ac-*
22 *tive duty.*

23 “(b) *MEMBERS OF READY RESERVE NOT IN SE-*
24 *LECTED RESERVE.—Subject to such regulations as the Sec-*
25 *retary of Defense may prescribe, a member of the Ready*

1 *Reserve (other than members of the Selected Reserve) may*
2 *be permitted to use MWR retail facilities on the same basis*
3 *as members serving on active duty.*

4 “(c) *RESERVE RETIREES UNDER AGE 60.*—A member
5 *or former member of a reserve component under 60 years*
6 *of age who, but for age, would be eligible for retired pay*
7 *under chapter 1223 of this title shall be permitted to use*
8 *MWR retail facilities on the same basis as members of the*
9 *armed forces entitled to retired pay under any other provi-*
10 *sion of law.*

11 “(d) *DEPENDENTS.*—(1) *Dependents of a member who*
12 *is permitted under subsection (a) or (b) to use MWR retail*
13 *facilities shall be permitted to use such facilities on the same*
14 *basis as dependents of members on active duty.*

15 “(2) *Dependents of a member who is permitted under*
16 *subsection (c) to use MWR retail facilities shall be per-*
17 *mitted to use such facilities on the same basis as dependents*
18 *of members of the armed forces entitled to retired pay under*
19 *any other provision of law.*

20 “(e) *MWR RETAIL FACILITY DEFINED.*—*In this sec-*
21 *tion, the term ‘MWR retail facilities’ means exchange stores*
22 *and other revenue-generating facilities operated by*
23 *nonappropriated fund activities of the Department of De-*
24 *fense for the morale, welfare, and recreation of members of*
25 *the armed forces.’”*

1 (b) *CLERICAL AMENDMENT.*—*The item relating to*
 2 *such section in the table of sections at the beginning of chap-*
 3 *ter 54 of such title is amended to read as follows:*

“1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents.”.

4 ***Subtitle E—Performance of***
 5 ***Functions by Private-Sector Sources***

6 ***SEC. 351. COMPETITIVE PROCUREMENT OF PRINTING AND***
 7 ***DUPLICATION SERVICES.***

8 (a) *REQUIREMENT FOR COMPETITIVE PROCURE-*
 9 *MENT.*—*Except as provided in subsection (b), the Secretary*
 10 *of Defense shall, during fiscal year 1996 and consistent with*
 11 *the requirements of title 44, United States Code, competi-*
 12 *tively procure printing and duplication services from pri-*
 13 *vate-sector sources for the performance of at least 70 percent*
 14 *of the total printing and duplication requirements of the*
 15 *Defense Printing Service.*

16 (b) *EXCEPTION FOR CLASSIFIED INFORMATION.*—*The*
 17 *requirement of subsection (a) shall not apply to the procure-*
 18 *ment of services for printing and duplicating classified doc-*
 19 *uments and information.*

20 ***SEC. 352. DIRECT VENDOR DELIVERY SYSTEM FOR***
 21 ***CONSUMABLE INVENTORY ITEMS OF DEPART-***
 22 ***MENT OF DEFENSE.***

23 (a) *IMPLEMENTATION OF DIRECT VENDOR DELIVERY*
 24 *SYSTEM.*—*Not later than September 30, 1997, the Secretary*

1 of Defense shall, to the maximum extent practicable, imple-
2 ment a system under which consumable inventory items re-
3 ferred to in subsection (b) are delivered to military installa-
4 tions throughout the United States directly by the vendors
5 of those items. The purpose for implementing the system
6 is to reduce the expense and necessity of maintaining exten-
7 sive warehouses for those items within the Department of
8 Defense.

9 (b) *COVERED ITEMS.*—The items referred to in sub-
10 section (a) are the following:

11 (1) *Food and clothing.*

12 (2) *Medical and pharmaceutical supplies.*

13 (3) *Automotive, electrical, fuel, and construction*
14 *supplies.*

15 (4) *Other consumable inventory items the Sec-*
16 *retary considers appropriate.*

17 **SEC. 353. PAYROLL, FINANCE, AND ACCOUNTING FUNC-**
18 **TIONS OF THE DEPARTMENT OF DEFENSE.**

19 (a) *PLAN FOR PRIVATE OPERATION OF CERTAIN*
20 *FUNCTIONS.*—(1) *Not later than March 1, 1996, the Sec-*
21 *retary of Defense shall submit to Congress a plan for the*
22 *performance by private-sector sources of payroll functions*
23 *for civilian employees of the Department of Defense other*
24 *than employees paid from nonappropriated funds.*

1 (2)(A) *The Secretary shall implement the plan referred*
2 *to in paragraph (1) if the Secretary determines that the*
3 *cost of performance by private-sector sources of the functions*
4 *referred to in that paragraph does not exceed the cost of*
5 *performance of those functions by employees of the Federal*
6 *Government.*

7 (B) *In computing the total cost of performance of such*
8 *functions by employees of the Federal Government, the Sec-*
9 *retary shall include the following:*

10 (i) *Managerial and administrative costs.*

11 (ii) *Personnel costs, including the cost of provid-*
12 *ing retirement benefits for such personnel.*

13 (iii) *Costs associated with the provision of facili-*
14 *ties and other support by Federal agencies.*

15 (C) *The Defense Contract Audit Agency shall verify*
16 *the costs computed for the Secretary under this paragraph*
17 *by others.*

18 (3) *Subject to paragraph (2), the Secretary shall im-*
19 *plement the plan not later than October 1, 1996.*

20 (4) *At the same time the Secretary submits the plan*
21 *required by paragraph (1), the Secretary shall submit to*
22 *Congress a report on other accounting and finance func-*
23 *tions of the Department that are appropriate for perform-*
24 *ance by private-sector sources.*

1 (b) *PILOT PROGRAM FOR PRIVATE OPERATION OF*
2 *NAFI FUNCTIONS.*—(1) *The Secretary shall carry out a*
3 *pilot program to test the performance by private-sector*
4 *sources of payroll and other accounting and finance func-*
5 *tions of nonappropriated fund instrumentalities and to*
6 *evaluate the extent to which cost savings and efficiencies*
7 *would result from the performance of such functions by*
8 *those sources.*

9 (2) *The payroll and other accounting and finance*
10 *functions designated by the Secretary for performance by*
11 *private-sector sources under the pilot program shall include*
12 *at least one major payroll, accounting, or finance function.*

13 (3) *To carry out the pilot program, the Secretary shall*
14 *enter into discussions with private-sector sources for the*
15 *purpose of developing a request for proposals to be issued*
16 *for performance by those sources of functions designated by*
17 *the Secretary under paragraph (2). The discussions shall*
18 *be conducted on a schedule that accommodates issuance of*
19 *a request for proposals within 60 days after the date of the*
20 *enactment of this Act.*

21 (4) *A goal of the pilot program is to reduce by at least*
22 *25 percent the total costs incurred by the Department annu-*
23 *ally for the performance of a function referred to in para-*
24 *graph (2) through the performance of that function by a*
25 *private-sector source.*

1 (5) *Before conducting the pilot program, the Secretary*
2 *shall develop a plan for the program that addresses the fol-*
3 *lowing:*

4 (A) *The purposes of the program.*

5 (B) *The methodology, duration, and anticipated*
6 *costs of the program, including the cost of an arrange-*
7 *ment pursuant to which a private-sector source would*
8 *receive an agreed-upon payment plus an additional*
9 *negotiated amount not to exceed 50 percent of the dol-*
10 *lar savings achieved in excess of the goal specified in*
11 *paragraph (4).*

12 (C) *A specific citation to any provisions of law,*
13 *rule, or regulation that, if not waived, would prohibit*
14 *the conduct of the program or any part of the pro-*
15 *gram.*

16 (D) *A mechanism to evaluate the program.*

17 (E) *A provision for all payroll, accounting, and*
18 *finance functions of nonappropriated fund instrumen-*
19 *talities of the Department of Defense to be performed*
20 *by private-sector sources, if determined advisable on*
21 *the basis of a final assessment of the results of the*
22 *program.*

23 (6) *The Secretary shall act through the Under Sec-*
24 *retary of Defense (Comptroller) in the performance of the*
25 *Secretary's responsibilities under this subsection.*

1 (c) *LIMITATION ON OPENING OF NEW OPERATING LO-*
2 *CATIONS FOR DEFENSE FINANCE AND ACCOUNTING SERV-*
3 *ICE.—(1) Except as provided in paragraph (2), the Sec-*
4 *retary may not establish a new operating location for the*
5 *Defense Finance and Accounting Service during fiscal year*
6 *1996.*

7 (2) *The Secretary may establish a new operating loca-*
8 *tion for the Defense Finance and Accounting Service if—*

9 (A) *for a new operating location that the Sec-*
10 *retary planned before the date of the enactment of this*
11 *Act to establish on or after that date, the Secretary*
12 *reconsiders the need for establishing that new operat-*
13 *ing location; and*

14 (B) *for each new operating location, including a*
15 *new operating location referred to in subparagraph*
16 *(A)—*

17 (i) *the Secretary submits to Congress, as*
18 *part of the report required by subsection (a)(4),*
19 *an analysis of the need for establishing the new*
20 *operating location; and*

21 (ii) *a period of 30 days elapses after the*
22 *Congress receives the report.*

23 (3) *In this subsection, the term “new operating loca-*
24 *tion” means an operating location that is not in operation*
25 *on the date of the enactment of this Act, except that such*

1 term does not include an operating location for which, as
2 of such date—

3 (A) the Secretary has established a date for the
4 commencement of operations; and

5 (B) funds have been expended for the purpose of
6 its establishment.

7 **SEC. 354. DEMONSTRATION PROGRAM TO IDENTIFY OVER-**
8 **PAYMENTS MADE TO VENDORS.**

9 (a) *IN GENERAL.*—The Secretary of Defense shall con-
10 duct a demonstration program to evaluate the feasibility
11 of using private contractors to audit accounting and pro-
12 curement records of the Department of Defense in order to
13 identify overpayments made to vendors by the Department.
14 The demonstration program shall be conducted for the De-
15 fense Logistics Agency and include the Defense Personnel
16 Support Center.

17 (b) *PROGRAM REQUIREMENTS.*—(1) Under the dem-
18 onstration program, the Secretary shall, by contract, pro-
19 vide for one or more persons to audit the accounting and
20 procurement records of the Defense Logistics Agency that
21 relate to (at least) fiscal years 1993, 1994, and 1995. The
22 Secretary may enter into more than one contract under the
23 program.

24 (2) A contract under the demonstration program shall
25 require the contractor to use data processing techniques that

1 *are generally used in audits of private-sector records simi-*
2 *lar to the records audited under the contract.*

3 (c) *AUDIT REQUIREMENTS.*—*In conducting an audit*
4 *under the demonstration program, a contractor shall com-*
5 *pare Department of Defense purchase agreements (and re-*
6 *lated documents) with invoices submitted by vendors under*
7 *the purchase agreements. A purpose of the comparison is*
8 *to identify, in the case of each audited purchase agreement,*
9 *the following:*

10 (1) *Any payments to the vendor for costs that*
11 *are not allowable under the terms of the purchase*
12 *agreement or by law.*

13 (2) *Any amounts not deducted from the total*
14 *amount paid to the vendor under the purchase agree-*
15 *ment that should have been deducted from that*
16 *amount on account of goods and services provided to*
17 *the vendor by the Department.*

18 (3) *Duplicate payments.*

19 (4) *Unauthorized charges.*

20 (5) *Other discrepancies between the amount paid*
21 *to the vendor and the amount actually due the vendor*
22 *under the purchase agreement.*

23 (d) *BONUS PAYMENT.*—*To the extent provided for in*
24 *a contract under the demonstration program, the Secretary*
25 *may pay the contractor a bonus in addition to any other*

1 amount paid for performance of the contract. The amount
2 of such bonus may not exceed the amount that is equal to
3 25 percent of all amounts recovered by the United States
4 on the basis of information obtained as a result of the audit
5 performed under the contract. Any such bonus shall be paid
6 out of amounts made available pursuant to subsection (e).

7 (e) AVAILABILITY OF FUNDS.—Of the amount author-
8 ized to be appropriated pursuant to section 301(5), not
9 more than \$5,000,000 shall be available for the demonstra-
10 tion program.

11 **SEC. 355. PILOT PROGRAM ON PRIVATE OPERATION OF DE-**
12 **FENSE DEPENDENTS' SCHOOLS.**

13 (a) PILOT PROGRAM.—The Secretary of Defense may
14 conduct a pilot program to evaluate the feasibility of using
15 private contractors to operate schools of the defense depend-
16 ents' education system established under section 1402(a) of
17 the Defense Dependents' Education Act of 1978 (20 U.S.C.
18 921(a)).

19 (b) SELECTION OF SCHOOL FOR PROGRAM.—If the
20 Secretary conducts the pilot program, the Secretary shall
21 select one school of the defense dependents' education system
22 for participation in the program and provide for the oper-
23 ation of the school by a private contractor for not less than
24 one complete school year.

1 (c) *REPORT.*—Not later than 30 days after the end of
2 the first school year in which the pilot program is con-
3 ducted, the Secretary shall submit to Congress a report on
4 the results of the program. The report shall include the rec-
5 ommendation of the Secretary with respect to the extent to
6 which other schools of the defense dependents' education sys-
7 tem should be operated by private contractors.

8 **SEC. 356. PROGRAM FOR IMPROVED TRAVEL PROCESS FOR**
9 **THE DEPARTMENT OF DEFENSE.**

10 (a) *IN GENERAL.*—(1) The Secretary of Defense shall
11 conduct a program to evaluate options to improve the De-
12 partment of Defense travel process. To carry out the pro-
13 gram, the Secretary shall compare the results of the tests
14 conducted under subsection (b) to determine which travel
15 process tested under such subsection is the better option to
16 effectively manage travel of Department personnel.

17 (2) The program shall be conducted at not less than
18 three and not more than six military installations, except
19 that an installation may be the subject of only one test con-
20 ducted under the program.

21 (3) The Secretary shall act through the Under Sec-
22 retary of Defense (Comptroller) in the performance of the
23 Secretary's responsibilities under this section.

1 **(b) CONDUCT OF TESTS.**—(1) *The Secretary shall con-*
2 *duct a test at an installation referred to in subsection (a)(2)*
3 *under which the Secretary—*

4 **(A)** *implements the changes proposed to be made*
5 *with respect to the Department of Defense travel proc-*
6 *ess by the task force on travel management that was*
7 *established by the Secretary in July 1994;*

8 **(B)** *manages and uniformly applies that travel*
9 *process (including the implemented changes) through-*
10 *out the Department; and*

11 **(C)** *provides opportunities for private-sector*
12 *sources to provide travel reservation services and*
13 *credit card services to facilitate that travel process.*

14 (2) *The Secretary shall conduct a test at an installa-*
15 *tion referred to in subsection (a)(2) under which the Sec-*
16 *retary—*

17 **(A)** *enters into one or more contracts with a pri-*
18 *vate-sector source pursuant to which the private-sector*
19 *source manages the Department of Defense travel*
20 *process (except for functions referred to in subpara-*
21 *graph (B)), provides for responsive, reasonably priced*
22 *services as part of the travel process, and uniformly*
23 *applies the travel process throughout the Department;*
24 *and*

1 (B) provides for the performance by employees of
2 the Department of only those travel functions, such as
3 travel authorization, that the Secretary considers to
4 be necessary to be performed by such employees.

5 (3) Each test required by this subsection shall begin
6 not later than 60 days after the date of the enactment of
7 this Act and end two years after the date on which it began.
8 Each such test shall also be conducted in accordance with
9 the guidelines for travel management issued for the Depart-
10 ment by the Under Secretary of Defense (Comptroller).

11 (c) *EVALUATION CRITERIA.*—The Secretary shall es-
12 tablish criteria to evaluate the travel processes tested under
13 subsection (b). The criteria shall, at a minimum, include
14 the extent to which a travel process provides for the follow-
15 ing:

16 (1) The coordination, at the time of a travel res-
17 ervation, of travel policy and cost estimates with the
18 mission which necessitates the travel.

19 (2) The use of fully integrated travel solutions
20 envisioned by the travel reengineering report of the
21 Department of Defense dated January 1995.

22 (3) The coordination of credit card data and
23 travel reservation data with cost estimate data.

1 (4) *The elimination of the need for multiple*
2 *travel approvals through the coordination of such*
3 *data with proposed travel plans.*

4 (5) *A responsive and flexible management infor-*
5 *mation system that enables the Under Secretary of*
6 *Defense (Comptroller) to monitor travel expenses*
7 *throughout the year, accurately plan travel budgets*
8 *for future years, and assess, in the case of travel of*
9 *an employee on temporary duty, the relationship be-*
10 *tween the cost of the travel and the value of the travel*
11 *to the accomplishment of the mission which neces-*
12 *sitates the travel.*

13 (d) *PLAN FOR PROGRAM.—Before conducting the pro-*
14 *gram, the Secretary shall develop a plan for the program*
15 *that addresses the following:*

16 (1) *The purposes of the program, including the*
17 *achievement of an objective of reducing by at least 50*
18 *percent the total cost incurred by the Department an-*
19 *nually to manage the Department of Defense travel*
20 *process.*

21 (2) *The methodology and anticipated cost of the*
22 *program, including the cost of an arrangement pursu-*
23 *ant to which a private-sector source would receive an*
24 *agreed-upon payment plus an additional negotiated*
25 *amount that does not exceed 50 percent of the total*

1 *tivity to provide a commercial product or service for the*
2 *Department of Defense if—*

3 (1) *the product or service can be provided ade-*
4 *quately through such a source; and*

5 (2) *an adequate competitive environment exists*
6 *to provide for economical performance of the activity*
7 *by such a source.*

8 (b) *APPLICABILITY.—(1) Subsection (a) shall not*
9 *apply to any commercial product or service with respect*
10 *to which the Secretary determines that production, manu-*
11 *facture, or provision of that product or service by the Gov-*
12 *ernment is necessary for reasons of national security.*

13 (2) *A determination under paragraph (1) shall be*
14 *made in accordance with regulations prescribed under sub-*
15 *section (c).*

16 (c) *REGULATIONS.—The Secretary shall prescribe reg-*
17 *ulations to carry out this section. Such regulations shall*
18 *be prescribed in consultation with the Director of the Office*
19 *of Management and Budget.*

20 (d) *REPORT.—(1) The Secretary shall identify activi-*
21 *ties of the Department (other than activities specified by*
22 *the Secretary pursuant to subsection (b)) that are carried*
23 *out by employees of the Department to provide commercial-*
24 *type products or services for the Department.*

1 (2) *Not later than April 15, 1996, the Secretary shall*
2 *transmit to the congressional defense committees a report*
3 *on opportunities for increased use of private-sector sources*
4 *to provide commercial products and services for the Depart-*
5 *ment.*

6 (3) *The report required by paragraph (2) shall include*
7 *the following:*

8 (A) *A list of activities identified under para-*
9 *graph (1) indicating, for each activity, whether the*
10 *Secretary proposes to convert the performance of that*
11 *activity to performance by private-sector sources and,*
12 *if not, the reasons why.*

13 (B) *An assessment of the advantages and dis-*
14 *advantages of using private-sector sources, rather*
15 *than employees of the Department, to provide com-*
16 *mercial products and services for the Department that*
17 *are not essential to the warfighting mission of the*
18 *Armed Forces.*

19 (C) *A specification of all legislative and regu-*
20 *latory impediments to converting the performance of*
21 *activities identified under paragraph (1) to perform-*
22 *ance by private-sector sources.*

23 (D) *The views of the Secretary on the desirabil-*
24 *ity of terminating the applicability of OMB Circular*
25 *A-76 to the Department.*

1 (4) *The Secretary shall carry out paragraph (1) in*
2 *consultation with the Director of the Office of Management*
3 *and Budget and the Comptroller General of the United*
4 *States. In carrying out that paragraph, the Secretary shall*
5 *consult with, and seek the views of, representatives of the*
6 *private sector, including organizations representing small*
7 *businesses.*

8 ***Subtitle F—Miscellaneous Reviews,***
9 ***Studies, and Reports***

10 ***SEC. 361. QUARTERLY READINESS REPORTS.***

11 (a) *IN GENERAL.—(1) Chapter 22 of title 10, United*
12 *States Code, is amended by adding at the end the following*
13 *new section:*

14 ***“§ 452. Quarterly readiness reports***

15 “*(a) REQUIREMENT.—Not later than 30 days after the*
16 *end of each calendar-year quarter, the Secretary of Defense*
17 *shall submit to the Committee on Armed Services of the*
18 *Senate and the Committee on National Security of the*
19 *House of Representatives a report on military readiness.*
20 *The report for any quarter shall be based on assessments*
21 *that are provided during that quarter—*

22 “*(1) to any council, committee, or other body of*
23 *the Department of Defense (A) that has responsibility*
24 *for readiness oversight, and (B) the membership of*
25 *which includes at least one civilian officer in the Of-*

1 *office of the Secretary of Defense at the level of Assist-*
2 *ant Secretary of Defense or higher;*

3 “(2) *by senior civilian and military officers of*
4 *the military departments and the commanders of the*
5 *unified and specified commands; and*

6 “(3) *as part of any regularly established process*
7 *of periodic readiness reviews for the Department of*
8 *Defense as a whole.*

9 “(b) *MATTERS TO BE INCLUDED.—Each such report*
10 *shall—*

11 “(1) *specifically describe identified readiness*
12 *problems or deficiencies and planned remedial ac-*
13 *tions; and*

14 “(2) *include the key indicators and other rel-*
15 *evant data related to the identified problem or defi-*
16 *ciency.*

17 “(c) *CLASSIFICATION OF REPORTS.—Reports under*
18 *this section shall be submitted in unclassified form and*
19 *may, as the Secretary determines necessary, also be submit-*
20 *ted in classified form.”.*

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

 “452. *Quarterly readiness reports.”.*

23 “(b) *EFFECTIVE DATE.—Section 452 of title 10, United*
24 *States Code, as added by subsection (a), shall take effect*

1 *with the calendar-year quarter during which this Act is en-*
2 *acted.*

3 **SEC. 362. RESTATEMENT OF REQUIREMENT FOR SEMI-**
4 **ANNUAL REPORTS TO CONGRESS ON TRANS-**
5 **FERS FROM HIGH-PRIORITY READINESS AP-**
6 **PROPRIATIONS.**

7 *Section 361 of the National Defense Authorization Act*
8 *for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2732)*
9 *is amended to read as follows:*

10 **“SEC. 361. SEMIANNUAL REPORTS TO CONGRESS ON**
11 **TRANSFERS FROM HIGH-PRIORITY READI-**
12 **NESS APPROPRIATIONS.**

13 *“(a) ANNUAL REPORTS.—During 1996 and 1997, the*
14 *Secretary of Defense shall submit to the congressional de-*
15 *fense committees a report on transfers during the preceding*
16 *fiscal year from funds available for each budget activity*
17 *specified in subsection (d) (hereinafter in this section re-*
18 *ferred to as ‘covered budget activities’). The report each year*
19 *shall be submitted not later than the date in that year on*
20 *which the President submits the budget for the next fiscal*
21 *year to Congress pursuant to section 1105 of title 31, Unit-*
22 *ed States Code.*

23 *“(b) MIDYEAR REPORTS.—On May 1 of each year*
24 *specified in subsection (a), the Secretary of Defense shall*
25 *submit to the congressional defense committees a report pro-*

1 *viding the same information, with respect to the first six*
2 *months of the fiscal year in which the report is submitted,*
3 *that is provided in reports under subsection (a) with respect*
4 *to the preceding fiscal year.*

5 “(c) *MATTERS TO BE INCLUDED.*—*In each report*
6 *under this section, the Secretary shall include for each cov-*
7 *ered budget activity the following:*

8 “(1) *A statement, for the period covered by the*
9 *report, of—*

10 “(A) *the total amount of transfers into*
11 *funds available for that activity;*

12 “(B) *the total amount of transfers from*
13 *funds available for that activity; and*

14 “(C) *the net amount of transfers into, or*
15 *out of, funds available for that activity.*

16 “(2) *A detailed explanation of the transfers into,*
17 *and out of, funds available for that activity during*
18 *the period covered by the report.*

19 “(d) *COVERED BUDGET ACTIVITIES.*—*The budget ac-*
20 *tivities to which this section applies are the following:*

21 “(1) *The budget activity groups (known as*
22 *‘subactivities’) within the Operating Forces budget ac-*
23 *tivity of the annual Operation and Maintenance,*
24 *Army, appropriation that are designated as follows:*

25 “(A) *Combat Units.*

1 “(B) *Tactical Support.*

2 “(C) *Force-Related Training/Special Activi-*
3 *ties.*

4 “(D) *Depot Maintenance.*

5 “(E) *JCS Exercises.*

6 “(2) *The budget activity groups (known as*
7 *‘subactivities’) within the Operating Forces budget ac-*
8 *tivity of the annual Operation and Maintenance,*
9 *Navy, appropriation that are designated as follows:*

10 “(A) *Mission and Other Flight Operations.*

11 “(B) *Mission and Other Ship Operations.*

12 “(C) *Fleet Air Training.*

13 “(D) *Ship Operational Support and Train-*
14 *ing.*

15 “(E) *Aircraft Depot Maintenance.*

16 “(F) *Ship Depot Maintenance.*

17 “(3) *The budget activity groups (known as*
18 *‘subactivities’), or other activity, within the Operat-*
19 *ing Forces budget activity of the annual Operation*
20 *and Maintenance, Air Force, appropriation that are*
21 *designated or otherwise identified as follows:*

22 “(A) *Primary Combat Forces.*

23 “(B) *Primary Combat Weapons.*

24 “(C) *Global and Early Warning.*

25 “(D) *Air Operations Training.*

1 “(E) Depot Maintenance.

2 “(F) JCS Exercises.”.

3 **SEC. 363. REPORT REGARDING REDUCTION OF COSTS AS-**
4 **SOCIATED WITH CONTRACT MANAGEMENT**
5 **OVERSIGHT.**

6 (a) *REPORT REQUIRED.*—Not later than April 1,
7 1996, the Comptroller General of the United States shall
8 submit to Congress a report identifying methods to reduce
9 the cost to the Department of Defense of management over-
10 sight of contracts in connection with major defense acquisi-
11 tion programs.

12 (b) *MAJOR DEFENSE ACQUISITION PROGRAMS DE-*
13 *FINED.*—For purposes of this section, the term “major de-
14 fense acquisition program” has the meaning given that
15 term in section 2430(a) of title 10, United States Code.

16 **SEC. 364. REVIEWS OF MANAGEMENT OF INVENTORY CON-**
17 **TROL POINTS AND MATERIEL MANAGEMENT**
18 **STANDARD SYSTEM.**

19 (a) *REVIEW OF CONSOLIDATION OF INVENTORY CON-*
20 *TROL POINTS.*—(1) The Secretary of Defense shall conduct
21 a review of the management by the Defense Logistics Agency
22 of all inventory control points of the Department of Defense.
23 In conducting the review, the Secretary shall examine the
24 management and acquisition practices of the Defense Logis-
25 tics Agency for inventory of repairable spare parts.

1 (2) *Not later than March 31, 1996, the Secretary shall*
2 *submit to the Comptroller General of the United States and*
3 *the congressional defense committees a report on the results*
4 *the review conducted under paragraph (1).*

5 **(b) REVIEW OF MATERIEL MANAGEMENT STANDARD**
6 **SYSTEM.**—(1) *The Comptroller General of the United States*
7 *shall conduct a review of the automated data processing sys-*
8 *tem of the Department of Defense known as the Materiel*
9 *Management Standard System.*

10 (2) *Not later than May 1, 1996, the Comptroller Gen-*
11 *eral shall submit to the congressional defense committees a*
12 *report on the results of the review conducted under para-*
13 *graph (1).*

14 **SEC. 365. REPORT ON PRIVATE PERFORMANCE OF CER-**
15 **TAIN FUNCTIONS PERFORMED BY MILITARY**
16 **AIRCRAFT.**

17 **(a) REPORT REQUIRED.**—*Not later than May 1, 1996,*
18 *the Secretary of Defense shall submit to Congress a report*
19 *on the feasibility of providing for the performance by pri-*
20 *vate-sector sources of functions necessary to be performed*
21 *to fulfill the requirements of the Department of Defense for*
22 *air transportation of personnel and cargo.*

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

1 (1) *A cost-benefit analysis with respect to the*
2 *performance by private-sector sources of functions de-*
3 *scribed in subsection (a), including an explanation of*
4 *the assumptions used in the cost-benefit analysis.*

5 (2) *An assessment of the issues raised by provid-*
6 *ing for such performance by means of a contract en-*
7 *tered into with a private-sector source.*

8 (3) *An assessment of the issues raised by provid-*
9 *ing for such performance by means of converting*
10 *functions described in subsection (a) to private owner-*
11 *ship and operation, in whole or in part.*

12 (4) *A discussion of the requirements for the per-*
13 *formance of such functions in order to fulfill the re-*
14 *quirements referred to in subsection (a) during war-*
15 *time.*

16 (5) *The effect on military personnel and facili-*
17 *ties of using private-sector sources to fulfill the re-*
18 *quirements referred to in such subsection.*

19 (6) *The performance by private-sector sources of*
20 *any other military aircraft functions (such as non-*
21 *combat inflight fueling of aircraft) the Secretary con-*
22 *siders appropriate.*

1 **SEC. 366. STRATEGY AND REPORT ON AUTOMATED INFOR-**
2 **MATION SYSTEMS OF DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) *DEVELOPMENT OF STRATEGY.*—*The Secretary of*
5 *Defense shall develop a strategy for the development or mod-*
6 *ernization of automated information systems for the De-*
7 *partment of Defense.*

8 (b) *MATTERS TO CONSIDER.*—*In developing the strat-*
9 *egy required under subsection (a), the Secretary shall con-*
10 *sider the following:*

11 (1) *The use of performance measures and man-*
12 *agement controls.*

13 (2) *Findings of the Functional Management Re-*
14 *view conducted by the Secretary.*

15 (3) *Program management actions planned by the*
16 *Secretary.*

17 (4) *Actions and milestones necessary for comple-*
18 *tion of functional and economic analyses for—*

19 (A) *the Automated System for Transpor-*
20 *tation data;*

21 (B) *continuous acquisition and life cycle*
22 *support;*

23 (C) *electronic data interchange;*

24 (D) *flexible computer integrated manufac-*
25 *turing;*

1 (E) the Navy Tactical Command Support
2 System; and

3 (F) the Defense Information System Net-
4 work.

5 (5) Progress made by the Secretary in resolving
6 problems with respect to the Defense Information Sys-
7 tem Network and the Joint Computer-Aided Acquisi-
8 tion and Logistics Support System.

9 (6) Tasks identified in the review conducted by
10 the Secretary of the Standard Installation/Division
11 Personnel System-3.

12 (7) Such other matters as the Secretary considers
13 appropriate.

14 (c) *REPORT ON STRATEGY*.—(1) Not later than April
15 15, 1996, the Secretary shall submit to Congress a report
16 on the development of the strategy required under subsection
17 (a).

18 (2) In the case of the Air Force Wargaming Center,
19 the Air Force Command Exercise System, the Cheyenne
20 Mountain Upgrade, the Transportation Coordinator Auto-
21 mated Command and Control Information Systems, and
22 the Wing Command and Control Systems, the report re-
23 quired by paragraph (1) shall provide functional economic
24 analyses and address waivers exercised for compelling mili-
25 tary importance under section 381(d) of the National De-

1 *fense Authorization Act for Fiscal Year 1995 (Public Law*
2 *103-337; 108 Stat. 2739).*

3 *(3) The report required by paragraph (1) shall also*
4 *include the following:*

5 *(A) A certification by the Secretary of the termi-*
6 *nation of the Personnel Electronic Record Manage-*
7 *ment System or a justification for the continued need*
8 *for such system.*

9 *(B) Findings of the Functional Management Re-*
10 *view conducted by the Secretary and program man-*
11 *agement actions planned by the Secretary for—*

12 *(i) the Base Level System Modernization*
13 *and the Sustaining Base Information System;*
14 *and*

15 *(ii) the Standard Installation/Division Per-*
16 *sonnel System-3.*

17 *(C) An assessment of the implementation of mi-*
18 *gration systems and applications, including—*

19 *(i) identification of the systems and appli-*
20 *cations by functional or business area, specifying*
21 *target dates for operation of the systems and ap-*
22 *plications;*

23 *(ii) identification of the legacy systems and*
24 *applications that will be terminated;*

1 (iii) the cost of and schedules for imple-
2 menting the migration systems and applications;
3 and

4 (iv) termination schedules.

5 (D) A certification by the Secretary that each in-
6 formation system that is subject to review by the
7 Major Automated Information System Review Com-
8 mittee of the Department is cost-effective and supports
9 the corporate information management goals of the
10 Department, including the results of the review con-
11 ducted for each such system by the Committee.

12 **Subtitle G—Other Matters**

13 **SEC. 371. CODIFICATION OF DEFENSE BUSINESS OPER-** 14 **ATIONS FUND.**

15 (a) *MANAGEMENT OF WORKING-CAPITAL FUNDS.*—(1)
16 Chapter 131 of title 10, United States Code, is amended
17 by inserting after section 2215 the following new section:

18 **“§ 2216. Defense Business Operations Fund**

19 “(a) *MANAGEMENT OF WORKING-CAPITAL FUNDS AND*
20 *CERTAIN ACTIVITIES.*—The Secretary of Defense may man-
21 age the performance of the working-capital funds and in-
22 dustrial, commercial, and support type activities described
23 in subsection (b) through the fund known as the Defense
24 Business Operations Fund, which is established on the books
25 of the Treasury. Except for the funds and activities specified

1 *in subsection (b), no other functions, activities, funds, or*
2 *accounts of the Department of Defense may be managed or*
3 *converted to management through the Fund.*

4 “(b) *FUNDS AND ACTIVITIES INCLUDED.—The funds*
5 *and activities referred to in subsection (a) are the following:*

6 “(1) *Working-capital funds established under sec-*
7 *tion 2208 of this title and in existence on December*
8 *5, 1991.*

9 “(2) *Those activities that, on December 5, 1991,*
10 *were funded through the use of a working-capital fund*
11 *established under that section.*

12 “(3) *The Defense Finance and Accounting Serv-*
13 *ice.*

14 “(4) *The Defense Commissary Agency.*

15 “(5) *The Defense Reutilization and Marketing*
16 *Service.*

17 “(6) *The Joint Logistics Systems Center.*

18 “(c) *SEPARATE ACCOUNTING, REPORTING, AND AUDIT-*
19 *ING OF FUNDS AND ACTIVITIES.—(1) The Secretary of De-*
20 *fense shall provide in accordance with this subsection for*
21 *separate accounting, reporting, and auditing of funds and*
22 *activities managed through the Fund.*

23 “(2) *The Secretary shall maintain the separate iden-*
24 *tity of each fund and activity managed through the Fund*

1 *that (before the establishment of the Fund) was managed*
2 *as a separate Fund or activity.*

3 “(3) *The Secretary shall maintain separate records for*
4 *each function for which payment is made through the Fund*
5 *and which (before the establishment of the Fund) was paid*
6 *directly through appropriations, including the separate*
7 *identity of the appropriation account used to pay for the*
8 *performance of the function.*

9 “(d) *CHARGES FOR GOODS AND SERVICES PROVIDED*
10 *THROUGH THE FUND.—(1) Charges for goods and services*
11 *provided through the Fund shall include the following:*

12 “(A) *Amounts necessary to recover the full costs*
13 *of the goods and services, whenever practicable, and*
14 *the costs of the development, implementation, oper-*
15 *ation, and maintenance of systems supporting the*
16 *wholesale supply and maintenance activities of the*
17 *Department of Defense.*

18 “(B) *Amounts for depreciation of capital assets,*
19 *set in accordance with generally accepted accounting*
20 *principles.*

21 “(C) *Amounts necessary to recover the full cost*
22 *of the operation of the Defense Finance Accounting*
23 *Service.*

24 “(2) *Charges for goods and services provided through*
25 *the Fund may not include the following:*

1 “(A) Amounts necessary to recover the costs of a
2 military construction project (as defined in section
3 2801(b) of this title), other than a minor construction
4 project financed by the Fund pursuant to section
5 2805(c)(1) of this title.

6 “(B) Amounts necessary to cover costs incurred
7 in connection with the closure or realignment of a
8 military installation.

9 “(C) Amounts necessary to recover the costs of
10 functions designated by the Secretary of Defense as
11 mission critical, such as ammunition handling safety,
12 and amounts for ancillary tasks not directly related
13 to the mission of the function or activity managed
14 through the Fund.

15 “(3)(A) The Secretary of Defense may submit to a cus-
16 tomer a bill for the provision of goods and services through
17 the Fund in advance of the provision of those goods and
18 services.

19 “(B) The Secretary shall submit to Congress a report
20 on advance billings made pursuant to subparagraph (A)—

21 “(i) when the aggregate amount of all such bil-
22 lings after the date of the enactment of the National
23 Defense Authorization Act for Fiscal Year 1996
24 reaches \$100,000,000; and

1 “(ii) whenever the aggregate amount of all such
2 billings after the date of a preceding report under this
3 subparagraph reaches \$100,000,000.

4 “(C) Each report under subparagraph (B) shall in-
5 clude, for each such advance billing, the following:

6 “(i) An explanation of the reason for the advance
7 billing.

8 “(ii) An analysis of the impact of the advance
9 billing on readiness.

10 “(iii) An analysis of the impact of the advance
11 billing on the customer so billed.

12 “(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts
13 charged for depreciation of capital assets pursuant to sub-
14 section (d)(1)(B) shall be credited to a separate capital asset
15 subaccount established within the Fund.

16 “(2) The Secretary of Defense may award contracts for
17 capital assets of the Fund in advance of the availability
18 of funds in the subaccount.

19 “(f) PROCEDURES FOR ACCUMULATION OF FUNDS.—
20 The Secretary of Defense shall establish billing procedures
21 to ensure that the balance in the Fund does not exceed the
22 amount necessary to provide for the working capital re-
23 quirements of the Fund, as determined by the Secretary.

24 “(g) PURCHASE FROM OTHER SOURCES.—The Sec-
25 retary of Defense or the Secretary of a military department

1 *may purchase goods and services that are available for pur-*
2 *chase from the Fund from a source other than the Fund*
3 *if the Secretary determines that such source offers a more*
4 *competitive rate for the goods and services than the Fund*
5 *offers.*

6 “(h) *ANNUAL REPORTS AND BUDGET.*—*The Secretary*
7 *of Defense shall annually submit to Congress, at the same*
8 *time that the President submits the budget under section*
9 *1105 of title 31, the following:*

10 “(1) *A detailed report that contains a statement*
11 *of all receipts and disbursements of the Fund (includ-*
12 *ing such a statement for each subaccount of the Fund)*
13 *for the fiscal year ending in the year preceding the*
14 *year in which the budget is submitted.*

15 “(2) *A detailed proposed budget for the operation*
16 *of the Fund for the fiscal year for which the budget*
17 *is submitted.*

18 “(3) *A comparison of the amounts actually ex-*
19 *pended for the operation of the Fund for the fiscal*
20 *year referred to in paragraph (1) with the amount*
21 *proposed for the operation of the Fund for that fiscal*
22 *year in the President’s budget.*

23 “(4) *A report on the capital asset subaccount of*
24 *the Fund that contains the following information:*

1 “(A) *The opening balance of the subaccount*
2 *as of the beginning of the fiscal year in which*
3 *the report is submitted.*

4 “(B) *The estimated amounts to be credited*
5 *to the subaccount in the fiscal year in which the*
6 *report is submitted.*

7 “(C) *The estimated amounts of outlays to be*
8 *paid out of the subaccount in the fiscal year in*
9 *which the report is submitted.*

10 “(D) *The estimated balance of the sub-*
11 *account at the end of the fiscal year in which the*
12 *report is submitted.*

13 “(E) *A statement of how much of the esti-*
14 *mated balance at the end of the fiscal year in*
15 *which the report is submitted will be needed to*
16 *pay outlays in the immediately following fiscal*
17 *year that are in excess of the amount to be cred-*
18 *ited to the subaccount in the immediately follow-*
19 *ing fiscal year.*

20 “(i) *DEFINITIONS.—In this section:*

21 “(1) *The term ‘capital assets’ means the follow-*
22 *ing capital assets that have a development or acquisi-*
23 *tion cost of not less than \$50,000:*

1 “(A) *Minor construction projects financed*
2 *by the Fund pursuant to section 2805(c)(1) of*
3 *this title.*

4 “(B) *Automatic data processing equipment,*
5 *software.*

6 “(C) *Equipment other than equipment de-*
7 *scribed in subparagraph (B).*

8 “(D) *Other capital improvements.*

9 “(2) *The term ‘Fund’ means the Defense Busi-*
10 *ness Operations Fund.”.*

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 *2215 the following new item:*

 “2216. *Defense Business Operations Fund.”.*

14 (b) *CONFORMING REPEALS.—The following provisions*
15 *of law are hereby repealed:*

16 (1) *Subsections (b), (c), (d), and (e) of section*
17 *311 of the National Defense Authorization Act for*
18 *Fiscal Year 1995 (Public Law 103–337; 10 U.S.C.*
19 *2208 note).*

20 (2) *Subsections (a) and (b) of section 333 of the*
21 *National Defense Authorization Act for Fiscal Year*
22 *1994 (Public Law 103–160; 10 U.S.C. 2208 note).*

23 (3) *Section 342 of the National Defense Author-*
24 *ization Act for Fiscal Year 1993 (Public Law 102–*
25 *484; 10 U.S.C. 2208 note).*

1 (4) *Section 316 of the National Defense Author-*
2 *ization Act for Fiscal Years 1992 and 1993 (Public*
3 *Law 102–190; 10 U.S.C. 2208 note).*

4 (5) *Section 8121 of the Department of Defense*
5 *Appropriations Act, 1992 (Public Law 102–172; 10*
6 *U.S.C. 2208 note).*

7 **SEC. 372. CLARIFICATION OF SERVICES AND PROPERTY**
8 **THAT MAY BE EXCHANGED TO BENEFIT THE**
9 **HISTORICAL COLLECTION OF THE ARMED**
10 **FORCES.**

11 *Section 2572(b)(1) of title 10, United States Code, is*
12 *amended by striking out “not needed by the armed forces”*
13 *and all that follows through the end of the paragraph and*
14 *inserting in lieu thereof the following: “not needed by the*
15 *armed forces for any of the following items or services if*
16 *such items or services directly benefit the historical collec-*
17 *tion of the armed forces:*

18 “(A) *Similar items held by any individual, or-*
19 *ganization, institution, agency, or nation.*

20 “(B) *Conservation supplies, equipment, facilities,*
21 *or systems.*

22 “(C) *Search, salvage, or transportation services.*

23 “(D) *Restoration, conservation, or preservation*
24 *services.*

25 “(E) *Educational programs.*”.

1 **SEC. 373. PROHIBITION ON CAPITAL LEASE FOR DEFENSE**
2 **BUSINESS MANAGEMENT UNIVERSITY.**

3 *None of the funds appropriated to the Department of*
4 *Defense for fiscal year 1996 may be used to enter into any*
5 *lease with respect to the Center for Financial Management*
6 *Education and Training of the Defense Business Manage-*
7 *ment University if the lease would be treated as a capital*
8 *lease for budgetary purposes.*

9 **SEC. 374. PERMANENT AUTHORITY FOR USE OF PROCEEDS**
10 **FROM THE SALE OF CERTAIN LOST, ABAN-**
11 **DONED, OR UNCLAIMED PROPERTY.**

12 *(a) PERMANENT AUTHORITY.—Section 2575 of title 10*
13 *is amended—*

14 *(1) by striking out subsection (b) and inserting*
15 *in lieu thereof the following:*

16 *“(b)(1) In the case of lost, abandoned, or unclaimed*
17 *personal property found on a military installation, the pro-*
18 *ceeds from the sale of the property under this section shall*
19 *be credited to the operation and maintenance account of*
20 *that installation and used—*

21 *“(A) to reimburse the installation for any costs*
22 *incurred by the installation to collect, transport,*
23 *store, protect, or sell the property; and*

24 *“(B) to the extent that the amount of the pro-*
25 *ceeds exceeds the amount necessary for reimbursing*
26 *all such costs, to support morale, welfare, and recre-*

1 *ation activities under the jurisdiction of the armed*
2 *forces that are conducted for the comfort, pleasure,*
3 *contentment, or physical or mental improvement of*
4 *members of the armed forces at such installation.*

5 *“(2) The net proceeds from the sale of other property*
6 *under this section shall be covered into the Treasury as mis-*
7 *cellaneous receipts.”; and*

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

9 *“(d)(1) The owner (or heirs, next of kin, or legal rep-*
10 *resentative of the owner) of personal property the proceeds*
11 *of which are credited to a military installation under sub-*
12 *section (b)(1) may file a claim with the Secretary of Defense*
13 *for the amount equal to the proceeds (less costs referred to*
14 *in subparagraph (A) of such subsection). Amounts to pay*
15 *the claim shall be drawn from the morale, welfare, and*
16 *recreation account for the installation that received the pro-*
17 *ceeds.*

18 *“(2) The owner (or heirs, next of kin, or legal rep-*
19 *resentative of the owner) may file a claim with the Comp-*
20 *troller General of the United States for proceeds covered into*
21 *the Treasury under subsection (b)(2).*

22 *“(3) Unless a claim is filed under this subsection with-*
23 *in 5 years after the date of the disposal of the property*
24 *to which the claim relates, the claim may not be considered*
25 *by a court, the Secretary of Defense (in the case of a claim*

1 *filed under paragraph (1)), or the Comptroller General of*
 2 *the United States (in the case of a claim filed under para-*
 3 *graph (2)).”.*

4 (b) *REPEAL OF AUTHORITY FOR DEMONSTRATION*
 5 *PROGRAM.—Section 343 of the National Defense Authoriza-*
 6 *tion Act for Fiscal Years 1992 and 1993 (Public Law 102–*
 7 *190; 105 Stat. 1343) is repealed.*

8 **SEC. 375. SALE OF MILITARY CLOTHING AND SUBSISTENCE**
 9 **AND OTHER SUPPLIES OF THE NAVY AND MA-**
 10 **RINE CORPS.**

11 (a) *IN GENERAL.—(1) Chapter 651 of title 10, United*
 12 *States Code, is amended by adding at the end the following*
 13 *new section:*

14 **“§ 7606. Subsistence and other supplies: members of**
 15 **armed forces; veterans; executive or mili-**
 16 **tary departments and employees; prices**

17 *“(a)(1) The Secretary of the Navy shall procure and*
 18 *sell, for cash or credit—*

19 *“(A) articles designated by the Secretary to*
 20 *members of the Navy and Marine Corps; and*

21 *“(B) items of individual clothing and equipment*
 22 *to members of the Navy and Marine Corps, under*
 23 *such restrictions as the Secretary may prescribe.*

24 *“(2) An account of sales on credit shall be kept and*
 25 *the amount due reported to the Secretary. Except for arti-*

1 *cles and items acquired through the use of working capital*
2 *funds under section 2208 of this title, sales of articles shall*
3 *be at cost, and sales of individual clothing and equipment*
4 *shall be at average current prices, including overhead, as*
5 *determined by the Secretary.*

6 “(b) *The Secretary shall sell subsistence supplies to*
7 *members of other armed forces at the prices at which like*
8 *property is sold to members of the Navy and Marine Corps.*

9 “(c) *The Secretary may sell serviceable supplies, other*
10 *than subsistence supplies, to members of other armed forces*
11 *for the buyers’ use in the service. The prices at which the*
12 *supplies are sold shall be the same prices at which like prop-*
13 *erty is sold to members of the Navy and Marine Corps.*

14 “(d) *A person who has been discharged honorably or*
15 *under honorable conditions from the Army, Navy, Air Force*
16 *or Marine Corps and who is receiving care and medical*
17 *treatment from the Public Health Service or the Depart-*
18 *ment of Veterans Affairs may buy subsistence supplies and*
19 *other supplies, except articles of uniform, at the prices at*
20 *which like property is sold to members of the Navy and*
21 *Marine Corps.*

22 “(e) *Under such conditions as the Secretary may pre-*
23 *scribe, exterior articles of uniform may be sold to a person*
24 *who has been discharged honorably or under honorable con-*
25 *ditions from the Navy or Marine Corps, at the prices at*

1 *which like articles are sold to members of the Navy or Ma-*
2 *rine Corps. This subsection does not modify sections 772*
3 *or 773 of this title.*

4 “(f) *Under regulations prescribed by the Secretary,*
5 *payment for subsistence supplies shall be made in cash or*
6 *by commercial credit.*

7 “(g)(1) *The Secretary may provide for the procurement*
8 *and sale of stores designated by the Secretary to such civil-*
9 *ian officers and employees of the United States, and such*
10 *other persons, as the Secretary considers proper—*

11 “(A) *at military installations outside the United*
12 *States; and*

13 “(B) *subject to paragraph (2), at military in-*
14 *stallations inside the United States where the Sec-*
15 *retary determines that it is impracticable for those ci-*
16 *vilian officers, employees, and persons to obtain such*
17 *stores from commercial enterprises without impairing*
18 *the efficient operation of military activities.*

19 “(2) *Sales to civilian officers and employees inside the*
20 *United States may be made under paragraph (1) only to*
21 *civilian officers and employees residing within military in-*
22 *stallations.*

23 “(h) *Appropriations for subsistence of the Navy or Ma-*
24 *rine Corps may be applied to the purchase of subsistence*
25 *supplies for sale to members of the Navy and Marine Corps*

1 *on active duty for the use of such members and their fami-*
2 *lies.”.*

3 (2) *The table of sections at the beginning of chapter*
4 *651 of such title is amended by adding at the end the follow-*
5 *ing:*

“7606. Subsistence and other supplies: members of armed forces; veterans; execu-
tive or military departments and employees; prices.”.

6 (b) *CONFORMING AMENDMENTS FOR OTHER ARMED*
7 *FORCES.—(1) Section 4621 of such title is amended—*

8 (A) *by striking out “The branch, office, or officer*
9 *designated by the Secretary of the Army” in sub-*
10 *section (a) and inserting in lieu thereof “The Sec-*
11 *retary of the Army”;*

12 (B) *by striking out “The branch, office, or officer*
13 *designated by the Secretary” both places it appears in*
14 *subsections (b) and (c) and inserting in lieu thereof*
15 *“The Secretary”; and*

16 (C) *by inserting before the period at the end of*
17 *subsection (f) the following: “or by commercial cred-*
18 *it”.*

19 (2) *Section 9621 of such title is amended—*

20 (A) *by striking out “The Air Force shall” in sub-*
21 *section (b) and inserting in lieu thereof “The Sec-*
22 *retary shall”; and*

1 (B) by inserting before the period at the end of
2 subsection (f) the following: “or by commercial cred-
3 it”.

4 **SEC. 376. PERSONNEL SERVICES AND LOGISTICAL SUP-**
5 **PORT FOR CERTAIN ACTIVITIES HELD ON**
6 **MILITARY INSTALLATIONS.**

7 Section 2544 of title 10, United States Code, is amend-
8 ed—

9 (1) by redesignating subsection (g) as subsection
10 (h); and

11 (2) by inserting after subsection (f) the following
12 new subsection:

13 “(g) In the case of a Boy Scout Jamboree held on a
14 military installation, the Secretary of Defense may provide
15 personnel services and logistical support at the military in-
16 stallation in addition to the support authorized under sub-
17 sections (a) and (d).”.

18 **SEC. 377. RETENTION OF MONETARY AWARDS.**

19 (a) *MONETARY AWARDS*.—Chapter 155 of title 10,
20 United States Code, is amended by adding at the end the
21 following new section:

22 **“§2610. Competitions for excellence: acceptance of**
23 **monetary awards**

24 “(a) *ACCEPTANCE AUTHORIZED*.—The Secretary of
25 Defense may accept a monetary award given to the Depart-

1 *ment of Defense by a nongovernmental entity as a result*
2 *of the participation of the Department in a competition*
3 *carried out to recognize excellence or innovation in provid-*
4 *ing services or administering programs.*

5 “(b) *DISPOSITION OF AWARDS.*—*A monetary award*
6 *accepted under subsection (a) shall be credited to one or*
7 *more nonappropriated fund accounts supporting morale,*
8 *welfare, and recreation activities for the command, installa-*
9 *tion, or other activity that is recognized for the award.*
10 *Amounts so credited may be expended only for such activi-*
11 *ties.*

12 “(c) *INCIDENTAL EXPENSES.*—*Subject to such limita-*
13 *tions as may be provided in appropriation Acts, appropria-*
14 *tions available to the Department of Defense may be used*
15 *to pay incidental expenses incurred by the Department to*
16 *participate in a competition described in subsection (a) or*
17 *to accept a monetary award under this section.*

18 “(d) *REGULATIONS AND REPORTING.*—(1) *The Sec-*
19 *retary shall prescribe regulations to determine the disposi-*
20 *tion of monetary awards accepted under this section and*
21 *the payment of incidental expenses under subsection (c).*

22 “(2) *At the end of each year, the Secretary shall submit*
23 *to Congress a report for that year describing the disposition*
24 *of monetary awards accepted under this section and the*
25 *payment of incidental expenses under subsection (c).*

1 “(e) *TERMINATION.*—*The authority of the Secretary*
 2 *under this section shall expire two years after the date of*
 3 *the enactment of the National Defense Authorization Act for*
 4 *Fiscal Year 1996.*”.

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

“2610. *Competitions for excellence: acceptance of monetary awards.*”.

8 **SEC. 378. PROVISION OF EQUIPMENT AND FACILITIES TO**
 9 **ASSIST IN EMERGENCY RESPONSE ACTIONS.**

10 *Section 372 of title 10, United States Code, is amend-*
 11 *ed—*

12 (1) *by inserting “(a) IN GENERAL.—” before*
 13 *“The Secretary of Defense”; and*

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

16 “(b) *EMERGENCIES INVOLVING CHEMICAL AND BIO-*
 17 *LOGICAL AGENTS.*—(1) *In addition to equipment and fa-*
 18 *cilities described in subsection (a), the Secretary may pro-*
 19 *vide an item referred to in paragraph (2) to a Federal,*
 20 *State, or local law enforcement or emergency response agen-*
 21 *cy to prepare for or respond to an emergency involving*
 22 *chemical or biological agents if the Secretary determines*
 23 *that the item is not reasonably available from another*
 24 *source.*”.

1 “(2) *An item referred to in paragraph (1) is any mate-*
2 *rial or expertise of the Department of Defense appropriate*
3 *for use in preparing for or responding to an emergency in-*
4 *volving chemical or biological agents, including the follow-*
5 *ing:*

6 “(A) *Training facilities.*

7 “(B) *Sensors.*

8 “(C) *Protective clothing.*

9 “(D) *Antidotes.*”.

10 **SEC. 379. REPORT ON DEPARTMENT OF DEFENSE MILI-**
11 **TARY AND CIVIL DEFENSE PREPAREDNESS**
12 **TO RESPOND TO EMERGENCIES RESULTING**
13 **FROM A CHEMICAL, BIOLOGICAL, RADIOLOGI-**
14 **CAL, OR NUCLEAR ATTACK.**

15 (a) *REPORT.*—(1) *Not later than March 1, 1996, the*
16 *Secretary of Defense and the Secretary of Energy shall sub-*
17 *mit to Congress a joint report on the military and civil*
18 *defense plans and programs of the Department of Defense*
19 *to prepare for and respond to the effects of an emergency*
20 *in the United States resulting from a chemical, biological,*
21 *radiological, or nuclear attack on the United States (herein-*
22 *after in this section referred to as an “attack-related civil*
23 *defense emergency”).*

24 (2) *The report shall be prepared in consultation with*
25 *the Director of the Federal Emergency Management Agency.*

1 **(b) CONTENT OF REPORT.**—*The report shall include*
2 *the following:*

3 (1) *A discussion of the military and civil defense*
4 *plans and programs of the Department of Defense for*
5 *preparing for and responding to an attack-related*
6 *civil defense emergency arising from an attack of a*
7 *type for which the Department of Defense has a pri-*
8 *mary responsibility to respond.*

9 (2) *A discussion of the military and civil defense*
10 *plans and programs of the Department of Defense for*
11 *preparing for and providing a response to an attack-*
12 *related civil defense emergency arising from an attack*
13 *of a type for which the Department of Defense has re-*
14 *sponsibility to provide a supporting response.*

15 (3) *A description of any actions, and any rec-*
16 *ommended legislation, that the Secretaries consider*
17 *necessary for improving the preparedness of the De-*
18 *partment of Defense to respond effectively to an at-*
19 *tack-related civil defense emergency.*

1 **TITLE IV—MILITARY PERSONNEL**
2 **AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

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

5 (a) *FISCAL YEAR 1996.*—*The Armed Forces are au-*
6 *thorized strengths for active duty personnel as of September*
7 *30, 1996, as follows:*

8 (1) *The Army, 495,000, of which not more than*
9 *81,300 may be commissioned officers.*

10 (2) *The Navy, 428,340, of which not more than*
11 *58,870 may be commissioned officers.*

12 (3) *The Marine Corps, 174,000, of which not*
13 *more than 17,978 may be commissioned officers.*

14 (4) *The Air Force, 388,200, of which not more*
15 *than 75,928 may be commissioned officers.*

16 (b) *FLOOR ON END STRENGTHS.*—(1) *Chapter 39 of*
17 *title 10, United States Code, is amended by adding at the*
18 *end the following new section:*

19 **“§691. Permanent end strength levels to support two**
20 **major regional contingencies**

21 *“(a) The end strengths specified in subsection (b) are*
22 *the minimum strengths necessary to enable the armed forces*
23 *to fulfill a national defense strategy calling for the United*
24 *States to be able to successfully conduct two nearly simulta-*
25 *neous major regional contingencies.*

1 “(b) *Unless otherwise provided by law, the number of*
2 *members of the armed forces (other than the Coast Guard)*
3 *on active duty at the end of any fiscal year shall be not*
4 *less than the following:*

5 “(1) *For the Army, 495,000.*

6 “(2) *For the Navy, 395,000.*

7 “(3) *For the Marine Corps, 174,000.*

8 “(4) *For the Air Force, 381,000.*

9 “(c) *No funds appropriated to the Department of De-*
10 *fense may be used to implement a reduction of the active*
11 *duty end strength for any of the armed forces for any fiscal*
12 *year below the level specified in subsection (b) unless the*
13 *Secretary of Defense submits to Congress notice of the pro-*
14 *posed lower end strength levels and a justification for those*
15 *levels. No action may then be taken to implement such a*
16 *reduction for that fiscal year until the end of the six-month*
17 *period beginning on the date of the receipt of such notice*
18 *by Congress.*

19 “(d) *For a fiscal year for which the active duty end*
20 *strength authorized by law pursuant to section 115(a)(1)(A)*
21 *of this title for any of the armed forces is identical to the*
22 *number applicable to that armed force under subsection (b),*
23 *the Secretary of Defense may reduce that number by not*
24 *more than 0.5 percent.*

1 “(e) *The number of members of the armed forces on*
 2 *active duty shall be counted for purposes of this section in*
 3 *the same manner as applies under section 115(a)(1) of this*
 4 *title.*”.

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

“691. Permanent end strength levels to support two major regional contin-
gencies.”.

7 (c) *ACTIVE COMPONENT END STRENGTH FLEXIBIL-*
 8 *ITY.—Section 115(c)(1) of title 10, United States Code, is*
 9 *amended by striking out “0.5 percent” and inserting in lieu*
 10 *thereof “1 percent”.*

11 **SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED**
 12 **END STRENGTH LIMITATIONS FOR ACTIVE**
 13 **DUTY AIR FORCE AND NAVY OFFICERS IN**
 14 **CERTAIN GRADES.**

15 (a) *AIR FORCE OFFICERS.—In the administration of*
 16 *the limitation under section 523(a)(1) of title 10, United*
 17 *States Code, for fiscal years 1996 and 1997, the numbers*
 18 *applicable to officers of the Air Force serving on active duty*
 19 *in the grades of major, lieutenant colonel, and colonel shall*
 20 *be the numbers set forth for that fiscal year in the following*
 21 *table (rather than the numbers determined in accordance*
 22 *with the table in that section):*

| Fiscal year: | Number of officers who may be serving on active duty in the grade of: | | |
|--------------|---|--------------------|---------|
| | Major | Lieutenant colonel | Colonel |
| 1996 | 15,566 | 9,876 | 3,609 |
| 1997 | 15,645 | 9,913 | 3,627 |

1 **(b) NAVY OFFICERS.**—*In the administration of the*
2 *limitation under section 523(a)(2) of title 10, United States*
3 *Code, for fiscal years 1996 and 1997, the numbers applica-*
4 *ble to officers of the Navy serving on active duty in the*
5 *grades of lieutenant commander, commander, and captain*
6 *shall be the numbers set forth for that fiscal year in the*
7 *following table (rather than the numbers determined in ac-*
8 *cordance with the table in that section):*

| Fiscal year: | Number of officers who may be serving on active duty in the grade of: | | |
|--------------|---|-----------|---------|
| | Lieutenant com- mander | Commander | Captain |
| 1996 | 11,924 | 7,390 | 3,234 |
| 1997 | 11,732 | 7,297 | 3,188 |

9 **SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAIT-**
10 **ING RETIREMENT NOT TO BE COUNTED.**

11 **(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN**
12 **GENERAL AND FLAG OFFICER GRADES.**—*Section 525 of*
13 *title 10, United States Code, is amended by adding at the*
14 *end the following new subsection:*

15 “(d) *An officer continuing to hold the grade of general*
16 *or admiral under section 601(b)(4) of this title after relief*
17 *from the position of Chairman of the Joint Chiefs of Staff,*
18 *Chief of Staff of the Army, Chief of Naval Operations, Chief*

1 *of Staff of the Air Force, or Commandant of the Marine*
2 *Corps shall not be counted for purposes of this section.”.*

3 (b) *NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADE*
4 *OF GENERAL OR ADMIRAL.—Section 528(b) of such title is*
5 *amended—*

6 (1) *by inserting “(1)” after “(b)”;* and

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

8 “(2) *An officer continuing to hold the grade of general*
9 *or admiral under section 601(b)(4) of this title after relief*
10 *from the position of Chairman of the Joint Chiefs of Staff,*
11 *Chief of Staff of the Army, Chief of Naval Operations, Chief*
12 *of Staff of the Air Force, or Commandant of the Marine*
13 *Corps shall not be counted for purposes of this section.”.*

14 (c) *CLARIFICATION.—Section 601(b) of such title is*
15 *amended—*

16 (1) *in the matter preceding paragraph (1), by*
17 *striking out “of importance and responsibility des-*
18 *ignated” and inserting in lieu thereof “designated*
19 *under subsection (a) or by law”;*

20 (2) *in paragraph (1), by striking out “of impor-*
21 *tance and responsibility”;*

22 (3) *in paragraph (2), by striking out “designat-*
23 *ing” and inserting in lieu thereof “designated under*
24 *subsection (a) or by law”; and*

1 (4) in paragraph (4), by inserting “under sub-
2 section (a) or by law” after “designated”.

3 **Subtitle B—Reserve Forces**

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

5 (a) *FISCAL YEAR 1996.*—The Armed Forces are au-
6 thorized strengths for Selected Reserve personnel of the re-
7 serve components as of September 30, 1996, as follows:

8 (1) *The Army National Guard of the United*
9 *States, 373,000.*

10 (2) *The Army Reserve, 230,000.*

11 (3) *The Naval Reserve, 98,894.*

12 (4) *The Marine Corps Reserve, 42,274.*

13 (5) *The Air National Guard of the United*
14 *States, 112,707.*

15 (6) *The Air Force Reserve, 73,969.*

16 (7) *The Coast Guard Reserve, 8,000.*

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

20 (c) *ADJUSTMENTS.*—The end strengths prescribed by
21 subsection (a) for the Selected Reserve of any reserve compo-
22 nent for a fiscal year shall be proportionately reduced by—

23 (1) *the total authorized strength of units orga-*
24 *nized to serve as units of the Selected Reserve of such*

1 *component which are on active duty (other than for*
 2 *training) at the end of the fiscal year, and*

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

9 *Whenever such units or such individual members are re-*
 10 *leased from active duty during any fiscal year, the end*
 11 *strength prescribed for such fiscal year for the Selected Re-*
 12 *serve of such reserve component shall be proportionately in-*
 13 *creased by the total authorized strengths of such units and*
 14 *by the total number of such individual members.*

15 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
 16 **DUTY IN SUPPORT OF THE RESERVES.**

17 *Within the end strengths prescribed in section 411(a),*
 18 *the reserve components of the Armed Forces are authorized,*
 19 *as of September 30, 1996, the following number of Reserves*
 20 *to be serving on full-time active duty or full-time duty, in*
 21 *the case of members of the National Guard, for the purpose*
 22 *of organizing, administering, recruiting, instructing, or*
 23 *training the reserve components:*

24 *(1) The Army National Guard of the United*
 25 *States, 23,390.*

1 (2) *The Army Reserve, 11,575.*

2 (3) *The Naval Reserve, 17,587.*

3 (4) *The Marine Corps Reserve, 2,559.*

4 (5) *The Air National Guard of the United*
5 *States, 10,066.*

6 (6) *The Air Force Reserve, 628.*

7 **SEC. 413. COUNTING OF CERTAIN ACTIVE COMPONENT**
8 **PERSONNEL ASSIGNED IN SUPPORT OF RE-**
9 **SERVE COMPONENT TRAINING.**

10 *Section 414(c) of the National Defense Authorization*
11 *Act for Fiscal Years 1992 and 1993 (Public Law 102–190;*
12 *10 U.S.C. 12001 note) is amended—*

13 (1) *by inserting “(1)” before “The Secretary”;*
14 *and*

15 (2) *by adding at the end the following new para-*
16 *graph:*

17 “(2) *The Secretary of Defense may count toward the*
18 *number of active component personnel required under para-*
19 *graph (1) to be assigned to serve as advisers under the pro-*
20 *gram under this section any active component personnel*
21 *who are assigned to an active component unit (A) that was*
22 *established principally for the purpose of providing dedi-*
23 *cated training support to reserve component units, and (B)*
24 *the primary mission of which is to provide such dedicated*
25 *training support.”.*

1 **SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
 2 **GRADES AUTHORIZED TO SERVE ON ACTIVE**
 3 **DUTY IN SUPPORT OF THE RESERVES.**

4 (a) OFFICERS.—The table in section 12011(a) of title
 5 10, United States Code, is amended to read as follows:

| “Grade | Army | Navy | Air Force | Marine Corps |
|---------------------------------------|-------|-------|--------------|-----------------|
| Major or Lieutenant Commander | 3,219 | 1,071 | 643 | 140 |
| Lieutenant Colonel or Commander | 1,524 | 520 | 672 | 90 |
| Colonel or Navy Captain | 412 | 188 | 274 | 30”. |

6 (b) SENIOR ENLISTED MEMBERS.—The table in sec-
 7 tion 12012(a) of such title is amended to read as follows:

| “Grade | Army | Navy | Air Force | Marine Corps |
|-----------|-------|------|--------------|-----------------|
| E-9 | 603 | 202 | 366 | 20 |
| E-8 | 2,585 | 429 | 890 | 94”. |

8 **SEC. 415. RESERVES ON ACTIVE DUTY IN SUPPORT OF CO-**
 9 **OPERATIVE THREAT REDUCTION PROGRAMS**
 10 **NOT TO BE COUNTED.**

11 Section 115(d) of title 10, United States Code, is
 12 amended by adding at the end the following:

13 “(8) Members of the Selected Reserve of the
 14 Ready Reserve on active duty for more than 180 days
 15 to support programs described in section 1203(b) of
 16 the Cooperative Threat Reduction Act of 1993 (title
 17 XII of Public Law 103–160; 22 U.S.C. 5952(b)).”.

1 **SEC. 416. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-**
2 **MILITARY CONTACTS AND COMPARABLE AC-**
3 **TIVITIES NOT TO BE COUNTED.**

4 *Section 168 of title 10, United States Code, is amend-*
5 *ed—*

6 *(1) by redesignating subsection (f) as subsection*
7 *(g); and*

8 *(2) by inserting after subsection (e) the following*
9 *new subsection (f):*

10 *“(f) ACTIVE DUTY END STRENGTHS.—(1) A member*
11 *of a reserve component referred to in paragraph (2) shall*
12 *not be counted for purposes of the following personnel*
13 *strength limitations:*

14 *“(A) The end strength for active-duty personnel*
15 *authorized pursuant to section 115(a)(1) of this title*
16 *for the fiscal year in which the member carries out*
17 *the activities referred to in paragraph (2).*

18 *“(B) The authorized daily average for members*
19 *in pay grades E–8 and E–9 under section 517 of this*
20 *title for the calendar year in which the member car-*
21 *ries out such activities.*

22 *“(C) The authorized strengths for commissioned*
23 *officers under section 523 of this title for the fiscal*
24 *year in which the member carries out such activities.*

25 *“(2) A member of a reserve component referred to in*
26 *paragraph (1) is any member on active duty under an*

1 *order to active duty for 180 days or more who is engaged*
2 *in activities authorized under this section.”.*

3 ***Subtitle C—Military Training***
4 ***Student Loads***

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

6 *(a) IN GENERAL.—For fiscal year 1996, the compo-*
7 *nents of the Armed Forces are authorized average military*
8 *training loads as follows:*

9 *(1) The Army, 75,013.*

10 *(2) The Navy, 44,238.*

11 *(3) The Marine Corps, 26,095.*

12 *(4) The Air Force, 33,232.*

13 *(b) SCOPE.—The average military training student*
14 *loads authorized for an armed force under subsection (a)*
15 *apply to the active and reserve components of that armed*
16 *force.*

17 *(c) ADJUSTMENTS.—The average military training*
18 *student loads authorized in subsection (a) shall be adjusted*
19 *consistent with the end strengths authorized in subtitles A*
20 *and B. The Secretary of Defense shall prescribe the manner*
21 *in which such adjustments shall be apportioned.*

1 **Subtitle D—Authorization of**
2 **Appropriations**

3 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
4 **TARY PERSONNEL.**

5 *There is hereby authorized to be appropriated to the*
6 *Department of Defense for military personnel for fiscal year*
7 *1996 a total of \$69,191,008,000. The authorization in the*
8 *preceding sentence supersedes any other authorization of*
9 *appropriations (definite or indefinite) for such purpose for*
10 *fiscal year 1996.*

11 **SEC. 432. AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY**
12 **END STRENGTHS.**

13 *(a) AUTHORIZATION.—There is hereby authorized to be*
14 *appropriated to the Department of Defense for fiscal year*
15 *1996 for military personnel the sum of \$112,000,000. Any*
16 *amount appropriated pursuant to this section shall be allo-*
17 *cated, in such manner as the Secretary of Defense pre-*
18 *scribes, among appropriations for active-component mili-*
19 *tary personnel for that fiscal year and shall be available*
20 *only to increase the number of members of the Armed Forces*
21 *on active duty during that fiscal year (compared to the*
22 *number of members that would be on active duty but for*
23 *such appropriation).*

24 *(b) EFFECT ON END STRENGTHS.—The end-strength*
25 *authorizations in section 401 shall each be deemed to be*

1 *increased by such number as necessary to take account of*
2 *additional members of the Armed Forces authorized by the*
3 *Secretary of Defense pursuant to subsection (a).*

4 ***TITLE V—MILITARY PERSONNEL***
5 ***POLICY***

6 ***Subtitle A—Officer Personnel Policy***

7 ***SEC. 501. JOINT OFFICER MANAGEMENT.***

8 *(a) CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.—*
9 *Section 661(d)(2)(A) of title 10, United States Code, is*
10 *amended by striking out “1,000” and inserting in lieu*
11 *thereof “800”.*

12 *(b) ADDITIONAL QUALIFYING JOINT SERVICE.—Sec-*
13 *tion 664 of such title is amended by adding at the end the*
14 *following:*

15 *“(i) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK*
16 *FORCE ASSIGNMENTS.—(1) In the case of an officer who*
17 *completes service in a qualifying temporary joint task force*
18 *assignment, the Secretary of Defense, with the advice of the*
19 *Chairman of the Joint Chiefs of Staff, may (subject to the*
20 *criteria prescribed under paragraph (4)) grant the officer—*

21 *“(A) credit for having completed a full tour of*
22 *duty in a joint duty assignment; or*

23 *“(B) credit countable for determining cumulative*
24 *service in joint duty assignments.*

1 “(2)(A) For purposes of paragraph (1), a qualifying
2 temporary joint task force assignment of an officer is a tem-
3 porary assignment, any part of which is performed by the
4 officer on or after the date of the enactment of this sub-
5 section—

6 “(i) to the headquarters staff of a United States
7 joint task force that is part of a unified command or
8 the United States element of the headquarters staff of
9 a multinational force; and

10 “(ii) with respect to which the Secretary of De-
11 fense determines that service of the officer in that as-
12 signment is equivalent to that which would be gained
13 by the officer in a joint duty assignment.

14 “(B) An officer may not be granted credit under this
15 subsection unless the officer is recommended for such credit
16 by the Chairman of the Joint Chiefs of Staff.

17 “(3) Credit under paragraph (1) (including a deter-
18 mination under paragraph (2)(A)(ii) and a recommenda-
19 tion under paragraph (2)(B) with respect to such credit)
20 may be granted only on a case-by-case basis in the case
21 of an individual officer.

22 “(4) The Secretary of Defense shall prescribe by regula-
23 tion criteria for determining whether an officer may be
24 granted credit under paragraph (1) with respect to service
25 in a qualifying temporary joint task force assignment. The

1 *criteria shall apply uniformly among the armed forces and*
2 *shall include the following requirements:*

3 “(A) *For an officer to be credited as having com-*
4 *pleted a full tour of duty in a joint duty assignment,*
5 *the length of the officer’s service in the qualifying*
6 *temporary joint task force assignment must meet the*
7 *requirements of subsection (a) or (c).*

8 “(B) *For an officer to be credited with service for*
9 *purposes of determining cumulative service in joint*
10 *duty assignments, the officer must serve at least 90*
11 *consecutive days in the qualifying temporary joint*
12 *task force assignment.*

13 “(C) *The service must be performed in support*
14 *of a mission that is directed by the President or that*
15 *is assigned by the President to United States forces*
16 *in the joint task force involved.*

17 “(D) *The joint task force must be constituted or*
18 *designated by the Secretary of Defense or by the com-*
19 *mander of a combatant command or of another force.*

20 “(E) *The joint task force must conduct combat or*
21 *combat-related operations in a unified action under*
22 *joint or multinational command and control.*

23 “(5) *Officers for whom joint duty credit is granted*
24 *pursuant to this subsection may not be taken into account*
25 *for the purposes of any of the following provisions of this*

1 *title: section 661(d)(1), section 662(a)(3), section 662(b),*
2 *subsection (a) of this section, and paragraphs (7), (8), (9),*
3 *(11), and (12) of section 667.*

4 “(6) *In the case of an officer credited with having com-*
5 *pleted a full tour of duty in a joint duty assignment pursu-*
6 *ant to this subsection, the Secretary of Defense may waive*
7 *the requirement in paragraph (1)(B) of section 661(c) of*
8 *this title that the tour of duty in a joint duty assignment*
9 *be performed after the officer completes a program of edu-*
10 *cation referred to in paragraph (1)(A) of that section. The*
11 *provisions of subparagraphs (C) and (D) of section*
12 *661(c)(3) of this title shall apply to such a waiver in the*
13 *same manner as to a waiver under subparagraph (A) of*
14 *that section.”.*

15 (c) *INFORMATION IN ANNUAL REPORT.—Section 667*
16 *of such title is amended by striking out paragraph (16) and*
17 *inserting after paragraph (15) the following new paragraph*
18 *(16):*

19 “(16) *The number of officers granted credit for*
20 *service in joint duty assignments under section 664(i)*
21 *of this title and—*

22 “(A) *of those officers—*

23 “(i) *the number of officers credited*
24 *with having completed a tour of duty in a*
25 *joint duty assignment; and*

1 “(i) the number of officers granted
2 credit for purposes of determining cumu-
3 lative service in joint duty assignments;
4 and

5 “(B) the identity of each operation for
6 which an officer has been granted credit pursu-
7 ant to section 664(i) of this title and a brief de-
8 scription of the mission of the operation.”.

9 (d) *APPLICABILITY OF LIMITATION ON WAIVER AU-*
10 *THORITY.*—Section 661(c)(3) of such title is amended—

11 (1) in the third sentence of subparagraph (D), by
12 striking out “The total number” and inserting in lieu
13 thereof “In the case of officers in grades below briga-
14 dier general and rear admiral (lower half), the total
15 number”; and

16 (2) by adding at the end the following new sub-
17 paragraph:

18 “(E) There may not be more than 32 general and flag
19 officers on active duty at the same time who were selected
20 for the joint specialty while holding a general or flag officer
21 grade and for whom a waiver was granted under this sub-
22 paragraph.”.

23 (e) *LENGTH OF SECOND JOINT TOUR.*—Section 664
24 of such title is amended—

1 (1) in subsection (e)(2), by inserting after sub-
2 paragraph (B) the following:

3 “(C) Service described in subsection (f)(6), except
4 that no more than 10 percent of all joint duty assign-
5 ments shown on the list published pursuant to section
6 668(b)(2)(A) of this title may be so excluded in any
7 year.”; and

8 (2) in subsection (f)—

9 (A) in the matter preceding paragraph (1),
10 by striking out “completion of—” and inserting
11 in lieu thereof “completion of any of the follow-
12 ing.”;

13 (B) by striking out “a” at the beginning of
14 paragraphs (1), (2), (4), and (5) and inserting
15 in lieu thereof “A”;

16 (C) by striking out “cumulative” in para-
17 graph (3) and inserting in lieu thereof “Cumula-
18 tive”;

19 (D) by striking out the semicolon at the end
20 of paragraphs (1), (2), and (3) and “; or” at the
21 end of paragraph (4) and inserting in lieu there-
22 of a period; and

23 (E) by adding at the end the following:

24 “(6) A second joint duty assignment that is less
25 than the period required under subsection (a), but not

1 *less than two years, without regard to whether a*
 2 *waiver was granted for such assignment under sub-*
 3 *section (b).”.*

4 (f) *TECHNICAL AMENDMENT.*—Section 664(e)(1) of
 5 such title is amended by striking out “(after fiscal year
 6 1990)”.

7 ***SEC. 502. RETIRED GRADE FOR OFFICERS IN GRADES***
 8 ***ABOVE MAJOR GENERAL AND REAR ADMIRAL.***

9 (a) *APPLICABILITY OF TIME-IN-GRADE REQUIRE-*
 10 *MENTS.*—Section 1370 of title 10, United States Code, is
 11 amended—

12 (1) *in subsection (a)(2)(A), by striking out “and*
 13 *below lieutenant general or vice admiral”;* and

14 (2) *in the first sentence of subsection (d)(2)(B),*
 15 *as added effective October 1, 1996, by section 1641 of*
 16 *the Reserve Officer Personnel Management Act (title*
 17 *XVI of Public Law 103–337; 108 Stat. 2968), by*
 18 *striking out “and below lieutenant general or vice ad-*
 19 *miral”.*

20 (b) *RETIREMENT IN HIGHEST GRADE UPON CERTIFI-*
 21 *CATION OF SATISFACTORY SERVICE.*—Subsection (c) of such
 22 section is amended to read as follows:

23 “(c) *OFFICERS IN O–9 AND O–10 GRADES.*—(1) *An*
 24 *officer who is serving in or has served in the grade of gen-*
 25 *eral or admiral or lieutenant general or vice admiral may*

1 *be retired in that grade under subsection (a) only after the*
2 *Secretary of Defense certifies in writing to the President*
3 *and Congress that the officer served on active duty satisfac-*
4 *torily in that grade.*

5 “(2) *In the case of an officer covered by paragraph*
6 *(1), the three-year service-in-grade requirement in para-*
7 *graph (2)(A) of subsection (a) may not be reduced or waived*
8 *under that subsection—*

9 “(A) *while the officer is under investigation for*
10 *alleged misconduct; or*

11 “(B) *while there is pending the disposition of an*
12 *adverse personnel action against the officer for alleged*
13 *misconduct.”.*

14 (c) *REPEAL OF SUPERSEDED PROVISIONS.—Sections*
15 *3962(a), 5034, 5043(c), and 8962(a) of such title are re-*
16 *pealed.*

17 (d) *TECHNICAL AND CLERICAL AMENDMENTS.—(1)*
18 *Sections 3962(b) and 8962(b) of such title are amended by*
19 *striking out “(b) Upon” and inserting in lieu thereof*
20 *“Upon”.*

21 (2) *The table of sections at the beginning of chapter*
22 *505 of such title is amended by striking out the item relat-*
23 *ing to section 5034.*

24 (e) *EFFECTIVE DATE FOR AMENDMENT TO PROVISION*
25 *TAKING EFFECT IN 1996.—The amendment made by sub-*

1 *section (a)(2) shall take effect on October 1, 1996, imme-*
2 *diately after subsection (d) of section 1370 of title 10, Unit-*
3 *ed States Code, takes effect under section 1691(b)(1) of the*
4 *Reserve Officer Personnel Management Act (108 Stat.*
5 *3026).*

6 (f) *PRESERVATION OF APPLICABILITY OF LIMITA-*
7 *TION.—Section 1370(a)(2)(C) of title 10, United States*
8 *Code, is amended by striking out “The number of officers*
9 *in an armed force in a grade” and inserting in lieu thereof*
10 *“In the case of a grade below the grade of lieutenant general*
11 *or vice admiral, the number of members of one of the armed*
12 *forces in that grade”.*

13 (g) *STYLISTIC AMENDMENTS.—Section 1370 of title*
14 *10, United States Code, is further amended—*

15 (1) *in subsection (a), by striking out “(a)(1)”*
16 *and inserting in lieu thereof “(a) RULE FOR RETIRE-*
17 *MENT IN HIGHEST GRADE HELD SATISFACTORILY.—*
18 *(1)”;*

19 (2) *in subsection (b), by inserting “RETIREMENT*
20 *IN NEXT LOWER GRADE.—” after “(b)”;* and

21 (3) *in subsection (d), as added effective October*
22 *1, 1996, by section 1641 of the Reserve Officer Person-*
23 *nel Management Act (title XVI of Public Law 103-*
24 *337; 108 Stat. 2968), by striking out “(d)(1)” and in-*

1 serting in lieu thereof “(d) *RESERVE OFFICERS.*—
2 (1)”.

3 **SEC. 503. WEARING OF INSIGNIA FOR HIGHER GRADE BE-**
4 **FORE PROMOTION.**

5 (a) *AUTHORITY AND LIMITATIONS.*—(1) Chapter 45 of
6 *title 10, United States Code, is amended by adding at the*
7 *end the following new section:*

8 **“§ 777. Wearing of insignia of higher grade before pro-**
9 **motion (frocking): authority; restrictions**

10 “(a) *AUTHORITY.*—An officer who has been selected for
11 *promotion to the next higher grade may be authorized,*
12 *under regulations and policies of the Department of Defense*
13 *and subject to subsection (b), to wear the insignia for that*
14 *next higher grade. An officer who is so authorized to wear*
15 *the insignia of the next higher grade is said to be ‘frocked’*
16 *to that grade.*

17 “(b) *RESTRICTIONS.*—An officer may not be author-
18 *ized to wear the insignia for a grade as described in sub-*
19 *section (a) unless—*

20 “(1) *the Senate has given its advice and consent*
21 *to the appointment of the officer to that grade; and*

22 “(2) *the officer is serving in, or has received or-*
23 *ders to serve in, a position for which that grade is au-*
24 *thorized.*

1 “(c) *BENEFITS NOT TO BE CONSTRUED AS ACCRU-*
2 *ING.—(1) Authority provided to an officer as described in*
3 *subsection (a) to wear the insignia of the next higher grade*
4 *may not be construed as conferring authority for that officer*
5 *to—*

6 “(A) *be paid the rate of pay provided for an offi-*
7 *cer in that grade having the same number of years of*
8 *service as that officer; or*

9 “(B) *assume any legal authority associated with*
10 *that grade.*

11 “(2) *The period for which an officer wears the insignia*
12 *of the next higher grade under such authority may not be*
13 *taken into account for any of the following purposes:*

14 “(A) *Seniority in that grade.*

15 “(B) *Time of service in that grade.*

16 “(d) *LIMITATION ON NUMBER OF OFFICERS FROCKED*
17 *TO SPECIFIED GRADES.—(1) The total number of colonels*
18 *and Navy captains on the active-duty list who are author-*
19 *ized as described in subsection (a) to wear the insignia for*
20 *the grade of brigadier general or rear admiral (lower half),*
21 *as the case may be, may not exceed the following:*

22 “(A) *During fiscal years 1996 and 1997, 75.*

23 “(B) *During fiscal year 1998, 55.*

24 “(C) *After fiscal year 1998, 35.*

1 “(2) *The number of officers of an armed force on the*
 2 *active-duty list who are authorized as described in sub-*
 3 *section (a) to wear the insignia for a grade to which a limi-*
 4 *tation on total number applies under section 523(a) of this*
 5 *title for a fiscal year may not exceed 1 percent of the total*
 6 *number provided for the officers in that grade in that armed*
 7 *force in the administration of the limitation under that sec-*
 8 *tion for that fiscal year.”.*

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

*“777. Wearing of insignia of higher grade before promotion (frocking): authority;
 restrictions.”.*

11 (b) *TEMPORARY VARIATION OF LIMITATIONS ON NUM-*
 12 *BERS OF FROCKED OFFICERS.—In the administration of*
 13 *section 777(d)(2) of title 10, United States Code (as added*
 14 *by subsection (a)), the percent limitation applied under*
 15 *that section for fiscal year 1996 shall be 2 percent (instead*
 16 *of 1 percent).*

17 (c) *REPORT.—Not later than September 1, 1996, the*
 18 *Secretary of Defense shall submit to Congress a report pro-*
 19 *viding the assessment of the Secretary on the practice,*
 20 *known as “frocking”, of authorizing an officer who has been*
 21 *selected for promotion to the next higher grade to wear the*
 22 *insignia for that next higher grade. The report shall include*
 23 *the Secretary’s assessment of the appropriate number, if*
 24 *any, of colonels and Navy captains to be eligible under sec-*

1 *tion 777(d)(1) of title 10, United States Code (as added by*
 2 *subsection (a)), to wear the insignia for the grade of briga-*
 3 *dier general or rear admiral (lower half).*

4 **SEC. 504. AUTHORITY TO EXTEND TRANSITION PERIOD**
 5 **FOR OFFICERS SELECTED FOR EARLY RE-**
 6 **TIREMENT.**

7 (a) *SELECTIVE RETIREMENT OF WARRANT OFFI-*
 8 *CERS.—Section 581 of title 10, United States Code, is*
 9 *amended by adding at the end the following new subsection:*

10 “(e) *The Secretary concerned may defer for not more*
 11 *than 90 days the retirement of an officer otherwise approved*
 12 *for early retirement under this section in order to prevent*
 13 *a personal hardship to the officer or for other humanitarian*
 14 *reasons. Any such deferral shall be made on a case-by-case*
 15 *basis considering the circumstances of the case of the par-*
 16 *ticular officer concerned. The authority of the Secretary to*
 17 *grant such a deferral may not be delegated.”.*

18 (b) *SELECTIVE EARLY RETIREMENT OF ACTIVE-DUTY*
 19 *OFFICERS.—Section 638(b) of title 10, United States Code,*
 20 *is amended by adding at the end the following new para-*
 21 *graph:*

22 “(3) *The Secretary concerned may defer for not more*
 23 *than 90 days the retirement of an officer otherwise approved*
 24 *for early retirement under this section or section 638a of*
 25 *this title in order to prevent a personal hardship to the offi-*

1 *cer or for other humanitarian reasons. Any such deferral*
2 *shall be made on a case-by-case basis considering the cir-*
3 *cumstances of the case of the particular officer concerned.*
4 *The authority of the Secretary to grant such a deferral may*
5 *not be delegated.”.*

6 **SEC. 505. ARMY OFFICER MANNING LEVELS.**

7 *(a) IN GENERAL.—(1) Chapter 331 of title 10, United*
8 *States Code, is amended by inserting after the table of sec-*
9 *tions the following new section:*

10 **“§3201. Officers on active duty: minimum strength**
11 **based on requirements**

12 *“(a) The Secretary of the Army shall ensure that (be-*
13 *ginning with fiscal year 1999) the strength at the end of*
14 *each fiscal year of officers on active duty is sufficient to*
15 *enable the Army to meet at least that percentage of the pro-*
16 *grammed manpower structure for officers for the active*
17 *component of the Army that is provided for in the most*
18 *recent Defense Planning Guidance issued by the Secretary*
19 *of Defense.*

20 *“(b) The number of officers on active duty shall be*
21 *counted for purposes of this section in the same manner*
22 *as applies under section 115(a)(1) of this title.*

23 *“(c) In this section:*

24 *“(1) The term ‘programmed manpower structure’*
25 *means the aggregation of billets describing the full*

1 *manpower requirements for units and organizations*
 2 *in the programmed force structure.*

3 “(2) *The term ‘programmed force structure’*
 4 *means the set of units and organizations that exist in*
 5 *the current year and that is planned to exist in each*
 6 *future year under the then-current Future-Years De-*
 7 *fense Program.”.*

8 (2) *The table of sections at the beginning of such chap-*
 9 *ter is amended by inserting after “Sec.” the following new*
 10 *item:*

 “3201. *Officers on active duty: minimum strength based on requirements.”.*

11 (b) *ASSISTANCE IN ACCOMPLISHING REQUIREMENT.—*
 12 *The Secretary of Defense shall provide to the Army suffi-*
 13 *cient personnel and financial resources to enable the Army*
 14 *to meet the requirement specified in section 3201 of title*
 15 *10, United States Code, as added by subsection (a).*

16 ***SEC. 506. AUTHORITY FOR MEDICAL DEPARTMENT OFFI-***
 17 ***CERS OTHER THAN PHYSICIANS TO BE AP-***
 18 ***POINTED AS SURGEON GENERAL.***

19 (a) *SURGEON GENERAL OF THE ARMY.—The third*
 20 *sentence of section 3036(b) of title 10, United States Code,*
 21 *is amended by inserting after “The Surgeon General” the*
 22 *following: “may be appointed from officers in any corps*
 23 *of the Army Medical Department and”.*

24 (b) *SURGEON GENERAL OF THE NAVY.—Section 5137*
 25 *of such title is amended—*

1 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
2 *section (a) apply to any appointment to the position of*
3 *Deputy Judge Advocate General of the Air Force that is*
4 *made after the date of the enactment of this Act.*

5 **SEC. 508. AUTHORITY FOR TEMPORARY PROMOTIONS FOR**
6 **CERTAIN NAVY LIEUTENANTS WITH CRITICAL**
7 **SKILLS.**

8 (a) *EXTENSION OF AUTHORITY.*—*Subsection (f) of sec-*
9 *tion 5721 of title 10, United States Code, is amended by*
10 *striking out “September 30, 1995” and inserting in lieu*
11 *thereof “September 30, 1996”.*

12 (b) *LIMITATION.*—*Such section is further amended—*

13 (1) *by redesignating subsection (f), as amended*
14 *by subsection (a), as subsection (g); and*

15 (2) *by inserting after subsection (e) the following*
16 *new subsection (f):*

17 “(f) *LIMITATION ON NUMBER OF ELIGIBLE POSI-*
18 *TIONS.*—(1) *An appointment under this section may only*
19 *be made for service in a position designated by the Sec-*
20 *retary of the Navy for purposes of this section. The number*
21 *of positions so designated may not exceed 325.*

22 “(2) *Whenever the Secretary makes a change to the po-*
23 *sitions designated under paragraph (1), the Secretary shall*
24 *submit notice of the change in writing to Congress.”.*

1 (c) *REPORT.*—Not later than April 1, 1996, the Sec-
2 retary of Defense shall submit to Congress a report provid-
3 ing the Secretary’s assessment of that continuing need for
4 the promotion authority under section 5721 of title 10,
5 United States Code. The Secretary shall include in the re-
6 port the following:

7 (1) *The nature and grade structure of the posi-*
8 *tions for which such authority has been used.*

9 (2) *The cause or causes of the reported chronic*
10 *shortages of qualified personnel in the required grade*
11 *to fill the positions specified under paragraph (1).*

12 (3) *The reasons for the perceived inadequacy of*
13 *the officer promotion system (including “below-the-*
14 *zone” selections) to provide sufficient officers in the*
15 *required grade to fill those positions.*

16 (4) *The extent to which a bonus program or some*
17 *other program would be a more appropriate means of*
18 *resolving the reported chronic shortages in engineer-*
19 *ing positions.*

20 (d) *CLERICAL AMENDMENTS.*—Section 5721 of title
21 10, United States Code, is amended as follows:

22 (1) *Subsection (a) is amended by inserting*
23 *“PROMOTION AUTHORITY FOR CERTAIN OFFICER*
24 *WITH CRITICAL SKILLS.—” after “(a)”.*

1 **“§ 3920. More than thirty years: permanent professors**
 2 **and the Director of Admissions of the**
 3 **United States Military Academy**

4 “(a) *The Secretary of the Army may retire an officer*
 5 *specified in subsection (b) who has more than 30 years of*
 6 *service as a commissioned officer.*

7 “(b) *Subsection (a) applies in the case of the following*
 8 *officers:*

9 “(1) *Any permanent professor of the United*
 10 *States Military Academy.*

11 “(2) *The Director of Admissions of the United*
 12 *States Military Academy.”.*

13 (2) *The item relating to such section in the table of*
 14 *sections at the beginning of chapter 367 of such title is*
 15 *amended to read as follows:*

“3920. *More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy.”.*

16 (b) *AIR FORCE ACADEMY.—(1) Section 8920 of title*
 17 *10, United States Code, is amended to read as follows:*

18 **“§ 8920. More than thirty years: permanent professors**
 19 **and the Director of Admissions of the**
 20 **United States Air Force Academy**

21 “(a) *The Secretary of the Air Force may retire an offi-*
 22 *cer specified in subsection (b) who has more than 30 years*
 23 *of service as a commissioned officer.*

1 “(b) Subsection (a) applies in the case of the following
2 officers:

3 “(1) Any permanent professor of the United
4 States Air Force Academy.

5 “(2) The Director of Admissions of the United
6 States Air Force Academy.”.

7 (2) The item relating to such section in the table of
8 sections at the beginning of chapter 867 of such title is
9 amended to read as follows:

“8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy.”.

10 ***Subtitle B—Matters Relating to***
11 ***Reserve Components***

12 ***SEC. 511. EXTENSION OF CERTAIN RESERVE OFFICER MAN-***
13 ***AGEMENT AUTHORITIES.***

14 (a) *GRADE DETERMINATION AUTHORITY FOR CERTAIN*
15 *RESERVE MEDICAL OFFICERS.*—Sections 3359(b) and
16 8359(b) of title 10, United States Code, are each amended
17 by striking out “September 30, 1995” and inserting in lieu
18 thereof “September 30, 1996”.

19 (b) *PROMOTION AUTHORITY FOR CERTAIN RESERVE*
20 *OFFICERS SERVING ON ACTIVE DUTY.*—Sections 3380(d)
21 and 8380(d) of title 10, United States Code, are each
22 amended by striking out “September 30, 1995” and insert-
23 ing in lieu thereof “September 30, 1996”.

1 (c) *YEARS OF SERVICE FOR MANDATORY TRANSFER*
 2 *TO THE RETIRED RESERVE.*—Section 1016(d) of the De-
 3 *partment of Defense Authorization Act, 1984 (10 U.S.C.*
 4 *3360) is amended by striking out “September 30, 1995”*
 5 *and inserting in lieu thereof “September 30, 1996”.*

6 **SEC. 512. MOBILIZATION INCOME INSURANCE PROGRAM**
 7 **FOR MEMBERS OF READY RESERVE.**

8 (a) *ESTABLISHMENT OF PROGRAM.*—(1) *Subtitle E of*
 9 *title 10, United States Code, is amended by inserting after*
 10 *chapter 1213 the following new chapter:*

11 **“CHAPTER 1214—READY RESERVE**
 12 **MOBILIZATION INCOME INSURANCE**

“Sec.

“12521. *Definitions.*

“12522. *Establishment of insurance program.*

“12523. *Risk insured.*

“12524. *Enrollment and election of benefits.*

“12525. *Benefit amounts.*

“12526. *Premiums.*

“12527. *Payment of premiums.*

“12528. *Reserve Mobilization Income Insurance Fund.*

“12529. *Board of Actuaries.*

“12530. *Payment of benefits.*

“12531. *Purchase of insurance.*

“12532. *Termination for nonpayment of premiums; forfeiture.*

13 **“§ 12521. Definitions**

14 *“In this chapter:*

15 “(1) *The term ‘insurance program’ means the*
 16 *Ready Reserve Mobilization Income Insurance Pro-*
 17 *gram established under section 12522 of this title.*

18 “(2) *The term ‘covered service’ means active duty*
 19 *performed by a member of a reserve component under*

1 *an order to active duty for a period of more than 30*
2 *days which specifies that the member's service—*

3 *“(A) is in support of an operational mis-*
4 *sion for which members of the reserve compo-*
5 *nents have been ordered to active duty without*
6 *their consent; or*

7 *“(B) is in support of forces activated during*
8 *a period of war declared by Congress or a period*
9 *of national emergency declared by the President*
10 *or Congress.*

11 *“(3) The term ‘insured member’ means a member*
12 *of the Ready Reserve who is enrolled for coverage*
13 *under the insurance program in accordance with sec-*
14 *tion 12524 of this title.*

15 *“(4) The term ‘Secretary’ means the Secretary of*
16 *Defense.*

17 *“(5) The term ‘Department’ means the Depart-*
18 *ment of Defense.*

19 *“(6) The term ‘Board of Actuaries’ means the*
20 *Department of Defense Education Benefits Board of*
21 *Actuaries referred to in section 2006(e)(1) of this title.*

22 *“(7) The term ‘Fund’ means the Reserve Mobili-*
23 *zation Income Insurance Fund established by section*
24 *12528(a) of this title.*

1 **“§ 12522. Establishment of insurance program**

2 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
3 *for members of the Ready Reserve (including the Coast*
4 *Guard Reserve) an insurance program to be known as the*
5 *‘Ready Reserve Mobilization Income Insurance Program’.*

6 “(b) *ADMINISTRATION.*—*The insurance program shall*
7 *be administered by the Secretary. The Secretary may pre-*
8 *scribe in regulations such rules, procedures, and policies as*
9 *the Secretary considers necessary or appropriate to carry*
10 *out the insurance program.*

11 “(c) *AGREEMENT WITH SECRETARY OF TRANSPOR-*
12 *TATION.*—*The Secretary and the Secretary of Transpor-*
13 *tation shall enter into an agreement with respect to the ad-*
14 *ministration of the insurance program for the Coast Guard*
15 *Reserve.*

16 **“§ 12523. Risk insured**

17 “(a) *IN GENERAL.*—*The insurance program shall in-*
18 *sure members of the Ready Reserve against the risk of being*
19 *ordered into covered service.*

20 “(b) *ENTITLEMENT TO BENEFITS.*—(1) *An insured*
21 *member ordered into covered service shall be entitled to pay-*
22 *ment of a benefit for each month (and fraction thereof) of*
23 *covered service that exceeds 30 days of covered service, ex-*
24 *cept that no member may be paid under the insurance pro-*
25 *gram for more than 12 months of covered service served dur-*
26 *ing any period of 18 consecutive months.*

1 “(2) *Payment shall be based solely on the insured sta-*
2 *tus of a member and on the period of covered service served*
3 *by the member. Proof of loss of income or of expenses in-*
4 *curred as a result of covered service may not be required.*

5 **“§ 12524. Enrollment and election of benefits**

6 “(a) *ENROLLMENT.—(1) Except as provided in sub-*
7 *section (f), upon first becoming a member of the Ready Re-*
8 *serve, a member shall be automatically enrolled for coverage*
9 *under the insurance program. An automatic enrollment of*
10 *a member shall be void if within 60 days after first becom-*
11 *ing a member of the Ready Reserve the member declines*
12 *insurance under the program in accordance with the regu-*
13 *lations prescribed by the Secretary.*

14 “(2) *Promptly after the insurance program is estab-*
15 *lished, the Secretary shall offer to members of the reserve*
16 *components who are then members of the Ready Reserve*
17 *(other than members ineligible under subsection (f)) an op-*
18 *portunity to enroll for coverage under the insurance pro-*
19 *gram. A member who fails to enroll within 60 days after*
20 *being offered the opportunity shall be considered as having*
21 *declined to be insured under the program.*

22 “(3) *A member of the Ready Reserve ineligible to enroll*
23 *under subsection (f) shall be afforded an opportunity to en-*
24 *roll upon being released from active duty in accordance*
25 *with regulations prescribed by the Secretary if the member*

1 *has not previously had the opportunity to be enrolled under*
2 *paragraph (1) or (2). A member who fails to enroll within*
3 *60 days after being afforded that opportunity shall be con-*
4 *sidered as having declined to be insured under the program.*

5 “(b) *ELECTION OF BENEFIT AMOUNT.*—*The amount of*
6 *a member’s monthly benefit under an enrollment shall be*
7 *the basic benefit under subsection (a) of section 12525 of*
8 *this title unless the member elects a different benefit under*
9 *subsection (b) of such section within 60 days after first be-*
10 *coming a member of the Ready Reserve or within 60 days*
11 *after being offered the opportunity to enroll, as the case may*
12 *be.*

13 “(c) *ELECTIONS IRREVOCABLE.*—(1) *An election to de-*
14 *cline insurance pursuant to paragraph (1) or (2) of sub-*
15 *section (a) is irrevocable.*

16 “(2) *The amount of coverage may not be increased*
17 *after enrollment.*

18 “(d) *ELECTION TO TERMINATE.*—*A member may ter-*
19 *minate an enrollment at any time.*

20 “(e) *INFORMATION TO BE FURNISHED.*—*The Sec-*
21 *retary shall ensure that members referred to in subsection*
22 *(a) are given a written explanation of the insurance pro-*
23 *gram and are advised that they have the right to decline*
24 *to be insured and, if not declined, to elect coverage for a*
25 *reduced benefit or an enhanced benefit under subsection (b).*

1 “(f) *MEMBERS INELIGIBLE TO ENROLL.*—Members of
2 *the Ready Reserve serving on active duty (or full-time Na-*
3 *tional Guard duty) are not eligible to enroll for coverage*
4 *under the insurance program. The Secretary may define*
5 *any additional category of members of the Ready Reserve*
6 *to be excluded from eligibility to purchase insurance under*
7 *this chapter.*

8 “**§ 12525. Benefit amounts**

9 “(a) *BASIC BENEFIT.*—The basic benefit for an in-
10 *sured member under the insurance program is \$1,000 per*
11 *month (as adjusted under subsection (d)).*

12 “(b) *REDUCED AND ENHANCED BENEFITS.*—Under
13 *the regulations prescribed by the Secretary, a person en-*
14 *rolled for coverage under the insurance program may*
15 *elect—*

16 “(1) *a reduced coverage benefit equal to one-half*
17 *the amount of the basic benefit; or*

18 “(2) *an enhanced benefit in the amount of*
19 *\$1,500, \$2,000, \$2,500, \$3,000, \$3,500, \$4,000,*
20 *\$4,500, or \$5,000 per month (as adjusted under sub-*
21 *section (d)).*

22 “(c) *AMOUNT FOR PARTIAL MONTH.*—The amount of
23 *insurance payable to an insured member for any period*
24 *of covered service that is less than one month shall be deter-*
25 *mined by multiplying $\frac{1}{30}$ of the monthly benefit rate for*

1 *the member by the number of days of the covered service*
2 *served by the member during such period.*

3 “(d) *ADJUSTMENT OF AMOUNTS.*—(1) *The Secretary*
4 *shall determine annually the effect of inflation on benefits*
5 *and shall adjust the amounts set forth in subsections (a)*
6 *and (b)(2) to maintain the constant dollar value of the bene-*
7 *fit.*

8 “(2) *If the amount of a benefit as adjusted under para-*
9 *graph (1) is not evenly divisible by \$10, the amount shall*
10 *be rounded to the nearest multiple of \$10, except that an*
11 *amount evenly divisible by \$5 but not by \$10 shall be*
12 *rounded to the next lower amount that is evenly divisible*
13 *by \$10.*

14 “**§ 12526. Premiums**

15 “(a) *ESTABLISHMENT OF RATES.*—(1) *The Secretary,*
16 *in consultation with the Board of Actuaries, shall prescribe*
17 *the premium rates for insurance under the insurance pro-*
18 *gram.*

19 “(2) *The Secretary shall prescribe a fixed premium*
20 *rate for each \$1,000 of monthly insurance benefit. The pre-*
21 *mium amount shall be equal to the share of the cost attrib-*
22 *utable to insuring the member and shall be the same for*
23 *all members of the Ready Reserve who are insured under*
24 *the insurance program for the same benefit amount. The*
25 *Secretary shall prescribe the rate on the basis of the best*

1 *available estimate of risk and financial exposure, levels of*
2 *subscription by members, and other relevant factors.*

3 “(b) *LEVEL PREMIUMS.*—*The premium rate pre-*
4 *scribed for the first year of insurance coverage of an insured*
5 *member shall be continued without change for subsequent*
6 *years of insurance coverage, except that the Secretary, after*
7 *consultation with the Board of Actuaries, may adjust the*
8 *premium rate in order to fund inflation-adjusted benefit in-*
9 *creases on an actuarially sound basis.*

10 **“§ 12527. Payment of premiums**

11 “(a) *METHODS OF PAYMENT.*—(1) *The monthly pre-*
12 *mium for coverage of a member under the insurance pro-*
13 *gram shall be deducted and withheld from the insured mem-*
14 *ber’s pay for each month.*

15 “(2) *An insured member who does not receive pay on*
16 *a monthly basis shall pay the Secretary directly the pre-*
17 *mium amount applicable for the level of benefits for which*
18 *the member is insured.*

19 “(b) *ADVANCE PAY FOR PREMIUM.*—*The Secretary*
20 *concerned may advance to an insured member the amount*
21 *equal to the first insurance premium payment due under*
22 *this chapter. The advance may be paid out of appropria-*
23 *tions for military pay. An advance to a member shall be*
24 *collected from the member either by deducting and withhold-*
25 *ing the amount from basic pay payable for the member or*

1 *by collecting it from the member directly. No disbursing or*
2 *certifying officer shall be responsible for any loss resulting*
3 *from an advance under this subsection.*

4 “(c) *PREMIUMS TO BE DEPOSITED IN FUND.—Pre-*
5 *mium amounts deducted and withheld from the pay of in-*
6 *sured members and premium amounts paid directly to the*
7 *Secretary shall be credited monthly to the Fund.*

8 “**§ 12528. Reserve Mobilization Income Insurance**
9 **Fund**

10 “(a) *ESTABLISHMENT.—There is established on the*
11 *books of the Treasury a fund to be known as the ‘Reserve*
12 *Mobilization Income Insurance Fund’, which shall be ad-*
13 *ministered by the Secretary of the Treasury. The Fund shall*
14 *be used for the accumulation of funds in order to finance*
15 *the liabilities of the insurance program on an actuarially*
16 *sound basis.*

17 “(b) *ASSETS OF FUND.—There shall be deposited into*
18 *the Fund the following:*

19 “(1) *Premiums paid under section 12527 of this*
20 *title.*

21 “(2) *Any amount appropriated to the Fund.*

22 “(3) *Any return on investment of the assets of*
23 *the Fund.*

1 “(c) *AVAILABILITY.*—Amounts in the Fund shall be
2 available for paying insurance benefits under the insurance
3 program.

4 “(d) *INVESTMENT OF ASSETS OF FUND.*—The Sec-
5 retary of the Treasury shall invest such portion of the Fund
6 as is not in the judgment of the Secretary of Defense re-
7 quired to meet current liabilities. Such investments shall
8 be in public debt securities with maturities suitable to the
9 needs of the Fund, as determined by the Secretary of De-
10 fense, and bearing interest at rates determined by the Sec-
11 retary of the Treasury, taking into consideration current
12 market yields on outstanding marketable obligations of the
13 United States of comparable maturities. The income on
14 such investments shall be credited to the Fund.

15 “(e) *ANNUAL ACCOUNTING.*—At the beginning of each
16 fiscal year, the Secretary, in consultation with the Board
17 of Actuaries and the Secretary of the Treasury, shall deter-
18 mine the following:

19 “(1) The projected amount of the premiums to be
20 collected, investment earnings to be received, and any
21 transfers or appropriations to be made for the Fund
22 for that fiscal year.

23 “(2) The amount for that fiscal year of any cu-
24 mulative unfunded liability (including any negative

1 *amount or any gain to the Fund) resulting from pay-*
2 *ments of benefits.*

3 “(3) *The amount for that fiscal year (including*
4 *any negative amount) of any cumulative actuarial*
5 *gain or loss to the Fund.*

6 **“§ 12529. Board of Actuaries**

7 “(a) *ACTUARIAL RESPONSIBILITY.—The Board of Ac-*
8 *tuaries shall have the actuarial responsibility for the insur-*
9 *ance program.*

10 “(b) *VALUATIONS AND PREMIUM RECOMMENDA-*
11 *TIONS.—The Board of Actuaries shall carry out periodic*
12 *actuarial valuations of the benefits under the insurance pro-*
13 *gram and determine a premium rate methodology for the*
14 *Secretary to use in setting premium rates for the insurance*
15 *program. The Board shall conduct the first valuation and*
16 *determine a premium rate methodology not later than six*
17 *months after the insurance program is established.*

18 “(c) *EFFECTS OF CHANGED BENEFITS.—If at the time*
19 *of any actuarial valuation under subsection (b) there has*
20 *been a change in benefits under the insurance program that*
21 *has been made since the last such valuation and such*
22 *change in benefits increases or decreases the present value*
23 *of amounts payable from the Fund, the Board of Actuaries*
24 *shall determine a premium rate methodology, and rec-*
25 *ommend to the Secretary a premium schedule, for the liq-*

1 *uidation of any liability (or actuarial gain to the Fund)*
2 *resulting from such change and any previous such changes*
3 *so that the present value of the sum of the scheduled pre-*
4 *mium payments (or reduction in payments that would oth-*
5 *erwise be made) equals the cumulative increase (or decrease)*
6 *in the present value of such benefits.*

7 “(d) *ACTUARIAL GAINS OR LOSSES.—If at the time*
8 *of any such valuation the Board of Actuaries determines*
9 *that there has been an actuarial gain or loss to the Fund*
10 *as a result of changes in actuarial assumptions since the*
11 *last valuation or as a result of any differences, between ac-*
12 *tual and expected experience since the last valuation, the*
13 *Board shall recommend to the Secretary a premium rate*
14 *schedule for the amortization of the cumulative gain or loss*
15 *to the Fund resulting from such changes in assumptions*
16 *and any previous such changes in assumptions or from the*
17 *differences in actual and expected experience, respectively,*
18 *through an increase or decrease in the payments that would*
19 *otherwise be made to the Fund.*

20 “(e) *INSUFFICIENT ASSETS.—If at any time liabilities*
21 *of the Fund exceed assets of the Fund as a result of members*
22 *of the Ready Reserve being ordered to active duty as de-*
23 *scribed in section 12521(2) of this title, and funds are un-*
24 *available to pay benefits completely, the Secretary shall re-*
25 *quest the President to submit to Congress a request for a*

1 *special appropriation to cover the unfunded liability. If ap-*
2 *propriations are not made to cover an unfunded liability*
3 *in any fiscal year, the Secretary shall reduce the amount*
4 *of the benefits paid under the insurance program to a total*
5 *amount that does not exceed the assets of the Fund expected*
6 *to accrue by the end of such fiscal year. Benefits that cannot*
7 *be paid because of such a reduction shall be deferred and*
8 *may be paid only after and to the extent that additional*
9 *funds become available.*

10 “(f) *DEFINITION OF PRESENT VALUE.*—*The Board of*
11 *Actuaries shall define the term ‘present value’ for purposes*
12 *of this subsection.*

13 “**§ 12530. Payment of benefits**

14 “(a) *COMMENCEMENT OF PAYMENT.*—*An insured*
15 *member who serves in excess of 30 days of covered service*
16 *shall be paid the amount to which such member is entitled*
17 *on a monthly basis beginning not later than one month*
18 *after the 30th day of covered service.*

19 “(b) *METHOD OF PAYMENT.*—*The Secretary shall pre-*
20 *scribe in the regulations the manner in which payments*
21 *shall be made to the member or to a person designated in*
22 *accordance with subsection (c).*

23 “(c) *DESIGNATED RECIPIENTS.*—(1) *A member may*
24 *designate in writing another person (including a spouse,*
25 *parent, or other person with an insurable interest, as deter-*

1 *mined in accordance with the regulations prescribed by the*
2 *Secretary) to receive payments of insurance benefits under*
3 *the insurance program.*

4 “(2) *A member may direct that payments of insurance*
5 *benefits for a person designated under paragraph (1) be de-*
6 *posited with a bank or other financial institution to the*
7 *credit of the designated person.*

8 “(d) *RECIPIENTS IN EVENT OF DEATH OF INSURED*
9 *MEMBER.—Any insurance payable under the insurance*
10 *program on account of a deceased member’s period of cov-*
11 *ered service shall be paid, upon the establishment of a valid*
12 *claim, to the beneficiary or beneficiaries which the deceased*
13 *member designated in writing. If no such designation has*
14 *been made, the amount shall be payable in accordance with*
15 *the laws of the State of the member’s domicile.*

16 **“§ 12531. Purchase of insurance**

17 “(a) *PURCHASE AUTHORIZED.—The Secretary may,*
18 *instead of or in addition to underwriting the insurance pro-*
19 *gram through the Fund, purchase from one or more insur-*
20 *ance companies a policy or policies of group insurance in*
21 *order to provide the benefits required under this chapter.*
22 *The Secretary may waive any requirement for full and open*
23 *competition in order to purchase an insurance policy under*
24 *this subsection.*

1 “(b) *ELIGIBLE INSURERS.*—*In order to be eligible to*
2 *sell insurance to the Secretary for purposes of subsection*
3 *(a), an insurance company shall—*

4 “(1) *be licensed to issue insurance in each of the*
5 *50 States and in the District of Columbia; and*

6 “(2) *as of the most recent December 31 for which*
7 *information is available to the Secretary, have in ef-*
8 *fect at least one percent of the total amount of insur-*
9 *ance that all such insurance companies have in effect*
10 *in the United States.*

11 “(c) *ADMINISTRATIVE PROVISIONS.*—(1) *An insurance*
12 *company that issues a policy for purposes of subsection (a)*
13 *shall establish an administrative office at a place and under*
14 *a name designated by the Secretary.*

15 “(2) *For the purposes of carrying out this chapter, the*
16 *Secretary may use the facilities and services of any insur-*
17 *ance company issuing any policy for purposes of subsection*
18 *(a), may designate one such company as the representative*
19 *of the other companies for such purposes, and may contract*
20 *to pay a reasonable fee to the designated company for its*
21 *services.*

22 “(d) *REINSURANCE.*—*The Secretary shall arrange*
23 *with each insurance company issuing any policy for pur-*
24 *poses of subsection (a) to reinsure, under conditions ap-*
25 *proved by the Secretary, portions of the total amount of*

1 (b) *EFFECTIVE DATE.*—*The insurance program pro-*
2 *vided for in chapter 1214 of title 10, United States Code,*
3 *as added by subsection (a), and the requirement for deduc-*
4 *tions and contributions for that program shall take effect*
5 *on September 30, 1996, or on any earlier date declared by*
6 *the Secretary and published in the Federal Register.*

7 **SEC. 513. MILITARY TECHNICIAN FULL-TIME SUPPORT**
8 **PROGRAM FOR ARMY AND AIR FORCE RE-**
9 **SERVE COMPONENTS.**

10 (a) *REQUIREMENT OF ANNUAL AUTHORIZATION OF*
11 *END STRENGTH.*—(1) *Section 115 of title 10, United States*
12 *Code, is amended by adding at the end the following new*
13 *subsection:*

14 “(g) *Congress shall authorize for each fiscal year the*
15 *end strength for military technicians for each reserve com-*
16 *ponent of the Army and Air Force. Funds available to the*
17 *Department of Defense for any fiscal year may not be used*
18 *for the pay of a military technician during that fiscal year*
19 *unless the technician fills a position that is within the num-*
20 *ber of such positions authorized by law for that fiscal year*
21 *for the reserve component of that technician. This subsection*
22 *applies without regard to section 129 of this title.”.*

23 (2) *The amendment made by paragraph (1) does not*
24 *apply with respect to fiscal year 1995.*

1 (b) *AUTHORIZATION FOR FISCAL YEARS 1996 AND*
2 *1997.—For each of fiscal years 1996 and 1997, the mini-*
3 *imum number of military technicians, as of the last day*
4 *of that fiscal year, for the Army and the Air Force (notwith-*
5 *standing section 129 of title 10, United States Code) shall*
6 *be the following:*

7 (1) *Army National Guard, 25,500.*

8 (2) *Army Reserve, 6,630.*

9 (3) *Air National Guard, 22,906.*

10 (4) *Air Force Reserve, 9,802.*

11 (c) *ADMINISTRATION OF MILITARY TECHNICIAN PRO-*
12 *GRAM.—(1) Chapter 1007 of title 10, United States Code,*
13 *is amended by adding at the end the following new section:*

14 **“§ 10216. Military technicians**

15 “(a) *PRIORITY FOR MANAGEMENT OF MILITARY TECH-*
16 *NICIANS.—(1) As a basis for making the annual request to*
17 *Congress pursuant to section 115 of this title for authoriza-*
18 *tion of end strengths for military technicians of the Army*
19 *and Air Force reserve components, the Secretary of Defense*
20 *shall give priority to supporting authorizations for dual*
21 *status military technicians in the following high-priority*
22 *units and organizations:*

23 “(A) *Units of the Selected Reserve that are sched-*
24 *uled to deploy no later than 90 days after mobiliza-*
25 *tion.*

1 “(B) *Units of the Selected Reserve that are or*
2 *will deploy to relieve active duty peacetime operations*
3 *tempo.*

4 “(C) *Those organizations with the primary mis-*
5 *sion of providing direct support surface and aviation*
6 *maintenance for the reserve components of the Army*
7 *and Air Force, to the extent that the military techni-*
8 *cians in such units would mobilize and deploy in a*
9 *skill that is compatible with their civilian position*
10 *skill.*

11 “(2) *For each fiscal year, the Secretary of Defense*
12 *shall, for the high-priority units and organizations referred*
13 *to in paragraph (1), seek to achieve a programmed man-*
14 *ning level for military technicians that is not less than 90*
15 *percent of the programmed manpower structure for those*
16 *units and organizations for military technicians for that*
17 *fiscal year.*

18 “(3) *Military technician authorizations and personnel*
19 *in high-priority units and organizations specified in para-*
20 *graph (1) shall be exempt from any requirement (imposed*
21 *by law or otherwise) for reductions in Department of De-*
22 *fense civilian personnel and shall only be reduced as part*
23 *of military force structure reductions.*

24 “(b) *DUAL-STATUS REQUIREMENT.—The Secretary of*
25 *Defense shall require the Secretary of the Army and the Sec-*

1 *retary of the Air Force to establish as a condition of em-*
2 *ployment for each individual who is hired after the date*
3 *of the enactment of this section as a military technician*
4 *that the individual maintain membership in the Selected*
5 *Reserve (so as to be a so-called ‘dual-status’ technician) and*
6 *shall require that the civilian and military position skill*
7 *requirements of dual-status military technicians be compat-*
8 *ible. No Department of Defense funds may be spent for com-*
9 *ensation for any military technician hired after the date*
10 *of the enactment of this section who is not a member of*
11 *the Selected Reserve, except that compensation may be paid*
12 *for up to six months following loss of membership in the*
13 *Selected Reserve if such loss of membership was not due to*
14 *the failure to meet military standards.”.*

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

 “10216. *Military technicians.*”.

17 (d) *REVIEW OF RESERVE COMPONENT MANAGEMENT*
18 *HEADQUARTERS.—(1) The Secretary of Defense shall, with-*
19 *in six months after the date of the enactment of this Act,*
20 *undertake steps to reduce, consolidate, and streamline man-*
21 *agement headquarters operations of the reserve components.*
22 *As part of those steps, the Secretary shall identify those*
23 *military technicians positions in such headquarters oper-*
24 *ations that are excess to the requirements of those head-*
25 *quarters.*

1 (2) *Of the military technicians positions that are iden-*
2 *tified under paragraph (1), the Secretary shall reallocate*
3 *up to 95 percent of the annual funding required to support*
4 *those positions for the purpose of creating new positions or*
5 *filling existing positions in the high-priority units and ac-*
6 *tivities specified in section 10216(a) of title 10, United*
7 *States Code, as added by subsection (c).*

8 (e) *ANNUAL DEFENSE MANPOWER REQUIREMENTS*
9 *REPORT.*—*Section 115a of title 10, United States Code, is*
10 *amended by adding at the end the following new subsection:*

11 “(h) *In each such report, the Secretary shall include*
12 *a separate report on the Army and Air Force military tech-*
13 *nician programs. The report shall include a presentation,*
14 *shown by reserve component and shown both as of the end*
15 *of the preceding fiscal year and for the next fiscal year,*
16 *of the following:*

17 “(1) *The number of military technicians re-*
18 *quired to be employed (as specified in accordance*
19 *with Department of Defense procedures), the number*
20 *authorized to be employed under Department of De-*
21 *fense personnel procedures, and the number actually*
22 *employed.*

23 “(2) *Within each of the numbers under para-*
24 *graph (1)—*

1 “(A) the number applicable to a reserve
2 component management headquarter organiza-
3 tion; and

4 “(B) the number applicable to high-priority
5 units and organizations (as specified in section
6 10216(a) of this title).

7 “(3) Within each of the numbers under para-
8 graph (1), the numbers of military technicians who
9 are not themselves members of a reserve component
10 (so-called ‘single-status’ technicians), with a further
11 display of such numbers as specified in paragraph
12 (2).”.

13 **SEC. 514. REVISIONS TO ARMY GUARD COMBAT REFORM**
14 **INITIATIVE TO INCLUDE ARMY RESERVE**
15 **UNDER CERTAIN PROVISIONS AND MAKE**
16 **CERTAIN REVISIONS.**

17 (a) *PRIOR ACTIVE DUTY PERSONNEL.*—Section 1111
18 of the Army National Guard Combat Readiness Reform Act
19 of 1992 (title XI of Public Law 102–484) is amended—

20 (1) in the section heading, by striking out the
21 first three words;

22 (2) by striking out subsections (a) and (b) and
23 inserting in lieu thereof the following:

24 “(a) *ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.*—
25 The Secretary of the Army shall increase the number of

1 *qualified prior active-duty officers in the Army National*
2 *Guard by providing a program that permits the separation*
3 *of officers on active duty with at least two, but less than*
4 *three, years of active service upon condition that the officer*
5 *is accepted for appointment in the Army National Guard.*
6 *The Secretary shall have a goal of having not fewer than*
7 *150 officers become members of the Army National Guard*
8 *each year under this section.*

9 “(b) *ADDITIONAL PRIOR ACTIVE DUTY ENLISTED*
10 *MEMBERS.—The Secretary of the Army shall increase the*
11 *number of qualified prior active-duty enlisted members in*
12 *the Army National Guard through the use of enlistments*
13 *as described in section 8020 of the Department of Defense*
14 *Appropriations Act, 1994 (Public Law 103–139). The Sec-*
15 *retary shall enlist not fewer than 1,000 new enlisted mem-*
16 *bers each year under enlistments described in that section.”;*
17 *and*

18 (3) *by striking out subsections (d) and (e).*

19 (b) *SERVICE IN THE SELECTED RESERVE IN LIEU OF*
20 *ACTIVE DUTY SERVICE FOR ROTC GRADUATES.—Section*
21 *1112(b) of such Act (106 Stat. 2537) is amended by striking*
22 *out “National Guard” before the period at the end and in-*
23 *serting in lieu thereof “Selected Reserve”.*

24 (c) *REVIEW OF OFFICER PROMOTIONS.—Section 1113*
25 *of such Act (106 Stat. 2537) is amended—*

1 (1) *in subsection (a), by striking out “National*
2 *Guard” both places it appears and inserting in lieu*
3 *thereof “Selected Reserve”; and*

4 (2) *by striking out subsection (b) and inserting*
5 *in lieu thereof the following:*

6 “(b) *COVERAGE OF SELECTED RESERVE COMBAT AND*
7 *EARLY DEPLOYING UNITS.—(1) Subsection (a) applies to*
8 *officers in all units of the Selected Reserve that are des-*
9 *ignated as combat units or that are designated for deploy-*
10 *ment within 75 days of mobilization.*

11 “(2) *Subsection (a) shall take effect with respect to offi-*
12 *cers of the Army Reserve, and with respect to officers of*
13 *the Army National Guard in units not subject to subsection*
14 *(a) as of the date of the enactment of the National Defense*
15 *Authorization Act for Fiscal Year 1996, at the end of the*
16 *90-day period beginning on such date of enactment.”.*

17 (d) *INITIAL ENTRY TRAINING AND NONDEPLOYABLE*
18 *PERSONNEL.—Section 1115 of such Act (106 Stat. 2538)*
19 *is amended—*

20 (1) *in subsections (a) and (b), by striking out*
21 *“National Guard” each place it appears and insert-*
22 *ing in lieu thereof “Selected Reserve”; and*

23 (2) *in subsection (c)—*

24 (A) *by striking out “a member of the Army*
25 *National Guard enters the National Guard” and*

1 *inserting in lieu thereof “a member of the Army*
2 *Selected Reserve enters the Army Selected Re-*
3 *serve”;* and

4 *(B) by striking out “from the Army Na-*
5 *tional Guard”.*

6 *(e) ACCOUNTING OF MEMBERS WHO FAIL PHYSICAL*
7 *DEPLOYABILITY STANDARDS.—Section 1116 of such Act*
8 *(106 Stat. 2539) is amended by striking out “National*
9 *Guard” each place it appears and inserting in lieu thereof*
10 *“Selected Reserve”.*

11 *(f) USE OF COMBAT SIMULATORS.—Section 1120 of*
12 *such Act (106 Stat. 2539) is amended by inserting “and*
13 *the Army Reserve” before the period at the end.*

14 **SEC. 515. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.**

15 *(a) ASSOCIATE UNITS.—Subsection (a) of section 1131*
16 *of the National Defense Authorization Act for Fiscal Year*
17 *1993 (Public Law 102–484; 106 Stat. 2540) is amended*
18 *to read as follows:*

19 *“(a) ASSOCIATE UNITS.—The Secretary of the Army*
20 *shall require—*

21 *“(1) that each ground combat maneuver brigade*
22 *of the Army National Guard that (as determined by*
23 *the Secretary) is essential for the execution of the Na-*
24 *tional Military Strategy be associated with an active-*
25 *duty combat unit; and*

1 “(2) that combat support and combat service
2 support units of the Army Selected Reserve that (as
3 determined by the Secretary) are essential for the exe-
4 cution of the National Military Strategy be associated
5 with active-duty units.”.

6 (b) *RESPONSIBILITIES*.—Subsection (b) of such
7 section is amended—

8 (1) by striking out “National Guard combat
9 unit” in the matter preceding paragraph (1) and in-
10 serting in lieu thereof “National Guard unit or Army
11 Selected Reserve unit that (as determined by the Sec-
12 retary under subsection (a)) is essential for the execu-
13 tion of the National Military Strategy”; and

14 (2) by striking out “of the National Guard unit”
15 in paragraphs (1), (2), (3), and (4) and inserting in
16 lieu thereof “of that unit”.

17 **SEC. 516. LEAVE FOR MEMBERS OF RESERVE COMPO-**
18 **NENTS PERFORMING PUBLIC SAFETY DUTY.**

19 (a) *ELECTION OF LEAVE TO BE CHARGED*.—Sub-
20 section (b) of section 6323 of title 5, United States Code,
21 is amended by adding at the end the following: “Upon the
22 request of an employee, the period for which an employee
23 is absent to perform service described in paragraph (2) may
24 be charged to the employee’s accrued annual leave or to com-
25 pensatory time available to the employee instead of being

1 *charged as leave to which the employee is entitled under*
 2 *this subsection. The period of absence may not be charged*
 3 *to sick leave.”.*

4 (b) *PAY FOR PERIOD OF ABSENCE.—Section 5519 of*
 5 *such title is amended by striking out “entitled to leave” and*
 6 *inserting in lieu thereof “granted military leave”.*

7 **SEC. 517. DEPARTMENT OF DEFENSE FUNDING FOR NA-**
 8 **TIONAL GUARD PARTICIPATION IN JOINT**
 9 **DISASTER AND EMERGENCY ASSISTANCE EX-**
 10 **ERCISES.**

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

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

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

15 “(2) *Paragraph (1) includes authority to provide for*
 16 *participation of the National Guard in conjunction with*
 17 *the Army or the Air Force, or both, in joint exercises for*
 18 *instruction to prepare the National Guard for response to*
 19 *civil emergencies and disasters.”.*

1 **Subtitle C—Decorations and**
2 **Awards**

3 **SEC. 521. AWARD OF PURPLE HEART TO PERSONS WOUND-**
4 **ED WHILE HELD AS PRISONERS OF WAR BE-**
5 **FORE APRIL 25, 1962.**

6 (a) *AWARD OF PURPLE HEART.*—For purposes of the
7 award of the Purple Heart, the Secretary concerned (as de-
8 fined in section 101 of title 10, United States Code) shall
9 treat a former prisoner of war who was wounded before
10 April 25, 1962, while held as a prisoner of war (or while
11 being taken captive) in the same manner as a former pris-
12 oner of war who is wounded on or after that date while
13 held as a prisoner of war (or while being taken captive).

14 (b) *STANDARDS FOR AWARD.*—An award of the Purple
15 Heart under subsection (a) shall be made in accordance
16 with the standards in effect on the date of the enactment
17 of this Act for the award of the Purple Heart to persons
18 wounded on or after April 25, 1962.

19 (c) *ELIGIBLE FORMER PRISONERS OF WAR.*—A per-
20 son shall be considered to be a former prisoner of war for
21 purposes of this section if the person is eligible for the pris-
22 oner-of-war medal under section 1128 of title 10, United
23 States Code.

1 **SEC. 522. AUTHORITY TO AWARD DECORATIONS REC-**
2 **OGNIZING ACTS OF VALOR PERFORMED IN**
3 **COMBAT DURING THE VIETNAM CONFLICT.**

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

5 (1) *The Ia Drang Valley (Pleiku) campaign, car-*
6 *ried out by the Armed Forces in the Ia Drang Valley*
7 *of Vietnam from October 23, 1965, to November 26,*
8 *1965, is illustrative of the many battles during the*
9 *Vietnam conflict which pitted forces of the United*
10 *States against North Vietnamese Army regulars and*
11 *Viet Cong in vicious fighting.*

12 (2) *Accounts of those battles that have been pub-*
13 *lished since the end of that conflict authoritatively*
14 *document numerous and repeated acts of extraor-*
15 *dinary heroism, sacrifice, and bravery on the part of*
16 *members of the Armed Forces, many of which have*
17 *never been officially recognized.*

18 (3) *In some of those battles, United States mili-*
19 *tary units suffered substantial losses, with some units*
20 *sustaining casualties in excess of 50 percent.*

21 (4) *The incidence of heavy casualties throughout*
22 *the Vietnam conflict inhibited the timely collection of*
23 *comprehensive and detailed information to support*
24 *recommendations for awards recognizing acts of hero-*
25 *ism, sacrifice, and bravery.*

1 (5) *Subsequent requests to the Secretaries of the*
2 *military departments for review of award rec-*
3 *ommendations for such acts have been denied because*
4 *of restrictions in law and regulations that require*
5 *timely filing of such recommendations and docu-*
6 *mented justification.*

7 (6) *Acts of heroism, sacrifice, and bravery per-*
8 *formed in combat by members of the Armed Forces*
9 *deserve appropriate and timely recognition by the*
10 *people of the United States.*

11 (7) *It is appropriate to recognize acts of heroism,*
12 *sacrifice, or bravery that are belatedly, but properly,*
13 *documented by persons who witnessed those acts.*

14 (b) *WAIVER OF TIME LIMITATIONS FOR RECOMMENDA-*
15 *TIONS FOR AWARDS.—(1) Any decoration covered by para-*
16 *graph (2) may be awarded, without regard to any time*
17 *limit imposed by law or regulation for a recommendation*
18 *for such award to any person for actions by that person*
19 *in the Southeast Asia theater of operations while serving*
20 *on active duty during the Vietnam era. The waiver of time*
21 *limitations under this paragraph applies only in the case*
22 *of awards for acts of valor for which a request for consider-*
23 *ation is submitted under subsection (c).*

24 (2) *Paragraph (1) applies to any decoration (includ-*
25 *ing any device in lieu of a decoration) that, during or after*

1 *the Vietnam era and before the date of the enactment of*
2 *this Act, was authorized by law or under regulations of the*
3 *Department of Defense or the military department con-*
4 *cerned to be awarded to members of the Armed Forces for*
5 *acts of valor.*

6 (c) *REVIEW OF REQUESTS FOR CONSIDERATION OF*
7 *AWARDS.—(1) The Secretary of each military department*
8 *shall review each request for consideration of award of a*
9 *decoration described in subsection (b) that are received by*
10 *the Secretary during the one-year period beginning on the*
11 *date of enactment of this Act.*

12 (2) *The Secretaries shall begin the review within 30*
13 *days after the date of the enactment of this Act and shall*
14 *complete the review of each request for consideration not*
15 *later than one year after the date on which the request is*
16 *received.*

17 (3) *The Secretary may use the same process for carry-*
18 *ing out the review as the Secretary uses for reviewing other*
19 *recommendations for award of decorations to members of*
20 *the Armed Forces under the Secretary's jurisdiction for val-*
21 *orous acts.*

22 (d) *REPORT.—(1) Upon completing the review of each*
23 *such request under subsection (c), the Secretary shall submit*
24 *a report on the review to the Committee on Armed Services*

1 *of the Senate and the Committee on National Security of*
 2 *the House of Representatives.*

3 (2) *The report shall include, with respect to each re-*
 4 *quest for consideration received, the following information:*

5 (A) *A summary of the request for consideration.*

6 (B) *The findings resulting from the review.*

7 (C) *The final action taken on the request for con-*
 8 *sideration.*

9 (e) *DEFINITION.—For purposes of this section:*

10 (1) *The term “Vietnam era” has the meaning*
 11 *given that term in section 101 of title 38, United*
 12 *States Code.*

13 (2) *The term “active duty” has the meaning*
 14 *given that term in section 101 of title 10, United*
 15 *States Code.*

16 ***SEC. 523. MILITARY INTELLIGENCE PERSONNEL PRE-***
 17 ***VENTED BY SECRECY FROM BEING CONSID-***
 18 ***ERED FOR DECORATIONS AND AWARDS.***

19 (a) *WAIVER ON RESTRICTIONS OF AWARDS.—(1) Any*
 20 *decoration covered by paragraph (2) may be awarded, with-*
 21 *out regard to any time limit imposed by law or regulation*
 22 *for a recommendation for such award, to any person for*
 23 *an act, achievement, or service that the person performed*
 24 *in carrying out military intelligence duties during the pe-*

1 *riod beginning on January 1, 1940, and ending on Decem-*
2 *ber 31, 1990.*

3 (2) *Paragraph (1) applies to any decoration (includ-*
4 *ing any device in lieu of a decoration) that, during or after*
5 *the period described in paragraph (1) and before the date*
6 *of the enactment of this Act, was authorized by law or under*
7 *the regulations of the Department of Defense or the military*
8 *department concerned to be awarded to a person for an act,*
9 *achievement, or service performed by that person while serv-*
10 *ing on active duty.*

11 (b) *REVIEW OF REQUESTS FOR CONSIDERATION OF*
12 *AWARDS.—(1) The Secretary of each military department*
13 *shall review each request for consideration of award of a*
14 *decoration described in subsection (a) that is received by*
15 *the Secretary during the one-year period beginning on the*
16 *date of the enactment of this Act.*

17 (2) *The Secretaries shall begin the review within 30*
18 *days after the date of the enactment of this Act and shall*
19 *complete the review of each request for consideration not*
20 *later than one year after the date on which the request is*
21 *received.*

22 (3) *The Secretary may use the same process for carry-*
23 *ing out the review as the Secretary uses for reviewing other*
24 *recommendations for awarding decorations to members of*

1 *the Armed Forces under the Secretary's jurisdiction for acts,*
2 *achievements, or service.*

3 (c) *REPORT.—(1) Upon completing the review of each*
4 *such request under subsection (b), the Secretary shall submit*
5 *a report on the review to the Committee on Armed Services*
6 *of the Senate and the Committee on National Security of*
7 *the House of Representatives.*

8 (2) *The report shall include, with respect to each re-*
9 *quest for consideration reviewed, the following information:*

10 (A) *A summary of the request for consideration.*

11 (B) *The findings resulting from the review.*

12 (C) *The final action taken on the request for con-*
13 *sideration.*

14 (D) *Administrative or legislative recommenda-*
15 *tions to improve award procedures with respect to*
16 *military intelligence personnel.*

17 (d) *DEFINITION.—For purposes of this section, the*
18 *term “active duty” has the meaning given such term in sec-*
19 *tion 101 of title 10, United States Code.*

1 **SEC. 524. REVIEW REGARDING UPGRADING OF DISTIN-**
2 **GUISHED-SERVICE CROSSES AND NAVY**
3 **CROSSES AWARDED TO ASIAN-AMERICANS**
4 **AND NATIVE AMERICAN PACIFIC ISLANDERS**
5 **FOR WORLD WAR II SERVICE.**

6 (a) *REVIEW REQUIRED.*—(1) *The Secretary of the*
7 *Army shall review the records relating to each award of*
8 *the Distinguished-Service Cross, and the Secretary of the*
9 *Navy shall review the records relating to each award of the*
10 *Navy Cross, that was awarded to an Asian-American or*
11 *a Native American Pacific Islander with respect to service*
12 *as a member of the Armed Forces during World War II.*
13 *The purpose of the review shall be to determine whether any*
14 *such award should be upgraded to the Medal of Honor.*

15 (2) *If the Secretary concerned determines, based upon*
16 *the review under paragraph (1), that such an upgrade is*
17 *appropriate in the case of any person, the Secretary shall*
18 *submit to the President a recommendation that the Presi-*
19 *dent award the Medal of Honor to that person.*

20 (b) *WAIVER OF TIME LIMITATIONS.*—*A Medal of*
21 *Honor may be awarded to a person referred to in subsection*
22 *(a) in accordance with a recommendation of the Secretary*
23 *concerned under that subsection without regard to—*

24 (1) *section 3744, 6248, or 8744 of title 10, Unit-*
25 *ed States Code, as applicable; and*

1 (2) *any regulation or other administrative re-*
 2 *striction on—*

3 (A) *the time for awarding the Medal of*
 4 *Honor; or*

5 (B) *the awarding of the Medal of Honor for*
 6 *service for which a Distinguished-Service Cross*
 7 *or Navy Cross has been awarded.*

8 (c) *DEFINITION.—For purposes of this section, the*
 9 *term “Native American Pacific Islander” means a Native*
 10 *Hawaiian and any other Native American Pacific Islander*
 11 *within the meaning of the Native American Programs Act*
 12 *of 1974 (42 U.S.C. 2991 et seq.).*

13 **SEC. 525. ELIGIBILITY FOR ARMED FORCES EXPEDITION-**
 14 **ARY MEDAL BASED UPON SERVICE IN EL SAL-**
 15 **VADOR.**

16 (a) *IN GENERAL.—For the purpose of determining eli-*
 17 *gibility of members and former members of the Armed*
 18 *Forces for the Armed Forces Expeditionary Medal, the*
 19 *country of El Salvador during the period beginning on*
 20 *January 1, 1981 and ending on February 1, 1992, shall*
 21 *be treated as having been designated as an area and a pe-*
 22 *riod of time in which members of the Armed Forces partici-*
 23 *pated in operations in significant numbers and otherwise*
 24 *met the general requirements for the award of that medal.*

1 (b) *INDIVIDUAL DETERMINATION.*—*The Secretary of*
 2 *the military department concerned shall determine whether*
 3 *individual members or former members of the Armed Forces*
 4 *who served in El Salvador during the period beginning on*
 5 *January 1, 1981 and ending on February 1, 1992 meet the*
 6 *individual service requirements for award of the Armed*
 7 *Forces Expeditionary Medal as established in applicable*
 8 *regulations. Such determinations shall be made as expedi-*
 9 *tiously as possible after the date of the enactment of this*
 10 *Act.*

11 **SEC. 526. PROCEDURE FOR CONSIDERATION OF MILITARY**
 12 **DECORATIONS NOT PREVIOUSLY SUBMITTED**
 13 **IN TIMELY FASHION.**

14 (a) *IN GENERAL.*—*Chapter 57 of title 10, United*
 15 *States Code, is amended by adding at the end the following*
 16 *new section:*

17 **“§ 1130. Consideration of proposals for decorations**
 18 **not previously submitted in timely fash-**
 19 **ion: procedures for review and rec-**
 20 **ommendation**

21 “(a) *Upon request of a Member of Congress, the Sec-*
 22 *retary concerned shall review a proposal for the award or*
 23 *presentation of a decoration (or the upgrading of a decora-*
 24 *tion), either for an individual or a unit, that is not other-*
 25 *wise authorized to be presented or awarded due to limita-*

1 *tions established by law or policy for timely submission of*
2 *a recommendation for such award or presentation. Based*
3 *upon such review, the Secretary shall make a determination*
4 *as to the merits of approving the award or presentation*
5 *of the decoration and the other determinations necessary to*
6 *comply with subsection (b).*

7 “(b) *Upon making a determination under subsection*
8 *(a) as to the merits of approving the award or presentation*
9 *of the decoration, the Secretary concerned shall submit to*
10 *the Committee on Armed Services of the Senate and the*
11 *Committee on National Security of the House of Represent-*
12 *atives and to the requesting member of Congress notice in*
13 *writing of one of the following:*

14 “(1) *The award or presentation of the decoration*
15 *does not warrant approval on the merits.*

16 “(2) *The award or presentation of the decoration*
17 *warrants approval and a waiver by law of time re-*
18 *strictions prescribed by law is recommended.*

19 “(3) *The award or presentation of the decoration*
20 *warrants approval on the merits and has been ap-*
21 *proved as an exception to policy.*

22 “(4) *The award or presentation of the decoration*
23 *warrants approval on the merits, but a waiver of the*
24 *time restrictions prescribed by law or policy is not*
25 *recommended.*

1 *A notice under paragraph (1) or (4) shall be accompanied*
2 *by a statement of the reasons for the decision of the Sec-*
3 *retary.*

4 “(c) *Determinations under this section regarding the*
5 *award or presentation of a decoration shall be made in ac-*
6 *cordance with the same procedures that apply to the ap-*
7 *proval or disapproval of the award or presentation of a*
8 *decoration when a recommendation for such award or pres-*
9 *entation is submitted in a timely manner as prescribed by*
10 *law or regulation.*

11 “(d) *In this section:*

12 “(1) *The term ‘Member of Congress’ means—*

13 “(A) *a Senator; or*

14 “(B) *a Representative in, or a Delegate or*
15 *Resident Commissioner to, Congress.*

16 “(2) *The term ‘decoration’ means any decoration*
17 *or award that may be presented or awarded to a*
18 *member or unit of the armed forces.”.*

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:*

 “1130. *Consideration of proposals for decorations not previously submitted in*
 timely fashion; procedures for review and recommendation.”.

1 **Subtitle D—Officer Education**
2 **Programs**

3 **PART I—SERVICE ACADEMIES**

4 **SEC. 531. REVISION OF SERVICE OBLIGATION FOR GRAD-**
5 **UATES OF THE SERVICE ACADEMIES.**

6 (a) *MILITARY ACADEMY.*—Section 4348(a)(2)(B) of
7 *title 10, United States Code, is amended by striking out*
8 *“six years” and inserting in lieu thereof “five years”.*

9 (b) *NAVAL ACADEMY.*—Section 6959(a)(2)(B) of such
10 *title is amended by striking out “six years” and inserting*
11 *in lieu thereof “five years”.*

12 (c) *AIR FORCE ACADEMY.*—Section 9348(a)(2)(B) of
13 *such title is amended by striking out “six years” and insert-*
14 *ing in lieu thereof “five years”.*

15 (d) *REQUIREMENT FOR REVIEW AND REPORT.*—(1)
16 *The Secretary of Defense shall review the effects that each*
17 *of various periods of obligated active duty service for grad-*
18 *uates of the United States Military Academy, the United*
19 *States Naval Academy, and the United States Air Force*
20 *Academy would have on the number and quality of the eli-*
21 *gible and qualified applicants seeking appointment to such*
22 *academies.*

23 (2) *Not later than April 1, 1996, the Secretary shall*
24 *submit to the Committee on Armed Services of the Senate*
25 *and the Committee on National Security of the House of*

1 *Representatives a report on the Secretary's findings under*
 2 *the review, together with any recommended legislation re-*
 3 *garding the minimum periods of obligated active duty serv-*
 4 *ice for graduates of the United States Military Academy,*
 5 *the United States Naval Academy, and the United States*
 6 *Air Force Academy.*

7 (e) *APPLICABILITY.*—*The amendments made by this*
 8 *section apply to persons first admitted to the United States*
 9 *Military Academy, United States Naval Academy, and*
 10 *United States Air Force Academy after December 31, 1991.*

11 ***SEC. 532. NOMINATIONS TO SERVICE ACADEMIES FROM***
 12 ***COMMONWEALTH OF THE NORTHERN MARI-***
 13 ***ANAS ISLANDS.***

14 (a) *MILITARY ACADEMY.*—*Section 4342(a) of title 10,*
 15 *United States Code, is amended by inserting after para-*
 16 *graph (9) the following new paragraph:*

17 “(10) *One cadet from the Commonwealth of the*
 18 *Northern Marianas Islands, nominated by the resi-*
 19 *dent representative from the commonwealth.”.*

20 (b) *NAVAL ACADEMY.*—*Section 6954(a) of title 10,*
 21 *United States Code, is amended by inserting after para-*
 22 *graph (9) the following new paragraph:*

23 “(10) *One from the Commonwealth of the North-*
 24 *ern Marianas Islands, nominated by the resident rep-*
 25 *resentative from the commonwealth.”.*

1 (c) *AIR FORCE ACADEMY*.—Section 9342(a) of title 10,
 2 *United States Code*, is amended by inserting after para-
 3 *graph (9) the following new paragraph:*

4 “(10) *One cadet from the Commonwealth of the*
 5 *Northern Marianas Islands, nominated by the resi-*
 6 *dent representative from the commonwealth.”.*

7 **SEC. 533. REPEAL OF REQUIREMENT FOR ATHLETIC DI-**
 8 **RECTOR AND NONAPPROPRIATED FUND AC-**
 9 **COUNT FOR THE ATHLETICS PROGRAMS AT**
 10 **THE SERVICE ACADEMIES.**

11 (a) *UNITED STATES MILITARY ACADEMY*.—(1) *Section*
 12 *4357 of title 10, United States Code*, is repealed.

13 (2) *The table of sections at the beginning of chapter*
 14 *403 of such title is amended by striking out the item relat-*
 15 *ing to section 4357.*

16 (b) *UNITED STATES NAVAL ACADEMY*.—Section 556 of
 17 *the National Defense Authorization Act for Fiscal Year*
 18 *1995 (Public Law 103–337; 108 Stat. 2774) is amended*
 19 *by striking out subsections (b) and (e).*

20 (c) *UNITED STATES AIR FORCE ACADEMY*.—(1) *Sec-*
 21 *tion 9356 of title 10, United States Code*, is repealed.

22 (2) *The table of sections at the beginning of chapter*
 23 *903 of such title is amended by striking out the item relat-*
 24 *ing to section 9356.*

1 **SEC. 534. REPEAL OF REQUIREMENT FOR PROGRAM TO**
2 **TEST PRIVATIZATION OF SERVICE ACADEMY**
3 **PREPARATORY SCHOOLS.**

4 *Section 536 of the National Defense Authorization Act*
5 *for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 4331*
6 *note) is repealed.*

7 **PART II—RESERVE OFFICER TRAINING CORPS**

8 **SEC. 541. ROTC ACCESS TO CAMPUSES.**

9 *(a) IN GENERAL.—Chapter 49 of title 10, United*
10 *States Code, is amended by adding at the end the following*
11 *new section:*

12 **“§983. Institutions of higher education that prohibit**
13 **Senior ROTC units: denial of Department**
14 **of Defense grants and contracts**

15 *“(a) DENIAL OF DEPARTMENT OF DEFENSE GRANTS*
16 *AND CONTRACTS.—(1) No funds appropriated or otherwise*
17 *available to the Department of Defense may be made obli-*
18 *gated by contract or by grant (including a grant of funds*
19 *to be available for student aid) to any institution of higher*
20 *education that, as determined by the Secretary of Defense,*
21 *has an anti-ROTC policy and at which, as determined by*
22 *the Secretary, the Secretary would otherwise maintain or*
23 *seek to establish a unit of the Senior Reserve Officer Train-*
24 *ing Corps or at which the Secretary would otherwise enroll*
25 *or seek to enroll students for participation in a unit of the*

1 *Senior Reserve Officer Training Corps at another nearby*
2 *institution of higher education.*

3 “(2) *In the case of an institution of higher education*
4 *that is ineligible for Department of Defense grants and con-*
5 *tracts by reason of paragraph (1), the prohibition under*
6 *that paragraph shall cease to apply to that institution upon*
7 *a determination by the Secretary that the institution no*
8 *longer has an anti-ROTC policy.*

9 “(b) *NOTICE OF DETERMINATION.*—*Whenever the Sec-*
10 *retary makes a determination under subsection (a) that an*
11 *institution has an anti-ROTC policy, or that an institution*
12 *previously determined to have an anti-ROTC policy no*
13 *longer has such a policy, the Secretary—*

14 “(1) *shall transmit notice of that determination*
15 *to the Secretary of Education and to the Committee*
16 *on Armed Services of the Senate and the Committee*
17 *on National Security of the House of Representatives;*
18 *and*

19 “(2) *shall publish in the Federal Register notice*
20 *of that determination and of the effect of that deter-*
21 *mination under subsection (a)(1) on the eligibility of*
22 *that institution for Department of Defense grants and*
23 *contracts.*

24 “(c) *SEMIANNUAL NOTICE IN FEDERAL REGISTER.*—
25 *The Secretary shall publish in the Federal Register once*

1 every six months a list of each institution of higher edu-
 2 cation that is currently ineligible for Department of Defense
 3 grants and contracts by reason of a determination of the
 4 Secretary under subsection (a).

5 “(d) *ANTI-ROTC POLICY*.—In this section, the term
 6 ‘anti-ROTC policy’ means a policy or practice of an insti-
 7 tution of higher education that—

8 “(1) prohibits, or in effect prevents, the Secretary
 9 of Defense from maintaining or establishing a unit of
 10 the Senior Reserve Officer Training Corps at that in-
 11 stitution, or

12 “(2) prohibits, or in effect prevents, a student at
 13 that institution from enrolling in a unit of the Senior
 14 Reserve Officer Training Corps at another institution
 15 of higher education.”.

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

“983. Institutions of higher education that prohibit Senior ROTC units: denial
 of Department of Defense grants and contracts.”.

19 **SEC. 542. ROTC SCHOLARSHIPS FOR THE NATIONAL GUARD.**

20 (a) *CLARIFICATION OF RESTRICTION ON ACTIVE*
 21 *DUTY*.—Paragraph (2) of section 2107(h) of title 10, United
 22 States Code, is amended by inserting “full-time” before “ac-
 23 tive duty” in the second sentence.

1 (b) *REDESIGNATION OF ROTC SCHOLARSHIPS.*—Such
2 paragraph is further amended by inserting after the first
3 sentence the following new sentence: “A cadet designated
4 under this paragraph who, having initially contracted for
5 service as provided in subsection (b)(5)(A) and having re-
6 ceived financial assistance for two years under an award
7 providing for four years of financial assistance under this
8 section, modifies such contract with the consent of the Sec-
9 retary of the Army to provide for service as described in
10 subsection (b)(5)(B), may be counted, for the year in which
11 the contract is modified, toward the number of appoint-
12 ments required under the preceding sentence for financial
13 assistance awarded for a period of four years.”.

14 **SEC. 543. DELAY IN REORGANIZATION OF ARMY ROTC RE-**
15 **REGIONAL HEADQUARTERS STRUCTURE.**

16 (a) *DELAY.*—The Secretary of the Army may not take
17 any action to reorganize the regional headquarters and
18 basic camp structure of the Reserve Officers Training Corps
19 program of the Army until six months after the date on
20 which the report required by subsection (d) is submitted.

21 (b) *COST-BENEFIT ANALYSIS.*—The Secretary of the
22 Army shall conduct a comparative cost-benefit analysis of
23 various options for the reorganization of the regional head-
24 quarters and basic camp structure of the Army ROTC pro-
25 gram. As part of such analysis, the Secretary shall measure

1 *each reorganization option considered against a common*
2 *set of criteria.*

3 (c) *SELECTION OF REORGANIZATION OPTION FOR IM-*
4 *PLEMENTATION.*—*Based on the findings resulting from the*
5 *cost-benefit analysis under subsection (b) and such other*
6 *factors as the Secretary considers appropriate, the Sec-*
7 *retary shall select one reorganization option for implemen-*
8 *tation. The Secretary may select an option for implementa-*
9 *tion only if the Secretary finds that the cost-benefit analysis*
10 *and other factors considered clearly demonstrate that such*
11 *option, better than any other option considered—*

12 (1) *provides the structure to meet projected mis-*
13 *sion requirements;*

14 (2) *achieves the most significant personnel and*
15 *cost savings;*

16 (3) *uses existing basic and advanced camp facili-*
17 *ties to the maximum extent possible;*

18 (4) *minimizes additional military construction*
19 *costs; and*

20 (5) *makes maximum use of the reserve compo-*
21 *nents to support basic and advanced camp oper-*
22 *ations, thereby minimizing the effect of those oper-*
23 *ations on active duty units.*

24 (d) *REPORT.*—*Not later than 60 days after the date*
25 *of the enactment of this Act, the Secretary of the Army shall*

1 *submit to the Committee on Armed Services of the Senate*
 2 *and the Committee on National Security of the House of*
 3 *Representatives a report describing the reorganization op-*
 4 *tion selected under subsection (c). The report shall include*
 5 *the results of the cost-benefit analysis under subsection (b)*
 6 *and a detailed rationale for the reorganization option se-*
 7 *lected.*

8 **SEC. 544. DURATION OF FIELD TRAINING OR PRACTICE**
 9 **CRUISE REQUIRED UNDER THE SENIOR RE-**
 10 **SERVE OFFICERS' TRAINING CORPS PRO-**
 11 **GRAM.**

12 *Section 2104(b)(6)(A)(ii) of title 10, United States*
 13 *Code, is amended by striking out “not less than six weeks”*
 14 *duration” and inserting in lieu thereof “a duration”.*

15 **SEC. 545. ACTIVE DUTY OFFICERS DETAILED TO ROTC**
 16 **DUTY AT SENIOR MILITARY COLLEGES TO**
 17 **SERVE AS COMMANDANT AND ASSISTANT**
 18 **COMMANDANT OF CADETS AND AS TACTICAL**
 19 **OFFICERS.**

20 *(a) IN GENERAL.—Chapter 103 of title 10, United*
 21 *States Code, is amended by adding at the end the following*
 22 *new section:*

23 **“§2111a. Detail of officers to senior military colleges**

24 **“(a) DETAIL OF OFFICERS TO SERVE AS COM-**
 25 **MANDANT OR ASSISTANT COMMANDANT OF CADETS.—(1)**

1 *Upon the request of a senior military college, the Secretary*
2 *of Defense may detail an officer on the active-duty list to*
3 *serve as Commandant of Cadets at that college or (in the*
4 *case of a college with an Assistant Commandant of Cadets)*
5 *detail an officer on the active-duty list to serve as Assistant*
6 *Commandant of Cadets at that college (but not both).*

7 “(2) *In the case of an officer detailed as Commandant*
8 *of Cadets, the officer may, upon the request of the college,*
9 *be assigned from among the Professor of Military Science,*
10 *the Professor of Naval Science (if any), and the Professor*
11 *of Aerospace Science (if any) at that college or may be in*
12 *addition to any other officer detailed to that college in sup-*
13 *port of the program.*

14 “(3) *In the case of an officer detailed as Assistant*
15 *Commandant of Cadets, the officer may, upon the request*
16 *of the college, be assigned from among officers otherwise de-*
17 *tailed to duty at that college in support of the program or*
18 *may be in addition to any other officer detailed to that col-*
19 *lege in support of the program.*

20 “(b) *DESIGNATION OF OFFICERS AS TACTICAL OFFI-*
21 *CERS.—Upon the request of a senior military college, the*
22 *Secretary of Defense may authorize officers (other than offi-*
23 *cers covered by subsection (a)) who are detailed to duty as*
24 *instructors at that college to act simultaneously as tactical*

1 *officers (with or without compensation) for the Corps of Ca-*
 2 *dets at that college.*

3 “(c) *DETAIL OF OFFICERS.*—*The Secretary of a mili-*
 4 *tary department shall designate officers for detail to the*
 5 *program at a senior military college in accordance with*
 6 *criteria provided by the college. An officer may not be de-*
 7 *tailed to a senior military college without the approval of*
 8 *that college.*

9 “(d) *SENIOR MILITARY COLLEGES.*—*The senior mili-*
 10 *tary colleges are the following:*

11 “(1) *Texas A&M University.*

12 “(2) *Norwich College.*

13 “(3) *The Virginia Military Institute.*

14 “(4) *The Citadel.*

15 “(5) *Virginia Polytechnic Institute and State*
 16 *University.*

17 “(6) *North Georgia College.*”.

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

“2111a. *Detail of officers to senior military colleges.*”.

1 ***Subtitle E—Miscellaneous Reviews,***
2 ***Studies, and Reports***

3 ***SEC. 551. REPORT CONCERNING APPROPRIATE FORUM***
4 ***FOR JUDICIAL REVIEW OF DEPARTMENT OF***
5 ***DEFENSE PERSONNEL ACTIONS.***

6 (a) *ESTABLISHMENT.*—*The Secretary of Defense shall*
7 *establish an advisory committee to consider issues relating*
8 *to the appropriate forum for judicial review of Department*
9 *of Defense administrative personnel actions.*

10 (b) *MEMBERSHIP.*—(1) *The committee shall be com-*
11 *posed of five members, who shall be appointed by the Sec-*
12 *retary of Defense after consultation with the Attorney Gen-*
13 *eral and the Chief Justice of the United States.*

14 (2) *All members of the committee shall be appointed*
15 *not later than 30 days after the date of the enactment of*
16 *this Act.*

17 (c) *DUTIES.*—*The committee shall review, and provide*
18 *findings and recommendations regarding, the following*
19 *matters with respect to judicial review of administrative*
20 *personnel actions of the Department of Defense:*

21 (1) *Whether the existing forum for such review*
22 *through the United States district courts provides ap-*
23 *propriate and adequate review of such actions.*

24 (2) *Whether jurisdiction to conduct judicial re-*
25 *view of such actions should be established in a single*

1 *court in order to provide a centralized review of such*
2 *actions and, if so, in which court that jurisdiction*
3 *should be vested.*

4 *(d) REPORT.—(1) Not later than December 15, 1996,*
5 *the committee shall submit to the Secretary of Defense a*
6 *report setting forth its findings and recommendations, in-*
7 *cluding its recommendations pursuant to subsection (c).*

8 *(2) Not later than January 1, 1997, the Secretary of*
9 *Defense, after consultation with the Attorney General, shall*
10 *transmit the committee's report to Congress. The Secretary*
11 *may include in the transmittal any comments on the report*
12 *that the Secretary or the Attorney General consider appro-*
13 *priate.*

14 *(e) TERMINATION OF COMMITTEE.—The committee*
15 *shall terminate 30 days after the date of the submission of*
16 *its report to Congress under subsection (d)(2).*

17 **SEC. 552. COMPTROLLER GENERAL REVIEW OF PROPOSED**
18 **ARMY END STRENGTH ALLOCATIONS.**

19 *(a) IN GENERAL.—During fiscal years 1996 through*
20 *2001, the Comptroller General of the United States shall*
21 *analyze the plans of the Secretary of the Army for the allo-*
22 *cation of assigned active component end strengths for the*
23 *Army through the requirements process known as Total*
24 *Army Analysis 2003 and through any subsequent similar*
25 *requirements process of the Army that is conducted before*

1 2002. The Comptroller General's analysis shall consider
2 whether the proposed active component end strengths and
3 planned allocation of forces for that period will be sufficient
4 to implement the national military strategy. In monitoring
5 those plans, the Comptroller General shall determine the ex-
6 tent to which the Army will be able during that period—

7 (1) to man fully the combat force based on the
8 projected active component Army end strength for
9 each of fiscal years 1996 through 2001;

10 (2) to meet the support requirements for the force
11 and strategy specified in the report of the Bottom-Up
12 Review, including requirements for operations other
13 than war; and

14 (3) to streamline further Army infrastructure in
15 order to eliminate duplication and inefficiencies and
16 replace active duty personnel in overhead positions,
17 whenever practicable, with civilian or reserve person-
18 nel.

19 (b) ACCESS TO DOCUMENTS, ETC.—The Secretary of
20 the Army shall ensure that the Comptroller General is pro-
21 vided access, on a timely basis and in accordance with the
22 needs of the Comptroller General, to all analyses, models,
23 memoranda, reports, and other documents prepared or used
24 in connection with the requirements process of the Army
25 known as Total Army Analysis 2003 and any subsequent

1 *similar requirements process of the Army that is conducted*
2 *before 2002.*

3 (c) *ANNUAL REPORT.*—*Not later than March 1 of each*
4 *year through 2002, the Comptroller General shall submit*
5 *to Congress a report on the findings and conclusions of the*
6 *Comptroller General under this section.*

7 ***SEC. 553. REPORT ON MANNING STATUS OF HIGHLY***
8 ***DEPLOYABLE SUPPORT UNITS.***

9 (a) *REPORT.*—*Not later than September 30, 1996, the*
10 *Secretary of Defense shall submit to the Committee on*
11 *Armed Services of the Senate and the Committee on Na-*
12 *tional Security of the House of Representatives a report on*
13 *the units of the Armed Forces under the Secretary's juris-*
14 *diction—*

15 (1) *that (as determined by the Secretary of the*
16 *military department concerned) are high-priority*
17 *support units that would deploy early in a contin-*
18 *gency operation or other crisis; and*

19 (2) *that are, as a matter of policy, managed at*
20 *less than 100 percent of their authorized strengths.*

21 (b) *MATTERS TO BE INCLUDED.*—*The Secretary shall*
22 *include in the report—*

23 (1) *the number of such high-priority support*
24 *units (shown by type of unit) that are so managed;*

1 (2) *the level of manning within such high-prior-*
2 *ity support units; and*

3 (3) *with respect to each such unit, either the jus-*
4 *tification for manning of less than 100 percent or the*
5 *status of corrective action.*

6 **SEC. 554. REVIEW OF SYSTEM FOR CORRECTION OF MILI-**
7 **TARY RECORDS.**

8 (a) *REVIEW OF PROCEDURES.*—*The Secretary of De-*
9 *fense shall review the system and procedures for the correc-*
10 *tion of military records used by the Secretaries of the mili-*
11 *tary departments in the exercise of authority under section*
12 *1552 of title 10, United States Code, in order to identify*
13 *potential improvements that could be made in the process*
14 *for correcting military records to ensure fairness, equity,*
15 *and (consistent with appropriate service to applicants)*
16 *maximum efficiency. The Secretary may not delegate re-*
17 *sponsibility for the review to an officer or official of a mili-*
18 *tary department.*

19 (b) *ISSUES REVIEWED.*—*In conducting the review, the*
20 *Secretary shall consider (with respect to each Board for the*
21 *Correction of Military Records) the following:*

22 (1) *The composition of the board and of the sup-*
23 *port staff for the board.*

24 (2) *Timeliness of final action.*

1 (3) *Independence of deliberations by the civilian*
2 *board.*

3 (4) *The authority of the Secretary of the mili-*
4 *tary department concerned to modify the rec-*
5 *ommendations of the board.*

6 (5) *Burden of proof and other evidentiary stand-*
7 *ards.*

8 (6) *Alternative methods for correcting military*
9 *records.*

10 (7) *Whether the board should be consolidated*
11 *with the Discharge Review Board of the military de-*
12 *partment.*

13 (c) *REPORT.—Not later than April 1, 1996, the Sec-*
14 *retary of Defense shall submit a report on the results of*
15 *the Secretary's review under this section to the Committee*
16 *on Armed Services of the Senate and the Committee on Na-*
17 *tional Security of the House of Representatives. The report*
18 *shall contain the recommendations of the Secretary for im-*
19 *proving the process for correcting military records in order*
20 *to achieve the objectives referred to in subsection (a).*

1 **SEC. 555. REPORT ON THE CONSISTENCY OF REPORTING**
2 **OF FINGERPRINT CARDS AND FINAL DISPOSI-**
3 **TION FORMS TO THE FEDERAL BUREAU OF**
4 **INVESTIGATION.**

5 (a) *REPORT.*—The Secretary of Defense shall submit
6 to Congress a report on the consistency with which finger-
7 print cards and final disposition forms, as described in
8 Criminal Investigations Policy Memorandum 10 issued by
9 the Defense Inspector General on March 25, 1987, are re-
10 ported by the Defense Criminal Investigative Organizations
11 to the Federal Bureau of Investigation for inclusion in the
12 Bureau's criminal history identification files. The report
13 shall be prepared in consultation with the Director of the
14 Federal Bureau of Investigation.

15 (b) *MATTERS TO BE INCLUDED.*—In the report, the
16 Secretary shall—

17 (1) survey fingerprint cards and final disposi-
18 tion forms filled out in the past 24 months by each
19 investigative organization;

20 (2) compare the fingerprint cards and final dis-
21 position forms filled out to all judicial and
22 nonjudicial procedures initiated as a result of actions
23 taken by each investigative service in the past 24
24 months;

1 (3) account for any discrepancies between the
2 forms filled out and the judicial and nonjudicial pro-
3 cedures initiated;

4 (4) compare the fingerprint cards and final dis-
5 position forms filled out with the information held by
6 the Federal Bureau of Investigation criminal history
7 identification files;

8 (5) identify any weaknesses in the collection of
9 fingerprint cards and final disposition forms and in
10 the reporting of that information to the Federal Bu-
11 reau of Investigation; and

12 (6) determine whether or not other law enforce-
13 ment activities of the military services collect and re-
14 port such information or, if not, should collect and re-
15 port such information.

16 (c) *SUBMISSION OF REPORT.*—The report shall be sub-
17 mitted not later than one year after the date of the enact-
18 ment of this Act.

19 (d) *DEFINITION.*—For the purposes of this section, the
20 term “criminal history identification files”, with respect to
21 the Federal Bureau of Investigation, means the criminal
22 history record system maintained by the Federal Bureau
23 of Investigation based on fingerprint identification and any
24 other method of positive identification.

1 **Subtitle F—Other Matters**

2 **SEC. 561. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT**
3 **FOR OFFICERS AND ENLISTED MEMBERS.**

4 (a) *ENLISTED SERVICE CREDIT.*—Section 972 of title
5 10, *United States Code*, is amended—

6 (1) by inserting “(a) *ENLISTED MEMBERS RE-*
7 *QUIRED TO MAKE UP TIME LOST.*—” before “An en-
8 *listed member*”;

9 (2) by striking out paragraphs (3) and (4) and
10 inserting in lieu thereof the following:

11 “(3) *is confined by military or civilian authori-*
12 *ties for more than one day in connection with a trial,*
13 *whether before, during, or after the trial; or*”; and

14 (3) by redesignating paragraph (5) as para-
15 graph (4).

16 (b) *OFFICER SERVICE CREDIT.*—Such section is fur-
17 ther amended by adding at the end the following:

18 “(b) *OFFICERS NOT ALLOWED SERVICE CREDIT FOR*
19 *TIME LOST.*—*In the case of an officer of an armed force*
20 *who after the date of the enactment of the National Defense*
21 *Authorization Act for Fiscal Year 1996—*

22 “(1) *deserts;*

23 “(2) *is absent from his organization, station, or*
24 *duty for more than one day without proper authority,*
25 *as determined by competent authority;*

1 “(3) is confined by military or civilian authori-
2 ties for more than one day in connection with a trial,
3 whether before, during, or after the trial; or

4 “(4) is unable for more than one day, as deter-
5 mined by competent authority, to perform his duties
6 because of intemperate use of drugs or alcoholic liq-
7 uor, or because of disease or injury resulting from his
8 misconduct;

9 the period of such desertion, absence, confinement, or inabil-
10 ity to perform duties may not be counted in computing,
11 for any purpose other than basic pay under section 205 of
12 title 37, the officer’s length of service.”.

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

15 **“§ 972. Members: effect of time lost**

16 (2) The item relating to section 972 in the table of
17 sections at the beginning of chapter 49 of such title is
18 amended to read as follows:
 “972. Members: effect of time lost.”.

19 (d) CONFORMING AMENDMENTS.—(1) Section 1405(c)
20 is amended—

21 (A) by striking out “MADE UP.—Time” and in-
22 serting in lieu thereof “MADE UP OR EXCLUDED.—
23 (1) Time”;

24 (B) by striking out “section 972” and inserting
25 in lieu thereof “section 972(a)”;

1 (C) by inserting after “of this title” the follow-
2 ing: “, or required to be made up by an enlisted mem-
3 ber of the Navy, Marine Corps, or Coast Guard under
4 that section with respect to a period of time after the
5 date of the enactment of the National Defense Author-
6 ization Act for Fiscal Year 1995,”; and

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

8 “(2) Section 972(b) of this title excludes from computa-
9 tion of an officer’s years of service for purposes of this sec-
10 tion any time identified with respect to that officer under
11 that section.”.

12 (2) Chapter 367 of such title is amended—

13 (A) in section 3925(b), by striking out “section
14 972” and inserting in lieu thereof “section 972(a)”;
15 and

16 (B) by adding at the end of section 3926 the fol-
17 lowing new subsection:

18 “(e) Section 972(b) of this title excludes from computa-
19 tion of an officer’s years of service for purposes of this sec-
20 tion any time identified with respect to that officer under
21 that section.”.

22 (3)(A) Chapter 571 of such title is amended by insert-
23 ing after section 6327 the following new section:

1 **“§ 6328. Computation of years of service: voluntary re-**
 2 **tirement**

3 “(a) *ENLISTED MEMBERS.*—*Time required to be made*
 4 *up under section 972(a) of this title after the date of the*
 5 *enactment of this section may not be counted in computing*
 6 *years of service under this chapter.*

7 “(b) *OFFICERS.*—*Section 972(b) of this title excludes*
 8 *from computation of an officer’s years of service for pur-*
 9 *poses of this chapter any time identified with respect to that*
 10 *officer under that section.”.*

11 (B) *The table of sections at the beginning of such chap-*
 12 *ter is amended by inserting after the item relating to section*
 13 *6327 the following new item:*

 “6328. *Computation of years of service: voluntary retirement.*”.

14 (4) *Chapter 867 of such title is amended—*

15 (A) *in section 8925(b), by striking out “section*
 16 *972” and inserting in lieu thereof “section 972(a)”;*
 17 *and*

18 (B) *by adding at the end of section 8926 the fol-*
 19 *lowing new subsection:*

20 “(d) *Section 972(b) of this title excludes from computa-*
 21 *tion of an officer’s years of service for purposes of this sec-*
 22 *tion any time identified with respect to that officer under*
 23 *that section.”.*

24 (e) *EFFECTIVE DATE AND APPLICABILITY.*—*The*
 25 *amendments made by this section shall take effect on the*

1 *date of the enactment of this Act and shall apply to any*
 2 *period of time covered by section 972 of title 10, United*
 3 *States Code, that occurs after that date.*

4 **SEC. 562. ARMY RANGER TRAINING.**

5 *(a) IN GENERAL.—(1) Chapter 401 of title 10, United*
 6 *States Code, is amended by inserting after section 4302 the*
 7 *following new section:*

8 **“§ 4303. Army Ranger training: instructor staffing;**
 9 **safety**

10 *“(a) LEVELS OF PERSONNEL ASSIGNED.—(1) The Sec-*
 11 *retary of the Army shall ensure that at all times the number*
 12 *of officers, and the number of enlisted members, perma-*
 13 *nently assigned to the Ranger Training Brigade (or other*
 14 *organizational element of the Army primarily responsible*
 15 *for ranger student training) are not less than 90 percent*
 16 *of the required manning spaces for officers, and for enlisted*
 17 *members, respectively, for that brigade.*

18 *“(2) In this subsection, the term ‘required manning*
 19 *spaces’ means the number of personnel spaces for officers,*
 20 *and the number of personnel spaces for enlisted members,*
 21 *that are designated in Army authorization documents as*
 22 *the number required to accomplish the missions of a par-*
 23 *ticular unit or organization.*

24 *“(b) TRAINING SAFETY CELLS.—(1) The Secretary of*
 25 *the Army shall establish and maintain an organizational*

1 *entity known as a ‘safety cell’ as part of the organizational*
2 *elements of the Army responsible for conducting each of the*
3 *three major phases of the Ranger Course. The safety cell*
4 *in each different geographic area of Ranger Course training*
5 *shall be comprised of personnel who have sufficient continu-*
6 *ity and experience in that geographic area of such training*
7 *to be knowledgeable of the local conditions year-round, in-*
8 *cluding conditions of terrain, weather, water, and climate*
9 *and other conditions and the potential effect on those condi-*
10 *tions on Ranger student training and safety.*

11 “(2) *Members of each safety cell shall be assigned in*
12 *sufficient numbers to serve as advisers to the officers in*
13 *charge of the major phase of Ranger training and shall as-*
14 *sist those officers in making informed daily ‘go’ and ‘no-*
15 *go’ decisions regarding training in light of all relevant con-*
16 *ditions, including conditions of terrain, weather, water,*
17 *and climate and other conditions.”.*

18 (2) *The table of sections at the beginning of such chap-*
19 *ter is amended by inserting after the item relating to section*
20 *4302 the following new item:*

“4303. Army Ranger training: instructor staffing; safety.”.

21 (b) *ACCOMPLISHMENT OF REQUIRED MANNING LEV-*
22 *ELS.—(1) If, as of the date of the enactment of this Act,*
23 *the number of officers, and the number of enlisted members,*
24 *permanently assigned to the Army Ranger Training Bri-*
25 *gade are not each at (or above) the requirement specified*

1 *in subsection (a) of section 4303 of title 10, United States*
2 *Code, as added by subsection (a), the Secretary of the Army*
3 *shall—*

4 (A) *take such steps as necessary to accomplish*
5 *that requirement within 12 months after such date of*
6 *enactment; and*

7 (B) *submit to Congress, not later than 90 days*
8 *after such date of enactment, a plan to achieve and*
9 *maintain that requirement.*

10 (2) *The requirement specified in subsection (a) of sec-*
11 *tion 4303 of title 10, United States Code, as added by sub-*
12 *section (a), shall expire two years after the date (on or after*
13 *the date of the enactment of this Act) on which the required*
14 *manning levels referred to in paragraph (1) are first at-*
15 *tained.*

16 (c) *GAO ASSESSMENT.—(1) Not later than one year*
17 *the date of the enactment of this Act, the Comptroller Gen-*
18 *eral shall submit to Congress a report providing a prelimi-*
19 *nary assessment of the implementation and effectiveness of*
20 *all corrective actions taken by the Army as a result of the*
21 *February 1995 accident at the Florida Ranger Training*
22 *Camp, including an evaluation of the implementation of*
23 *the required manning levels established by subsection (a)*
24 *of section 4303 of title 10, United States Code, as added*
25 *by subsection (a).*

1 (2) *At the end of the two-year period specified in sub-*
2 *section (b)(2), the Comptroller General shall submit to Con-*
3 *gress a report providing a final assessment of the matters*
4 *covered in the preliminary report under paragraph (1). The*
5 *report shall include the Comptroller General's recommenda-*
6 *tion as to the need to continue required statutory manning*
7 *levels as specified in subsection (a) of section 4303 of title*
8 *10, United States Code, as added by subsection (a).*

9 (d) *SENSE OF CONGRESS.—In light of requirement*
10 *that particularly dangerous training activities (such as*
11 *Ranger training, Search, Evasion, Rescue, and Escape*
12 *(SERE) training, SEAL training, and Airborne training)*
13 *must be adequately manned and resourced to ensure safety*
14 *and effective oversight, it is the sense of Congress—*

15 (1) *that the Secretary of Defense, in conjunction*
16 *with the Secretaries of the military departments,*
17 *should review and, if necessary, enhance oversight of*
18 *all such training activities; and*

19 (2) *that organizations similar to the safety cells*
20 *required to be established for Army Ranger training*
21 *in section 4303 of title 10, United States Code, as*
22 *added by subsection (a), should (when appropriate) be*
23 *used for all such training activities.*

1 **SEC. 563. SEPARATION IN CASES INVOLVING EXTENDED**
2 **CONFINEMENT.**

3 (a) *SEPARATION.*—(1)(A) Chapter 59 of title 10, Unit-
4 ed States Code, is amended by inserting after section 1166
5 the following new section:

6 **“§1167. Members under confinement by sentence of**
7 **court-martial: separation after six months**
8 **confinement**

9 “Except as otherwise provided in regulations pre-
10 scribed by the Secretary of Defense, a member sentenced by
11 a court-martial to a period of confinement for more than
12 six months may be separated from the member’s armed force
13 at any time after the sentence to confinement has become
14 final under chapter 47 of this title and the person has served
15 in confinement for a period of six months.”.

16 (B) The table of sections at the beginning of chapter
17 59 of such title is amended by inserting after the item relat-
18 ing to section 1166 the following new item:

“1167. Members under confinement by sentence of court-martial: separation after
six months confinement.”.

19 (2)(A) Chapter 1221 of title 10, United States Code,
20 is amended by adding at the end the following:

1 **“§ 12687. Reserves under confinement by sentence of**
 2 **court-martial: separation after six months**
 3 **confinement**

4 “Except as otherwise provided in regulations pre-
 5 scribed by the Secretary of Defense, a Reserve sentenced by
 6 a court-martial to a period of confinement for more than
 7 six months may be separated from that Reserve’s armed
 8 force at any time after the sentence to confinement has be-
 9 come final under chapter 47 of this title and the Reserve
 10 has served in confinement for a period of six months.”.

11 (B) The table of sections at the beginning of chapter
 12 1221 of such title is amended by inserting at the end thereof
 13 the following new item:

“12687. Reserves under confinement by sentence of court-martial: separation after
 six months confinement.”.

14 (b) DROP FROM ROLLS.—(1) Section 1161(b) of title
 15 10, United States Code, is amended by striking out “or (2)”
 16 and inserting in lieu thereof “(2) who may be separated
 17 under section 1178 of this title by reason of a sentence to
 18 confinement adjudged by a court-martial, or (3)”.

19 (2) Section 12684 of such title is amended—

20 (A) by striking out “or” at the end of paragraph

21 (1);

22 (B) by redesignating paragraph (2) as para-
 23 graph (3); and

1 (C) by inserting after paragraph (1) the follow-
2 ing new paragraph (2):

3 “(2) who may be separated under section 12687
4 of this title by reason of a sentence to confinement ad-
5 judged by a court-martial; or”.

6 **SEC. 564. LIMITATIONS ON REDUCTIONS IN MEDICAL PER-**
7 **SONNEL.**

8 (a) *IN GENERAL.*—(1) Chapter 3 of title 10, United
9 States Code, is amended by inserting after section 129b the
10 following new section:

11 **“§ 129c. Medical personnel: limitations on reductions**

12 “(a) *LIMITATION ON REDUCTION.*—For any fiscal
13 year, the Secretary of Defense may not make a reduction
14 in the number of medical personnel of the Department of
15 Defense described in subsection (b) unless the Secretary
16 makes a certification for that fiscal year described in sub-
17 section (c).

18 “(b) *COVERED REDUCTIONS.*—Subsection (a) applies
19 to a reduction in the number of medical personnel of the
20 Department of Defense as of the end of a fiscal year to a
21 number that is less than—

22 “(1) 95 percent of the number of such personnel
23 at the end of the immediately preceding fiscal year;
24 or

1 “(2) 90 percent of the number of such personnel
2 at the end of the third fiscal year preceding the fiscal
3 year.

4 “(c) *CERTIFICATION.*—A certification referred to in
5 subsection (a) with respect to reductions in medical person-
6 nel of the Department of Defense for any fiscal year is a
7 certification by the Secretary of Defense to Congress that—

8 “(1) the number of medical personnel being re-
9 duced is excess to the current and projected needs of
10 the Department of Defense; and

11 “(2) such reduction will not result in an increase
12 in the cost of health care services provided under the
13 Civilian Health and Medical Program of the Uni-
14 formed Services under chapter 55 of this title.

15 “(d) *POLICY FOR IMPLEMENTING REDUCTIONS.*—
16 Whenever the Secretary of Defense directs that there be a
17 reduction in the total number of military medical personnel
18 of the Department of Defense, the Secretary shall require
19 that the reduction be carried out so as to ensure that the
20 reduction is not exclusively or disproportionately borne by
21 any one of the armed forces and is not exclusively or
22 disproportionately borne by either the active or the reserve
23 components.

24 “(e) *DEFINITION.*—In this section, the term ‘medical
25 personnel’ means—

1 “(1) the members of the armed forces covered by
2 the term ‘medical personnel’ as defined in section
3 115a(g)(2) of this title; and

4 “(2) the civilian personnel of the Department of
5 Defense assigned to military medical facilities.”.

6 (2) The table of sections at the beginning of such chap-
7 ter is amended by inserting after the item relating to section
8 129b the following new item:

 “129c. Medical personnel: limitations on reductions.”.

9 (b) *SPECIAL TRANSITION RULE FOR FISCAL YEAR*
10 1996.—For purposes of applying subsection (b)(1) of sec-
11 tion 129c of title 10, United States Code, as added by sub-
12 section (a), during fiscal year 1996, the number against
13 which the percentage limitation of 95 percent is computed
14 shall be the number of medical personnel of the Department
15 of Defense as of the end of fiscal year 1994 (rather than
16 the number as of the end of fiscal year 1995).

17 (c) *REPORT ON PLANNED REDUCTIONS*.—(1) Not later
18 than March 1, 1996, the Secretary of Defense shall submit
19 to the Committee on Armed Services of the Senate and the
20 Committee on National Security of the House of Represent-
21 atives a plan for the reduction of the number of medical
22 personnel of the Department of Defense over the five-year
23 period beginning on October 1, 1996.

24 (2) The Secretary shall prepare the plan through the
25 Assistant Secretary of Defense having responsibility for

1 *health affairs, who shall consult in the preparation of the*
2 *plan with the Surgeon General of the Army, the Surgeon*
3 *General of the Navy, and the Surgeon General of the Air*
4 *Force.*

5 (3) *For purposes of this subsection, the term “medical*
6 *personnel of the Department of Defense” shall have the*
7 *meaning given the term “medical personnel” in section*
8 *129c(e) of title 10, United States Code, as added by sub-*
9 *section (a).*

10 (d) *REPEAL OF SUPERSEDED PROVISIONS OF LAW.—*
11 *The following provisions of law are repealed:*

12 (1) *Section 711 of the National Defense Author-*
13 *ization Act for Fiscal Year 1991 (10 U.S.C. 115*
14 *note).*

15 (2) *Subsection (b) of section 718 of the National*
16 *Defense Authorization Act for Fiscal Years 1992 and*
17 *1993 (Public Law 102–190; 10 U.S.C. 115 note).*

18 (3) *Section 518 of the National Defense Author-*
19 *ization Act for Fiscal Year 1993 (Public Law 102–*
20 *484; 10 U.S.C. 12001 note).*

21 **SEC. 565. SENSE OF CONGRESS CONCERNING PERSONNEL**

22 **TEMPO RATES.**

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

24 (1) *Excessively high personnel tempo rates for*
25 *members of the Armed Forces resulting from high-*

1 *tempo unit operations degrades unit readiness and*
 2 *morale and eventually can be expected to adversely af-*
 3 *fect unit retention.*

4 (2) *The Armed Forces have begun to develop*
 5 *methods to measure and manage personnel tempo*
 6 *rates.*

7 (3) *The Armed Forces have attempted to reduce*
 8 *operations and personnel tempo for heavily tasked*
 9 *units by employing alternative capabilities and re-*
 10 *ducing tasking requirements.*

11 (b) *SENSE OF CONGRESS.—The Secretary of Defense*
 12 *should continue to enhance the knowledge within the Armed*
 13 *Forces of personnel tempo and to improve the techniques*
 14 *by which personnel tempo is defined and managed with a*
 15 *view toward establishing and achieving reasonable person-*
 16 *nel tempo standards for all personnel, regardless of service,*
 17 *unit, or assignment.*

18 **SEC. 566. SEPARATION BENEFITS DURING FORCE REDUC-**
 19 **TION FOR OFFICERS OF COMMISSIONED**
 20 **CORPS OF NATIONAL OCEANIC AND ATMOS-**
 21 **PHERIC ADMINISTRATION.**

22 (a) *SEPARATION BENEFITS.—Subsection (a) of section*
 23 *3 of the Act of August 10, 1956 (33 U.S.C. 857a), is amend-*
 24 *ed by adding at the end the following new paragraph:*

1 “(15) Section 1174a, special separation benefits
2 (except that benefits under subsection (b)(2)(B) of
3 such section are subject to the availability of appro-
4 priations for such purpose and are provided at the
5 discretion of the Secretary of Commerce).”.

6 (b) *TECHNICAL CORRECTIONS*.—Such section is fur-
7 ther

8 amended—

9 (1) by striking out “Coast and Geodetic Survey”
10 in subsections (a) and (b) and inserting in lieu there-
11 of “commissioned officer corps of the National Oce-
12 anic and Atmospheric Administration”; and

13 (2) in subsection (a), by striking out “including
14 changes in those rules made after the effective date of
15 this Act” in the matter preceding paragraph (1) and
16 inserting in lieu thereof “as those provisions are in
17 effect from time to time”.

18 (c) *TEMPORARY EARLY RETIREMENT AUTHORITY*.—
19 Section 4403 (other than subsection (f)) of the National De-
20 fense Authorization Act for Fiscal Year 1993 (Public Law
21 102–484; 106 Stat. 2702; 10 U.S.C. 1293 note) shall apply
22 to the commissioned officer corps of the National Oceanic
23 and Atmospheric Administration in the same manner and
24 to the same extent as that section applies to the Department
25 of Defense. The Secretary of Commerce shall implement the

1 *provisions of that section with respect to such commissioned*
 2 *officer corps and shall apply the provisions of that section*
 3 *to the provisions of the Coast and Geodetic Survey Commis-*
 4 *sioned Officers' Act of 1948 relating to the retirement of*
 5 *members of such commissioned officer corps.*

6 (d) *EFFECTIVE DATE.*—*This section shall apply only*
 7 *to members of the commissioned officer corps of the National*
 8 *Oceanic and Atmospheric Administration who are sepa-*
 9 *rated after September 30, 1995.*

10 **SEC. 567. DISCHARGE OF MEMBERS OF THE ARMED**
 11 **FORCES WHO HAVE THE HIV-1 VIRUS.**

12 (a) *IN GENERAL.*—(1) *Section 1177 of title 10, United*
 13 *States Code, is amended to read as follows:*

14 **“§ 1177. Members infected with HIV-1 virus: manda-**
 15 **tory discharge or retirement**

16 *“(a) MANDATORY SEPARATION.*—*A member of the*
 17 *armed forces who is HIV-positive shall be separated. Such*
 18 *separation shall be made on a date determined by the Sec-*
 19 *retary concerned, which shall be as soon as practicable after*
 20 *the date on which the determination is made that the mem-*
 21 *ber is HIV-positive and not later than the last day of the*
 22 *sixth month beginning after such date.*

23 *“(b) FORM OF SEPARATION.*—*If a member to be sepa-*
 24 *rated under this section is eligible to retire under any provi-*
 25 *sion of law or to be transferred to the Fleet Reserve or Fleet*

1 *Marine Corps Reserve, the member shall be so retired or*
2 *so transferred. Otherwise, the member shall be discharged.*
3 *The characterization of the service of the member shall be*
4 *determined without regard to the determination that the*
5 *member is HIV-positive.*

6 “(c) *DEFERRAL OF SEPARATION FOR MEMBERS IN 18-*
7 *YEAR RETIREMENT SANCTUARY.—In the case of a member*
8 *to be discharged under this section who on the date on which*
9 *the member is to be discharged is within two years of quali-*
10 *fying for retirement under any provision of law, or of quali-*
11 *fying for transfer to the Fleet Reserve or Fleet Marine Corps*
12 *Reserve under section 6330 of this title, the member may,*
13 *as determined by the Secretary concerned, be retained on*
14 *active duty until the member is qualified for retirement or*
15 *transfer to the Fleet Reserve or Fleet Marine Corps Reserve,*
16 *as the case may be, and then be so retired or transferred,*
17 *unless the member is sooner retired or discharged under any*
18 *other provision of law.*

19 “(d) *SEPARATION TO BE CONSIDERED INVOLUN-*
20 *TARY.—A separation under this section shall be considered*
21 *to be an involuntary separation for purposes of any other*
22 *provision of law.*

23 “(e) *ENTITLEMENT TO HEALTH CARE.—A member*
24 *separated under this section shall be entitled to medical and*
25 *dental care under chapter 55 of this title to the same extent*

1 *and under the same conditions as a person who is entitled*
2 *to such care under section 1074(b) of this title.*

3 “(f) *COUNSELING ABOUT AVAILABLE MEDICAL*
4 *CARE.—A member to be separated under this section shall*
5 *be provided information, in writing, before such separation*
6 *of the available medical care (through the Department of*
7 *Veterans Affairs and otherwise) to treat the member’s condi-*
8 *tion. Such information shall include identification of spe-*
9 *cific medical locations near the member’s home of record*
10 *or point of discharge at which the member may seek nec-*
11 *essary medical care.*”

12 “(g) *HIV-POSITIVE MEMBERS.—A member shall be*
13 *considered to be HIV-positive for purposes of this section*
14 *if there is serologic evidence that the member is infected*
15 *with the virus known as Human Immunodeficiency Virus—*
16 *1 (HIV–1), the virus most commonly associated with the*
17 *acquired immune deficiency syndrome (AIDS) in the Unit-*
18 *ed States. Such serologic evidence shall be considered to*
19 *exist if there is a reactive result given by an enzyme-linked*
20 *immunosorbent assay (ELISA) serologic test that is con-*
21 *firmed by a reactive and diagnostic immunoelectrophoresis*
22 *test (Western blot) on two separate samples. Any such sero-*
23 *logic test must be one that is approved by the Food and*
24 *Drug*
25 *Administration.”.*

1 (2) *The item relating to such section in the table of*
 2 *sections at the beginning of chapter 59 of such title is*
 3 *amended to read as follows:*

“1177. Members infected with HIV-1 virus: mandatory discharge or retirement.”.

4 (b) **EFFECTIVE DATE.**—*Section 1177 of title 10, Unit-*
 5 *ed States Code, as amended by subsection (a), applies with*
 6 *respect to members of the Armed Forces determined to be*
 7 *HIV-positive before, on, or after the date of the enactment*
 8 *of this Act. In the case of a member of the Armed Forces*
 9 *determined to be HIV-positive before such date, the deadline*
 10 *for separation of the member under subsection (a) of such*
 11 *section, as so amended, shall be determined from the date*
 12 *of the enactment of this Act (rather than from the date of*
 13 *such determination).*

14 **SEC. 568. REVISION AND CODIFICATION OF MILITARY FAM-**
 15 **ILY ACT AND MILITARY CHILD CARE ACT.**

16 (a) **IN GENERAL.**—(1) *Subtitle A of title 10, United*
 17 *States Code, is amended by inserting after chapter 87 the*
 18 *following new chapter:*

19 **“CHAPTER 88—MILITARY FAMILY**
 20 **PROGRAMS AND MILITARY CHILD CARE**

| | |
|---|-------------|
| <i>“Subchapter</i> | <i>Sec.</i> |
| <i>“I. Military Family Programs</i> | <i>1781</i> |
| <i>“II. Military Child Care</i> | <i>1791</i> |

21 **“SUBCHAPTER I—MILITARY FAMILY PROGRAMS**

“Sec.
“1781. Office of Family Policy.
“1782. Surveys of military families.

“1783. Family members serving on advisory committees.

“1784. Employment opportunities for military spouses.

“1785. Youth sponsorship program.

“1786. Dependent student travel within the United States.

“1787. Reporting of child abuse.

1 **“§ 1781. Office of Family Policy**

2 “(a) *ESTABLISHMENT.*—*There is in the Office of the*
 3 *Secretary of Defense an Office of Family Policy (hereinafter*
 4 *in this section referred to as the ‘Office’). The Office shall*
 5 *be under the Assistant Secretary of Defense for Force Man-*
 6 *agement and Personnel.*

7 “(b) *DUTIES.*—*The Office—*

8 “(1) *shall coordinate programs and activities of*
 9 *the military departments to the extent that they relate*
 10 *to military families; and*

11 “(2) *shall make recommendations to the Sec-*
 12 *retaries of the military departments with respect to*
 13 *programs and policies regarding military families.*

14 “(c) *STAFF.*—*The Office shall have not less than five*
 15 *professional staff members.*

16 **“§ 1782. Surveys of military families**

17 “(a) *AUTHORITY.*—*The Secretary of Defense may con-*
 18 *duct surveys of members of the armed forces on active duty*
 19 *or in an active status, members of the families of such mem-*
 20 *bers, and retired members of the armed forces to determine*
 21 *the effectiveness of Federal programs relating to military*
 22 *families and the need for new programs.*

1 *States to provide employment opportunities for quali-*
2 *fied spouses of members of the armed forces in the*
3 *same geographical area as the permanent duty sta-*
4 *tion of the members; and*

5 “(2) *providing preference in hiring for positions*
6 *in nonappropriated fund activities to qualified*
7 *spouses of members of the armed forces stationed in*
8 *the same geographical area as the nonappropriated*
9 *fund activity for positions in wage grade UA-8 and*
10 *below and equivalent positions and for positions paid*
11 *at hourly rates.*

12 “(b) *REGULATIONS.—The Secretary of Defense shall*
13 *prescribe regulations—*

14 “(1) *to implement such measures as the Presi-*
15 *dent orders under subsection (a);*

16 “(2) *to provide preference to qualified spouses of*
17 *members of the armed forces in hiring for any civil-*
18 *ian position in the Department of Defense if the*
19 *spouse is among persons determined to be best quali-*
20 *fied for the position and if the position is located in*
21 *the same geographical area as the permanent duty*
22 *station of the member;*

23 “(3) *to ensure that notice of any vacant position*
24 *in the Department of Defense is provided in a man-*
25 *ner reasonably designed to reach spouses of members*

1 of the armed forces whose permanent duty stations
2 are in the same geographic area as the area in which
3 the position is located; and

4 “(4) to ensure that the spouse of a member of the
5 armed forces who applies for a vacant position in the
6 Department of Defense shall, to the extent practicable,
7 be considered for any such position located in the
8 same geographic area as the permanent duty station
9 of the member.

10 “(c) *STATUS OF PREFERENCE ELIGIBLES.*—Nothing
11 in this section shall be construed to provide a spouse of a
12 member of the armed forces with preference in hiring over
13 an individual who is a preference eligible.

14 “**§ 1785. Youth sponsorship program**

15 “(a) *REQUIREMENT.*—The Secretary of Defense shall
16 require that there be at each military installation a youth
17 sponsorship program to facilitate the integration of depend-
18 ent children of members of the armed forces into new sur-
19 roundings when moving to that military installation as a
20 result of a parent’s permanent change of station.

21 “(b) *DESCRIPTION OF PROGRAMS.*—The program at
22 each installation shall provide for involvement of dependent
23 children of members presently stationed at the military in-
24 stallation and shall be directed primarily toward children
25 in their preteen and teenage years.

1 **“§ 1786. Dependent student travel within the United**
 2 **States**

3 *“Funds available to the Department of Defense for the*
 4 *travel and transportation of dependent students of members*
 5 *of the armed forces stationed overseas may be obligated for*
 6 *transportation allowances for travel within or between the*
 7 *contiguous States.*

8 **“§ 1787. Reporting of child abuse**

9 *“(a) IN GENERAL.—The Secretary of Defense shall re-*
 10 *quest each State to provide for the reporting to the Sec-*
 11 *retary of any report the State receives of known or suspected*
 12 *instances of child abuse and neglect in which the person*
 13 *having care of the child is a member of the armed forces*
 14 *(or the spouse of the member).*

15 *“(b) DEFINITION.—In this section, the term ‘child*
 16 *abuse and neglect’ has the meaning provided in section 3(1)*
 17 *of the Child Abuse Prevention and Treatment Act (42*
 18 *U.S.C. 5102).*

19 **“SUBCHAPTER II—MILITARY CHILD CARE**

“Sec.

“1791. Funding for military child care.

“1792. Child care employees.

“1793. Parent fees.

“1794. Child abuse prevention and safety at facilities.

“1795. Parent partnerships with child development centers.

“1796. Subsidies for family home day care.

“1797. Early childhood education program.

“1798. Definitions.

1 **“§ 1791. Funding for military child care**

2 *“It is the policy of Congress that the amount of appro-*
3 *priated funds available during a fiscal year for operating*
4 *expenses for military child development centers and pro-*
5 *grams shall be not less than the amount of child care fee*
6 *receipts that are estimated to be received by the Department*
7 *of Defense during that fiscal year.*

8 **“§ 1792. Child care employees**

9 *“(a) REQUIRED TRAINING.—(1) The Secretary of De-*
10 *fense shall prescribe regulations implementing, a training*
11 *program for child care employees. Those regulations shall*
12 *apply uniformly among the military departments. Subject*
13 *to paragraph (2), satisfactory completion of the training*
14 *program shall be a condition of employment of any person*
15 *as a child care employee.*

16 *“(2) Under those regulations, the Secretary shall re-*
17 *quire that each child care employee complete the training*
18 *program not later than six months after the date on which*
19 *the employee is employed as a child care employee.*

20 *“(3) The training program established under this sub-*
21 *section shall cover, at a minimum, training in the follow-*
22 *ing:*

23 *“(A) Early childhood development.*

24 *“(B) Activities and disciplinary techniques ap-*
25 *propriate to children of different ages.*

26 *“(C) Child abuse prevention and detection.*

1 “(D) *Cardiopulmonary resuscitation and other*
2 *emergency medical procedures.*

3 “(b) *TRAINING AND CURRICULUM SPECIALISTS.—(1)*
4 *The Secretary of Defense shall require that at least one em-*
5 *ployee at each military child development center be a spe-*
6 *cialist in training and curriculum development. The Sec-*
7 *retary shall ensure that such employees have appropriate*
8 *credentials and experience.*

9 “(2) *The duties of such employees shall include the fol-*
10 *lowing:*

11 “(A) *Special teaching activities at the center.*

12 “(B) *Daily oversight and instruction of other*
13 *child care employees at the center.*

14 “(C) *Daily assistance in the preparation of les-*
15 *son plans.*

16 “(D) *Assistance in the center’s child abuse pre-*
17 *vention and detection program.*

18 “(E) *Advising the director of the center on the*
19 *performance of other child care employees.*

20 “(3) *Each employee referred to in paragraph (1) shall*
21 *be an employee in a competitive service position.*

22 “(c) *COMPETITIVE RATES OF PAY.—For the purpose*
23 *of providing military child development centers with a*
24 *qualified and stable civilian workforce, employees at a mili-*

1 tary installation who are directly involved in providing
2 child care and are paid from nonappropriated funds—

3 “(1) in the case of entry-level employees, shall be
4 paid at rates of pay competitive with the rates of pay
5 paid to other entry-level employees at that installa-
6 tion who are drawn from the same labor pool; and

7 “(2) in the case of other employees, shall be paid
8 at rates of pay substantially equivalent to the rates
9 of pay paid to other employees at that installation
10 with similar training, seniority, and experience.

11 “(d) *EMPLOYMENT PREFERENCE PROGRAM FOR MILI-*
12 *TARY SPOUSES.*—(1) *The Secretary of Defense shall conduct*
13 *a program under which qualified spouses of members of the*
14 *armed forces shall be given a preference in hiring for the*
15 *position of child care employee in a position paid from*
16 *nonappropriated funds if the spouse is among persons de-*
17 *termined to be best qualified for the position.*

18 “(2) *A spouse who is provided a preference under this*
19 *subsection at a military child development center may not*
20 *be precluded from obtaining another preference, in accord-*
21 *ance with section 1794 of this title, in the same geographic*
22 *area as the military child development center.*

23 “(e) *COMPETITIVE SERVICE POSITION DEFINED.*—*In*
24 *this section, the term ‘competitive service position’ means*

1 a position in the competitive service, as defined in section
2 2102(a)(1) of title 5.

3 **“§ 1793. Parent fees**

4 “(a) *IN GENERAL.*—The Secretary of Defense shall
5 prescribe regulations establishing fees to be charged parents
6 for the attendance of children at military child development
7 centers. Those regulations shall be uniform for the military
8 departments and shall require that, in the case of children
9 who attend the centers on a regular basis, the fees shall be
10 based on family income.

11 “(b) *LOCAL WAIVER AUTHORITY.*—The Secretary of
12 Defense may provide authority to installation commanders,
13 on a case-by-case basis, to establish fees for attendance of
14 children at child development centers at rates lower than
15 those prescribed under subsection (a) if the rates prescribed
16 under subsection (a) are not competitive with rates at local
17 non-military child development centers.

18 **“§ 1794. Child abuse prevention and safety at facili-**
19 **ties**

20 “(a) *CHILD ABUSE TASK FORCE.*—The Secretary of
21 Defense shall maintain a special task force to respond to
22 allegations of widespread child abuse at a military installa-
23 tion. The task force shall be composed of personnel from ap-
24 propriate disciplines, including, where appropriate, medi-
25 cine, psychology, and childhood development. In the case of

1 *such allegations, the task force shall provide assistance to*
2 *the commander of the installation, and to parents at the*
3 *installation, in helping them to deal with such allegations.*

4 “(b) *NATIONAL HOTLINE.*—(1) *The Secretary of De-*
5 *fense shall maintain a national telephone number for per-*
6 *sons to use to report suspected child abuse or safety viola-*
7 *tions at a military child development center or family home*
8 *day care site. The Secretary shall ensure that such reports*
9 *may be made anonymously if so desired by the person mak-*
10 *ing the report. The Secretary shall establish procedures for*
11 *following up on complaints and information received over*
12 *that number.*

13 “(2) *The Secretary shall publicize the existence of the*
14 *number.*

15 “(c) *ASSISTANCE FROM LOCAL AUTHORITIES.*—*The*
16 *Secretary of Defense shall prescribe regulations requiring*
17 *that, in a case of allegations of child abuse at a military*
18 *child development center or family home day care site, the*
19 *commander of the military installation or the head of the*
20 *task force established under subsection (a) shall seek the as-*
21 *sistance of local child protective authorities if such assist-*
22 *ance is available.*

23 “(d) *SAFETY REGULATIONS.*—*The Secretary of De-*
24 *fense shall prescribe regulations on safety and operating*
25 *procedures at military child development centers. Those reg-*

1 *ulations shall apply uniformly among the military depart-*
2 *ments.*

3 “(e) *INSPECTIONS.*—*The Secretary of Defense shall re-*
4 *quire that each military child development center be in-*
5 *spected not less often than four times a year. Each such*
6 *inspection shall be unannounced. At least one inspection a*
7 *year shall be carried out by a representative of the installa-*
8 *tion served by the center, and one inspection a year shall*
9 *be carried out by a representative of the major command*
10 *under which that installation operates.*

11 “(f) *REMEDIES FOR VIOLATIONS.*—(1) *Except as pro-*
12 *vided in paragraph (2), any violation of a safety, health,*
13 *or child welfare law or regulation (discovered at an inspec-*
14 *tion or otherwise) at a military child development center*
15 *shall be remedied immediately.*

16 “(2) *In the case of a violation that is not life threaten-*
17 *ing, the commander of the major command under which*
18 *the installation concerned operates may waive the require-*
19 *ment that the violation be remedied immediately for a pe-*
20 *riod of up to 90 days beginning on the date of the discovery*
21 *of the violation. If the violation is not remedied as of the*
22 *end of that 90-day period, the military child development*
23 *center shall be closed until the violation is remedied. The*
24 *Secretary of the military department concerned may waive*
25 *the preceding sentence and authorize the center to remain*

1 *open in a case in which the violation cannot reasonably*
2 *be remedied within that 90-day period or in which major*
3 *facility reconstruction is required.*

4 **“§ 1795. Parent partnerships with child development**
5 **centers**

6 *“(a) PARENT BOARDS.—The Secretary of Defense shall*
7 *require that there be established at each military child de-*
8 *velopment center a board of parents, to be composed of par-*
9 *ents of children attending the center. The board shall meet*
10 *periodically with staff of the center and the commander of*
11 *the installation served by the center for the purpose of dis-*
12 *cussing problems and concerns. The board, together with the*
13 *staff of the center, shall be responsible for coordinating the*
14 *parent participation program described in subsection (b).*

15 *“(b) PARENT PARTICIPATION PROGRAMS.—The Sec-*
16 *retary of Defense shall require the establishment of a parent*
17 *participation program at each military child development*
18 *center. As part of such program, the Secretary of Defense*
19 *may establish fees for attendance of children at such a cen-*
20 *ter, in the case of parents who participate in the parent*
21 *participation program at that center, at rates lower than*
22 *the rates that otherwise apply.*

23 **“§ 1796. Subsidies for family home day care**

24 *“The Secretary of Defense may use appropriated funds*
25 *available for military child care purposes to provide assist-*

1 *ance to family home day care providers so that family home*
2 *day care services can be provided to members of the armed*
3 *forces at a cost comparable to the cost of services provided*
4 *by military child development centers. The Secretary shall*
5 *prescribe regulations for the provision of such assistance.*

6 **“§ 1797. Early childhood education program**

7 *“The Secretary of Defense shall require that all mili-*
8 *tary child development centers meet standards of operation*
9 *necessary for accreditation by an appropriate national*
10 *early childhood programs accrediting body.*

11 **“§ 1798. Definitions**

12 *“In this subchapter:*

13 *“(1) The term ‘military child development cen-*
14 *ter’ means a facility on a military installation (or on*
15 *property under the jurisdiction of the commander of*
16 *a military installation) at which child care services*
17 *are provided for members of the armed forces or any*
18 *other facility at which such child care services are*
19 *provided that is operated by the Secretary of a mili-*
20 *tary department.*

21 *“(2) The term ‘family home day care’ means*
22 *home-based child care services that are provided for*
23 *members of the armed forces by an individual who*
24 *(A) is certified by the Secretary of the military de-*
25 *partment concerned as qualified to provide those serv-*

1 *ices, and (B) provides those services on a regular*
 2 *basis for compensation.*

3 *“(3) The term ‘child care employee’ means a ci-*
 4 *vilian employee of the Department of Defense who is*
 5 *employed to work in a military child development*
 6 *center (regardless of whether the employee is paid*
 7 *from appropriated funds or nonappropriated funds).*

8 *“(4) The term ‘child care fee receipts’ means*
 9 *those nonappropriated funds that are derived from*
 10 *fees paid by members of the armed forces for child*
 11 *care services provided at military child development*
 12 *centers.”.*

13 *(2) The tables of chapters at the beginning of subtitle*
 14 *A, and at the beginning of part II of subtitle A, of title*
 15 *10, United States Code, are amended by inserting after the*
 16 *item relating to chapter 87 the following new item:*

“88. Military Family Programs and Military Child Care ... 1781”.

17 *(b) REPORT ON FIVE-YEAR DEMAND FOR CHILD*
 18 *CARE.—(1) Not later than the date of the submission of the*
 19 *budget for fiscal year 1997 pursuant to section 1105 of title*
 20 *31, United States Code, the Secretary of Defense shall sub-*
 21 *mit to Congress a report on the expected demand for child*
 22 *care by military and civilian personnel of the Department*
 23 *of Defense during fiscal years 1997 through 2001.*

24 *(2) The report shall include—*

1 (A) a plan for meeting the expected child care
2 demand identified in the report; and

3 (B) an estimate of the cost of implementing that
4 plan.

5 (3) The report shall also include a description of meth-
6 ods for monitoring family home day care programs of the
7 military
8 departments.

9 (c) *PLAN FOR IMPLEMENTATION OF ACCREDITATION*
10 *REQUIREMENT.*—The Secretary of Defense shall submit to
11 the Committee on Armed Services of the Senate and the
12 Committee on National Security of the House of Represent-
13 atives a plan for carrying out the requirements of section
14 1787 of title 10, United States Code, as added by subsection
15 (a). The plan shall be submitted not later than April 1,
16 1997.

17 (d) *CONTINUATION OF DELEGATION OF AUTHORITY*
18 *WITH RESPECT TO HIRING PREFERENCE FOR QUALIFIED*
19 *MILITARY SPOUSES.*—The provisions of Executive Order
20 No. 12568, issued October 2, 1986 (10 U.S.C. 113 note),
21 shall apply as if the reference in that Executive order to
22 section 806(a)(2) of the Department of Defense Authoriza-
23 tion Act of 1986 refers to section 1784 of title 10, United
24 States Code, as added by subsection (a).

1 (e) *REPEALER.*—*The following provisions of law are*
2 *repealed:*

3 (1) *The Military Family Act of 1985 (title VIII*
4 *of Public Law 99–145; 10 U.S.C. 113 note).*

5 (2) *The Military Child Care Act of 1989 (title*
6 *XV of Public Law 101–189; 10 U.S.C. 113 note).*

7 **SEC. 569. DETERMINATION OF WHEREABOUTS AND STA-**
8 **TUS OF MISSING PERSONS.**

9 (a) *PURPOSE.*—*The purpose of this section is to ensure*
10 *that any member of the Armed Forces (and any Department*
11 *of Defense civilian employee or contractor employee who*
12 *serves with or accompanies the Armed Forces in the field*
13 *under orders) who becomes missing or unaccounted for is*
14 *ultimately accounted for by the United States and, as a*
15 *general rule, is not declared dead solely because of the pas-*
16 *sage of time.*

17 (b) *IN GENERAL.*—(1) *Part II of subtitle A of title 10,*
18 *United States Code, is amended by inserting after chapter*
19 *75 the following new chapter:*

20 **“CHAPTER 76—MISSING PERSONS**

“Sec.

“1501. *System for accounting for missing persons.*

“1502. *Missing persons: initial report.*

“1503. *Actions of Secretary concerned; initial board inquiry.*

“1504. *Subsequent board of inquiry.*

“1505. *Further review.*

“1506. *Personnel files.*

“1507. *Recommendation of status of death.*

“1508. *Judicial review.*

“1509. *Preenactment, special interest cases.*

“1510. *Applicability to Coast Guard.*

“1511. Return alive of person declared missing or dead.

“1512. Effect on State law.

“1513. Definitions.

1 ***“§ 1501. System for accounting for missing persons***

2 *“(a) OFFICE FOR MISSING PERSONNEL.—(1) The Sec-*
3 *retary of Defense shall establish within the Office of the Sec-*
4 *retary of Defense an office to have responsibility for Depart-*
5 *ment of Defense policy relating to missing persons. Subject*
6 *to the authority, direction, and control of the Secretary of*
7 *Defense, the responsibilities of the office shall include—*

8 *“(A) policy, control, and oversight within the*
9 *Department of Defense of the entire process for inves-*
10 *tigation and recovery related to missing persons (in-*
11 *cluding matters related to search, rescue, escape, and*
12 *evasion); and*

13 *“(B) coordination for the Department of Defense*
14 *with other departments and agencies of the United*
15 *States on all matters concerning missing persons.*

16 *“(2) In carrying out the responsibilities of the office*
17 *established under this subsection, the head of the office shall*
18 *be responsible for the coordination for such purposes within*
19 *the Department of Defense among the military departments,*
20 *the Joint Staff, and the commanders of the combatant com-*
21 *mands.*

22 *“(3) The office shall establish policies, which shall*
23 *apply uniformly throughout the Department of Defense, for*

1 *personnel recovery (including search, rescue, escape, and*
2 *evasion).*

3 “(4) *The office shall establish procedures to be followed*
4 *by Department of Defense boards of inquiry, and by offi-*
5 *cial review of the reports of such boards, under this chap-*
6 *ter.*

7 “(b) *UNIFORM DOD PROCEDURES.—(1) The Secretary*
8 *of Defense shall prescribe procedures, to apply uniformly*
9 *throughout the Department of Defense, for—*

10 “(A) *the determination of the status of persons*
11 *described in subsection (c); and*

12 “(B) *for the systematic, comprehensive, and*
13 *timely collection, analysis, review, dissemination, and*
14 *periodic update of information related to such per-*
15 *sons.*

16 “(2) *Such procedures may provide for the delegation*
17 *by the Secretary of Defense of any responsibility of the Sec-*
18 *retary under this chapter to the Secretary of a military de-*
19 *partment.*

20 “(3) *Such procedures shall be prescribed in a single*
21 *directive applicable to all elements of the Department of De-*
22 *fense.*

23 “(4) *As part of such procedures, the Secretary may*
24 *provide for the extension, on a case-by-case basis, of any*
25 *time limit specified in section 1502, 1503, or 1504 of this*

1 *title. Any such extension may not be for a period in excess*
2 *of the period with respect to which the extension is provided.*
3 *Subsequent extensions may be provided on the same basis.*

4 “(c) *COVERED PERSONS.*—*Section 1502 of this title*
5 *applies in the case of the following persons:*

6 “(1) *Any member of the armed forces on active*
7 *duty who becomes involuntarily absent as a result of*
8 *a hostile action, or under circumstances suggesting*
9 *that the involuntary absence is a result of a hostile*
10 *action, and whose status is undetermined or who is*
11 *unaccounted for.*

12 “(2) *Any civilian employee of the Department of*
13 *Defense, and any employee of a contractor of the De-*
14 *partment of Defense, who serves with or accompanies*
15 *the armed forces in the field under orders who be-*
16 *comes involuntarily absent as a result of a hostile ac-*
17 *tion, or under circumstances suggesting that the in-*
18 *voluntary absence is a result of a hostile action, and*
19 *whose status is undetermined or who is unaccounted*
20 *for.*

21 “(d) *PRIMARY NEXT OF KIN.*—*The individual who is*
22 *primary next of kin of any person prescribed in subsection*
23 *(c) may for purposes of this chapter designate another indi-*
24 *vidual to act on behalf of that individual as primary next*
25 *of kin. The Secretary concerned shall treat an individual*

1 so designated as if the individual designated were the pri-
2 mary next of kin for purposes of this chapter. A designation
3 under this subsection may be revoked at any time by the
4 person who made the designation.

5 “(e) *TERMINATION OF APPLICABILITY OF PROCE-*
6 *DURES WHEN MISSING PERSON IS ACCOUNTED FOR.*—The
7 provisions of this chapter relating to boards of inquiry and
8 to the actions by the Secretary concerned on the reports of
9 those boards shall cease to apply in the case of a missing
10 person upon the person becoming accounted for or otherwise
11 being determined to be in a status other than missing.

12 “(f) *SECRETARY CONCERNED.*—In this chapter, the
13 term ‘Secretary concerned’ includes, in the case of a civilian
14 employee of the Department of Defense or contractor of the
15 Department of Defense, the Secretary of the military de-
16 partment or head of the element of the Department of De-
17 fense employing the employee or contracting with the con-
18 tractor, as the case may be.

19 **“§ 1502. Missing persons: initial report**

20 “(a) *PRELIMINARY ASSESSMENT AND RECOMMENDA-*
21 *TION BY COMMANDER.*—After receiving information that
22 the whereabouts and status of a person described in section
23 1501(c) of this title is uncertain and that the absence of
24 the person may be involuntary, the commander of the unit,
25 facility, or area to or in which the person is assigned shall

1 *make a preliminary assessment of the circumstances. If, as*
2 *a result of that assessment, the commander concludes that*
3 *the person is missing, the commander shall—*

4 “(1) *recommend that the person be placed in a*
5 *missing status; and*

6 “(2) *not later than 48 hours after receiving such*
7 *information, transmit a report containing that rec-*
8 *ommendation to the theater component commander*
9 *with jurisdiction over the missing person in accord-*
10 *ance with procedures prescribed under section 1501(b)*
11 *of this title.*

12 “(b) *TRANSMISSION THROUGH THEATER COMPONENT*
13 *COMMANDER.—Upon reviewing a report under subsection*
14 *(a) recommending that a person be placed in a missing sta-*
15 *tus, the theater component commander shall ensure that all*
16 *necessary actions are being taken, and all appropriate as-*
17 *sets are being used, to resolve the status of the missing per-*
18 *son. Not later than 14 days after receiving the report, the*
19 *theater component commander shall forward the report to*
20 *the Secretary of Defense or the Secretary concerned in ac-*
21 *cordance with procedures prescribed under section 1501(b)*
22 *of this title. The theater component commander shall in-*
23 *clude with such report a certification that all necessary ac-*
24 *tions are being taken, and all appropriate assets are being*
25 *used, to resolve the status of the missing person.*

1 “(c) SAFEGUARDING AND FORWARDING OF
2 RECORDS.—A commander making a preliminary assess-
3 ment under subsection (a) with respect to a missing person
4 shall (in accordance with procedures prescribed under sec-
5 tion 1501 of this title) safeguard and forward for official
6 use any information relating to the whereabouts and status
7 of the missing person that results from the preliminary as-
8 sessment or from actions taken to locate the person. The
9 theater component commander through whom the report
10 with respect to the missing person is transmitted under sub-
11 section (b) shall ensure that all pertinent information relat-
12 ing to the whereabouts and status of the missing person that
13 results from the preliminary assessment or from actions
14 taken to locate the person is properly safeguarded to avoid
15 loss, damage, or modification.

16 **“§ 1503. Actions of Secretary concerned; initial board**
17 **inquiry**

18 “(a) DETERMINATION BY SECRETARY.—Upon receiv-
19 ing a recommendation under section 1502(b) of this title
20 that a person be placed in a missing status, the Secretary
21 receiving the recommendation shall review the recommenda-
22 tion and, not later than 10 days after receiving such rec-
23 ommendation, shall appoint a board under this section to
24 conduct an inquiry into the whereabouts and status of the
25 person.

1 “(b) *INQUIRIES INVOLVING MORE THAN ONE MISSING*
2 *PERSON.*—*If it appears to the Secretary who appoints a*
3 *board under this section that the absence or missing status*
4 *of two or more persons is factually related, the Secretary*
5 *may appoint a single board under this section to conduct*
6 *the inquiry into the whereabouts and status of all such per-*
7 *sons.*

8 “(c) *COMPOSITION.*—(1) *A board appointed under this*
9 *section to inquire into the whereabouts and status of a per-*
10 *son shall consist of at least one individual described in*
11 *paragraph (2) who has experience with and understanding*
12 *of military operations or activities similar to the operation*
13 *or activity in which the person*
14 *disappeared.*

15 “(2) *An individual referred to in paragraph (1) is the*
16 *following:*

17 “(A) *A military officer, in the case of an inquiry*
18 *with respect to a member of the armed forces.*

19 “(B) *A civilian, in the case of an inquiry with*
20 *respect to a civilian employee of the Department of*
21 *Defense or of a contractor of the Department of De-*
22 *fense.*

23 “(3) *An individual may be appointed as a member*
24 *of a board under this section only if the individual has a*
25 *security clearance that affords the individual access to all*

1 *information relating to the whereabouts and status of the*
2 *missing persons covered by the inquiry.*

3 “(4) *A Secretary appointing a board under this sub-*
4 *section shall, for purposes of providing legal counsel to the*
5 *board, assign to the board a judge advocate, or appoint to*
6 *the board an attorney, who has expertise in the law relating*
7 *to missing persons, the determination of death of such per-*
8 *sons, and the rights of family members and dependents of*
9 *such persons.*

10 “(d) *DUTIES OF BOARD.—A board appointed to con-*
11 *duct an inquiry into the whereabouts and status of a miss-*
12 *ing person under this section shall—*

13 “(1) *collect, develop, and investigate all facts and*
14 *evidence relating to the disappearance or whereabouts*
15 *and status of the person;*

16 “(2) *collect appropriate documentation of the*
17 *facts and evidence covered by the board’s investiga-*
18 *tion;*

19 “(3) *analyze the facts and evidence, make find-*
20 *ings based on that analysis, and draw conclusions as*
21 *to the current whereabouts and status of the person;*
22 *and*

23 “(4) *with respect to each person covered by the*
24 *inquiry, recommend to the Secretary who appointed*
25 *the board that—*

1 “(A) the person be placed in a missing sta-
2 tus; or

3 “(B) the person be declared to have deserted,
4 to be absent without leave, or (subject to the re-
5 quirements of section 1507 of this title) to be
6 dead.

7 “(e) BOARD PROCEEDINGS.—During the proceedings
8 of an inquiry under this section, a board shall—

9 “(1) collect, record, and safeguard all facts, docu-
10 ments, statements, photographs, tapes, messages,
11 maps, sketches, reports, and other information (wheth-
12 er classified or unclassified) relating to the where-
13 abouts and status of each person covered by the in-
14 quiry;

15 “(2) gather information relating to actions taken
16 to find the person, including any evidence of the
17 whereabouts and status of the person arising from
18 such actions; and

19 “(3) maintain a record of its proceedings.

20 “(f) COUNSEL FOR MISSING PERSON.—(1) The Sec-
21 retary appointing a board to conduct an inquiry under this
22 section shall appoint counsel to represent each person cov-
23 ered by the inquiry or, in a case covered by subsection (b),
24 one counsel to represent all persons covered by the inquiry.
25 Counsel appointed under this paragraph may be referred

1 *to as ‘missing person’s counsel’ and represents the interests*
2 *of the person covered by the inquiry (and not any member*
3 *of the person’s family or other interested parties).*

4 “(2) *To be appointed as a missing person’s counsel,*
5 *a person must—*

6 “(A) *have the qualifications specified in section*
7 *827(b) of this title (article 27(b) of the Uniform Code*
8 *of Military Justice) for trial counsel or defense coun-*
9 *sel detailed for a general*
10 *court-martial;*

11 “(B) *have a security clearance that affords the*
12 *counsel access to all information relating to the*
13 *whereabouts and status of the person or persons cov-*
14 *ered by the inquiry; and*

15 “(C) *have expertise in the law relating to miss-*
16 *ing persons, the determination of the death of such*
17 *persons, and the rights of family members and de-*
18 *pendents of such persons.*

19 “(3) *A missing person’s counsel—*

20 “(A) *shall have access to all facts and evidence*
21 *considered by the board during the proceedings under*
22 *the inquiry for which the counsel is appointed;*

23 “(B) *shall observe all official activities of the*
24 *board during such proceedings;*

1 “(C) may question witnesses before the board;
2 and

3 “(D) shall monitor the deliberations of the board.

4 “(4) A missing person’s counsel shall assist the board
5 in ensuring that all appropriate information concerning
6 the case is collected, logged, filed, and safeguarded.

7 “(5) A missing person’s counsel shall review the report
8 of the board under subsection (h) and submit to the Sec-
9 retary concerned who appointed the board an independent
10 review of that report. That review shall be made an official
11 part of the record of the board.

12 “(g) ACCESS TO PROCEEDINGS.—The proceedings of a
13 board during an inquiry under this section shall be closed
14 to the public (including, with respect to the person covered
15 by the inquiry, the primary next of kin, other members of
16 the immediate family, and any other previously designated
17 person of the person).

18 “(h) REPORT.—(1) A board appointed under this sec-
19 tion shall submit to the Secretary who appointed the board
20 a report on the inquiry carried out by the board. The report
21 shall include—

22 “(A) a discussion of the facts and evidence con-
23 sidered by the board in the inquiry;

1 “(B) the recommendation of the board under sub-
2 section (d) with respect to each person covered by the
3 report; and

4 “(C) disclosure of whether classified documents
5 and information were reviewed by the board or were
6 otherwise used by the board in forming recommenda-
7 tions under subparagraph (B).

8 “(2) A board shall submit a report under this sub-
9 section with respect to the inquiry carried out by the board
10 not later than 30 days after the date of the appointment
11 of the board to carry out the inquiry. The report may in-
12 clude a classified annex.

13 “(3) The Secretary of Defense shall prescribe proce-
14 dures for the release of a report submitted under this sub-
15 section with respect to a missing person. Such procedures
16 shall provide that the report may not be made public (except
17 as provided for in subsection (j)) until one year after the
18 date on which the report is submitted.

19 “(i) DETERMINATION BY SECRETARY.—(1) Not later
20 than 30 days after receiving a report from a board under
21 subsection (h), the Secretary receiving the report shall re-
22 view the report.

23 “(2) In reviewing a report under paragraph (1), the
24 Secretary shall determine whether or not the report is com-
25 plete and free of administrative error. If the Secretary de-

1 *termines that the report is incomplete, or that the report*
2 *is not free of administrative error, the Secretary may return*
3 *the report to the board for further action on the report by*
4 *the board.*

5 “(3) *Upon a determination by the Secretary that a*
6 *report reviewed under this subsection is complete and free*
7 *of administrative error, the Secretary shall make a deter-*
8 *mination concerning the status of each person covered by*
9 *the report, including whether the person shall—*

10 “(A) *be declared to be missing;*

11 “(B) *be declared to have deserted;*

12 “(C) *be declared to be absent without leave; or*

13 “(D) *be declared to be dead.*

14 “(j) *REPORT TO FAMILY MEMBERS AND OTHER IN-*
15 *TERESTED PERSONS.—Not later than 30 days after the date*
16 *on which the Secretary concerned makes a determination*
17 *of the status of a person under subsection (i), the Secretary*
18 *shall take reasonable actions to—*

19 “(1) *provide to the primary next of kin, the other*
20 *members of the immediate family, and any other pre-*
21 *viously designated person of the person—*

22 “(A) *an unclassified summary of the unit*
23 *commander’s report with respect to the person*
24 *under section 1502(a) of this title; and*

1 “(B) the report of the board (including the
2 names of the members of the board) under sub-
3 section (h); and

4 “(2) inform each individual referred to in para-
5 graph (1) that the United States will conduct a subse-
6 quent inquiry into the whereabouts and status of the
7 person on or about one year after the date of the first
8 official notice of the disappearance of the person, un-
9 less information becomes available sooner that may
10 result in a change in status of the person.

11 “(k) *TREATMENT OF DETERMINATION.*—Any deter-
12 mination of the status of a missing person under subsection
13 (i) shall be treated as the determination of the status of
14 the person by all departments and agencies of the United
15 States.

16 “**§ 1504. Subsequent board of inquiry**

17 “(a) *ADDITIONAL BOARD.*—If information that may
18 result in a change of status of a person covered by a deter-
19 mination under section 1503(i) of this title becomes avail-
20 able within one year after the date of the transmission of
21 a report with respect to the person under section 1502(a)(2)
22 of this title, the Secretary concerned shall appoint a board
23 under this section to conduct an inquiry into the informa-
24 tion.

1 “(b) *DATE OF APPOINTMENT.*—*The Secretary con-*
2 *cerned shall appoint a board under this section to conduct*
3 *an inquiry into the whereabouts and status of a missing*
4 *person on or about one year after the date of the trans-*
5 *mission of a report concerning the person under section*
6 *1502(a)(2) of this title.*

7 “(c) *COMBINED INQUIRIES.*—*If it appears to the Sec-*
8 *retary concerned that the absence or status of two or more*
9 *persons is factually related, the Secretary may appoint one*
10 *board under this section to conduct the inquiry into the*
11 *whereabouts and status of such persons.*

12 “(d) *COMPOSITION.*—(1) *A board appointed under this*
13 *section shall be composed of at least three members as fol-*
14 *lows:*

15 “(A) *In the case of a board that will inquire into*
16 *the whereabouts and status of one or more members*
17 *of the armed forces (and no civilians described in sub-*
18 *paragraph (B)), the board shall be composed of offi-*
19 *cers having the grade of major or lieutenant com-*
20 *mander or above.*

21 “(B) *In the case of a board that will inquire into*
22 *the whereabouts and status of one or more civilian*
23 *employees of the Department of Defense or contractors*
24 *of the Department of Defense (and no members of the*
25 *armed forces), the board shall be composed of—*

1 “(i) not less than three employees of the De-
2 partment of Defense whose rate of annual pay is
3 equal to or greater than the rate of annual pay
4 payable for grade GS-13 of the General Schedule
5 under section 5332 of title 5; and

6 “(ii) such members of the armed forces as
7 the Secretary considers advisable.

8 “(C) In the case of a board that will inquire into
9 the whereabouts and status of both one or more mem-
10 bers of the armed forces and one or more civilians de-
11 scribed in subparagraph (B)—

12 “(i) the board shall include at least one offi-
13 cer described in subparagraph (A) and at least
14 one employee of the Department of Defense de-
15 scribed in subparagraph (B)(i); and

16 “(ii) the ratio of such officers to such em-
17 ployees on the board shall be roughly propor-
18 tional to the ratio of the number of members of
19 the armed forces who are subjects of the board’s
20 inquiry to the number of civilians who are sub-
21 jects of the board’s inquiry.

22 “(2) The Secretary concerned shall designate one mem-
23 ber of a board appointed under this section as president
24 of the board. The president of the board shall have a security
25 clearance that affords the president access to all information

1 *relating to the whereabouts and status of each person cov-*
2 *ered by the inquiry.*

3 “(3) *One member of each board appointed under this*
4 *subsection shall be an individual who—*

5 “(A) *has an occupational specialty similar to*
6 *that of one or more of the persons covered by the in-*
7 *quiry; and*

8 “(B) *has an understanding of and expertise in*
9 *the type of official activities that one or more such*
10 *persons were engaged in at the time such person or*
11 *persons disappeared.*

12 “(4) *The Secretary who appoints a board under this*
13 *subsection shall, for purposes of providing legal counsel to*
14 *the board, assign to the board a judge advocate, or appoint*
15 *to the board an attorney, with the same qualifications as*
16 *specified in section 1503(c)(4) of this title.*

17 “(e) *DUTIES OF BOARD.—A board appointed under*
18 *this section to conduct an inquiry into the whereabouts and*
19 *status of a person shall—*

20 “(1) *review the reports with respect to the person*
21 *transmitted under section 1502(a)(2) of this title and*
22 *submitted under section 1503(h) of this title;*

23 “(2) *collect and evaluate any document, fact, or*
24 *other evidence with respect to the whereabouts and*
25 *status of the person that has become available since*

1 *the determination of the status of the person under*
2 *section 1503 of this title;*

3 “(3) *draw conclusions as to the whereabouts and*
4 *status of the person;*

5 “(4) *determine on the basis of the activities*
6 *under paragraphs (1) and (2) whether the status of*
7 *the person should be continued or changed; and*

8 “(5) *submit to the Secretary concerned a report*
9 *describing the findings and conclusions of the board,*
10 *together with a recommendation for a determination*
11 *by the Secretary concerning the whereabouts and sta-*
12 *tus of the person.*

13 “(f) *COUNSEL FOR MISSING PERSONS.—(1) When the*
14 *Secretary concerned appoints a board to conduct an in-*
15 *quiry under this section, the Secretary shall appoint counsel*
16 *to represent each person covered by the inquiry.*

17 “(2) *A person appointed as counsel under this sub-*
18 *section shall meet the qualifications and have the duties set*
19 *forth in section 1503(f) of this title for a missing person’s*
20 *counsel appointed under that section.*

21 “(3) *The review of the report of a board on an inquiry*
22 *that is submitted by such counsel shall be made an official*
23 *part of the record of the board with respect to the inquiry.*

24 “(g) *ATTENDANCE OF FAMILY MEMBERS AND CERTAIN*
25 *OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1)*

1 *With respect to any person covered by an inquiry under*
2 *this section, the primary next of kin, other members of the*
3 *immediate family, and any other previously designated per-*
4 *son of the person may attend the proceedings of the board*
5 *during the inquiry.*

6 “(2) *The Secretary concerned shall take reasonable ac-*
7 *tions to notify each individual referred to in paragraph (1)*
8 *of the opportunity to attend the proceedings of a board.*
9 *Such notice shall be provided not less than 60 days before*
10 *the first meeting of the board.*

11 “(3) *An individual who receives notice under para-*
12 *graph (2) shall notify the Secretary of the intent, if any,*
13 *of that individual to attend the proceedings of the board*
14 *not later than 21 days after the date on which the individ-*
15 *ual receives the notice.*

16 “(4) *Each individual who notifies the Secretary under*
17 *paragraph (3) of the individual’s intent to attend the pro-*
18 *ceedings of the board—*

19 “(A) *in the case of an individual who is the pri-*
20 *mary next of kin or the previously designated person,*
21 *may attend the proceedings of the board with private*
22 *counsel;*

23 “(B) *shall have access to the personnel file of the*
24 *missing person, to unclassified reports, if any, of the*
25 *board appointed under section 1503 of this title to*

1 *conduct the inquiry into the whereabouts and status*
2 *of the person, and to any other unclassified informa-*
3 *tion or documents relating to the whereabouts and*
4 *status of the person;*

5 *“(C) shall be afforded the opportunity to present*
6 *information at the proceedings of the board that such*
7 *individual considers to be relevant to those proceed-*
8 *ings; and*

9 *“(D) subject to paragraph (5), shall be given the*
10 *opportunity to submit in writing an objection to any*
11 *recommendation of the board under subsection (i) as*
12 *to the status of the missing person.*

13 *“(5)(A) Individuals who wish to file objections under*
14 *paragraph (4)(D) to any recommendation of the board*
15 *shall—*

16 *“(i) submit a letter of intent to the president of*
17 *the board not later than 15 days after the date on*
18 *which the recommendations are made; and*

19 *“(ii) submit to the president of the board the ob-*
20 *jections in writing not later than 30 days after the*
21 *date on which the recommendations are made.*

22 *“(B) The president of a board shall include any objec-*
23 *tions to a recommendation of the board that are submitted*
24 *to the president of the board under subparagraph (A) in*

1 *the report of the board containing the recommendation*
2 *under subsection (i).*

3 “(6) *An individual referred to in paragraph (1) who*
4 *attends the proceedings of a board under this subsection*
5 *shall not be entitled to reimbursement by the United States*
6 *for any costs (including travel, lodging, meals, local trans-*
7 *portation, legal fees, transcription costs, witness expenses,*
8 *and other expenses) incurred by that individual in attend-*
9 *ing such proceedings.*

10 “(h) *AVAILABILITY OF INFORMATION TO BOARDS.—(1)*
11 *In conducting proceedings in an inquiry under this section,*
12 *a board may secure directly from any department or agency*
13 *of the United States any information that the board consid-*
14 *ers necessary in order to conduct the proceedings.*

15 “(2) *Upon written request from the president of a*
16 *board, the head of a department or agency of the United*
17 *States shall release information covered by the request to*
18 *the board. In releasing such information, the head of the*
19 *department or agency shall—*

20 “(A) *declassify to an appropriate degree classi-*
21 *fied information; or*

22 “(B) *release the information in a manner not re-*
23 *quiring the removal of markings indicating the classi-*
24 *fied nature of the information.*

1 “(3)(A) *If a request for information under paragraph*
2 *(2) covers classified information that cannot be declassified,*
3 *or if the classification markings cannot be removed before*
4 *release from the information covered by the request, or if*
5 *the material cannot be summarized in a manner that pre-*
6 *vents the release of classified information, the classified in-*
7 *formation shall be made available only to the president of*
8 *the board making the request and the counsel for the miss-*
9 *ing person appointed under subsection (f).*

10 “(B) *The president of a board shall close to persons*
11 *who do not have appropriate security clearances the pro-*
12 *ceeding of the board at which classified information is dis-*
13 *cussed. Participants at a proceeding of a board at which*
14 *classified information is discussed shall comply with all ap-*
15 *plicable laws and regulations relating to the disclosure of*
16 *classified information. The Secretary concerned shall assist*
17 *the president of a board in ensuring that classified informa-*
18 *tion is not compromised through board proceedings.*

19 “(i) *RECOMMENDATION ON STATUS.—(1) Upon com-*
20 *pletion of an inquiry under this subsection, a board shall*
21 *make a recommendation as to the current whereabouts and*
22 *status of each missing person covered by the inquiry.*

23 “(2) *A board may not recommend under paragraph*
24 *(1) that a person be declared dead unless in making the*

1 *recommendation the board complies with section 1507 of*
2 *this title.*

3 “(j) *REPORT.*—*A board appointed under this section*
4 *shall submit to the Secretary concerned a report on the in-*
5 *quiry carried out by the board, together with the evidence*
6 *considered by the board during the inquiry. The report may*
7 *include a classified annex.*

8 “(k) *ACTIONS BY SECRETARY CONCERNED.*—(1) *Not*
9 *later than 30 days after the receipt of a report from a board*
10 *under subsection (j), the Secretary shall review—*

11 “(A) *the report;*

12 “(B) *the review of the report submitted to the*
13 *Secretary under subsection (f)(3) by the counsel for*
14 *each person covered by the report; and*

15 “(C) *the objections, if any, to the report submit-*
16 *ted to the president of the board under subsection*
17 *(g)(5).*

18 “(2) *In reviewing a report under paragraph (1) (in-*
19 *cluding the objections described in subparagraph (C) of that*
20 *paragraph), the Secretary concerned shall determine wheth-*
21 *er or not the report is complete and free of administrative*
22 *error. If the Secretary determines that the report is incom-*
23 *plete, or that the report is not free of administrative error,*
24 *the Secretary may return the report to the board for further*
25 *action on the report by the board.*

1 “(3) Upon a determination by the Secretary that a
2 report reviewed under this subsection is complete and free
3 of administrative error, the Secretary shall make a deter-
4 mination concerning the status of each person covered by
5 the report.

6 “(l) *REPORT TO FAMILY MEMBERS AND OTHER IN-*
7 *TERESTED PERSONS.*—Not later than 60 days after the date
8 on which the Secretary concerned makes a determination
9 with respect to a missing person under subsection (k), the
10 Secretary shall—

11 “(1) provide the report reviewed by the Secretary
12 in making the determination to the primary next of
13 kin, the other members of the immediate family, and
14 any other previously designated person of the person;
15 and

16 “(2) in the case of a person who continues to be
17 in a missing status, inform each individual referred
18 to in paragraph (1) that the United States will con-
19 duct a further investigation into the whereabouts and
20 status of the person as specified in section 1505 of
21 this title.

22 “(m) *TREATMENT OF DETERMINATION.*—Any deter-
23 mination of the status of a missing person under subsection
24 (k) shall supersede the determination of the status of the
25 person under section 1503 of this title and shall be treated

1 *as the determination of the status of the person by all de-*
2 *partments and agencies of the United States.*

3 **“§ 1505. Further review**

4 “(a) *SUBSEQUENT REVIEW.*—*The Secretary concerned*
5 *shall conduct subsequent inquiries into the whereabouts and*
6 *status of any person determined by the Secretary under sec-*
7 *tion 1504 of this title to be in a missing status.*

8 “(b) *FREQUENCY OF SUBSEQUENT REVIEWS.*—(1) *In*
9 *the case of a missing person who was last known to be alive*
10 *or who was last suspected of being alive, the Secretary shall*
11 *appoint a board to conduct an inquiry with respect to a*
12 *person under this*
13 *subsection—*

14 “(A) *on or about three years after the date of the*
15 *initial report of the disappearance of the person*
16 *under section 1502(a) of this title; and*

17 “(B) *not later than every three years thereafter.*

18 “(2) *In addition to appointment of boards under para-*
19 *graph (1), the Secretary shall appoint a board to conduct*
20 *an inquiry with respect to a missing person under this sub-*
21 *section upon receipt of information that could result in a*
22 *change of status of the missing person. When the Secretary*
23 *appoints a board under this paragraph, the time for subse-*
24 *quent appointments of a board under paragraph (1)(B)*

1 *shall be determined from the date of the receipt of such in-*
2 *formation.*

3 “(3) *The Secretary is not required to appoint a board*
4 *under paragraph (1) with respect to the disappearance of*
5 *any person—*

6 “(A) *more than 30 years after the initial report*
7 *of the disappearance of the missing person required*
8 *by section 1502 of this title; or*

9 “(B) *if, before the end of such 30-year period, the*
10 *missing person is accounted for.*

11 “(c) *ACTION UPON DISCOVERY OR RECEIPT OF INFOR-*
12 *MATION.—(1) Whenever any United States intelligence*
13 *agency or other element of the Government finds or receives*
14 *information that may be related to a missing person, the*
15 *information shall promptly be forwarded to the office estab-*
16 *lished under section 1501 of this title.*

17 “(2) *Upon receipt of information under paragraph (1),*
18 *the head of the office established under section 1501 of this*
19 *title shall as expeditiously as possible ensure that the infor-*
20 *mation is added to the appropriate case file for that missing*
21 *person and notify (A) the designated missing person’s coun-*
22 *sel for that person, and (B) the primary next of kin and*
23 *any previously designated person for the missing person of*
24 *the existence of that information.*

1 “(3) *The head of the office established under section*
2 *1501 of this title, with the advice of the missing person’s*
3 *counsel notified under paragraph (2), shall determine*
4 *whether the information is significant enough to require a*
5 *board review under this section.*

6 “(d) *CONDUCT OF PROCEEDINGS.—If it is determined*
7 *that such a board should be appointed, the appointment of,*
8 *and activities before, a board appointed under this section*
9 *shall be governed by the provisions of section 1504 of this*
10 *title with respect to a board appointed under that section.*

11 **“§ 1506. Personnel files**

12 “(a) *INFORMATION IN FILES.—Except as provided in*
13 *subsections (b), (c), and (d), the Secretary concerned shall,*
14 *to the maximum extent practicable, ensure that the person-*
15 *nel file of a missing person contains all information in the*
16 *possession of the United States relating to the disappear-*
17 *ance and whereabouts and status of the person.*

18 “(b) *CLASSIFIED INFORMATION.—The Secretary con-*
19 *cerned may withhold classified information from a person-*
20 *nel file under this section. If the Secretary concerned with-*
21 *holds classified information from a personnel file, the Sec-*
22 *retary shall ensure that the file contains the following:*

23 “(1) *A notice that the withheld information ex-*
24 *ists.*

1 “(2) *A notice of the date of the most recent re-*
2 *view of the classification of the withheld information.*

3 “(c) *PROTECTION OF PRIVACY.—The Secretary con-*
4 *cerned shall maintain personnel files under this section,*
5 *and shall permit disclosure of or access to such files, in ac-*
6 *cordance with the provisions of section 552a of title 5 and*
7 *with other applicable laws and regulations pertaining to*
8 *the privacy of the persons covered by the files.*

9 “(d) *PRIVILEGED INFORMATION.—(1) The Secretary*
10 *concerned shall withhold from personnel files under this sec-*
11 *tion, as privileged information, debriefing reports provided*
12 *by missing persons returned to United States control which*
13 *are obtained under a promise of confidentiality made for*
14 *the purpose of ensuring the fullest possible disclosure of in-*
15 *formation.*

16 “(2) *If a debriefing report contains non-derogatory in-*
17 *formation about the status and whereabouts of a missing*
18 *person other than the source of the debriefing report, the*
19 *Secretary concerned shall prepare an extract of the non-*
20 *derogatory information. That extract, following a review by*
21 *the source of the debriefing report, shall be placed in the*
22 *personnel file of the missing person in such a manner as*
23 *to protect the identity of the source providing the informa-*
24 *tion.*

1 “(3) Whenever the Secretary concerned withholds a de-
2 briefing report from a personnel file under this subsection,
3 the Secretary shall ensure that the file contains a notice
4 that withheld information exists.

5 “(e) *WRONGFUL WITHHOLDING.*—Except as provided
6 in subsections (a) through (d), any person who knowingly
7 and willfully withholds from the personnel file of a missing
8 person any information relating to the disappearance or
9 whereabouts and status of a missing person shall be fined
10 as provided in title 18 or imprisoned not more than one
11 year, or both.

12 “(f) *AVAILABILITY OF INFORMATION.*—The Secretary
13 concerned shall, upon request, make available the contents
14 of the personnel file of a missing person to the primary
15 next of kin, the other members of the immediate family, or
16 any other previously designated person of the person.

17 **“§ 1507. Recommendation of status of death**

18 “(a) *REQUIREMENTS RELATING TO RECOMMENDA-*
19 *TION.*—A board appointed under section 1503, 1504, or
20 1505 of this title may not recommend that a person be de-
21 clared dead unless—

22 “(1) credible evidence exists to suggest that the
23 person is dead;

24 “(2) the United States possesses no credible evi-
25 dence that suggests that the person is alive; and

1 “(3) representatives of the United States—

2 “(A) have made a complete search of the
3 area where the person was last seen (unless, after
4 making a good faith effort to obtain access to
5 such area, such representatives are not granted
6 such access); and

7 “(B) have examined the records of the gov-
8 ernment or entity having control over the area
9 where the person was last seen (unless, after
10 making a good faith effort to obtain access to
11 such records, such representatives are not grant-
12 ed such access).

13 “(b) *SUBMITTAL OF INFORMATION ON DEATH.*—If a
14 board appointed under section 1503, 1504, or 1505 of this
15 title makes a recommendation that a missing person be de-
16 clared dead, the board shall include in the report of the
17 board with respect to the person under that section the fol-
18 lowing:

19 “(1) A detailed description of the location where
20 the death occurred.

21 “(2) A statement of the date on which the death
22 occurred.

23 “(3) A description of the location of the body, if
24 recovered.

1 “(4) *If the body has been recovered and is not*
2 *identifiable through visual means, a certification by*
3 *a practitioner of an appropriate forensic science that*
4 *the body recovered is that of the missing person.*

5 **“§ 1508. Judicial review**

6 “(a) *RIGHT OF REVIEW.—A person who is the pri-*
7 *mary next of kin (or the previously designated person) of*
8 *a person who is the subject of a finding described in sub-*
9 *section (b) may obtain judicial review in a United States*
10 *district court of that finding, but only on the basis of a*
11 *claim that there is information that could affect the status*
12 *of the missing person’s case that was not adequately consid-*
13 *ered during the administrative review process under this*
14 *chapter. Any such review shall be as provided in section*
15 *706 of title 5.*

16 “(b) *FINDINGS FOR WHICH JUDICIAL REVIEW MAY BE*
17 *SOUGHT.—Subsection (a) applies to the following findings:*

18 “(1) *A finding by a board appointed under sec-*
19 *tion 1504 or 1505 of this title that a missing person*
20 *is dead.*

21 “(2) *A finding by a board appointed under sec-*
22 *tion 1509 of this title that confirms that a missing*
23 *person formerly declared dead is in fact dead.*

24 “(c) *SUBSEQUENT REVIEW.—Appeals from a decision*
25 *of the district court shall be taken to the appropriate United*

1 *States court of appeals and to the Supreme Court as pro-*
2 *vided by law.*

3 **“§ 1509. Preenactment, special interest cases**

4 “(a) *REVIEW OF STATUS.*—*In the case of an unac-*
5 *counted for person covered by section 1501(c) of this title*
6 *who is described in subsection (b), if new information that*
7 *could change the status of that person is found or received*
8 *by a United States intelligence agency, by a Department*
9 *of Defense agency, or by a person specified in section*
10 *1504(g) of this title, that information shall be provided to*
11 *the Secretary of Defense with a request that the Secretary*
12 *evaluate the information in accordance with sections*
13 *1505(c) and 1505(d) of this title.*

14 “(b) *CASES ELIGIBLE FOR REVIEW.*—*The cases eligi-*
15 *ble for review under this section are the following:*

16 “(1) *With respect to the Korean conflict, any un-*
17 *accounted for person who was classified as a prisoner*
18 *of war or as missing in action during that conflict*
19 *and who (A) was known to be or suspected to be alive*
20 *at the end of that conflict, or (B) was classified as*
21 *missing in action and whose capture was possible.*

22 “(2) *With respect to the Cold War, any unac-*
23 *counted for person who was engaged in intelligence*
24 *operations (such as aerial ‘ferret’ reconnaissance mis-*

1 *sions over and around the Soviet Union and China)*
2 *during the Cold War.*

3 “(3) *With respect to the Indochina war era, any*
4 *unaccounted for person who was classified as a pris-*
5 *oner of war or as missing in action during the Indo-*
6 *china conflict.*

7 “(c) *SPECIAL RULE FOR PERSONS CLASSIFIED AS*
8 *‘KIA/BNR’.—In the case of a person described in subsection*
9 *(b) who was classified as ‘killed in action/body not recov-*
10 *ered’, the case of that person may be reviewed under this*
11 *section only if the new information referred to in subsection*
12 *(a) is compelling.*

13 “(d) *DEFINITIONS.—In this section:*

14 “(1) *The term ‘Korean conflict’ means the period*
15 *beginning on June 27, 1950, and ending on January*
16 *31, 1955.*

17 “(2) *The term ‘Cold War’ means the period be-*
18 *ginning on September 2, 1945, and ending on August*
19 *21, 1991.*

20 “(3) *The term ‘Indochina war era’ means the pe-*
21 *riod beginning on July 8, 1959, and ending on May*
22 *15, 1975.*

23 **“§ 1510. Applicability to Coast Guard**

24 “(a) *DESIGNATED OFFICER TO HAVE RESPONSIBIL-*
25 *ITY.—The Secretary of Transportation shall designate an*

1 *officer of the Department of Transportation to have respon-*
2 *sibility within the Department of Transportation for mat-*
3 *ters relating to missing persons who are members of the*
4 *Coast Guard.*

5 “(b) *PROCEDURES.*—*The Secretary of Transportation*
6 *shall prescribe procedures for the determination of the sta-*
7 *tus of persons described in section 1501(c) of this title who*
8 *are members of the Coast Guard and for the collection, anal-*
9 *ysis, review, and update of information on such persons.*
10 *To the maximum extent practicable, the procedures pre-*
11 *scribed under this section shall be similar to the procedures*
12 *prescribed by the Secretary of Defense under section 1501(b)*
13 *of this title.*

14 **“§1511. Return alive of person declared missing or**
15 **dead**

16 “(a) *PAY AND ALLOWANCES.*—*Any person (except for*
17 *a person subsequently determined to have been absent with-*
18 *out leave or a deserter) in a missing status or declared dead*
19 *under subchapter VII of chapter 55 of title 5 or chapter*
20 *10 of title 37 or by a board appointed under this chapter*
21 *who is found alive and returned to the control of the United*
22 *States shall be paid for the full time of the absence of the*
23 *person while given that status or declared dead under the*
24 *law and regulations relating to the pay and allowances of*
25 *persons returning from a missing status.*

1 “(b) *EFFECT ON GRATUITIES PAID AS A RESULT OF*
 2 *STATUS.*—Subsection (a) shall not be interpreted to invali-
 3 *date or otherwise affect the receipt by any person of a death*
 4 *gratuity or other payment from the United States on behalf*
 5 *of a person referred to in subsection (a) before the date of*
 6 *the enactment of this chapter.*

7 **“§ 1512. Effect on State law**

8 “(a) *NONPREEMPTION OF STATE AUTHORITY.*—Noth-
 9 *ing in this chapter shall be construed to invalidate or limit*
 10 *the power of any State court or administrative entity, or*
 11 *the power of any court or administrative entity of any po-*
 12 *litical subdivision thereof, to find or declare a person dead*
 13 *for purposes of such State or political subdivision.*

14 “(b) *STATE DEFINED.*—In this section, the term
 15 ‘State’ includes the District of Columbia, the Common-
 16 *wealth of Puerto Rico, and any territory or possession of*
 17 *the United States.*

18 **“§ 1513. Definitions**

19 *“In this chapter:*

20 “(1) *The term ‘missing person’ means—*

21 “(A) *a member of the Armed Forces on ac-*
 22 *tive duty who is in a missing status; or*

23 “(B) *a civilian employee of the Department*
 24 *of Defense or an employee of a contractor of the*
 25 *Department of Defense who serves with or ac-*

1 *companies the Armed Forces in the field under*
2 *orders and who is in a missing status.*

3 *“(2) The term ‘missing status’ means the status*
4 *of a missing person who is determined to be absent*
5 *in a category of any of the following:*

6 *“(A) Missing.*

7 *“(B) Missing in action.*

8 *“(C) Interned in a foreign country.*

9 *“(D) Captured.*

10 *“(E) Beleaguered.*

11 *“(F) Besieged.*

12 *“(G) Detained in a foreign country against*
13 *that person’s will.*

14 *“(3) The term ‘accounted for’, with respect to a*
15 *person in a missing status, means that—*

16 *“(A) the person is returned to United States*
17 *control alive;*

18 *“(B) the remains of the person are recovered*
19 *and, if not identifiable through visual means as*
20 *those of the missing person, are identified as*
21 *those of the missing person by a practitioner of*
22 *an appropriate forensic science; or*

23 *“(C) credible evidence exists to support an-*
24 *other determination of the person’s status.*

1 “(4) *The term ‘primary next of kin’, in the case*
2 *of a missing person, means the individual authorized*
3 *to direct disposition of the remains of the person*
4 *under section 1482(c) of this title.*

5 “(5) *The term ‘member of the immediate family’,*
6 *in the case of a missing person, means the following:*

7 “(A) *The spouse of the person.*

8 “(B) *A natural child, adopted child, step-*
9 *child, or illegitimate child (if acknowledged by*
10 *the person or parenthood has been established by*
11 *a court of competent jurisdiction) of the person,*
12 *except that if such child has not attained the age*
13 *of 18 years, the term means a surviving parent*
14 *or legal guardian of such child.*

15 “(C) *A biological parent of the person, un-*
16 *less legal custody of the person by the parent has*
17 *been previously terminated by reason of a court*
18 *decree or otherwise under law and not restored.*

19 “(D) *A brother or sister of the person, if*
20 *such brother or sister has attained the age of 18*
21 *years.*

22 “(E) *Any other blood relative or adoptive*
23 *relative of the person, if such relative was given*
24 *sole legal custody of the person by a court decree*
25 *or otherwise under law before the person attained*

1 *the age of 18 years and such custody was not*
 2 *subsequently terminated before that time.*

3 “(6) *The term ‘previously designated person’, in*
 4 *the case of a missing person, means an individual*
 5 *designated by the person under section 655 of this*
 6 *title for purposes of this chapter.*

7 “(7) *The term ‘classified information’ means any*
 8 *information the unauthorized disclosure of which (as*
 9 *determined under applicable law and regulations)*
 10 *could reasonably be expected to damage the national*
 11 *security.*

12 “(8) *The term ‘theater component commander’*
 13 *means, with respect to any of the combatant com-*
 14 *mands, an officer of any of the armed forces who (A)*
 15 *is commander of all forces of that armed force as-*
 16 *signed to that combatant command, and (B) is di-*
 17 *rectly subordinate to the commander of the combatant*
 18 *command.”.*

19 (2) *The tables of chapters at the beginning of subtitle*
 20 *A, and at the beginning of part II of subtitle A, of title*
 21 *10, United States Code, are amended by inserting after the*
 22 *item relating to chapter 75 the following new item:*

 “76. *Missing Persons* 1501”.

23 (c) *CONFORMING AMENDMENTS.—Chapter 10 of title*
 24 *37, United States Code, is amended as follows:*

1 (1) *Section 555 is amended—*

2 (A) *in subsection (a), by striking out “When*
3 *a member” and inserting in lieu thereof “Except*
4 *as provided in subsection (d), when a member”;*
5 *and*

6 (B) *by adding at the end the following new*
7 *subsection:*

8 “(d) *This section does not apply in a case to which*
9 *section 1502 of title 10 applies.”.*

10 (2) *Section 552 is amended—*

11 (A) *in subsection (a), by striking out “for*
12 *all purposes,” in the second sentence of the mat-*
13 *ter following paragraph (2) and all that follows*
14 *through the end of the sentence and inserting in*
15 *lieu thereof “for all purposes.”;*

16 (B) *in subsection (b), by inserting “or*
17 *under chapter 76 of title 10” before the period at*
18 *the end; and*

19 (C) *in subsection (e), by inserting “or under*
20 *chapter 76 of title 10” after “section 555 of this*
21 *title”.*

22 (3) *Section 553 is amended—*

23 (A) *in subsection (f), by striking out “the*
24 *date the Secretary concerned receives evidence*
25 *that” and inserting in lieu thereof “the date on*

1 *which, in a case covered by section 555 of this*
2 *title, the Secretary concerned receives evidence,*
3 *or, in a case covered by chapter 76 of title 10,*
4 *the Secretary concerned determines pursuant to*
5 *that chapter, that”;* and

6 *(B) in subsection (g), by inserting “or*
7 *under chapter 76 of title 10” after “section 555*
8 *of this title”.*

9 *(4) Section 556 is amended—*

10 *(A) in subsection (a), by inserting after*
11 *paragraph (7) the following:*

12 *“Paragraphs (1), (5), (6), and (7) only apply with respect*
13 *to a case to which section 555 of this title applies.”;*

14 *(B) in subsection (b), by inserting “, in a*
15 *case to which section 555 of this title applies,”*
16 *after “When the Secretary concerned”;* and

17 *(C) in subsection (h)—*

18 *(i) in the first sentence, by striking out*
19 *“status” and inserting in lieu thereof*
20 *“pay”;* and

21 *(ii) in the second sentence, by inserting*
22 *“in a case to which section 555 of this title*
23 *applies” after “under this section”.*

24 *(d) DESIGNATION OF PERSONS HAVING INTEREST IN*
25 *STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title*

1 10, United States Code, is amended by adding at the end
2 the following new section:

3 **“§655. Designation of persons having interest in sta-**
4 **tus of a missing member**

5 “(a) The Secretary concerned shall, upon the enlist-
6 ment or appointment of a person in the armed forces, re-
7 quire that the person specify in writing the person or per-
8 sons, if any, other than that person’s primary next of kin
9 or immediate family, to whom information on the where-
10 abouts and status of the member shall be provided if such
11 whereabouts and status are investigated under chapter 76
12 of this title. The Secretary shall periodically, and whenever
13 the member is deployed as part of a contingency operation
14 or in other circumstances specified by the Secretary, require
15 that such designation be reconfirmed, or modified, by the
16 member.

17 “(b) The Secretary concerned shall, upon the request
18 of a member, permit the member to revise the person or
19 persons specified by the member under subsection (a) at any
20 time. Any such revision shall be in writing.”.

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

“655. Designation of persons having interest in status of a missing member.”.

23 (e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CON-
24 TRACTORS OF THE UNITED STATES.—(1) The Secretary of
25 State shall carry out a comprehensive study of the provi-

1 sions of subchapter VII of chapter 55 of title 5, United
2 States Code (commonly referred to as the “Missing Persons
3 Act of 1942”) (5 U.S.C. 5561 et seq.) and any other law
4 or regulation establishing procedures for the accounting for
5 of civilian employees of the United States or contractors
6 of the United States who serve with or accompany the
7 Armed Forces in the field. The purpose of the study shall
8 be to determine the means, if any, by which those procedures
9 may be improved.

10 (2) The Secretary of State shall carry out the study
11 required under paragraph (1) in consultation with the Sec-
12 retary of Defense, the Secretary of Transportation, the Di-
13 rector of Central Intelligence, and the heads of such other
14 departments and agencies of the United States as the Presi-
15 dent designates for that purpose.

16 (3) In carrying out the study, the Secretary of State
17 shall examine the procedures undertaken when a civilian
18 employee referred to in paragraph (1) becomes involuntar-
19 ily absent as a result of a hostile action, or under cir-
20 cumstances suggesting that the involuntary absence is a re-
21 sult of a hostile action, and whose status is undetermined
22 or who is unaccounted for, including procedures for—

23 (A) search and rescue for the employee;

24 (B) determining the status of the employee;

1 (C) reviewing and changing the status of the em-
2 ployee;

3 (D) determining the rights and benefits accorded
4 to the family of the employee; and

5 (E) maintaining and providing appropriate ac-
6 cess to the records of the employee and the investiga-
7 tion into the status of the employee.

8 (4) Not later than one year after the date of the enact-
9 ment of this Act, the Secretary of State shall submit to the
10 Committee on Armed Services of the Senate and the Com-
11 mittee on National Security of the House of Representatives
12 a report on the study carried out by the Secretary under
13 this subsection. The report shall include the recommenda-
14 tions, if any, of the Secretary for legislation to improve the
15 procedures covered by the study.

16 **SEC. 570. ASSOCIATE DIRECTOR OF CENTRAL INTEL-**
17 **LIGENCE FOR MILITARY SUPPORT.**

18 Section 102 of the National Security Act of 1947 (50
19 U.S.C. 403) is amended by adding at the end the following:

20 “(e) In the event that neither the Director nor Deputy
21 Director of Central Intelligence is a commissioned officer
22 of the Armed Forces, a commissioned officer of the Armed
23 Forces appointed to the position of Associate Director of
24 Central Intelligence for Military Support, while serving in
25 such position, shall not be counted against the numbers and

1 percentages of commissioned officers of the rank and grade
2 of such officer authorized for the armed force of which such
3 officer is a member.”.

4 ***Subtitle G—Support for Non-***
5 ***Department of Defense Activities***

6 ***SEC. 571. REPEAL OF CERTAIN CIVIL-MILITARY PROGRAMS.***

7 (a) *REPEAL OF CIVIL-MILITARY COOPERATIVE ACTION*
8 *PROGRAM.—The following provisions of law are repealed:*

9 (1) *Section 410 of title 10, United States Code.*

10 (2) *Section 1081(a) of the National Defense Au-*
11 *thorization Act for Fiscal Year 1993 (Public Law*
12 *102–484; 10 U.S.C. 410 note).*

13 (b) *REPEAL OF RELATED PROVISION.—Section 1045*
14 *of the National Defense Authorization Act for Fiscal Year*
15 *1993 (Public Law 102–484; 10 U.S.C. 410 note), relating*
16 *to a pilot outreach program to reduce demand for illegal*
17 *drugs, is repealed.*

18 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—*
19 *Chapter 20 of title 10, United States Code, is amended—*

20 (1) *by striking out the table of subchapters after*
21 *the chapter heading;*

22 (2) *by striking out the subchapter heading for*
23 *subchapter I; and*

1 (3) *by striking out the subchapter heading for*
 2 *subchapter II and the table of sections following that*
 3 *subchapter heading.*

4 ***SEC. 572. TRAINING ACTIVITIES RESULTING IN INCIDENTAL***
 5 ***SUPPORT AND SERVICES FOR ELIGIBLE***
 6 ***ORGANIZATIONS AND ACTIVITIES OUTSIDE***
 7 ***THE DEPARTMENT OF DEFENSE.***

8 (a) *IN GENERAL.*—(1) *Chapter 101 of title 10, United*
 9 *States Code, is amended by adding at the end the following*
 10 *new section:*

11 ***“§2012. Support and services for eligible organiza-***
 12 ***tions and activities outside Department of***
 13 ***Defense***

14 “(a) *AUTHORITY TO PROVIDE SERVICES AND SUP-*
 15 *PORT.*—*Under regulations prescribed by the Secretary of*
 16 *Defense, the Secretary of a military department may in ac-*
 17 *cordance with this section authorize units or individual*
 18 *members of the armed forces under that Secretary’s jurisdic-*
 19 *tion to provide support and services to non-Department of*
 20 *Defense organizations and activities specified in subsection*
 21 *(e), but only if—*

22 “(1) *such assistance is authorized by a provision*
 23 *of law (other than this section); or*

24 “(2) *the provision of such assistance is inciden-*
 25 *tal to military training.*

1 “(b) *SCOPE OF COVERED ACTIVITIES SUBJECT TO*
2 *SECTION.—This section does not—*

3 “(1) *apply to the provision by the Secretary con-*
4 *cerned, under regulations prescribed by the Secretary*
5 *of Defense, of customary community relations and*
6 *public affairs activities conducted in accordance with*
7 *Department of Defense policy; or*

8 “(2) *prohibit the Secretary concerned from en-*
9 *couraging members of the armed forces under the Sec-*
10 *retary’s jurisdiction to provide volunteer support for*
11 *community relations activities under regulations pre-*
12 *scribed by the Secretary of Defense.*

13 “(c) *REQUIREMENT FOR SPECIFIC REQUEST.—Assist-*
14 *ance under subsection (a) may only be provided if—*

15 “(1) *the assistance is requested by a responsible*
16 *official of the organization to which the assistance is*
17 *to be provided; and*

18 “(2) *the assistance is not reasonably available*
19 *from a commercial entity or (if so available) the offi-*
20 *cial submitting the request for assistance certifies that*
21 *the commercial entity that would otherwise provide*
22 *such services has agreed to the provision of such serv-*
23 *ices by the armed forces.*

1 “(d) *RELATIONSHIP TO MILITARY TRAINING.*—(1) *As-*
2 *sistance under subsection (a) may only be provided if the*
3 *following requirements are met:*

4 “(A) *The provision of such assistance—*

5 “(i) *in the case of assistance by a unit, will*
6 *accomplish valid unit training requirements;*
7 *and*

8 “(ii) *in the case of assistance by an individ-*
9 *ual member, will involve tasks directly related to*
10 *the specific military occupational specialty of the*
11 *member.*

12 “(B) *The provision of such assistance will not*
13 *adversely affect the quality of training or otherwise*
14 *interfere with the ability of a member or unit of the*
15 *armed forces to perform the military functions of the*
16 *member or unit.*

17 “(C) *The provision of such assistance will not re-*
18 *sult in a significant increase in the cost of the train-*
19 *ing.*

20 “(2) *Subparagraph (A)(i) of paragraph (1) does not*
21 *apply in a case in which the assistance to be provided con-*
22 *sists primarily of military manpower and the total amount*
23 *of such assistance in the case of a particular project does*
24 *not exceed 100 man-hours.*

1 “(e) *ELIGIBLE ENTITIES.*—*The following organiza-*
2 *tions and activities are eligible for assistance under this*
3 *section:*

4 “(1) *Any Federal, regional, State, or local gov-*
5 *ernmental entity.*

6 “(2) *Youth and charitable organizations specified*
7 *in section 508 of title 32.*

8 “(3) *Any other entity as may be approved by the*
9 *Secretary of Defense on a case-by-case basis.*

10 “(f) *REGULATIONS.*—*The Secretary of Defense shall*
11 *prescribe regulations governing the provision of assistance*
12 *under this section. The regulations shall include the follow-*
13 *ing:*

14 “(1) *Rules governing the types of assistance that*
15 *may be provided.*

16 “(2) *Procedures governing the delivery of assist-*
17 *ance that ensure, to the maximum extent practicable,*
18 *that such assistance is provided in conjunction with,*
19 *rather than separate from, civilian efforts.*

20 “(3) *Procedures for appropriate coordination*
21 *with civilian officials to ensure that the assistance—*

22 “(A) *meets a valid need; and*

23 “(B) *does not duplicate other available pub-*
24 *lic services.*

1 “(4) *Procedures to ensure that Department of*
2 *Defense resources are not applied exclusively to the*
3 *program receiving the assistance.*

4 “(g) *ADVISORY COUNCILS.—(1) The Secretary of De-*
5 *fense shall encourage the establishment of advisory councils*
6 *at regional, State, and local levels, as appropriate, in order*
7 *to obtain recommendations and guidance concerning assist-*
8 *ance under this section from persons who are knowledgeable*
9 *about regional, State, and local conditions and needs.*

10 “(2) *The advisory councils should include officials*
11 *from relevant military organizations, representatives of ap-*
12 *propriate local, State, and Federal agencies, representatives*
13 *of civic and social service organizations, business represent-*
14 *atives, and labor representatives.*

15 “(3) *The Federal Advisory Committee Act (5 U.S.C.*
16 *App.) shall not apply to such councils.*

17 “(h) *CONSTRUCTION OF PROVISION.—Nothing in this*
18 *section shall be construed as authorizing—*

19 “(1) *the use of the armed forces for civilian law*
20 *enforcement purposes or for response to natural or*
21 *manmade disasters; or*

22 “(2) *the use of Department of Defense personnel*
23 *or resources for any program, project, or activity that*
24 *is prohibited by law.”.*

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

*“2012. Support and services for eligible organizations and activities outside De-
 partment of Defense.”.*

4 **SEC. 573. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**
 5 **TIES PILOT PROGRAM.**

6 (a) *TERMINATION.*—*The authority under subsection*
 7 *(a) of section 1091 of the National Defense Authorization*
 8 *Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C.*
 9 *501 note) to carry out a pilot program under that section*
 10 *is hereby continued through the end of the 18-month period*
 11 *beginning on the date of the enactment of this Act and such*
 12 *authority shall terminate as of the end of that period.*

13 (b) *LIMITATION ON NUMBER OF PROGRAMS.*—*During*
 14 *the period beginning on the date of the enactment of this*
 15 *Act and ending on the termination of the pilot program*
 16 *under subsection (a), the number of programs carried out*
 17 *under subsection (d) of that section as part of the pilot pro-*
 18 *gram may not exceed the number of such programs as of*
 19 *September 30, 1995.*

20 **SEC. 574. TERMINATION OF FUNDING FOR OFFICE OF**
 21 **CIVIL-MILITARY PROGRAMS IN OFFICE OF**
 22 **THE SECRETARY OF DEFENSE.**

23 *No funds may be obligated or expended after the date*
 24 *of the enactment of this Act (1) for the office that as of*

1 *the date of the enactment of this Act is designated, within*
2 *the Office of the Assistant Secretary of Defense for Reserve*
3 *Affairs, as the Office of Civil-Military Programs, or (2) for*
4 *any other entity within the Office of the Secretary of De-*
5 *fense that has an exclusive or principal mission of provid-*
6 *ing centralized direction for activities under section 2012*
7 *of title 10, United States Code, as added by section 572.*

8 ***TITLE VI—COMPENSATION AND***
9 ***OTHER PERSONNEL BENEFITS***

10 ***Subtitle A—Pay and Allowances***

11 ***SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.***

12 *(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any*
13 *adjustment required by section 1009 of title 37, United*
14 *States Code, in elements of compensation of members of the*
15 *uniformed services to become effective during fiscal year*
16 *1996 shall not be made.*

17 *(b) INCREASE IN BASIC PAY AND BAS.—Effective on*
18 *January 1, 1996, the rates of basic pay and basic allowance*
19 *for subsistence of members of the uniformed services are in-*
20 *creased by 2.4 percent.*

21 *(c) INCREASE IN BAQ.—Effective on January 1, 1996,*
22 *the rates of basic allowance for quarters of members of the*
23 *uniformed services are increased by 5.2 percent.*

1 **SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR SUB-**
2 **SISTENCE FOR MEMBERS RESIDING WITHOUT**
3 **DEPENDENTS IN GOVERNMENT QUARTERS.**

4 (a) *PERCENTAGE LIMITATION.*—Subsection (b) of sec-
5 tion 402 of title 37, United States Code, is amended by add-
6 ing after the last sentence the following new paragraph:

7 “(4) *In the case of enlisted members of the Army,*
8 *Navy, Air Force, or Marine Corps who, when present at*
9 *their permanent duty station, reside without dependents in*
10 *Government quarters, the Secretary concerned may not pro-*
11 *vide a basic allowance for subsistence to more than 12 per-*
12 *cent of such members under the jurisdiction of the Secretary*
13 *concerned. The Secretary concerned may exceed such per-*
14 *centage if the Secretary determines that compliance would*
15 *increase costs to the Government, would impose financial*
16 *hardships on members otherwise entitled to a basic allow-*
17 *ance for subsistence, or would reduce the quality of life for*
18 *such members. This paragraph shall not apply to members*
19 *described in the first sentence when the members are not*
20 *residing at their permanent duty station. The Secretary*
21 *concerned shall achieve the percentage limitation specified*
22 *in this paragraph as soon as possible after the date of the*
23 *enactment of this paragraph, but in no case later than Sep-*
24 *tember 30, 1996.”*

25 (b) *STYLISTIC AMENDMENTS.*—Such subsection is fur-
26 *ther*

1 *amended—*

2 (1) *by redesignating paragraphs (1), (2), and (3)*
3 *as subparagraphs (A), (B), and (C);*

4 (2) *by inserting “(1)” after “(b)”;*

5 (3) *by designating the text composed of the sec-*
6 *ond, third, and fourth sentences as paragraph (2);*
7 *and*

8 (4) *by designating the text composed of the fifth*
9 *and sixth sentences as paragraph (3).*

10 (c) *CONFORMING AMENDMENTS.—(1) Subsection (e) of*
11 *such section is amended—*

12 (A) *in paragraph (1), by striking out “the third*
13 *sentence of subsection (b)” and inserting in lieu there-*
14 *of “subsection (b)(2)”;* *and*

15 (B) *in paragraph (2), by striking out “sub-*
16 *section (b)” and inserting in lieu thereof “subsection*
17 *(b)(2)”.*

18 (2) *Section 1012 of title 37, United States Code, is*
19 *amended by striking out “the last sentence of section*
20 *402(b)” and inserting in lieu thereof “section 402(b)(3)”.*

21 (d) *REPORT REQUIRED.—Not later than March 31,*
22 *1996, the Secretary of Defense shall submit to Congress a*
23 *report identifying, for the Army, Navy, Air Force, and Ma-*
24 *rine Corps—*

1 (1) *the number of members who reside without*
 2 *dependents in Government quarters at their perma-*
 3 *nent duty stations and receive a basic allowance for*
 4 *subsistence under section 402 of title 37, United*
 5 *States Code;*

6 (2) *such number as a percentage of the total*
 7 *number of members who reside without dependents in*
 8 *Government*
 9 *quarters;*

10 (3) *a recommended maximum percentage of the*
 11 *members residing without dependents in Government*
 12 *quarters at their permanent duty station who should*
 13 *receive a basic allowance for subsistence; and*

14 (4) *the reasons such maximum percentage is rec-*
 15 *ommended.*

16 **SEC. 603. ELECTION OF BASIC ALLOWANCE FOR QUARTERS**
 17 **INSTEAD OF ASSIGNMENT TO INADEQUATE**
 18 **QUARTERS.**

19 (a) *ELECTION AUTHORIZED.*—*Section 403(b) of title*
 20 *37, United States Code, is amended—*

21 (1) *by inserting “(1)” after “(b)”;*

22 (2) *by designating the second sentence as para-*
 23 *graph (2) and, as so designated, by striking out*
 24 *“However, subject” and inserting in lieu thereof*
 25 *“Subject”; and*

1 (3) *by adding at the end the following new para-*
2 *graph:*

3 “(3) *A member without dependents who is in pay*
4 *grade E-6 and who is assigned to quarters of the United*
5 *States that do not meet the minimum adequacy standards*
6 *established by the Department of Defense for members in*
7 *such pay grade, or to a housing facility under the jurisdic-*
8 *tion of a uniformed service that does not meet such stand-*
9 *ards, may elect not to occupy such quarters or facility and*
10 *instead to receive the basic allowance for quarters prescribed*
11 *for the member’s pay grade by this section.”.*

12 (b) *EFFECTIVE DATE.*—*The amendments made by this*
13 *section shall take effect on July 1, 1996.*

14 **SEC. 604. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS**
15 **TO MEMBERS IN PAY GRADE E-6 WHO ARE AS-**
16 **SIGNED TO SEA DUTY.**

17 (a) *PAYMENT AUTHORIZED.*—*Section 403(c)(2) of title*
18 *37, United States Code, is amended—*

19 (1) *in the first sentence, by striking out “E-7”*
20 *and inserting in lieu thereof “E-6”; and*

21 (2) *in the second sentence, by striking out “E-*
22 *6” and inserting in lieu thereof “E-5”.*

23 (b) *EFFECTIVE DATE.*—*The amendments made by this*
24 *section shall take effect on July 1, 1996.*

1 **SEC. 605. LIMITATION ON REDUCTION OF VARIABLE HOUS-**
2 **ING ALLOWANCE FOR CERTAIN MEMBERS.**

3 (a) *LIMITATION ON REDUCTION IN VHA.*—(1) Sub-
4 section (c)(3) of section 403a of title 37, United States Code,
5 is amended by adding at the end the following new sentence:
6 “However, so long as a member of a uniformed service re-
7 tains uninterrupted eligibility to receive a variable housing
8 allowance within an area and the member’s certified hous-
9 ing costs are not reduced (as indicated by certifications pro-
10 vided by the member under subsection (b)(4)), the monthly
11 amount of a variable housing allowance under this section
12 for the member within that area may not be reduced as
13 a result of systematic adjustments required by changes in
14 housing costs within that area.”.

15 (2) The amendment made by paragraph (1) shall
16 apply for fiscal years after fiscal year 1995.

17 (b) *EFFECT ON TOTAL AMOUNT AVAILABLE FOR*
18 *VHA.*—Subsection (d)(3) of such section is amended by in-
19 serting after the first sentence the following new sentence:
20 “In addition, the total amount determined under para-
21 graph (1) shall be adjusted to ensure that sufficient amounts
22 are available to allow payment of any additional amounts
23 of variable housing allowance necessary as a result of the
24 requirements of the second sentence of subsection (c)(3).”.

25 (c) *REPORT ON IMPLEMENTATION.*—Not later than
26 June 1, 1996, the Secretary of Defense shall submit to Con-

1 *gress a report describing the procedures to be used to imple-*
 2 *ment the amendments made by this section and the costs*
 3 *of such amendments.*

4 (d) *RESOLVING VHA INADEQUACIES IN HIGH HOUS-*
 5 *ING COST AREAS.—If the Secretary of Defense determines*
 6 *that, despite the amendments made by this section, inad-*
 7 *equacies exist in the provision of variable housing allow-*
 8 *ances under section 403a of title 37, United States Code,*
 9 *the Secretary shall submit to Congress a report containing*
 10 *a legislative proposal to address the inadequacies. The Sec-*
 11 *retary shall make the determination required by this sub-*
 12 *section and submit the report, if necessary, not later than*
 13 *May 31, 1996.*

14 **SEC. 606. CLARIFICATION OF LIMITATION ON ELIGIBILITY**
 15 **FOR FAMILY SEPARATION ALLOWANCE.**

16 Section 427(b)(4) of title 37, United States Code, is
 17 amended in the first sentence by inserting “paragraph
 18 (1)(A) of” after “not entitled to an allowance under”.

19 ***Subtitle B—Bonuses and Special***
 20 ***and Incentive Pays***

21 **SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE**
 22 **FORCES.**

23 (a) *SELECTED RESERVE REENLISTMENT BONUS.—*
 24 *Section 308b(f) of title 37, United States Code, is amended*

1 *by striking out “September 30, 1996” and inserting in lieu*
2 *thereof “September 30, 1997”.*

3 (b) *SELECTED RESERVE ENLISTMENT BONUS.*—Sec-
4 *tion 308c(e) of title 37, United States Code, is amended by*
5 *striking out “September 30, 1996” and inserting in lieu*
6 *thereof “September 30, 1997”.*

7 (c) *SELECTED RESERVE AFFILIATION BONUS.*—Sec-
8 *tion 308e(e) of title 37, United States Code, is amended by*
9 *striking out “September 30, 1996” and inserting in lieu*
10 *thereof “September 30, 1997”.*

11 (d) *READY RESERVE ENLISTMENT AND REENLIST-*
12 *MENT BONUS.*—Section 308h(g) of title 37, United States
13 *Code, is amended by striking out “September 30, 1996” and*
14 *inserting in lieu thereof “September 30, 1997”.*

15 (e) *PRIOR SERVICE ENLISTMENT BONUS.*—Section
16 *308i(i) of title 37, United States Code, is amended by strik-*
17 *ing out “September 30, 1996” and inserting in lieu thereof*
18 *“September 30, 1997”.*

19 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
20 **PAY FOR NURSE OFFICER CANDIDATES, REG-**
21 **ISTERED NURSES, AND NURSE ANES-**
22 **THETISTS.**

23 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
24 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,

1 *is amended by striking out “September 30, 1996” and in-*
2 *serting in lieu thereof “September 30, 1997”.*

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, 1996” and insert-*
6 *ing in lieu thereof “September 30, 1997”.*

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, 1996” and*
10 *inserting in lieu thereof “September 30, 1997”.*

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, 1995,” and inserting in lieu thereof*
17 *“September 30, 1997”.*

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, 1996” and inserting in lieu*
21 *thereof “September 30, 1997”.*

22 (c) *ENLISTMENT BONUSES FOR CRITICAL SKILLS.—*
23 *Sections 308a(c) and 308f(c) of title 37, United States Code,*
24 *are each*

1 *amended by striking out “September 30, 1996” and insert-*
2 *ing in lieu thereof “September 30, 1997”.*

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, 1996” and*
7 *inserting in lieu thereof “September 30, 1997”.*

8 (e) *SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS*
9 *EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e)*
10 *of title 37, United States Code, is amended by striking out*
11 *“September 30, 1996” and inserting in lieu thereof “Sep-*
12 *tember 30, 1997”.*

13 (f) *NUCLEAR CAREER ACCESSION BONUS.—Section*
14 *312b(c) of title 37, United States Code, is amended by strik-*
15 *ing out “September 30, 1996” and inserting in lieu thereof*
16 *“September 30, 1997”.*

17 (g) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—*
18 *Section 312c(d) of title 37, United States Code, is amended*
19 *by striking out “October 1, 1996” and inserting in lieu*
20 *thereof “October 1, 1997”.*

21 (h) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
22 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
23 *RESERVE.—Section 16302(d) of title 10, United States*
24 *Code, is amended by striking out “October 1, 1996” and*
25 *inserting in lieu thereof “October 1, 1997”.*

1 (i) *COVERAGE OF PERIOD OF LAPSED AGREEMENT*

2 *AUTHORITY.—(1) In the case of an officer described in sec-*
 3 *tion 301b(b) of title 37, United States Code, who executes*
 4 *an agreement described in paragraph (2) during the 90-*
 5 *day period beginning on the date of the enactment of this*
 6 *Act, the Secretary concerned may treat the agreement for*
 7 *purposes of the retention bonus authorized under the agree-*
 8 *ment as having been executed and accepted on the first date*
 9 *on which the officer would have qualified for such an agree-*
 10 *ment had the amendment made by subsection (a) taken ef-*
 11 *fect on October 1, 1995.*

12 (2) *An agreement referred to in this subsection is a*
 13 *service agreement with the Secretary concerned that is a*
 14 *condition for the payment of a retention bonus under sec-*
 15 *tion 301b of title 37, United States Code.*

16 (3) *For purposes of this subsection, the term “Sec-*
 17 *retary concerned” has the meaning given that term in sec-*
 18 *tion 101(5) of title 37, United States Code.*

19 **SEC. 614. CODIFICATION AND EXTENSION OF SPECIAL PAY**
 20 **FOR CRITICALLY SHORT WARTIME HEALTH**
 21 **SPECIALISTS IN THE SELECTED RESERVES.**

22 (a) *SPECIAL PAY AUTHORIZED.—(1) Chapter 5 of title*
 23 *37, United States Code, is amended by inserting after sec-*
 24 *tion 302f the following new section:*

1 **“§ 302g. Special pay: Selected Reserve health care pro-**
2 **fessionals in critically short wartime spe-**
3 **cialties**

4 “(a) *SPECIAL PAY AUTHORIZED.*—An officer of a re-
5 serve component of the armed forces described in subsection
6 (b) who executes a written agreement under which the offi-
7 cer agrees to serve in the Selected Reserve of an armed force
8 for a period of not less than one year nor more than three
9 years, beginning on the date the officer accepts the award
10 of special pay under this section, may be paid special pay
11 at an annual rate not to exceed \$10,000.

12 “(b) *ELIGIBLE OFFICERS.*—An officer referred to in
13 subsection (a) is an officer in a health care profession who
14 is qualified in a specialty designated by regulations as a
15 critically short wartime specialty.

16 “(c) *TIME FOR PAYMENT.*—Special pay under this sec-
17 tion shall be paid annually at the beginning of each twelve-
18 month period for which the officer has agreed to serve.

19 “(d) *REFUND REQUIREMENT.*—An officer who volun-
20 tarily terminates service in the Selected Reserve of an
21 armed force before the end of the period for which a pay-
22 ment was made to such officer under this section shall re-
23 fund to the United States the full amount of the payment
24 made for the period on which the payment was based.

25 “(e) *INAPPLICABILITY OF DISCHARGE IN BANK-*
26 *RUPTCY.*—A discharge in bankruptcy under title 11 that

1 *is entered less than five years after the termination of an*
 2 *agreement under this section does not discharge the person*
 3 *receiving special pay under the agreement from the debt*
 4 *arising under the agreement.*

5 “(f) *TERMINATION OF AGREEMENT AUTHORITY.*—No
 6 *agreement under this section may be entered into after Sep-*
 7 *tember 30, 1997.”.*

8 (2) *The table of sections at the beginning of such chap-*
 9 *ter is amended by inserting after the item relating to section*
 10 *302f the following new item:*

*“302g. Special pay: Selected Reserve health care professionals in critically short
 wartime specialties.”.*

11 (b) *CONFORMING AMENDMENT.*—Section 303a of title
 12 37, *United States Code*, is amended by striking out “302,
 13 302a, 302b, 302c, 302d, 302e,” each place it appears and
 14 *inserting in lieu thereof “302 through 302g,”.*

15 (c) *CONFORMING REPEAL.*—(1) *Section 613 of the Na-*
 16 *tional Defense Authorization Act, Fiscal Year 1989 (Public*
 17 *Law 100–456; 37 U.S.C. 302 note) is repealed.*

18 (2) *The provisions of section 613 of the National De-*
 19 *fense Authorization Act, Fiscal Year 1989, as in effect on*
 20 *the day before the date of the enactment of this Act, shall*
 21 *continue to apply to agreements entered into under such*
 22 *section before such date.*

1 **SEC. 615. HAZARDOUS DUTY INCENTIVE PAY FOR WAR-**
 2 **RANT OFFICERS AND ENLISTED MEMBERS**
 3 **SERVING AS AIR WEAPONS CONTROLLERS.**

4 (a) *INCLUSION OF ADDITIONAL MEMBERS.*—Sub-
 5 section (a)(11) of section 301 of title 37, United States Code,
 6 is amended by striking out “an officer (other than a war-
 7 rant officer)” and inserting in lieu thereof “a member”.

8 (b) *CALCULATION OF HAZARDOUS DUTY INCENTIVE*
 9 *PAY.*—The table in subparagraph (A) of subsection (c)(2)
 10 of such section is amended to read as follows:

| "Pay grade | Years of service as an air weapons controller | | | | | | | |
|----------------------|---|---------|---------|---------|---------|---------|---------|---------|
| | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | |
| "O-7 and above | \$200 | \$200 | \$200 | \$200 | \$200 | \$200 | \$200 | |
| "O-6 | 225 | 250 | 300 | 325 | 350 | 350 | 350 | |
| "O-5 | 200 | 250 | 300 | 325 | 350 | 350 | 350 | |
| "O-4 | 175 | 225 | 275 | 300 | 350 | 350 | 350 | |
| "O-3 | 125 | 156 | 188 | 206 | 350 | 350 | 350 | |
| "O-2 | 125 | 156 | 188 | 206 | 250 | 300 | 300 | |
| "O-1 | 125 | 156 | 188 | 206 | 250 | 250 | 250 | |
| "W-4 | 200 | 225 | 275 | 300 | 325 | 325 | 325 | |
| "W-3 | 175 | 225 | 275 | 300 | 325 | 325 | 325 | |
| "W-2 | 150 | 200 | 250 | 275 | 325 | 325 | 325 | |
| "W-1 | 100 | 125 | 150 | 175 | 325 | 325 | 325 | |
| "E-9 | 200 | 225 | 250 | 275 | 300 | 300 | 300 | |
| "E-8 | 200 | 225 | 250 | 275 | 300 | 300 | 300 | |
| "E-7 | 175 | 200 | 225 | 250 | 275 | 275 | 275 | |
| "E-6 | 156 | 175 | 200 | 225 | 250 | 250 | 250 | |
| "E-5 | 125 | 156 | 175 | 188 | 200 | 200 | 200 | |
| "E-4 and below | 125 | 156 | 175 | 188 | 200 | 200 | 200 | |
| | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 24 | Over 25 |
| "O-7 and above | \$200 | \$200 | \$200 | \$200 | \$200 | \$200 | \$200 | \$110 |
| "O-6 | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| "O-5 | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| "O-4 | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| "O-3 | 350 | 350 | 350 | 300 | 275 | 250 | 225 | 200 |
| "O-2 | 300 | 300 | 300 | 275 | 245 | 210 | 200 | 180 |
| "O-1 | 250 | 250 | 250 | 245 | 210 | 200 | 180 | 150 |
| "W-4 | 325 | 325 | 325 | 325 | 276 | 250 | 225 | 200 |
| "W-3 | 325 | 325 | 325 | 325 | 325 | 250 | 225 | 200 |
| "W-2 | 325 | 325 | 325 | 325 | 275 | 250 | 225 | 200 |
| "W-1 | 325 | 325 | 325 | 325 | 275 | 250 | 225 | 200 |
| "E-9 | 300 | 300 | 300 | 300 | 275 | 230 | 200 | 200 |
| "E-8 | 300 | 300 | 300 | 300 | 265 | 230 | 200 | 200 |
| "E-7 | 300 | 300 | 300 | 300 | 265 | 230 | 200 | 200 |
| "E-6 | 300 | 300 | 300 | 300 | 265 | 230 | 200 | 200 |
| "E-5 | 250 | 250 | 250 | 250 | 225 | 200 | 175 | 150 |
| "E-4 and below | 200 | 200 | 200 | 200 | 175 | 150 | 125 | 125". |

11 (c) *CONFORMING AMENDMENTS.*—Subsection (c)(2) of
 12 such section is further amended—

13 (1) by striking out “an officer” each place it ap-
 14 pears and inserting in lieu thereof “a member”; and

1 (2) *by striking out “the officer” each place it ap-*
2 *pears and inserting in lieu thereof “the member”.*

3 **SEC. 616. AVIATION CAREER INCENTIVE PAY.**

4 (a) *YEARS OF OPERATIONAL FLYING DUTIES RE-*
5 *QUIRED.—Paragraph (4) of section 301a(a) of title 37,*
6 *United States Code, is amended in the first sentence by*
7 *striking out “9” and inserting in lieu thereof “8”.*

8 (b) *EXERCISE OF WAIVER AUTHORITY.—Paragraph*
9 *(5) of such section is amended by inserting after the second*
10 *sentence the following new sentence: “The Secretary con-*
11 *cerned may not delegate the authority in the preceding sen-*
12 *tence to permit the payment of incentive pay under this*
13 *subsection.”.*

14 **SEC. 617. CLARIFICATION OF AUTHORITY TO PROVIDE**
15 **SPECIAL PAY FOR NURSES.**

16 *Section 302c(d)(1) of title 37, United States Code, is*
17 *amended—*

18 (1) *by striking out “or” after “Air Force,”; and*

19 (2) *by inserting before the semicolon the follow-*
20 *ing: “, an officer of the Nurse Corps of the Army or*
21 *Navy, or an officer of the Air Force designated as a*
22 *nurse”.*

1 **SEC. 618. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY**
2 **FOR CREW MEMBERS OF SHIPS DESIGNATED**
3 **AS TENDERS.**

4 *Subparagraph (A) of section 305a(d)(1) of title 37,*
5 *United States Code, is amended to read as follows:*

6 “(A) while permanently or temporarily assigned
7 to a ship, ship-based staff, or ship-based aviation unit
8 and—

9 “(i) while serving on a ship the primary
10 mission of which is accomplished while under
11 way;

12 “(ii) while serving as a member of the off-
13 crew of a two-crewed submarine; or

14 “(iii) while serving as a member of a ten-
15 der-class ship (with the hull classification of sub-
16 marine or destroyer); or”.

17 **SEC. 619. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY**
18 **ASSIGNMENT PAY FOR ENLISTED MEMBERS**
19 **SERVING AS RECRUITERS.**

20 (a) *SPECIAL MAXIMUM RATE FOR RECRUITERS.*—Sec-
21 *tion 307(a) of title 37, United States Code, is amended by*
22 *adding at the end the following new sentence: “In the case*
23 *of a member who is serving as a military recruiter and*
24 *is eligible for special duty assignment pay under this sub-*
25 *section on account of such duty, the Secretary concerned*

1 *may increase the monthly rate of special duty assignment*
 2 *pay for the member to not more than \$375.”.*

3 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 4 *section (a) shall take effect on January 1, 1996.*

5 ***Subtitle C—Travel and***
 6 ***Transportation Allowances***

7 ***SEC. 621. REPEAL OF REQUIREMENT REGARDING CAL-***
 8 ***CULATION OF ALLOWANCES ON BASIS OF***
 9 ***MILEAGE TABLES.***

10 *Section 404(d)(1)(A) of title 37, United States Code,*
 11 *is amended by striking out “, based on distances established*
 12 *over the shortest usually traveled route, under mileage tables*
 13 *prepared under the direction of the Secretary of Defense”.*

14 ***SEC. 622. DEPARTURE ALLOWANCES.***

15 (a) *ELIGIBILITY WHEN EVACUATION AUTHORIZED*
 16 *BUT NOT ORDERED.*—*Section 405a(a) of title 37, United*
 17 *States Code, is amended by striking out “ordered” each*
 18 *place it appears and inserting in lieu thereof “authorized*
 19 *or ordered”.*

20 (b) *APPLICATION OF AMENDMENT.*—*The amendment*
 21 *made by subsection (a) shall apply with respect to persons*
 22 *authorized or ordered to depart as described in section*
 23 *405a(a) of title 37, United States Code, on or after October*
 24 *1, 1995.*

1 **SEC. 623. TRANSPORTATION OF NONDEPENDENT CHILD**
 2 **FROM MEMBER'S STATION OVERSEAS AFTER**
 3 **LOSS OF DEPENDENT STATUS WHILE OVER-**
 4 **SEAS.**

5 Section 406(h)(1) of title 37, United States Code, is
 6 amended in the last sentence—

7 (1) by striking out “who became 21 years of age”
 8 and inserting in lieu thereof “who, by reason of age
 9 or graduation from (or cessation of enrollment in) an
 10 institution of higher education, would otherwise cease
 11 to be a dependent of the member”; and

12 (2) by inserting “still” after “shall”.

13 **SEC. 624. AUTHORIZATION OF DISLOCATION ALLOWANCE**
 14 **FOR MOVES IN CONNECTION WITH BASE**
 15 **REALIGNMENTS AND CLOSURES.**

16 (a) **DISLOCATION ALLOWANCE AUTHORIZED.**—Sub-
 17 section (a) of section 407 of title 37, United States Code,
 18 is amended—

19 (1) by striking out “or” at the end of paragraph
 20 (3);

21 (2) by striking out the period at the end of para-
 22 graph (4)(B) and inserting in lieu thereof “; or”; and

23 (3) by inserting after paragraph (4)(B) the fol-
 24 lowing new paragraph:

25 “(5) the member is ordered to move in connec-
 26 tion with the closure or realignment of a military in-

1 *stallation and, as a result, the member's dependents*
2 *actually move or, in the case of a member without de-*
3 *pendents, the member actually moves.”.*

4 *(b) CONFORMING AMENDMENTS.—(1) The last sentence*
5 *of such subsection is amended—*

6 *(A) by striking out “clause (3) or (4)(B)” and*
7 *inserting in lieu thereof “paragraph (3) or (4)(B)”;*
8 *and*

9 *(B) by striking out “clause (1)” and inserting in*
10 *lieu thereof “paragraph (1) or (5)”.*

11 *(2) Subsection (b) of such section is amended—*

12 *(A) by striking out “subsection (a)(3) or*
13 *(a)(4)(B)” in the first sentence and inserting in lieu*
14 *thereof “paragraph (3) or (4)(B) of subsection (a)”;*
15 *and*

16 *(B) by striking out “subsection (a)(1)” in the*
17 *second sentence and inserting in lieu thereof “para-*
18 *graph (1) or (5) of subsection (a)”.*

1 ***Subtitle D—Retired Pay, Survivor***
 2 ***Benefits, and Related Matters***

3 ***SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-***
 4 ***OF-LIVING ADJUSTMENTS FOR FISCAL YEARS***
 5 ***1996, 1997, AND 1998.***

6 *(a) ADJUSTMENT OF EFFECTIVE DATES.—Subpara-*
 7 *graph (B) of section 1401a(b)(2) of title 10, United States*
 8 *Code, is amended to read as follows:*

9 ***“(B) SPECIAL RULES FOR FISCAL YEARS***
 10 ***1996 AND 1998.—***

11 ***“(i) FISCAL YEAR 1996.—In the case of***
 12 ***the increase in retired pay that, pursuant***
 13 ***to paragraph (1), becomes effective on De-***
 14 ***cember 1, 1995, the initial month for which***
 15 ***such increase is payable as part of such re-***
 16 ***tired pay shall (notwithstanding such De-***
 17 ***cember 1 effective date) be March 1996.***

18 ***“(ii) FISCAL YEAR 1998.—In the case of***
 19 ***the increase in retired pay that, pursuant***
 20 ***to paragraph (1), becomes effective on De-***
 21 ***cember 1, 1997, the initial month for which***
 22 ***such increase is payable as part of such re-***
 23 ***tired pay shall (notwithstanding such De-***
 24 ***cember 1 effective date) be September***
 25 ***1998.”.***

1 (b) *CONTINGENT ALTERNATIVE DATE FOR FISCAL*
2 *YEAR 1998.—(1) If a civil service retiree cola that becomes*
3 *effective during fiscal year 1998 becomes effective on a date*
4 *other than the date on which a military retiree cola during*
5 *that fiscal year is specified to become effective under sub-*
6 *paragraph (B) of section 1401a(b)(2) of title 10, United*
7 *States Code, as amended by subsection (a), then the increase*
8 *in military retired and retainer pay shall become payable*
9 *as part of such retired and retainer pay effective on the*
10 *same date on which such civil service retiree cola becomes*
11 *effective (notwithstanding the date otherwise specified in*
12 *such subparagraph (B)).*

13 (2) *Paragraph (1) does not apply with respect to the*
14 *retired pay of a person retired under chapter 61 of title*
15 *10, United States Code.*

16 (3) *For purposes of this subsection:*

17 (A) *The term “civil service retiree cola” means*
18 *an increase in annuities under the Civil Service Re-*
19 *tirement System either under section 8340(b) of title*
20 *5, United States Code, or pursuant to a law provid-*
21 *ing a general increase in such annuities.*

22 (B) *The term “military retiree cola” means an*
23 *adjustment in retired and retainer pay pursuant to*
24 *section 1401a(b) of title 10, United States Code.*

1 (c) *REPEAL OF PRIOR CONDITIONAL ENACTMENT.*—
 2 Section 8114A(b) of Public Law 103–335 (108 Stat. 2648)
 3 is repealed.

4 **SEC. 632. DENIAL OF NON-REGULAR SERVICE RETIRED PAY**
 5 **FOR RESERVES RECEIVING CERTAIN COURT-**
 6 **MARTIAL SENTENCES.**

7 (a) *IN GENERAL.*—(1) Chapter 1223 of title 10, United
 8 States Code, is amended by adding at the end the following
 9 new section:

10 **“§ 12740. Eligibility: denial upon certain punitive dis-**
 11 **charges or dismissals**

12 “A person who—

13 “(1) is convicted of an offense under the Uniform
 14 Code of Military Justice (chapter 47 of this title) and
 15 whose sentence includes death; or

16 “(2) is separated pursuant to sentence of a court-
 17 martial with a dishonorable discharge, a bad conduct
 18 discharge, or (in the case of an officer) a dismissal,
 19 is not eligible for retired pay under this chapter.”.

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

 “12740. Eligibility: denial upon certain punitive discharges or dismissals.”.

22 (b) *EFFECTIVE DATE.*—Section 12740 of title 10, United
 23 States Code, as added by subsection (a), shall apply with
 24 respect to court-martial sentences adjudged after the date
 25 of the enactment of this Act.

1 **SEC. 633. REPORT ON PAYMENT OF ANNUITIES FOR CER-**
2 **TAIN MILITARY SURVIVING SPOUSES.**

3 (a) *STUDY REQUIRED.*—(1) *The Secretary of Defense*
4 *shall conduct a study to determine the number of potential*
5 *beneficiaries there would be if Congress were to enact au-*
6 *thority for the Secretary of the military department con-*
7 *cerned to pay an annuity to the qualified surviving spouse*
8 *of each member of the Armed Forces who—*

9 (A) *died before March 21, 1974, and was entitled*
10 *to retired or retainer pay on the date of death; or*

11 (B) *was a member of a reserve component who*
12 *died during the period beginning on September 21,*
13 *1972, and ending on October 1, 1978, and at the time*
14 *of death would have been entitled to retired pay under*
15 *chapter 67 of title 10, United States Code, but for the*
16 *fact that he was under 60 years of age.*

17 (2) *A qualified surviving spouse for purposes of para-*
18 *graph (1) 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*
21 *(10 U.S.C. 1448 note).*

22 (b) *REQUIRED DETERMINATIONS.*—*As part of the*
23 *study under subsection (a), the Secretary shall determine*
24 *the following:*

25 (1) *The number of unremarried surviving*
26 *spouses of deceased members and deceased former*

1 *members of the Armed Forces referred to in subpara-*
2 *graph (A) of subsection (a)(1) who would be eligible*
3 *for an annuity under authority described in such sub-*
4 *section.*

5 (2) *The number of unremarried surviving*
6 *spouses of deceased members and deceased former*
7 *members of reserve components referred to in subpara-*
8 *graph (B) of subsection (a)(1) who would be eligible*
9 *for an annuity under authority described in such sub-*
10 *section.*

11 (3) *The number of persons in each group of*
12 *unremarried former spouses described in paragraphs*
13 *(1) and (2) who are receiving a widow's insurance*
14 *benefit or a widower's insurance benefit under title II*
15 *of the Social Security Act on the basis of employment*
16 *of a deceased member or deceased former member re-*
17 *ferred to in subsection (a)(1).*

18 (c) *REPORT.—Not later than March 1, 1996, the Sec-*
19 *retary of Defense shall submit to the Committee on Armed*
20 *Services of the Senate and the Committee on National Secu-*
21 *urity of the House of Representatives a report on the results*
22 *of the study under this section. The Secretary shall include*
23 *in the report a recommendation on the amount of the annu-*
24 *ity that should be authorized to be paid under any author-*
25 *ity described in subsection (a)(1), together with a rec-*

1 *ommendation on whether the annuity should be adjusted*
 2 *annually to offset increases in the cost of living.*

3 **SEC. 634. PAYMENT OF BACK QUARTERS AND SUBSIST-**
 4 **ENCE ALLOWANCES TO WORLD WAR II VETER-**
 5 **ANS WHO SERVED AS GUERRILLA FIGHTERS**
 6 **IN THE PHILIPPINES.**

7 (a) *IN GENERAL.*—*The Secretary of the military de-*
 8 *partment concerned shall pay, upon request, to an individ-*
 9 *ual described in subsection (b) the amount determined with*
 10 *respect to that individual under subsection (c).*

11 (b) *COVERED INDIVIDUALS.*—*A payment under sub-*
 12 *section (a) shall be made to any individual who as a mem-*
 13 *ber of the Armed Forces during World War II—*

14 (1) *was captured on the Island of Bataan in the*
 15 *territory of the Philippines by Japanese forces;*

16 (2) *participated in the Bataan Death March;*

17 (3) *escaped from captivity; and*

18 (4) *served as a guerrilla fighter in the Phil-*
 19 *ippines during the period from January 1942*
 20 *through February 1945.*

21 (c) *AMOUNT TO BE PAID.*—*The amount of a payment*
 22 *under subsection (a) shall be the amount of quarters and*
 23 *subsistence allowance which accrued to an individual de-*
 24 *scribed in subsection (b) during the period specified in*
 25 *paragraph (4) of subsection (b) and which was not paid*

1 to that individual. The Secretary shall apply interest
2 compounded at the three-month Treasury bill rate.

3 (d) *PAYMENT TO SURVIVORS.*—In the case of any indi-
4 vidual described in subsection (b) who is deceased, payment
5 under this section with respect to that individual shall be
6 made to that individual's nearest surviving relative, as de-
7 termined by the Secretary concerned.

8 **SEC. 635. AUTHORITY FOR RELIEF FROM PREVIOUS OVER-**
9 **PAYMENTS UNDER MINIMUM INCOME WID-**
10 **OWS PROGRAM.**

11 (a) *AUTHORITY.*—The Secretary of Defense may waive
12 recovery by the United States of any overpayment by the
13 United States described in subsection (b). In the case of any
14 such waiver, any debt to the United States arising from
15 such overpayment is forgiven.

16 (b) *COVERED OVERPAYMENTS.*—Subsection (a) applies
17 in the case of an overpayment by the United States that—

18 (1) was made before the date of the enactment of
19 this Act under section 4 of Public Law 92–425 (10
20 U.S.C. 1448 note); and

21 (2) is attributable to failure by the Department
22 of Defense to apply the eligibility provisions of sub-
23 section (a) of such section in the case of the person
24 to whom the overpayment was made.

1 **SEC. 636. TRANSITIONAL COMPENSATION FOR DEPEND-**
2 **ENTS OF MEMBERS OF THE ARMED FORCES**
3 **SEPARATED FOR DEPENDENT ABUSE.**

4 (a) *COVERAGE OF PROGRAM.*—Subsection (a) of sec-
5 tion 1059 of title 10, United States Code, is amended by
6 adding at the end the following: “Upon establishment of
7 such a program, the program shall apply in the case of each
8 such member described in subsection (b) who is under the
9 jurisdiction of the Secretary establishing the program.”.

10 (b) *CLARIFICATION OF PAYMENT TO DEPENDENTS OF*
11 *MEMBERS NOT DISCHARGED.*—Subsection (d) of such sec-
12 tion is amended—

13 (1) *in the matter preceding paragraph (1)—*

14 (A) *by striking out “any case of a separa-*
15 *tion from active duty as described in subsection*
16 *(b)” and inserting in lieu thereof “the case of*
17 *any individual described in subsection (b)”;* and

18 (B) *by striking “former member” and in-*
19 *serting in lieu thereof “individual”;*

20 (2) *in paragraph (1)—*

21 (A) *by striking out “former member” and*
22 *inserting in lieu thereof “individual”;* and

23 (B) *by striking out “member” and inserting*
24 *in lieu thereof “individual”;*

1 (3) in paragraph (2), by striking out “former
2 member” both places it appears and inserting in lieu
3 thereof “individual described in subsection (b)”;

4 (4) in paragraph (3), by striking out “former
5 member” and inserting in lieu thereof “individual de-
6 scribed in subsection (b)”; and

7 (5) in paragraph (4), by striking out “member”
8 both places it appears and inserting in lieu thereof
9 “individual described in subsection (b)”.

10 (c) *EFFECTIVE DATE*.—Section 554(b) of the National
11 *Defense Authorization Act for Fiscal Year 1994* (10 U.S.C.
12 *1059 note*) is amended—

13 (1) in paragraph (1), by striking out “on or
14 after the date of the enactment of this Act” and in-
15 serting in lieu thereof “after November 29, 1993”; and

16 (2) by striking out paragraph (2) and inserting
17 in lieu thereof the following:

18 “(2) *Payments of transitional compensation under*
19 *that section in the case of any person eligible to receive pay-*
20 *ments under that section shall be made for each month after*
21 *November 1993 for which that person may be paid transi-*
22 *tional compensation in accordance with that section.*”.

1 ***Subtitle E—Other Matters***

2 ***SEC. 641. PAYMENT TO SURVIVORS OF DECEASED MEM-***
 3 ***BERS FOR ALL LEAVE ACCRUED.***

4 (a) *INAPPLICABILITY OF 60-DAY LIMITATION.*—*Sec-*
 5 *tion 501(d) of title 37, United States Code, is amended—*

6 (1) *in paragraph (1), by striking out the third*
 7 *sentence; and*

8 (2) *by striking out paragraph (2) and inserting*
 9 *in lieu thereof the following new paragraph:*

10 “(2) *The limitations in the second sentence of sub-*
 11 *section (b)(3), subsection (f), and the second sentence of sub-*
 12 *section (g) shall not apply with respect to a payment made*
 13 *under this subsection.”.*

14 (b) *CONFORMING AMENDMENT.*—*Section 501(f) of such*
 15 *title is amended by striking out “, (d),” in the first sentence.*

16 ***SEC. 642. REPEAL OF REPORTING REQUIREMENTS RE-***
 17 ***GARDING COMPENSATION MATTERS.***

18 (a) *REPORT ON TRAVEL AND TRANSPORTATION AL-*
 19 *LOWANCES FOR DEPENDENTS.*—(1) *Section 406 of title 37,*
 20 *United States Code, is amended—*

21 (A) *by striking out subsection (i); and*

22 (B) *by redesignating subsections (j), (k), (l), (m),*
 23 *and (n) as subsections (i), (j), (k), (l), and (m), re-*
 24 *spectively.*

1 (2) *Section 2634(d) of title 10, United States Code,*
 2 *is amended by striking out “section 406(l) of title 37” and*
 3 *inserting in lieu thereof “section 406(k) of title 37”.*

4 (b) *ANNUAL REVIEW OF PAY AND ALLOWANCES.—Section*
 5 *1008(a) of title 37, United States Code, is amended*
 6 *by striking out the second sentence.*

7 (c) *REPORT ON QUADRENNIAL REVIEW OF ADJUST-*
 8 *MENTS IN COMPENSATION.—Section 1009(f) of such title is*
 9 *amended by striking out “of this title,” and all that follows*
 10 *through the period at the end and inserting in lieu thereof*
 11 *“of this title.”.*

12 **SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN**
 13 **GARNISHMENT ACTIONS.**

14 (a) *IN GENERAL.—Subsection (j) of section 5520a of*
 15 *title 5, United States Code, is amended by striking out*
 16 *paragraph (2) and inserting in lieu thereof the following*
 17 *new paragraph:*

18 “(2) *Such regulations shall provide that an agency’s*
 19 *administrative costs incurred in executing legal process to*
 20 *which the agency is subject under this section shall be de-*
 21 *ducted from the amount withheld from the pay of the em-*
 22 *ployee concerned pursuant to the legal process.”.*

23 (b) *INVOLUNTARY ALLOTMENTS OF PAY OF MEMBERS*
 24 *OF THE UNIFORMED SERVICES.—Subsection (k) of such sec-*
 25 *tion is amended—*

1 (1) by redesignating paragraph (3) as para-
2 graph (4); and

3 (2) by inserting after paragraph (2) the follow-
4 ing new
5 paragraph:

6 “(3) Regulations under this subsection may also pro-
7 vide that the administrative costs incurred in establishing
8 and maintaining an involuntary allotment be deducted
9 from the amount withheld from the pay of the member of
10 the uniformed services concerned pursuant to such regula-
11 tions.”.

12 (c) **DISPOSITION OF AMOUNTS WITHHELD FOR ADMIN-**
13 **ISTRATIVE EXPENSES.**—Such section is further amended by
14 adding at the end the following:

15 “(l) The amount of an agency’s administrative costs
16 deducted under regulations prescribed pursuant to sub-
17 section (j)(2) or (k)(3) shall be credited to the appropria-
18 tion, fund, or account from which such administrative costs
19 were paid.”.

20 **SEC. 644. REPORT ON EXTENDING TO JUNIOR NON-**
21 **COMMISSIONED OFFICERS PRIVILEGES PRO-**
22 **VIDED FOR SENIOR NONCOMMISSIONED OF-**
23 **FICERS.**

24 (a) **REPORT REQUIRED.**—Not later than February 1,
25 1996, the Secretary of Defense shall submit to Congress a

1 *report containing the determinations of the Secretary re-*
2 *garding whether, in order to improve the working condi-*
3 *tions of noncommissioned officers in pay grades E-5 and*
4 *E-6, any of the privileges afforded noncommissioned offi-*
5 *cers in any of the pay grades above E-6 should be extended*
6 *to noncommissioned officers in pay grades E-5 and*
7 *E-6.*

8 **(b) SPECIFIC RECOMMENDATION REGARDING ELEC-**
9 *TION OF BAS.—The Secretary shall include in the report*
10 *a determination on whether noncommissioned officers in*
11 *pay grades E-5 and E-6 should be afforded the same privi-*
12 *lege as noncommissioned officers in pay grades above E-*
13 *6 to elect to mess separately and receive the basic allowance*
14 *for subsistence.*

15 **(c) ADDITIONAL MATTERS.—The report shall also con-**
16 *tain a discussion of the following matters:*

17 **(1) The potential costs of extending additional**
18 *privileges to noncommissioned officers in pay grades*
19 *E-5 and E-6.*

20 **(2) The effects on readiness that would result**
21 *from extending the additional privileges.*

22 **(3) The options for extending the privileges on**
23 *an incremental basis over an extended period.*

24 **(d) RECOMMENDED LEGISLATION.—The Secretary**
25 *shall include in the report any recommended legislation*

1 *that the Secretary considers necessary in order to authorize*
2 *extension of a privilege as determined appropriate under*
3 *subsection (a).*

4 **SEC. 645. STUDY REGARDING JOINT PROCESS FOR DETER-**
5 **MINING LOCATION OF RECRUITING STA-**
6 **TIONS.**

7 *(a) STUDY REQUIRED.—The Secretary of Defense shall*
8 *conduct a study regarding the feasibility of—*

9 *(1) using a joint process among the Armed*
10 *Forces for determining the location of recruiting sta-*
11 *tions and the number of military personnel required*
12 *to operate such stations; and*

13 *(2) basing such determinations on market re-*
14 *search and analysis conducted jointly by the Armed*
15 *Forces.*

16 *(b) REPORT.—Not later than March 31, 1996, the Sec-*
17 *retary of Defense shall submit to Congress a report describ-*
18 *ing the results of the study. The report shall include a rec-*
19 *ommended method for measuring the efficiency of individ-*
20 *ual recruiting stations, such as cost per accession or other*
21 *efficiency standard, as determined by the Secretary.*

22 **SEC. 646. AUTOMATIC MAXIMUM COVERAGE UNDER SERV-**
23 **ICEMEN'S GROUP LIFE INSURANCE.**

24 *Effective April 1, 1996, section 1967 of title 38, United*
25 *States Code, is amended—*

1 (1) *in subsections (a) and (c), by striking out*
 2 “\$100,000” *each place it appears and inserting in*
 3 *lieu thereof in each instance “\$200,000”;*

4 (2) *by striking out subsection (e); and*

5 (3) *by redesignating subsection (f) as subsection*
 6 *(e).*

7 **SEC. 647. TERMINATION OF SERVICEMEN’S GROUP LIFE IN-**
 8 **SURANCE FOR MEMBERS OF THE READY RE-**
 9 **SERVE WHO FAIL TO PAY PREMIUMS.**

10 (a) *AUTHORITY.*—Section 1969(a)(2) of title 38, *Unit-*
 11 *ed States Code, is amended—*

12 (1) *by inserting “(A)” after “(2)”;* and

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

14 “(B) *If an individual who is required pursuant to sub-*
 15 *paragraph (A) to make a direct remittance of costs to the*
 16 *Secretary concerned fails to make the required remittance*
 17 *within 60 days of the date on which such remittance is due,*
 18 *such individual’s insurance with respect to which such re-*
 19 *mittance is required shall be terminated by the Secretary*
 20 *concerned. Such termination shall be made by written no-*
 21 *tice to the individual’s official address and shall be effective*
 22 *60 days after the date of such notice. Such termination of*
 23 *insurance may be vacated if, before the effective date of ter-*
 24 *mination, the individual remits all amounts past due for*
 25 *such insurance and demonstrates to the satisfaction of the*

1 *Secretary concerned that the failure to make timely remit-*
 2 *tances was justifiable.”.*

3 (b) *CONFORMING AMENDMENT.*—Section 1968(a) is
 4 amended by inserting “(or discontinued pursuant to section
 5 1969(a)(2)(B) of this title)” in the matter preceding para-
 6 graph (1) after “upon the written request of the insured”.

7 (c) *EFFECTIVE DATE.*—The amendments made by this
 8 section shall take effect on April 1, 1996.

9 ***TITLE VII—HEALTH CARE***
 10 ***PROVISIONS***

11 ***Subtitle A—Health Care Services***

12 ***SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING***
 13 ***ROUTINE PHYSICAL EXAMINATIONS AND IM-***
 14 ***MUNIZATIONS UNDER CHAMPUS.***

15 Section 1079(a) of title 10, United States Code, is
 16 amended by striking out paragraph (2) and inserting in
 17 lieu thereof the following new paragraph:

18 “(2) consistent with such regulations as the Sec-
 19 retary of Defense may prescribe regarding the content
 20 of health promotion and disease prevention visits, the
 21 schedule of pap smears and mammograms, and the
 22 types and schedule of immunizations—

23 “(A) for dependents under six years of age,
 24 both health promotion and disease prevention
 25 visits and immunizations may be provided; and

1 “(B) for dependents six years of age or
 2 older, health promotion and disease prevention
 3 visits may be provided in connection with im-
 4 munizations or with diagnostic or preventive
 5 pap smears and mammograms;”.

6 **SEC. 702. CORRECTION OF INEQUITIES IN MEDICAL AND**
 7 **DENTAL CARE AND DEATH AND DISABILITY**
 8 **BENEFITS FOR CERTAIN RESERVES.**

9 (a) *MEDICAL AND DENTAL CARE.*—Section 1074a(a)
 10 of title 10, United States Code, is amended by adding at
 11 the end the following new paragraph:

12 “(3) Each member of the armed forces who in-
 13 curs or aggravates an injury, illness, or disease in the
 14 line of duty while remaining overnight, between suc-
 15 cessive periods of inactive-duty training, at or in the
 16 vicinity of the site of the inactive-duty training, if the
 17 site is outside reasonable commuting distance from
 18 the member’s residence.”.

19 (b) *RECOVERY, CARE, AND DISPOSITION OF RE-*
 20 *MAINS.*—Section 1481(a)(2) of title 10, United States Code,
 21 is amended—

22 (1) in subparagraph (C), by striking out “or” at
 23 the end of the subparagraph;

24 (2) by redesignating subparagraph (D) as sub-
 25 paragraph (E); and

1 (3) by inserting after subparagraph (C) the fol-
2 lowing new subparagraph:

3 “(D) remaining overnight, between succes-
4 sive periods of inactive-duty training, at or in
5 the vicinity of the site of the inactive-duty train-
6 ing, if the site is outside reasonable commuting
7 distance from the member’s residence; or”.

8 (c) *ENTITLEMENT TO BASIC PAY.*—(1) Subsection
9 (g)(1) of section 204 of title 37, United States Code, is
10 amended—

11 (A) in subparagraph (B), by striking out “or” at
12 the end of the subparagraph;

13 (B) in subparagraph (C), by striking out the pe-
14 riod at the end of the subparagraph and inserting in
15 lieu thereof “; or”; and

16 (C) by inserting after subparagraph (C) the fol-
17 lowing new subparagraph:

18 “(D) in line of duty while remaining overnight,
19 between successive periods of inactive-duty training,
20 at or in the vicinity of the site of the inactive-duty
21 training, if the site is outside reasonable commuting
22 distance from the member’s residence.”.

23 (2) Subsection (h)(1) of such section is amended—

24 (A) in subparagraph (B), by striking out “or” at
25 the end of the subparagraph;

1 (B) in subparagraph (C), by striking out the pe-
2 riod at the end of the subparagraph and inserting in
3 lieu thereof “; or”; and

4 (C) by inserting after subparagraph (C) the fol-
5 lowing new subparagraph:

6 “(D) in line of duty while remaining overnight,
7 between successive periods of inactive-duty training,
8 at or in the vicinity of the site of the inactive-duty
9 training, if the site is outside reasonable commuting
10 distance from the member’s residence.”.

11 (d) *COMPENSATION FOR INACTIVE-DUTY TRAINING.*—
12 Section 206(a)(3) of title 37, United States Code, is amend-
13 ed—

14 (1) in subparagraph (A), by striking out “or” at
15 the end of clause (ii);

16 (2) in subparagraph (B), by striking out the pe-
17 riod at the end of the subparagraph and inserting in
18 lieu thereof “; or”; and

19 (3) by inserting after subparagraph (B) the fol-
20 lowing new subparagraph:

21 “(C) in line of duty while remaining over-
22 night, between successive periods of inactive-duty
23 training, at or in the vicinity of the site of the
24 inactive-duty training, if the site is outside rea-

1 sonable commuting distance from the member's
2 residence.”.

3 **SEC. 703. MEDICAL CARE FOR SURVIVING DEPENDENTS OF**
4 **RETIRED RESERVES WHO DIE BEFORE AGE 60.**

5 (a) *CHANGE IN ELIGIBILITY REQUIREMENTS.*—Para-
6 graph (2) of section 1076(b) of title 10, United States Code,
7 is amended—

8 (1) by striking out “death (A) would” and in-
9 serting in lieu thereof “death would”; and

10 (2) by striking out “, and (B) had elected to par-
11 ticipate in the Survivor Benefit Plan established
12 under subchapter II of chapter 73 of this title”.

13 (b) *CONFORMING AMENDMENTS.*—Such paragraph is
14 further amended—

15 (1) in the matter following paragraph (2), by
16 striking out “clause (2)” the first place it appears
17 and inserting in lieu thereof “paragraph (2)”; and

18 (2) by striking out the second sentence.

19 **SEC. 704. MEDICAL AND DENTAL CARE FOR MEMBERS OF**
20 **THE SELECTED RESERVE ASSIGNED TO**
21 **EARLY DEPLOYING UNITS OF THE ARMY SE-**
22 **LECTED RESERVE.**

23 (a) *ANNUAL MEDICAL AND DENTAL SCREENINGS AND*
24 *CARE.*—Section 1074a of title 10, United States Code, is
25 amended—

1 (1) *in subsection (c), by striking out “this sec-*
2 *tion” and inserting in lieu thereof “subsection (b)”;*
3 *and*

4 (2) *by adding at the end the following new sub-*
5 *section:*

6 “(d)(1) *The Secretary of the Army shall provide to*
7 *members of the Selected Reserve of the Army who are as-*
8 *signed to units scheduled for deployment within 75 days*
9 *after mobilization the following medical and dental services:*

10 “(A) *An annual medical screening.*

11 “(B) *For members who are over 40 years of age,*
12 *a full physical examination not less often than once*
13 *every two years.*

14 “(C) *An annual dental screening.*

15 “(D) *The dental care identified in an annual*
16 *dental screening as required to ensure that a member*
17 *meets the dental standards required for deployment in*
18 *the event of mobilization.*

19 “(2) *The services provided under this subsection shall*
20 *be provided at no cost to the member.”.*

21 (b) *CONFORMING REPEALS.—Sections 1117 and 1118*
22 *of the Army National Guard Combat Readiness Reform Act*
23 *of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077*
24 *note) are repealed.*

1 **SEC. 705. DENTAL INSURANCE FOR MEMBERS OF THE SE-**
2 **LECTED RESERVE.**

3 (a) *PROGRAM AUTHORIZATION.*—(1) Chapter 55 of
4 title 10, United States Code, is amended by inserting after
5 section 1076a the following new section:

6 **“§ 1076b. Selected Reserve dental insurance**

7 “(a) *AUTHORITY TO ESTABLISH PLAN.*—The Sec-
8 retary of Defense shall establish a dental insurance plan
9 for members of the Selected Reserve of the Ready Reserve.
10 The plan shall provide for voluntary enrollment and for
11 premium sharing between the Department of Defense and
12 the members enrolled in the plan. The plan shall be admin-
13 istered under regulations prescribed by the Secretary of De-
14 fense.

15 “(b) *PREMIUM SHARING.*—(1) A member enrolling in
16 the dental insurance plan shall pay a share of the premium
17 charged for the insurance coverage. The member’s share
18 may not exceed \$25 per month.

19 “(2) The Secretary of Defense may reduce the monthly
20 premium required to be paid by enlisted members under
21 paragraph (1) if the Secretary determines that the reduc-
22 tion is appropriate in order to assist enlisted members to
23 participate in the dental insurance plan.

24 “(3) A member’s share of the premium for coverage by
25 the dental insurance plan shall be deducted and withheld
26 from the basic pay payable to the member for inactive duty

1 *training and from the basic pay payable to the member*
2 *for active duty.*

3 “(4) *The Secretary of Defense shall pay the portion*
4 *of the premium charged for coverage of a member under*
5 *the dental insurance plan that exceeds the amount paid by*
6 *the member.*

7 “(c) *BENEFITS AVAILABLE UNDER THE PLAN.—The*
8 *dental insurance plan shall provide benefits for basic dental*
9 *care and treatment, including diagnostic services, preventa-*
10 *tive services, basic restorative services, and emergency oral*
11 *examinations.*

12 “(d) *TERMINATION OF COVERAGE.—The coverage of a*
13 *member by the dental insurance plan shall terminate on*
14 *the last day of the month in which the member is dis-*
15 *charged, transfers to the Individual Ready Reserve, Stand-*
16 *by Reserve, or Retired Reserve, or is ordered to active duty*
17 *for a period of more than 30 days.”.*

18 (2) *The table of sections at the beginning of such chap-*
19 *ter is amended by inserting after the item relating to section*
20 *1076a the following:*

“1076b. Selected Reserve dental insurance.”.

21 (b) *IMPLEMENTATION.—Beginning not later than Oc-*
22 *tober 1, 1996, the Secretary of Defense shall offer members*
23 *of the Selected Reserve the opportunity to enroll in the den-*
24 *tal insurance plan required under section 1076b of title 10,*
25 *United States Code (as added by subsection (a)). During*

1 *fiscal year 1996, the Secretary shall collect such informa-*
2 *tion and complete such planning and other preparations*
3 *as are necessary to offer and administer the dental insur-*
4 *ance plan by that date. The activities undertaken by the*
5 *Secretary under this subsection during fiscal year 1996*
6 *may include—*

7 (1) *surveys; and*

8 (2) *tests, in not more than three States, of a den-*
9 *tal insurance plan or alternative dental insurance*
10 *plans meeting the requirements of section 1076b of*
11 *title 10, United States Code.*

12 **SEC. 706. PERMANENT AUTHORITY TO CARRY OUT SPE-**
13 **CIALIZED TREATMENT FACILITY PROGRAM.**

14 *Section 1105 of title 10, United States Code, is amend-*
15 *ed by striking out subsection (h).*

16 **Subtitle B—TRICARE Program**

17 **SEC. 711. DEFINITION OF TRICARE PROGRAM.**

18 *For purposes of this subtitle, the term “TRICARE pro-*
19 *gram” means the managed health care program that is es-*
20 *tablished by the Secretary of Defense under the authority*
21 *of chapter 55 of title 10, United States Code, principally*
22 *section 1097 of such title, and includes the competitive selec-*
23 *tion of contractors to financially underwrite the delivery*
24 *of health care services under the Civilian Health and Medi-*
25 *cal Program of the Uniformed Services.*

1 **SEC. 712. PRIORITY USE OF MILITARY TREATMENT FACILI-**
 2 **TIES FOR PERSONS ENROLLED IN MANAGED**
 3 **CARE INITIATIVES.**

4 *Section 1097(c) of title 10, United States Code, is*
 5 *amended in the third sentence by striking out “However,*
 6 *the Secretary may” and inserting in lieu thereof “Notwith-*
 7 *standing the preferences established by sections 1074(b) and*
 8 *1076 of this title, the Secretary shall”.*

9 **SEC. 713. STAGGERED PAYMENT OF ENROLLMENT FEES**
 10 **FOR TRICARE PROGRAM.**

11 *Section 1097(e) of title 10, United States Code, is*
 12 *amended by adding at the end the following new sentence:*
 13 *“Without imposing additional costs on covered beneficiaries*
 14 *who participate in contracts for health care services under*
 15 *this section or health care plans offered under section 1099*
 16 *of this title, the Secretary shall permit such covered bene-*
 17 *ficiaries to pay, on a quarterly basis, any enrollment fee*
 18 *required for such participation.”.*

19 **SEC. 714. REQUIREMENT OF BUDGET NEUTRALITY FOR**
 20 **TRICARE PROGRAM TO BE BASED ON ENTIRE**
 21 **PROGRAM.**

22 *(a) CHANGE IN BUDGET NEUTRALITY REQUIRE-*
 23 *MENTS.—Subsection (c) of section 731 of the National De-*
 24 *fense Authorization Act for Fiscal Year 1994 (Public Law*
 25 *103–160; 10 U.S.C. 1073 note) is amended—*

1 (1) *by striking out “each managed health care*
2 *initiative that includes the option” and inserting in*
3 *lieu thereof “the TRICARE program”; and*

4 (2) *by striking out “covered beneficiaries who en-*
5 *roll in the option” and inserting in lieu thereof*
6 *“members of the uniformed services and covered bene-*
7 *ficiaries who participate in the TRICARE program”.*

8 (b) *ADDITION OF DEFINITION OF TRICARE PRO-*
9 *GRAM.—Subsection (d) of such section is amended to read*
10 *as follows:*

11 “(d) *DEFINITIONS.—For purposes of this section:*

12 “(1) *The term ‘covered beneficiary’ means a ben-*
13 *eficiary under chapter 55 of title 10, United States*
14 *Code, other than a beneficiary under section 1074(a)*
15 *of such title.*

16 “(2) *The term ‘TRICARE program’ means the*
17 *managed health care program that is established by*
18 *the Secretary of Defense under the authority of chap-*
19 *ter 55 of title 10, United States Code, principally sec-*
20 *tion 1097 of such title, and includes the competitive*
21 *selection of contractors to financially underwrite the*
22 *delivery of health care services under the Civilian*
23 *Health and Medical Program of the Uniformed Serv-*
24 *ices.”.*

1 **SEC. 715. TRAINING IN HEALTH CARE MANAGEMENT AND**
2 **ADMINISTRATION FOR TRICARE LEAD**
3 **AGENTS.**

4 (a) *PROVISION OF TRAINING.*—Not later than six
5 months after the date of the enactment of this Act, the Sec-
6 retary of Defense shall implement a professional edu-
7 cational program to provide appropriate training in health
8 care management and administration—

9 (1) *to each commander of a military medical*
10 *treatment facility of the Department of Defense who*
11 *is selected to serve as a lead agent to coordinate the*
12 *delivery of health care by military and civilian pro-*
13 *viders under the TRICARE program; and*

14 (2) *to appropriate members of the support staff*
15 *of the treatment facility who will be responsible for*
16 *daily operation of the TRICARE program.*

17 (b) *REPORT ON IMPLEMENTATION.*—Not later than six
18 months after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to Congress a report describ-
20 ing the professional educational program implemented pur-
21 suant to this section.

22 **SEC. 716. PILOT PROGRAM OF INDIVIDUALIZED RESIDEN-**
23 **TIAL MENTAL HEALTH SERVICES.**

24 (a) *PROGRAM REQUIRED.*—(1) *During fiscal year*
25 *1996, the Secretary of Defense, in consultation with the*
26 *other administering Secretaries under chapter 55 of title*

1 10, *United States Code*, shall implement a pilot program
2 to provide residential and wraparound services to children
3 described in paragraph (2) who are in need of mental health
4 services. The Secretary shall implement the pilot program
5 for an initial period of at least two years in a military
6 health care region in which the *TRICARE* program has
7 been implemented.

8 (2) A child shall be eligible for selection to participate
9 in the pilot program if the child is a dependent (as de-
10 scribed in subparagraph (D) or (I) of section 1072(2) of
11 title 10, *United States Code*) who—

12 (A) is eligible for health care under section 1079
13 or 1086 of such title; and

14 (B) has a serious emotional disturbance that is
15 generally regarded as amenable to treatment.

16 (b) *WRAPAROUND SERVICES DEFINED.*—For purposes
17 of this section, the term “wraparound services” means indi-
18 vidualized mental health services that are provided prin-
19 cipally to allow a child to remain in the family home or
20 other least-restrictive and least-costly setting, but also are
21 provided as an aftercare planning service for children who
22 have received acute or residential care. Such term includes
23 nontraditional mental health services that will assist the
24 child to be maintained in the least-restrictive and least-cost-
25 ly setting.

1 (c) *PILOT PROGRAM AGREEMENT.*—Under the pilot
2 program the Secretary of Defense shall enter into one or
3 more agreements that require a mental health services pro-
4 vider under the agreement—

5 (1) to provide wraparound services to a child de-
6 scribed in subsection (a)(2);

7 (2) to continue to provide such services as needed
8 during the period of the agreement even if the child
9 moves to another location within the same TRICARE
10 program region during that period; and

11 (3) to share financial risk by accepting as a
12 maximum annual payment for such services a case-
13 rate reimbursement not in excess of the amount of the
14 annual standard CHAMPUS residential treatment
15 benefit payable (as determined in accordance with
16 section 8.1 of chapter 3 of volume II of the
17 CHAMPUS policy manual).

18 (d) *REPORT.*—Not later than March 1, 1998, the Sec-
19 retary of Defense shall submit to the Committee on Armed
20 Services of the Senate and the Committee on National Secu-
21 rity of the House of Representatives a report on the pro-
22 gram carried out under this section. The report shall con-
23 tain—

24 (1) an assessment of the effectiveness of the pro-
25 gram; and

1 (2) *the Secretary's views regarding whether the*
2 *program should be implemented throughout the mili-*
3 *tary health care system.*

4 **SEC. 717. EVALUATION AND REPORT ON TRICARE PRO-**
5 **GRAM EFFECTIVENESS.**

6 (a) *EVALUATION REQUIRED.*—*The Secretary of De-*
7 *fense shall arrange for an on-going evaluation of the effec-*
8 *tiveness of the TRICARE program in meeting the goals of*
9 *increasing the access of covered beneficiaries under chapter*
10 *55 of title 10, United States Code, to health care and im-*
11 *proving the quality of health care provided to covered bene-*
12 *ficiaries, without increasing the costs incurred by the Gov-*
13 *ernment or covered beneficiaries. The evaluation shall spe-*
14 *cifically address—*

15 (1) *the impact of the TRICARE program on*
16 *military retirees with regard to access, costs, and*
17 *quality of health care services; and*

18 (2) *identify noncatchment areas in which the*
19 *health maintenance organization option of the*
20 *TRICARE program is available or is proposed to be-*
21 *come available.*

22 (b) *ENTITY TO CONDUCT EVALUATION.*—*The Sec-*
23 *retary may use a federally funded research and development*
24 *center to conduct the evaluation required by subsection (a).*

1 (c) *ANNUAL REPORT*.—Not later than March 1, 1997,
2 and each March 1 thereafter, the Secretary shall submit to
3 Congress a report describing the results of the evaluation
4 under subsection (a) during the preceding year.

5 **SEC. 718. SENSE OF CONGRESS REGARDING ACCESS TO**
6 **HEALTH CARE UNDER TRICARE PROGRAM**
7 **FOR COVERED BENEFICIARIES WHO ARE**
8 **MEDICARE ELIGIBLE.**

9 (a) *FINDINGS*.—Congress finds the following:

10 (1) *Medical care provided in facilities of the uni-*
11 *formed services is generally less expensive to the Fed-*
12 *eral Government than the same care provided at Gov-*
13 *ernment expense in the private sector.*

14 (2) *Covered beneficiaries under the military*
15 *health care provisions of chapter 55, United States*
16 *Code, who are eligible for medicare under title XVIII*
17 *of the Social Security Act (42 U.S.C. 1395 et seq.) de-*
18 *serve health care options that empower them to choose*
19 *the health plan that best fits their needs.*

20 (b) *SENSE OF CONGRESS*.—In light of the findings
21 specified in subsection (a), it is the sense of Congress that—

22 (1) *the Secretary of Defense should develop a*
23 *program to ensure that such covered beneficiaries who*
24 *reside in a region in which the TRICARE program*
25 *has been implemented continue to have adequate ac-*

1 *cess to health care services after the implementation*
 2 *of the TRICARE program; and*

3 *(2) as a means of ensuring such access, the budg-*
 4 *et for fiscal year 1997 submitted by the President*
 5 *under section 1105 of title 31, United States Code,*
 6 *should provide for reimbursement by the Health Care*
 7 *Financing Administration to the Department of De-*
 8 *fense for health care services provided to such covered*
 9 *beneficiaries in medical treatment facilities of the De-*
 10 *partment of Defense.*

11 ***Subtitle C—Uniformed Services***
 12 ***Treatment Facilities***

13 ***SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN***
 14 ***FACILITIES AS UNIFORMED SERVICES TREAT-***
 15 ***MENT FACILITIES.***

16 *Section 1252(e) of the Department of Defense Author-*
 17 *ization Act, 1984 (42 U.S.C. 248d(e)) is amended by strik-*
 18 *ing out “December 31, 1996” in the first sentence and in-*
 19 *serting in lieu thereof “September 30, 1997”.*

20 ***SEC. 722. LIMITATION ON EXPENDITURES TO SUPPORT***
 21 ***UNIFORMED SERVICES TREATMENT FACILI-***
 22 ***TIES.***

23 *Subsection (f) of section 1252 of the Department of De-*
 24 *fense Authorization Act, 1984 (42 U.S.C. 248d), is amended*
 25 *to read as follows:*

1 “(f) *LIMITATION ON EXPENDITURES.—The total*
 2 *amount of expenditures by the Secretary of Defense to carry*
 3 *out this section and section 911 of the Military Construc-*
 4 *tion Authorization Act, 1982 (42 U.S.C. 248c), for fiscal*
 5 *year 1996 may not exceed \$300,000,000, adjusted by the*
 6 *Secretary to reflect the inflation factor used by the Depart-*
 7 *ment of Defense for such fiscal year.”.*

8 **SEC. 723. APPLICATION OF CHAMPUS PAYMENT RULES IN**
 9 **CERTAIN CASES.**

10 *Section 1074 of title 10, United States Code, is amend-*
 11 *ed by adding at the end the following new subsection:*

12 “(d)(1) *The Secretary of Defense may require, by regu-*
 13 *lation, a private CHAMPUS provider to apply the*
 14 *CHAMPUS payment rules (subject to any modifications*
 15 *considered appropriate by the Secretary) in imposing*
 16 *charges for health care that the private CHAMPUS pro-*
 17 *vider provides to a member of the uniformed services who*
 18 *is enrolled in a health care plan of a facility deemed to*
 19 *be a facility of the uniformed services under section 911(a)*
 20 *of the Military Construction Authorization Act, 1982 (42*
 21 *U.S.C. 248c(a)) when the health care is provided outside*
 22 *the catchment area of the facility.*

23 “(2) *In this subsection:*

24 “(A) *The term ‘private CHAMPUS provider’*
 25 *means a private facility or health care provider that*

1 *ment Facilities and any participation agreement be-*
2 *tween Uniformed Services Treatment Facilities and*
3 *the Secretary of Defense shall be subject to the Federal*
4 *Acquisition Regulation issued pursuant to section*
5 *25(c) of the Office of Federal Procurement Policy Act*
6 *(41 U.S.C. 421(c)) notwithstanding any provision to*
7 *the contrary in such a participation agreement. The*
8 *requirements regarding competition in the Federal*
9 *Acquisition Regulation shall apply with regard to the*
10 *negotiation of any new participation agreement be-*
11 *tween the Uniformed Services Treatment Facilities*
12 *and the Secretary of Defense under this subsection or*
13 *any other provision of law.”.*

14 *(b) SENSE OF CONGRESS.—(1) Congress finds that the*
15 *Uniformed Services Treatment Facilities provide quality*
16 *health care to the 120,000 Department of Defense bene-*
17 *ficiaries enrolled in the Uniformed Services Family Health*
18 *Plan provided by these facilities.*

19 *(2) In light of such finding, it is the sense of Congress*
20 *that the Uniformed Services Family Health Plan provided*
21 *by the Uniformed Services Treatment Facilities should not*
22 *be terminated for convenience under provisions of the Fed-*
23 *eral Acquisition Regulation by the Secretary of Defense be-*
24 *fore the expiration of the current participation agreements.*

1 (3) *For purposes of this subsection, the term “Uni-*
2 *formed Services Treatment Facility” means a facility*
3 *deemed to be a facility of the uniformed services by virtue*
4 *of section 911(a) of the Military Construction Authorization*
5 *Act, 1982 (42 U.S.C. 248c(a)).*

6 **SEC. 725. DEVELOPMENT OF PLAN FOR INTEGRATING UNI-**
7 **FORMED SERVICES TREATMENT FACILITIES**
8 **IN MANAGED CARE PROGRAMS OF DEPART-**
9 **MENT OF DEFENSE.**

10 *Section 718(c) of the National Defense Authorization*
11 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
12 *1587) is amended by inserting after paragraph (4), as*
13 *added by section 722, the following new paragraph:*

14 “(5) *PLAN FOR INTEGRATING FACILITIES.—(A)*
15 *The Secretary of Defense shall develop a plan under*
16 *which Uniformed Services Treatment Facilities could*
17 *be included, before the expiration date of the partici-*
18 *ipation agreements entered into under this section, in*
19 *the exclusive health care provider networks established*
20 *by the Secretary for the geographic regions in which*
21 *the facilities are located. The Secretary shall address*
22 *in the plan the feasibility of implementing the man-*
23 *aged care plan of the Uniformed Services Treatment*
24 *Facilities, known as Option II, on a mandatory basis*
25 *for all USTF Medicare-eligible beneficiaries and the*

1 *potential cost savings to the Military Health Care*
2 *Program that could be achieved under such option.*

3 *“(B) The Secretary shall submit the plan devel-*
4 *oped under this paragraph to Congress not later than*
5 *March 1, 1996.*

6 *“(C) The plan developed under this paragraph*
7 *shall be consistent with the requirements specified in*
8 *paragraph (4). If the plan is not submitted to Con-*
9 *gress by the expiration date of the participation*
10 *agreements entered into under this section, the par-*
11 *ticipation agreements shall remain in effect, at the*
12 *option of the Uniformed Services Treatment Facili-*
13 *ties, until the end of the 180-day period beginning on*
14 *the date the plan is finally submitted.*

15 *“(D) For purposes of this paragraph, the term*
16 *‘USTF Medicare-eligible beneficiaries’ means covered*
17 *beneficiaries under chapter 55 of title 10, United*
18 *States Code, who are enrolled in a managed health*
19 *plan offered by the Uniformed Services Treatment Fa-*
20 *ilities and entitled to hospital insurance benefits*
21 *under part A of title XVIII of the Social Security Act*
22 *(42 U.S.C. 1395c et seq.).”.*

1 **SEC. 726. EQUITABLE IMPLEMENTATION OF UNIFORM**
2 **COST SHARING REQUIREMENTS FOR UNI-**
3 **FORMED SERVICES TREATMENT FACILITIES.**

4 (a) *TIME FOR FEE IMPLEMENTATION.*—*The uniform*
5 *managed care benefit fee and copayment schedule developed*
6 *by the Secretary of Defense for use in all managed care*
7 *initiatives of the military health service system, including*
8 *the managed care program of the Uniformed Services Treat-*
9 *ment Facilities, shall be extended to the managed care pro-*
10 *gram of a Uniformed Services Treatment Facility only*
11 *after the later of—*

12 (1) *the implementation of the TRICARE re-*
13 *gional program covering the service area of the Uni-*
14 *formed Services Treatment Facility; or*

15 (2) *the end of the 180-day period beginning on*
16 *the date of the enactment of this Act.*

17 (b) *SUBMISSION OF ACTUARIAL ESTIMATES.*—*Para-*
18 *graph (2) of subsection (a) shall operate as a condition on*
19 *the extension of the uniform managed care benefit fee and*
20 *copayment schedule to the Uniformed Services Treatment*
21 *Facilities only if the Uniformed Services Treatment Facili-*
22 *ties submit to the Comptroller General of the United States,*
23 *within 30 days after the date of the enactment of this Act,*
24 *actuarial estimates in support of their contention that the*
25 *extension of such fees and copayments will have an adverse*

1 *effect on the operation of the Uniformed Services Treatment*
2 *Facilities and the enrollment of participants.*

3 (c) *EVALUATION.—(1) Except as provided in para-*
4 *graph (2), not later than 90 days after the date of the enact-*
5 *ment of this Act, the Comptroller General shall submit to*
6 *Congress the results of an evaluation of the effect on the*
7 *Uniformed Services Treatment Facilities of the extension*
8 *of the uniform benefit fee and copayment schedule to the*
9 *Uniformed Services Treatment Facilities. The evaluation*
10 *shall include an examination of whether the benefit fee and*
11 *copayment schedule may—*

12 (A) *cause adverse selection of enrollees;*

13 (B) *be inappropriate for a fully at-risk program*
14 *similar to civilian health maintenance organizations;*
15 *or*

16 (C) *result in an enrolled population dissimilar*
17 *to the general beneficiary population.*

18 (2) *The Comptroller General shall not be required to*
19 *prepare or submit the evaluation under paragraph (1) if*
20 *the Uniformed Services Treatment Facilities fail to satisfac-*
21 *torily comply with subsection (b), as determined by the*
22 *Comptroller General.*

1 **SEC. 727. ELIMINATION OF UNNECESSARY ANNUAL RE-**
 2 **PORTING REQUIREMENT REGARDING UNI-**
 3 **FORMED SERVICES TREATMENT FACILITIES.**

4 *Section 1252 of the Department of Defense Authoriza-*
 5 *tion Act, 1984 (42 U.S.C. 248d), is amended by striking*
 6 *out subsection (d).*

7 **Subtitle D—Other Changes to Exist-**
 8 **ing Laws Regarding Health**
 9 **Care Management**

10 **SEC. 731. MAXIMUM ALLOWABLE PAYMENTS TO INDIVID-**
 11 **UAL HEALTH-CARE PROVIDERS UNDER**
 12 **CHAMPUS.**

13 *(a) MAXIMUM PAYMENT.—Subsection (h) of section*
 14 *1079 of title 10, United States Code, is amended by striking*
 15 *out paragraph (1) and inserting in lieu thereof the follow-*
 16 *ing new paragraph:*

17 *“(1) Payment for a charge for services by an individ-*
 18 *ual health care professional (or other noninstitutional*
 19 *health care provider) for which a claim is submitted under*
 20 *a plan contracted for under subsection (a) may not exceed*
 21 *the lesser of—*

22 *“(A) the amount equivalent to the 80th percentile*
 23 *of billed charges made for similar services in the same*
 24 *locality during the base period; or*

25 *“(B) an amount determined to be appropriate,*
 26 *to the extent practicable, in accordance with the same*

1 *reimbursement rules as apply to payments for similar*
2 *services under title XVIII of the Social Security Act*
3 *(42 U.S.C. 1395 et seq.).”.*

4 *(b) COMPARISON TO MEDICARE PAYMENTS.—Such*
5 *subsection is further amended by adding at the end the fol-*
6 *lowing new paragraph:*

7 *“(3) For the purposes of paragraph (1)(B), the appro-*
8 *priate payment amount shall be determined by the Sec-*
9 *retary of Defense, in consultation with the other administer-*
10 *ing Secretaries.”.*

11 *(c) EXCEPTIONS AND LIMITATIONS.—Such subsection*
12 *is further amended by inserting after paragraph (3), as*
13 *added by subsection (b), the following new paragraphs:*

14 *“(4) The Secretary of Defense, in consultation with the*
15 *other administering Secretaries, shall prescribe regulations*
16 *to provide for such exceptions to the payment limitations*
17 *under paragraph (1) as the Secretary determines to be nec-*
18 *essary to assure that covered beneficiaries retain adequate*
19 *access to health care services. Such exceptions may include*
20 *the payment of amounts higher than the amount allowed*
21 *under paragraph (1) when enrollees in managed care pro-*
22 *grams obtain covered emergency services from*
23 *nonparticipating providers. To provide a suitable transi-*
24 *tion from the payment methodologies in effect before the*
25 *date of the enactment of this paragraph to the methodology*

1 *required by paragraph (1), the amount allowable for any*
2 *service may not be reduced by more than 15 percent below*
3 *the amount allowed for the same service during the imme-*
4 *diately preceding 12-month period (or other period as estab-*
5 *lished by the Secretary of Defense).*

6 “(5) *The Secretary of Defense, in consultation with the*
7 *other administering Secretaries, shall prescribe regulations*
8 *to establish limitations (similar to the limitations estab-*
9 *lished under title XVIII of the Social Security Act (42*
10 *U.S.C. 1395 et seq.)) on beneficiary liability for charges of*
11 *an individual health care professional (or other*
12 *noninstitutional health care provider).”.*

13 (d) *CONFORMING AMENDMENT.—Paragraph (2) of*
14 *such subsection is amended by striking out “paragraph (1)”*
15 *and inserting in lieu thereof “paragraph (1)(A)”.*

16 (e) *REPORT ON EFFECT OF AMENDMENTS.—Not later*
17 *than March 1, 1996, the Secretary of Defense shall submit*
18 *to Congress a report analyzing the effect of the amendments*
19 *made by this section on the ability or willingness of individ-*
20 *ual health care professionals and other noninstitutional*
21 *health care providers to participate in the Civilian Health*
22 *and Medical Program of the Uniformed Services.*

1 **SEC. 732. NOTIFICATION OF CERTAIN CHAMPUS COVERED**
2 **BENEFICIARIES OF LOSS OF CHAMPUS ELIGI-**
3 **BILITY.**

4 *Section 1086(d) of title 10, United States Code, is*
5 *amended by adding at the end the following new paragraph:*

6 *“(4) The administering Secretaries shall develop a*
7 *mechanism by which persons described in paragraph (1)*
8 *who satisfy only the criteria specified in subparagraphs (A)*
9 *and (B) of paragraph (2), but not subparagraph (C) of such*
10 *paragraph, are promptly notified of their ineligibility for*
11 *health benefits under this section. In developing the notifi-*
12 *cation mechanism, the administering Secretaries shall con-*
13 *sult with the administrator of the Health Care Financing*
14 *Administration.”.*

15 **SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL**
16 **TREATMENT FACILITIES OF THE COAST**
17 **GUARD.**

18 *(a) CONTRACTING AUTHORITY.—Section 1091(a) of*
19 *title 10, United States Code, is amended—*

20 *(1) by inserting after “Secretary of Defense” the*
21 *following: “, with respect to medical treatment facili-*
22 *ties of the Department of Defense, and the Secretary*
23 *of Transportation, with respect to medical treatment*
24 *facilities of the Coast Guard when the Coast Guard*
25 *is not operating as a service in the Navy,”; and*

1 *may provide for obtaining from the Commissioner of Social*
2 *Security employment information comparable to the infor-*
3 *mation provided to the Administrator of the Health Care*
4 *Financing Administration pursuant to such section. Such*
5 *regulations may require the mandatory disclosure of Social*
6 *Security account numbers for all covered beneficiaries.*

7 “(3) *The Secretary may disclose relevant employment*
8 *information collected under this subsection to fiscal*
9 *intermediaries or other designated contractors.*

10 “(4) *The Secretary may provide for contacting em-*
11 *ployers of covered beneficiaries to obtain group health plan*
12 *information comparable to the information authorized to*
13 *be obtained under section 1862(b)(5)(C) of the Social Secu-*
14 *rity Act (42 U.S.C. 1395y(b)(5)(C)). Notwithstanding*
15 *clause (iii) of such section, clause (ii) of such section regard-*
16 *ing the imposition of civil money penalties shall apply to*
17 *the collection of information under this paragraph.*

18 “(5) *Information obtained under this subsection may*
19 *not be disclosed for any purpose other than to carry out*
20 *the purpose of this section and sections 1079(j)(1) and*
21 *1086(d) of this title.”.*

1 **SEC. 735. REDESIGNATION OF MILITARY HEALTH CARE AC-**
 2 **COUNT AS DEFENSE HEALTH PROGRAM AC-**
 3 **COUNT AND TWO-YEAR AVAILABILITY OF CER-**
 4 **TAIN ACCOUNT FUNDS.**

5 (a) *REDESIGNATION.*—Section 1100 of title 10, United
 6 States Code, is amended—

7 (1) in subsection (a)(1)—

8 (A) by striking out “Military Health Care
 9 Account” and inserting in lieu thereof “Defense
 10 Health Program Account”; and

11 (B) by striking out “the Civilian Health
 12 and Medical Program of the Uniformed Serv-
 13 ices” and inserting in lieu thereof “medical and
 14 health care programs of the Department of De-
 15 fense”; and

16 (2) in subsection (b)—

17 (A) by striking out “entering into a con-
 18 tract” and inserting in lieu thereof “conducting
 19 programs and activities under this chapter, in-
 20 cluding contracts entered into”; and

21 (B) by inserting a comma after “title”.

22 (b) *TWO YEAR AVAILABILITY OF CERTAIN APPROPRIA-*
 23 *TIONS.*—Subsection (a)(2) of such section is amended to
 24 read as follows:

25 “(2) Of the total amount appropriated for a fiscal year
 26 for programs and activities carried out under this chapter,

1 *the amount equal to three percent of such total amount shall*
 2 *remain available for obligation until the end of the follow-*
 3 *ing fiscal year.”.*

4 *(c) CONFORMING AMENDMENTS.—Such section is fur-*
 5 *ther amended—*

6 *(1) by striking out subsections (c), (d), and (f);*

7 *and*

8 *(2) by redesignating subsection (e) as subsection*

9 *(c).*

10 *(d) CLERICAL AMENDMENTS.—(1) The heading of such*
 11 *section is amended to read as follows:*

12 ***“§ 1100. Defense Health Program Account”.***

13 *(2) The item relating to such section in the table of*
 14 *sections at the beginning of chapter 55 of such title is*
 15 *amended to read as follows:*

“1100. Defense Health Program Account.”.

16 ***SEC. 736. EXPANSION OF FINANCIAL ASSISTANCE PRO-***
 17 ***GRAM FOR HEALTH-CARE PROFESSIONALS IN***
 18 ***RESERVE COMPONENTS TO INCLUDE DENTAL***
 19 ***SPECIALTIES.***

20 *Section 16201(b) of title 10, United States Code, is*
 21 *amended—*

22 *(1) in the subsection heading, by inserting “AND*
 23 *DENTISTS” after “PHYSICIANS”;*

24 *(2) in paragraph (1)(A), by inserting “or dental*
 25 *school” after “medical school”;*

1 (3) in paragraphs (1)(B) and (2)(B), by insert-
2 ing “or dental officer” after “medical officer”; and

3 (4) in paragraph (1)(C), by striking out “physi-
4 cians in a medical specialty” and inserting in lieu
5 thereof “physicians or dentists in a medical or dental
6 specialty”.

7 **SEC. 737. APPLICABILITY OF LIMITATION ON PRICES OF**
8 **PHARMACEUTICALS PROCURED FOR COAST**
9 **GUARD.**

10 (a) *INCLUSION OF COAST GUARD.*—Section 8126(b) of
11 title 38, United States Code, is amended by adding at the
12 end the following new paragraph:

13 “(4) *The Coast Guard.*”.

14 (b) *EFFECTIVE DATE; APPLICATION OF AMEND-*
15 *MENT.*—The amendment made by subsection (a) shall take
16 effect as if included in the enactment of section 603 of the
17 Veterans Health Care Act of 1992 (Public Law 102–585;
18 106 Stat. 4971).

19 **SEC. 738. RESTRICTION ON USE OF DEPARTMENT OF DE-**
20 **FENSE FACILITIES FOR ABORTIONS.**

21 (a) *IN GENERAL.*—Section 1093 of title 10, United
22 States Code, is amended—

23 (1) by inserting “(a) *RESTRICTION ON USE OF*
24 *FUNDS.*—” before “Funds available”; and

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

1 “(b) *RESTRICTION ON USE OF FACILITIES.*—No medi-
 2 *cal treatment facility or other facility of the Department*
 3 *of Defense may be used to perform an abortion except where*
 4 *the life of the mother would be endangered if the fetus were*
 5 *carried to term or in a case in which the pregnancy is the*
 6 *result of an act of rape or incest.”.*

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

9 **“§ 1093. Performance of abortions: restrictions”.**

10 (2) *The item relating to such section in the table of*
 11 *sections at the beginning of chapter 55 of such title is*
 12 *amended to read as follows:*

 “1093. *Performance of abortions: restrictions.*”.

13 **Subtitle E—Other Matters**

14 **SEC. 741. TRISERVICE NURSING RESEARCH.**

15 (a) *PROGRAM AUTHORIZED.*—Chapter 104 of title 10,
 16 *United States Code, is amended by adding at the end the*
 17 *following new section:*

18 **“§ 2116. Military nursing research**

19 “(a) *DEFINITIONS.*—*In this section:*

20 “(1) *The term ‘military nursing research’ means*
 21 *research on the furnishing of care and services by*
 22 *nurses in the armed forces.*

23 “(2) *The term ‘TriService Nursing Research Pro-*
 24 *gram’ means the program of military nursing re-*
 25 *search authorized under this section.*

1 “(b) *PROGRAM AUTHORIZED.*—*The Secretary of De-*
2 *fense may establish at the University a program of military*
3 *nursing research.*

4 “(c) *TRISERVICE RESEARCH GROUP.*—*The TriService*
5 *Nursing Research Program shall be administered by a*
6 *TriService Nursing Research Group composed of Army,*
7 *Navy, and Air Force nurses who are involved in military*
8 *nursing research and are designated by the Secretary con-*
9 *cerned to serve as members of the group.*

10 “(d) *DUTIES OF GROUP.*—*The TriService Nursing Re-*
11 *search Group shall—*

12 “(1) *develop for the Department of Defense rec-*
13 *ommended guidelines for requesting, reviewing, and*
14 *funding proposed military nursing research projects;*
15 *and*

16 “(2) *make available to Army, Navy, and Air*
17 *Force nurses and Department of Defense officials con-*
18 *cerned with military nursing research—*

19 “(A) *information about nursing research*
20 *projects that are being developed or carried out*
21 *in the Army, Navy, and Air Force; and*

22 “(B) *expertise and information beneficial to*
23 *the encouragement of meaningful nursing re-*
24 *search.*

1 “(e) *RESEARCH TOPICS.*—For purposes of this section,
2 *military nursing research includes research on the following*
3 *issues:*

4 “(1) *Issues regarding how to improve the results*
5 *of nursing care and services provided in the armed*
6 *forces in time of peace.*

7 “(2) *Issues regarding how to improve the results*
8 *of nursing care and services provided in the armed*
9 *forces in time of war.*

10 “(3) *Issues regarding how to prevent complica-*
11 *tions associated with battle injuries.*

12 “(4) *Issues regarding how to prevent complica-*
13 *tions associated with the transporting of patients in*
14 *the military medical evacuation system.*

15 “(5) *Issues regarding how to improve methods of*
16 *training nursing personnel.*

17 “(6) *Clinical nursing issues, including such is-*
18 *ssues as prevention and treatment of child abuse and*
19 *spouse abuse.*

20 “(7) *Women’s health issues.*

21 “(8) *Wellness issues.*

22 “(9) *Preventive medicine issues.*

23 “(10) *Home care management issues.*

24 “(11) *Case management issues.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 104 of such title is amended by*
 3 *adding at the end the following:*

“2116. *Military nursing research.*”.

4 **SEC. 742. TERMINATION OF PROGRAM TO TRAIN MILITARY**
 5 **PSYCHOLOGISTS TO PRESCRIBE PSYCHO-**
 6 **TROPIC MEDICATIONS.**

7 (a) *TERMINATION.*—*Not later than June 30, 1997, the*
 8 *Secretary of Defense shall terminate the demonstration pilot*
 9 *program for training military psychologists in the prescrip-*
 10 *tion of psychotropic medications, which is referred to in sec-*
 11 *tion 8097 of the Department of Defense Appropriations Act,*
 12 *1991 (Public Law 101–511; 104 Stat. 1897).*

13 (b) *PROHIBITION ON ADDITIONAL ENROLLEES PEND-*
 14 *ING TERMINATION.*—*After the date of the enactment of this*
 15 *Act, the Secretary of Defense may not enroll any new par-*
 16 *ticipants for the demonstration pilot program described in*
 17 *subsection (a).*

18 (c) *EFFECT ON CURRENT PARTICIPANTS.*—*The re-*
 19 *quirement to terminate the demonstration pilot program*
 20 *described in subsection (a) shall not be construed to affect*
 21 *the training or utilization of military psychologists in the*
 22 *prescription of psychotropic medications who are partici-*
 23 *pating in the demonstration pilot program on the date of*
 24 *the enactment of this Act or who have completed such train-*
 25 *ing before that date.*

1 (d) *EVALUATION.*—As soon as possible after the date
2 of the enactment of this Act, but not later than April 1,
3 1997, the Comptroller General of the United States shall
4 submit to Congress a report evaluating the success of the
5 demonstration pilot program described in subsection (a).
6 The report shall include—

7 (1) a cost-benefit analysis of the program;

8 (2) a discussion of the utilization requirements
9 under the program; and

10 (3) recommendations regarding—

11 (A) whether the program should be extended
12 so as to continue to provide training to military
13 psychologists in the prescription of psychotropic
14 medications; and

15 (B) any modifications that should be made
16 in the manner in which military psychologists
17 are trained and used to prescribe psychotropic
18 medications so as to improve the training pro-
19 vided under the program, if the program is ex-
20 tended.

21 **SEC. 743. WAIVER OF COLLECTION OF PAYMENTS DUE**
22 **FROM CERTAIN PERSONS UNAWARE OF LOSS**
23 **OF CHAMPUS ELIGIBILITY.**

24 (a) *AUTHORITY TO WAIVE COLLECTION.*—The admin-
25 istering Secretaries may waive the collection of payments

1 *otherwise due from a person described in subsection (b) as*
2 *a result of the receipt by the person of health benefits under*
3 *section 1086 of title 10, United States Code, after the termi-*
4 *nation of the person's eligibility for such benefits.*

5 *(b) PERSONS ELIGIBLE FOR WAIVER.—A person shall*
6 *be eligible for relief under subsection (a) if the person—*

7 *(1) is a person described in paragraph (1) of*
8 *subsection (d) of section 1086 of title 10, United*
9 *States Code;*

10 *(2) in the absence of such paragraph, would have*
11 *been eligible for health benefits under such section;*
12 *and*

13 *(3) at the time of the receipt of such benefits, sat-*
14 *isfied the criteria specified in subparagraphs (A) and*
15 *(B) of paragraph (2) of such subsection.*

16 *(c) EXTENT OF WAIVER AUTHORITY.—The authority*
17 *to waive the collection of payments pursuant to this section*
18 *shall apply with regard to health benefits provided under*
19 *section 1086 of title 10, United States Code, to persons de-*
20 *scribed in subsection (b) during the period beginning on*
21 *January 1, 1967, and ending on the later of—*

22 *(1) the termination date of any special enroll-*
23 *ment period provided under title XVIII of the Social*
24 *Security Act (42 U.S.C. 1395 et seq.) specifically for*
25 *such persons; and*

1 (2) *July 1, 1996.*

2 (d) *DEFINITIONS.—For purposes of this section, the*
3 *term “administering Secretaries” has the meaning given*
4 *such term in section 1072(3) of title 10, United States Code.*

5 **SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY**
6 **MEDICAL PERSONNEL IN CIVILIAN SHOCK**
7 **TRAUMA UNITS.**

8 (a) *DEMONSTRATION PROGRAM.—(1) Not later than*
9 *April 1, 1996, the Secretary of Defense shall implement a*
10 *demonstration program to evaluate the feasibility of provid-*
11 *ing shock trauma training for military medical personnel*
12 *through one or more public or nonprofit hospitals. The Sec-*
13 *retary shall carry out the program pursuant to an agree-*
14 *ment with such hospitals.*

15 (2) *Under the agreement with a hospital, the Secretary*
16 *shall assign military medical personnel participating in the*
17 *demonstration program to temporary duty in shock trauma*
18 *units operated by the hospitals that are parties to the agree-*
19 *ment.*

20 (3) *The agreement shall require, as consideration for*
21 *the services provided by military medical personnel under*
22 *the agreement, that the hospital provide appropriate care*
23 *to members of the Armed Forces and to other persons whose*
24 *care in the hospital would otherwise require reimbursement*
25 *by the Secretary. The value of the services provided by the*

1 *hospitals shall be at least equal to the value of the services*
2 *provided by military medical personnel under the agree-*
3 *ment.*

4 (b) *TERMINATION OF PROGRAM.*—*The authority of the*
5 *Secretary of Defense to conduct the demonstration program*
6 *under this section, and any agreement entered into under*
7 *the demonstration program, shall expire on March 31, 1998.*

8 (c) *REPORT AND EVALUATION OF PROGRAM.*—(1) *Not*
9 *later than March 1 of each year in which the demonstration*
10 *program is conducted under this section, the Secretary of*
11 *Defense shall submit to Congress a report describing the*
12 *scope and activities of the demonstration program during*
13 *the preceding year.*

14 (2) *Not later than May 1, 1998, the Comptroller Gen-*
15 *eral of the United States shall submit to Congress a report*
16 *evaluating the effectiveness of the demonstration program*
17 *in providing shock trauma training for military medical*
18 *personnel.*

19 **SEC. 745. STUDY REGARDING DEPARTMENT OF DEFENSE**
20 **EFFORTS TO DETERMINE APPROPRIATE**
21 **FORCE LEVELS OF WARTIME MEDICAL PER-**
22 **SONNEL.**

23 (a) *STUDY REQUIRED.*—*The Comptroller General of*
24 *the United States shall conduct a study to evaluate the rea-*
25 *sonableness of the models used by each military department*

1 *for determining the appropriate wartime force level for*
2 *medical personnel in the department. The study shall in-*
3 *clude the following:*

4 (1) *An assessment of the modeling techniques*
5 *used by each department.*

6 (2) *An analysis of the data used in the models*
7 *to identify medical personnel requirements.*

8 (3) *An identification of the ability of the models*
9 *to integrate personnel of reserve components to meet*
10 *department requirements.*

11 (4) *An evaluation of the ability of the Secretary*
12 *of Defense to integrate the various modeling efforts*
13 *into a comprehensive, coordinated plan for obtaining*
14 *the optimum force level for wartime medical person-*
15 *nel.*

16 (b) *REPORT OF STUDY.*—*Not later than June 30,*
17 *1996, the Comptroller General shall report to Congress on*
18 *the results of the study conducted under subsection (a).*

19 ***SEC. 746. REPORT ON IMPROVED ACCESS TO MILITARY***
20 ***HEALTH CARE FOR COVERED BENEFICIARIES***
21 ***ENTITLED TO MEDICARE.***

22 *Not later than March 1, 1996, the Secretary of Defense*
23 *shall submit to Congress a report evaluating the feasibility,*
24 *costs, and consequences for the military health care system*
25 *of improving access to the system for covered beneficiaries*

1 *under chapter 55 of title 10, United States Code, who have*
 2 *limited access to military medical treatment facilities and*
 3 *are ineligible for the Civilian Health and Medical Program*
 4 *of the Uniformed Services under section 1086(d)(1) of such*
 5 *title. The alternatives that the Secretary shall consider to*
 6 *improve access for such covered beneficiaries shall include—*

7 (1) *whether CHAMPUS should serve as a second*
 8 *payer for covered beneficiaries who are entitled to hos-*
 9 *pital insurance benefits under part A of title XVIII*
 10 *of the Social Security Act (42 U.S.C. 1395c et seq.);*
 11 *and*

12 (2) *whether such covered beneficiaries should be*
 13 *offered enrollment in the Federal Employees Health*
 14 *Benefits program under chapter 89 of title 5, United*
 15 *States Code.*

16 **SEC. 747. REPORT ON EFFECT OF CLOSURE OF**
 17 **FITZSIMONS ARMY MEDICAL CENTER, COLO-**
 18 **RADO, ON PROVISION OF CARE TO MILITARY**
 19 **PERSONNEL, RETIRED MILITARY PERSON-**
 20 **NEL, AND THEIR DEPENDENTS.**

21 (a) *EFFECT OF CLOSURE ON MEMBERS EXPERIENC-*
 22 *ING HEALTH DIFFICULTIES ASSOCIATED WITH PERSIAN*
 23 *GULF SYNDROME.—Not later than 90 days after the date*
 24 *of the enactment of this Act, the Secretary of Defense shall*
 25 *submit to Congress a report that—*

1 (1) assesses the effects of the closure of Fitzsimons
2 *Army Medical Center, Colorado, on the capability of*
3 *the Department of Defense to provide appropriate and*
4 *adequate health care to members and former members*
5 *of the Armed Forces who suffer from undiagnosed ill-*
6 *nesses (or combination of illnesses) as a result of serv-*
7 *ice in the Armed Forces in the Southwest Asia theater*
8 *of operations during the Persian Gulf conflict; and*

9 (2) describes the plans of the Secretary of Defense
10 *and the Secretary of the Army to ensure that ade-*
11 *quate and appropriate health care is provided to such*
12 *members for such illnesses (or combination of ill-*
13 *nesses).*

14 (b) *EFFECT OF CLOSURE ON OTHER COVERED BENE-*
15 *FICIARIES.—The report required by subsection (a) shall also*
16 *include—*

17 (1) *an assessment of the effects of the closure of*
18 *Fitzsimons Army Medical Center on the capability of*
19 *the Department of Defense to provide appropriate and*
20 *adequate health care to the dependents of members*
21 *and former members of the Armed Forces and retired*
22 *members and their dependents who currently obtain*
23 *care at the medical center; and*

24 (2) *a description of the plans of the Secretary of*
25 *Defense and the Secretary of the Army to ensure that*

1 adequate and appropriate health care is provided to
2 such persons, as called for in the recommendations of
3 the Secretary of Defense for the closure of Fitzsimons
4 Army Medical Center.

5 **SEC. 748. SENSE OF CONGRESS ON CONTINUITY OF**
6 **HEALTH CARE SERVICES FOR COVERED**
7 **BENEFICIARIES ADVERSELY AFFECTED BY**
8 **CLOSURES OF MILITARY MEDICAL TREAT-**
9 **MENT FACILITIES.**

10 (a) *FINDINGS.*—Congress finds the following:

11 (1) *Military installations selected for closure in*
12 *the 1991 and 1993 rounds of the base closure process*
13 *will soon close.*

14 (2) *Additional military installations have been*
15 *selected for closure in the 1995 round of the base clo-*
16 *sure process.*

17 (3) *Some of the military installations selected for*
18 *closure include military medical treatment facilities.*

19 (4) *As a result of these base closures, tens of*
20 *thousands of covered beneficiaries under chapter 55 of*
21 *title 10, United States Code, who reside in the vicin-*
22 *ity of such installations will be left without imme-*
23 *diate access to military medical treatment facilities.*

24 (b) *SENSE OF CONGRESS.*—*In light of the findings*
25 *specified in subsection (a), it is the sense of Congress that*

1 *the Secretary of Defense should take all appropriate steps*
 2 *necessary to ensure the continuation of medical and phar-*
 3 *maceutical benefits for covered beneficiaries adversely af-*
 4 *ected by the closure of military installations.*

5 **SEC. 749. STATE RECOGNITION OF MILITARY ADVANCE**
 6 **MEDICAL DIRECTIVES.**

7 (a) *REQUIREMENT FOR RECOGNITION BY STATES.—*

8 (1) *Chapter 53 of title 10, United States Code, is amended*
 9 *by inserting after section 1044b the following new section:*

10 **“§1044c. Advance medical directives of members and**
 11 **dependents: requirement for recognition**
 12 **by States**

13 *“(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT*
 14 *WITHOUT REGARD TO STATE LAW.—An advance medical*
 15 *directive executed by a person eligible for legal assistance—*

16 *“(1) is exempt from any requirement of form,*
 17 *substance, formality, or recording that is provided for*
 18 *advance medical directives under the laws of a State;*
 19 *and*

20 *“(2) shall be given the same legal effect as an ad-*
 21 *vance medical directive prepared and executed in ac-*
 22 *cordance with the laws of the State concerned.*

23 *“(b) ADVANCE MEDICAL DIRECTIVES.—For purposes*
 24 *of this section, an advance medical directive is any written*
 25 *declaration that—*

1 “(1) sets forth directions regarding the provision,
2 *withdrawal, or withholding of life-prolonging proce-*
3 *dures, including hydration and sustenance, for the de-*
4 *clarant whenever the declarant has a terminal phys-*
5 *ical condition or is in a persistent vegetative state; or*

6 “(2) authorizes another person to make health
7 *care decisions for the declarant, under circumstances*
8 *stated in the declaration, whenever the declarant is*
9 *incapable of making informed health care decisions.*

10 “(c) *STATEMENT TO BE INCLUDED.—(1) Under regu-*
11 *lations prescribed by the Secretary concerned, an advance*
12 *medical directive prepared by an attorney authorized to*
13 *provide legal assistance shall contain a statement that sets*
14 *forth the provisions of subsection (a).*

15 “(2) *Paragraph (1) shall not be construed to make in-*
16 *applicable the provisions of subsection (a) to an advance*
17 *medical directive that does not include a statement de-*
18 *scribed in that paragraph.*

19 “(d) *STATES NOT RECOGNIZING ADVANCE MEDICAL*
20 *DIRECTIVES.—Subsection (a) does not make an advance*
21 *medical directive enforceable in a State that does not other-*
22 *wise recognize and enforce advance medical directives under*
23 *the laws of the State.*

24 “(e) *DEFINITIONS.—In this section:*

1 “(1) The term ‘State’ includes the District of Co-
2 lumbia, the Commonwealth of Puerto Rico, and a
3 possession of the United States.

4 “(2) The term ‘person eligible for legal assist-
5 ance’ means a person who is eligible for legal assist-
6 ance under section 1044 of this title.

7 “(3) The term ‘legal assistance’ means legal serv-
8 ices authorized under section 1044 of this title.”.

9 (2) The table of sections at the beginning of such chap-
10 ter is amended by inserting after the item relating to section
11 1044b the following:

 “1044c. Advance medical directives of members and dependents: requirement for
 recognition by States.”.

12 (b) *EFFECTIVE DATE*.—Section 1044c of title 10,
13 United States Code, shall take effect on the date of the enact-
14 ment of this Act and shall apply to advance medical direc-
15 tives referred to in that section that are executed before, on,
16 or after that date.

1 **TITLE VIII—ACQUISITION POL-**
 2 **ICY, ACQUISITION MANAGE-**
 3 **MENT, AND RELATED MAT-**
 4 **TERS**

5 **Subtitle A—Acquisition Reform**

6 **SEC. 801. INAPPLICABILITY OF LIMITATION ON EXPENDI-**
 7 **TURE OF APPROPRIATIONS TO CONTRACTS**
 8 **AT OR BELOW SIMPLIFIED ACQUISITION**
 9 **THRESHOLD.**

10 *Section 2207 of title 10, United States Code, is amend-*
 11 *ed—*

12 *(1) by inserting “(a)” before “Money appro-*
 13 *priated”; and*

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

16 *“(b) This section does not apply to a contract that is*
 17 *for an amount not greater than the simplified acquisition*
 18 *threshold (as defined in section 4(11) of the Office of Federal*
 19 *Procurement Policy Act (41 U.S.C. 403(11))).”.*

20 **SEC. 802. AUTHORITY TO DELEGATE CONTRACTING AU-**
 21 **THORITY.**

22 *(a) REPEAL OF DUPLICATIVE AUTHORITY AND RE-*
 23 *STRICTION.—Section 2356 of title 10, United States Code,*
 24 *is repealed.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 139 of title 10, United States Code,*
 3 *is amended by striking out the item relating to section 2356.*

4 ***SEC. 803. CONTROL IN PROCUREMENTS OF CRITICAL AIR-***
 5 ***CRAFT AND SHIP SPARE PARTS.***

6 (a) *REPEAL.*—*Section 2383 of title 10, United States*
 7 *Code, is repealed.*

8 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 9 *the beginning of chapter 141 of such title is amended by*
 10 *striking out the item relating to section 2383.*

11 ***SEC. 804. FEES FOR CERTAIN TESTING SERVICES.***

12 Section 2539b(c) of title 10, United States Code, is
 13 amended by inserting “and indirect” after “recoup the di-
 14 rect” in the second sentence.

15 ***SEC. 805. COORDINATION AND COMMUNICATION OF DE-***
 16 ***FENSE RESEARCH ACTIVITIES.***

17 Section 2364 of title 10, United States Code, is amend-
 18 ed—

19 (1) in subsection (b)(5), by striking out “mile-
 20 stone O, milestone I, and milestone II” and inserting
 21 in lieu thereof “acquisition program”; and

22 (2) in subsection (c), by striking out paragraphs
 23 (2), (3), and (4) and inserting in lieu thereof the fol-
 24 lowing:

1 “(2) The term ‘acquisition program decision’ has
2 the meaning prescribed by the Secretary of Defense in
3 regulations.”.

4 **SEC. 806. ADDITION OF CERTAIN ITEMS TO DOMESTIC**
5 **SOURCE LIMITATION.**

6 (a) *LIMITATION.*—(1) Paragraph (3) of section
7 2534(a) of title 10, United States Code, is amended to read
8 as follows:

9 “(3) *COMPONENTS FOR NAVAL VESSELS.*—(A)

10 *The following components:*

11 “(i) *Air circuit breakers.*

12 “(ii) *Welded shipboard anchor and mooring*
13 *chain with a diameter of four inches or less.*

14 “(iii) *Vessel propellers with a diameter of*
15 *six feet or more.*

16 “(B) *The following components of vessels, to the*
17 *extent they are unique to marine applications: gyro-*
18 *compasses, electronic navigation chart systems, steer-*
19 *ing controls, pumps, propulsion and machinery con-*
20 *trol systems, and totally enclosed lifeboats.”.*

21 (2) *Subsection (b) of section 2534 of such title is*
22 *amended by adding at the end the following:*

23 “(3) *MANUFACTURER OF VESSEL PROPEL-*
24 *TERS.*—*In the case of a procurement of vessel propel-*
25 *lers referred to in subsection (a)(3)(A)(ii), the manu-*

1 *facturer of the propellers meets the requirements of*
2 *this subsection only if—*

3 *“(A) the manufacturer meets the require-*
4 *ments set forth in paragraph (1); and*

5 *“(B) all castings incorporated into such*
6 *propellers are poured and finished in the United*
7 *States.”.*

8 *(3) Paragraph (1) of section 2534(c) of such title is*
9 *amended to read as follows:*

10 *“(1) COMPONENTS FOR NAVAL VESSELS.—Sub-*
11 *section (a) does not apply to a procurement of spare*
12 *or repair parts needed to support components for*
13 *naval vessels produced or manufactured outside the*
14 *United States.”.*

15 *(4) Section 2534 of such title is amended by adding*
16 *at the end the following new subsection:*

17 *“(h) IMPLEMENTATION OF NAVAL VESSEL COMPONENT*
18 *LIMITATION.—In implementing subsection (a)(3)(B), the*
19 *Secretary of Defense—*

20 *“(1) may not use contract clauses or certifi-*
21 *cations; and*

22 *“(2) shall use management and oversight tech-*
23 *niques that achieve the objective of the subsection*
24 *without imposing a significant management burden*
25 *on the Government or the contractor involved.”.*

1 (5) *Subsection (a)(3)(B) of section 2534 of title 10,*
2 *United States Code, as amended by paragraph (1), shall*
3 *apply only to contracts entered into after March 31, 1996.*

4 (b) *EXTENSION OF LIMITATION RELATING TO BALL*
5 *BEARINGS AND ROLLER BEARINGS.—Section 2534(c)(3) of*
6 *such title is amended by striking out “October 1, 1995” and*
7 *inserting in lieu thereof “October 1, 2000”.*

8 (c) *TERMINATION OF VESSEL PROPELLER LIMITA-*
9 *TION.—Section 2534(c) of such title is amended by adding*
10 *at the end the following new paragraph:*

11 “(4) *VESSEL PROPELLERS.—Subsection*
12 *(a)(3)(A)(iii) and this paragraph shall cease to be ef-*
13 *fective on the date occurring two years after the date*
14 *of the enactment of the National Defense Authoriza-*
15 *tion Act for Fiscal Year 1996.”.*

16 (d) *ADDITIONAL WAIVER AUTHORITY.—Section*
17 *2534(d) of such title is amended by adding at the end the*
18 *following new paragraph:*

19 “(9) *Application of the limitation would result*
20 *in a retaliatory trade action by a foreign country*
21 *against the United States, as determined by the Sec-*
22 *retary of Defense after consultation with the United*
23 *States Trade Representative.”.*

24 (e) *INAPPLICABILITY OF SIMPLIFIED ACQUISITION*
25 *LIMITATION TO CONTRACTS FOR BALL BEARINGS AND*

1 *ROLLER BEARINGS.*—Section 2534(g) of title 10, United
2 States Code, is amended—

3 (1) by inserting “(1)” before “This section”; and

4 (2) by adding at the end the following new para-
5 graph:

6 “(2) Paragraph (1) does not apply to contracts for
7 items described in subsection (a)(5) (relating to ball bear-
8 ings and roller bearings), notwithstanding section 33 of the
9 Office of Federal Procurement Policy Act (41 U.S.C. 429).”.

10 **SEC. 807. ENCOURAGEMENT OF USE OF LEASING AUTHOR-**
11 **ITY.**

12 (a) *IN GENERAL.*—(1) Section 2401a of title 10, Unit-
13 ed States Code, is amended—

14 (A) by inserting before “The Secretary of De-
15 fense” the following subsection heading: “(b) *LIMITA-*
16 *TION ON CONTRACTS WITH TERMS OF 18 MONTHS OR*
17 *MORE.*—”;

18 (B) by inserting after the section heading the fol-
19 lowing:

20 “(a) *LEASING OF COMMERCIAL VEHICLES AND EQUIP-*
21 *MENT.*—The Secretary of Defense may use leasing in the
22 acquisition of commercial vehicles and equipment whenever
23 the Secretary determines that leasing of such vehicles is
24 practicable and efficient.”; and

1 (C) by amending the section heading to read as
2 follows:

3 **“§2401a. Lease of vehicles, equipment, vessels, and**
4 **aircraft”.**

5 (2) The item relating to section 2401a in the table of
6 sections at the beginning of chapter 141 of such title is
7 amended to read as follows:

“2401a. Lease of vehicles, equipment, vessels, and aircraft.”.

8 (b) *REPORT.*—Not later than 90 days after the date
9 of the enactment of this Act, the Secretary of Defense shall
10 submit to the Committee on Armed Services of the Senate
11 and the Committee on National Security of the House of
12 Representatives a report setting forth changes in legislation
13 that would be required to facilitate the use of leasing in
14 the acquisition of equipment by the Department of Defense.

15 (c) *PILOT PROGRAM.*—(1) The Secretary of the Army
16 may conduct a pilot program for leasing commercial utility
17 cargo vehicles in accordance with this subsection.

18 (2) Under the pilot program—

19 (A) the Secretary may trade existing commercial
20 utility cargo vehicles of the Army for credit against
21 the costs of leasing new replacement commercial util-
22 ity cargo vehicles for the Army;

23 (B) the quantities and trade-in value of commer-
24 cial utility cargo vehicles to be traded in shall be sub-

1 *ject to negotiation between the Secretary and the les-*
2 *sors of the new replacement commercial utility cargo*
3 *vehicles;*

4 *(C) the lease agreement for a new commercial*
5 *utility cargo vehicle may be executed with or without*
6 *an option to purchase at the end of the lease period;*

7 *(D) the lease period for a new commercial utility*
8 *cargo vehicle may not exceed the warranty period for*
9 *the vehicle; and*

10 *(E) up to 40 percent of the validated require-*
11 *ment for commercial utility cargo vehicles may be*
12 *satisfied by leasing such vehicles, except that one or*
13 *more options for satisfying the remainder of the vali-*
14 *dated requirement may be provided for and exercised*
15 *(subject to the requirements of paragraph (6)).*

16 *(3) In awarding contracts under the pilot program,*
17 *the Secretary shall comply with section 2304 of title 10,*
18 *United States Code.*

19 *(4) The pilot program may not be commenced until—*

20 *(A) the Secretary submits to the Committee on*
21 *Armed Services of the Senate and the Committee on*
22 *National Security of the House of Representatives a*
23 *report that contains the plans of the Secretary for im-*
24 *plementing the program and that sets forth in detail*
25 *the savings in operating and support costs expected to*

1 *be derived from retiring older commercial utility*
2 *cargo vehicles, as compared to the expected costs of*
3 *leasing newer commercial utility cargo vehicles; and*

4 *(B) a period of 30 calendar days has elapsed*
5 *after submission of such report.*

6 *(5) Not later than one year after the date on which*
7 *the first lease under the pilot program is entered into, the*
8 *Secretary of the Army shall submit to the Committee on*
9 *Armed Services of the Senate and the Committee on Na-*
10 *tional Security of the House of Representatives a report on*
11 *the status of the pilot program. Such report shall be based*
12 *on at least six months of experience in operating the pilot*
13 *program.*

14 *(6) The Secretary may exercise an option provided for*
15 *under paragraph (2) only after a period of 60 days has*
16 *elapsed after the submission of the report.*

17 *(7) No lease of commercial utility cargo vehicles may*
18 *be entered into under the pilot program after September*
19 *30, 2000.*

20 **SEC. 808. COST REIMBURSEMENT RULES FOR INDIRECT**

21 **COSTS ATTRIBUTABLE TO PRIVATE SECTOR**

22 **WORK OF DEFENSE CONTRACTORS.**

23 *(a) DEFENSE CAPABILITY PRESERVATION AGREE-*
24 *MENT.—The Secretary of Defense may enter into an agree-*
25 *ment, to be known as a “defense capability preservation*

1 agreement”, with a defense contractor under which the cost
2 reimbursement rules described in subsection (b) shall be ap-
3 plied. Such an agreement may be entered into in any case
4 in which the Secretary determines that the application of
5 such cost reimbursement rules would facilitate the achieve-
6 ment of the policy objectives set forth in section 2501(b) of
7 title 10, United States Code.

8 (b) *COST REIMBURSEMENT RULES.*—(1) *The cost re-*
9 *imbursement rules applicable under an agreement entered*
10 *into under subsection (a) are as follows:*

11 (A) *The Department of Defense shall, in deter-*
12 *mining the reimbursement due a contractor for its in-*
13 *direct costs of performing a defense contract, allow the*
14 *contractor to allocate indirect costs to its private sec-*
15 *tor work only to the extent of the contractor’s allocable*
16 *indirect private sector costs, subject to subparagraph*
17 *(C).*

18 (B) *For purposes of subparagraph (A), the allo-*
19 *cable indirect private sector costs of a contractor are*
20 *those costs of the contractor that are equal to the sum*
21 *of—*

22 (i) *the incremental indirect costs attrib-*
23 *utable to such work; and*

1 (ii) the amount by which the revenue attrib-
2 utable to such private sector work exceeds the
3 sum of—

4 (I) the direct costs attributable to such
5 private sector work; and

6 (II) the incremental indirect costs at-
7 tributable to such private sector work.

8 (C) The total amount of allocable indirect pri-
9 vate sector costs for a contract in any year of the
10 agreement may not exceed the amount of indirect
11 costs that a contractor would have allocated to its pri-
12 vate sector work during that year in accordance with
13 the contractor's established accounting practices.

14 (2) The cost reimbursement rules set forth in para-
15 graph (1) may be modified by the Secretary of Defense if
16 the Secretary of Defense determines that modifications are
17 appropriate to the particular situation to facilitate achieve-
18 ment of the policy set forth in section 2501(b) of title 10,
19 United States Code.

20 (c) IMPLEMENTATION.—Not later than 90 days after
21 the date of the enactment of this Act, the Secretary of De-
22 fense shall establish application procedures and procedures
23 for expeditious consideration of defense capability preserva-
24 tion agreements as authorized by this section.

1 (d) *CONTRACTS COVERED.*—An agreement entered into
2 with a contractor under subsection (a) shall apply to each
3 Department of Defense contract with the contractor in effect
4 on the date on which the agreement is entered into and each
5 Department of Defense contract that is awarded to the con-
6 tractor during the term of the agreement.

7 (e) *REPORTS.*—Not later than one year after the date
8 of the enactment of this Act, the Secretary of Defense shall
9 submit to the congressional defense committees a report set-
10 ting forth—

11 (1) *the number of applications received and the*
12 *number of applications approved for defense capabil-*
13 *ity preservation agreements; and*

14 (2) *any changes to the authority in this section*
15 *that the Secretary recommends to further facilitate*
16 *the policy set forth in section 2501(b) of title 10,*
17 *United States Code.*

18 **SEC. 809. SUBCONTRACTS FOR OCEAN TRANSPORTATION**

19 **SERVICES.**

20 Notwithstanding any other provision of law, neither
21 section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C.
22 1241(b)) nor section 2631 of title 10, United States Code,
23 shall be included before May 1, 1996, on any list promul-
24 gated under section 34(b) of the Office of Federal Procure-
25 ment Policy Act (41 U.S.C. 430(b)).

1 **SEC. 810. PROMPT RESOLUTION OF AUDIT RECOMMENDA-**
2 **TIONS.**

3 *Section 6009 of the Federal Acquisition Streamlining*
4 *Act of 1994 (Public Law 103-355; 108 Stat. 3367) is*
5 *amended to read as follows:*

6 **“SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLE-**
7 **MENTATION OF AUDIT RECOMMENDATIONS.**

8 *“(a) MANAGEMENT DECISIONS.—(1) The head of a*
9 *Federal agency shall make management decisions on all*
10 *findings and recommendations set forth in an audit report*
11 *of the inspector general of the agency within a maximum*
12 *of six months after the issuance of the report.*

13 *“(2) The head of a Federal agency shall make manage-*
14 *ment decisions on all findings and recommendations set*
15 *forth in an audit report of any auditor from outside the*
16 *Federal Government within a maximum of six months after*
17 *the date on which the head of the agency receives the report.*

18 *“(b) COMPLETION OF FINAL ACTION.—The head of a*
19 *Federal agency shall complete final action on each manage-*
20 *ment decision required with regard to a recommendation*
21 *in an inspector general’s report under subsection (a)(1)*
22 *within 12 months after the date of the inspector general’s*
23 *report. If the head of the agency fails to complete final ac-*
24 *tion with regard to a management decision within the 12-*
25 *month period, the inspector general concerned shall identify*
26 *the matter in each of the inspector general’s semiannual*

1 reports pursuant to section 5(a)(3) of the Inspector General
2 Act of 1978 (5 U.S.C. App.) until final action on the man-
3 agement decision is completed.”.

4 **SEC. 811. TEST PROGRAM FOR NEGOTIATION OF COM-**
5 **PREHENSIVE SUBCONTRACTING PLANS.**

6 (a) *REVISION OF AUTHORITY.*—Subsection (a) of sec-
7 tion 834 of National Defense Authorization Act for Fiscal
8 Years 1990 and 1991 (15 U.S.C. 637 note) is amended by
9 striking out paragraph (1) and inserting in lieu thereof the
10 following:

11 “(1) *The Secretary of Defense shall establish a test pro-*
12 *gram under which contracting activities in the military de-*
13 *partments and the Defense Agencies are authorized to un-*
14 *dertake one or more demonstration projects to determine*
15 *whether the negotiation and administration of comprehen-*
16 *sive subcontracting plans will reduce administrative bur-*
17 *dens on contractors while enhancing opportunities provided*
18 *under Department of Defense contracts for small business*
19 *concerns and small business concerns owned and controlled*
20 *by socially and economically disadvantaged individuals. In*
21 *selecting the contracting activities to undertake demonstra-*
22 *tion projects, the Secretary shall take such action as is nec-*
23 *essary to ensure that a broad range of the supplies and serv-*
24 *ices acquired by the Department of Defense are included*
25 *in the test program.*”.

1 (b) *COVERED CONTRACTORS*.—Subsection (b) of such
2 section is amended by striking out paragraph (3) and in-
3 serting in lieu thereof the following:

4 “(3) A Department of Defense contractor referred to
5 in paragraph (1) is, with respect to a comprehensive sub-
6 contracting plan negotiated in any fiscal year, a business
7 concern that, during the immediately preceding fiscal year,
8 furnished the Department of Defense with supplies or serv-
9 ices (including professional services, research and develop-
10 ment services, and construction services) pursuant to at
11 least three Department of Defense contracts having an ag-
12 gregate value of at least \$5,000,000.”.

13 (c) *TECHNICAL AMENDMENTS*.—Such section is
14 amended—

15 (1) by striking out subsection (g); and

16 (2) by redesignating subsection (h) as subsection
17 (g).

18 **SEC. 812. PROCUREMENT OF ITEMS FOR EXPERIMENTAL**
19 **OR TEST PURPOSES.**

20 Section 2373(b) of title 10, United States Code, is
21 amended by inserting “only” after “applies” in the second
22 sentence.

1 **SEC. 813. USE OF FUNDS FOR ACQUISITION OF DESIGNS,**
2 **PROCESSES, TECHNICAL DATA, AND COM-**
3 **PUTER SOFTWARE.**

4 *Section 2386(3) of title 10, United States Code, is*
5 *amended to read as follows:*

6 “(3) *Design and process data, technical data,*
7 *and computer software.”.*

8 **SEC. 814. INDEPENDENT COST ESTIMATES FOR MAJOR DE-**
9 **FENSE ACQUISITION PROGRAMS.**

10 *Section 2434(b)(1)(A) of title 10, United States Code,*
11 *is amended to read as follows:*

12 “(A) *be prepared—*

13 “(i) *by an office or other entity that is*
14 *not under the supervision, direction, or con-*
15 *trol of the military department, Defense*
16 *Agency, or other component of the Depart-*
17 *ment of Defense that is directly responsible*
18 *for carrying out the development or acquisi-*
19 *tion of the program; or*

20 “(ii) *if the decision authority for the*
21 *program has been delegated to an official of*
22 *a military department, Defense Agency, or*
23 *other component of the Department of De-*
24 *fense, by an office or other entity that is not*
25 *directly responsible for carrying out the de-*

1 *velopment or acquisition of the program;*
 2 *and”.*

3 **SEC. 815. CONSTRUCTION, REPAIR, ALTERATION, FURNISH-**
 4 **ING, AND EQUIPPING OF NAVAL VESSELS.**

5 *(a) APPLICABILITY OF CERTAIN LAW.—Chapter 633 of*
 6 *title 10, United States Code, is amended by inserting after*
 7 *section 7297 the following:*

8 **“§ 7299. Contracts: applicability of Walsh-Healey Act**

9 *“Each contract for the construction, alteration, fur-*
 10 *nishing, or equipping of a naval vessel is subject to the*
 11 *Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the Presi-*
 12 *dent determines that this requirement is not in the interest*
 13 *of national defense.”.*

14 *(b) CLERICAL AMENDMENT.—The table of sections at*
 15 *the beginning of such chapter is amended by inserting after*
 16 *the item relating to section 7297 the following:*

“7299. Contracts: applicability of Walsh-Healey Act.”.

17 ***Subtitle B—Other Matters***

18 **SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
 19 **GRAMS.**

20 *(a) FUNDING.—Of the amount authorized to be appro-*
 21 *priated under section 301(5), \$12,000,000 shall be available*
 22 *for carrying out the provisions of chapter 142 of title 10,*
 23 *United States Code.*

1 (b) *SPECIFIC PROGRAMS.*—Of the amounts made
2 available pursuant to subsection (a), \$600,000 shall be
3 available for fiscal year 1996 for the purpose of carrying
4 out programs sponsored by eligible entities referred to in
5 subparagraph (D) of section 2411(1) of title 10, United
6 States Code, that provide procurement technical assistance
7 in distressed areas referred to in subparagraph (B) of sec-
8 tion 2411(2) of such title. If there is an insufficient number
9 of satisfactory proposals for cooperative agreements in such
10 distressed areas to allow effective use of the funds made
11 available in accordance with this subsection in such areas,
12 the funds shall be allocated among the Defense Contract Ad-
13 ministration Services regions in accordance with section
14 2415 of such title.

15 **SEC. 822. DEFENSE FACILITY-WIDE PILOT PROGRAM.**

16 (a) *AUTHORITY TO CONDUCT DEFENSE FACILITY-*
17 *WIDE PILOT PROGRAM.*—The Secretary of Defense may
18 conduct a pilot program, to be known as the “defense facil-
19 ity-wide pilot program”, for the purpose of determining the
20 potential for increasing the efficiency and effectiveness of
21 the acquisition process in facilities by using commercial
22 practices on a facility-wide basis.

23 (b) *DESIGNATION OF PARTICIPATING FACILITIES.*—(1)
24 Subject to paragraph (2), the Secretary may designate up

1 *to two facilities as participants in the defense facility-wide*
2 *pilot program.*

3 (2) *The Secretary may designate for participation in*
4 *the pilot program only those facilities that are authorized*
5 *to be so designated in a law authorizing appropriations for*
6 *national defense programs that is enacted after the date of*
7 *the enactment of this Act.*

8 (c) *SCOPE OF PROGRAM.*—*At a facility designated as*
9 *a participant in the pilot program, the pilot program shall*
10 *consist of the following:*

11 (1) *All contracts and subcontracts for defense*
12 *supplies and services that are performed at the facil-*
13 *ity.*

14 (2) *All Department of Defense contracts and all*
15 *subcontracts under Department of Defense contracts*
16 *performed elsewhere that the Secretary determines are*
17 *directly and substantially related to the production of*
18 *defense supplies and services at the facility and are*
19 *necessary for the pilot program.*

20 (d) *CRITERIA FOR DESIGNATION OF PARTICIPATING*
21 *FACILITIES.*—*The Secretary shall establish criteria for se-*
22 *lecting a facility for designation as a participant in the*
23 *pilot program. In developing such criteria, the Secretary*
24 *shall consider the following:*

1 (1) *The number of existing and anticipated con-*
2 *tracts and subcontracts performed at the facility—*

3 (A) *for which contractors are required to*
4 *provide certified cost or pricing data pursuant to*
5 *section 2306a of title 10, United States Code;*
6 *and*

7 (B) *which are administered with the appli-*
8 *cation of cost accounting standards under section*
9 *26(f) of the Office of Federal Procurement Policy*
10 *Act (41 U.S.C. 422(f)).*

11 (2) *The relationship of the facility to other orga-*
12 *nizations and facilities performing under contracts*
13 *with the Department of Defense and subcontracts*
14 *under such contracts.*

15 (3) *The impact that the participation of the fa-*
16 *cility under the pilot program would have on compet-*
17 *ing domestic manufacturers.*

18 (4) *Such other factors as the Secretary considers*
19 *appropriate.*

20 (e) *NOTIFICATION.—(1) The Secretary shall transmit*
21 *to the Committee on Armed Services of the Senate and the*
22 *Committee on National Security of the House of Represent-*
23 *atives a written notification of each facility proposed to be*
24 *designated by the Secretary for participation in the pilot*
25 *program.*

1 (2) *The Secretary shall include in the notification re-*
2 *garding a facility designated for participation in the pro-*
3 *gram a management plan addressing the following:*

4 (A) *The proposed treatment of research and de-*
5 *velopment contracts or subcontracts to be performed*
6 *at the facility during the pilot program.*

7 (B) *The proposed treatment of the cost impact of*
8 *the use of commercial practices on the award and ad-*
9 *ministration of contracts and subcontracts performed*
10 *at the facility.*

11 (C) *The proposed method for reimbursing the*
12 *contractor for existing and new contracts.*

13 (D) *The proposed method for measuring the per-*
14 *formance of the facility for meeting the management*
15 *goals of the Secretary.*

16 (E) *Estimates of the annual amount and the*
17 *total amount of the contracts and subcontracts covered*
18 *under the pilot program.*

19 (3)(A) *The Secretary shall ensure that the management*
20 *plan for a facility provides for attainment of the following*
21 *objectives:*

22 (i) *A significant reduction of the cost to the Gov-*
23 *ernment for programs carried out at the facility.*

24 (ii) *A reduction of the schedule associated with*
25 *programs carried out at the facility.*

1 (iii) *An increased use of commercial practices*
2 *and procedures for programs carried out at the facil-*
3 *ity.*

4 (iv) *Protection of a domestic manufacturer com-*
5 *peting for contracts at such facility from being placed*
6 *at a significant competitive disadvantage by the par-*
7 *ticipation of the facility in the pilot program.*

8 (B) *The management plan for a facility shall also re-*
9 *quire that all or substantially all of the contracts to be*
10 *awarded and performed at the facility after the designation*
11 *of that facility under subsection (b), and all or substantially*
12 *all of the subcontracts to be awarded under those contracts*
13 *and performed at the facility after the designation, be—*

14 (i) *for the production of supplies or services on*
15 *a firm-fixed price basis;*

16 (ii) *awarded without requiring the contractors or*
17 *subcontractors to provide certified cost or pricing*
18 *data pursuant to section 2306a of title 10, United*
19 *States Code; and*

20 (iii) *awarded and administered without the ap-*
21 *plication of cost accounting standards under section*
22 *26(f) of the Office of Federal Procurement Policy Act*
23 *(41 U.S.C. 422(f)).*

24 (f) *EXEMPTION FROM CERTAIN REQUIREMENTS.—In*
25 *the case of a contract or subcontract that is to be performed*

1 *at a facility designated for participation in the defense fa-*
2 *cility-wide pilot program and that is subject to section*
3 *2306a of title 10, United States Code, or section 26(f) of*
4 *the Office of Federal Procurement Policy Act (41 U.S.C.*
5 *422(f)), the Secretary of Defense may exempt such contract*
6 *or subcontract from the requirement to obtain certified cost*
7 *or pricing data under such section 2306a or the require-*
8 *ment to apply mandatory cost accounting standards under*
9 *such section 26(f) if the Secretary determines that the con-*
10 *tract or subcontract—*

11 *(1) is within the scope of the pilot program (as*
12 *described in subsection (c)); and*

13 *(2) is fairly and reasonably priced based on in-*
14 *formation other than certified cost and pricing data.*

15 *(g) SPECIAL AUTHORITY.—The authority provided*
16 *under subsection (a) includes authority for the Secretary*
17 *of Defense—*

18 *(1) to apply any amendment or repeal of a pro-*
19 *vision of law made in this Act to the pilot program*
20 *before the effective date of such amendment or repeal;*
21 *and*

22 *(2) to apply to a procurement of items other*
23 *than commercial items under such program—*

24 *(A) the authority provided in section 34 of*
25 *the Office of Federal Procurement Policy Act (41*

1 *U.S.C. 430) to waive a provision of law in the*
2 *case of commercial items, and*

3 *(B) any exception applicable under this Act*
4 *or the Federal Acquisition Streamlining Act of*
5 *1994 (Public Law 103–355) (or an amendment*
6 *made by a provision of either Act) in the case*
7 *of commercial items,*
8 *before the effective date of such provision (or amend-*
9 *ment) to the extent that the Secretary determines nec-*
10 *essary to test the application of such waiver or excep-*
11 *tion to procurements of items other than commercial*
12 *items.*

13 *(h) APPLICABILITY.—(1) Subsections (f) and (g) apply*
14 *to the following contracts, if such contracts are within the*
15 *scope of the pilot program at a facility designated for the*
16 *pilot program under subsection (b):*

17 *(A) A contract that is awarded or modified dur-*
18 *ing the period described in paragraph (2).*

19 *(B) A contract that is awarded before the begin-*
20 *ning of such period, that is to be performed (or may*
21 *be performed), in whole or in part, during such pe-*
22 *riod, and that may be modified as appropriate at no*
23 *cost to the Government.*

1 (2) *The period referred to in paragraph (1), with re-*
2 *spect to a facility designated under subsection (b), is the*
3 *period that—*

4 (A) *begins 45 days after the date of the enact-*
5 *ment of the Act authorizing the designation of that fa-*
6 *cility in accordance with paragraph (2) of such sub-*
7 *section; and*

8 (B) *ends on September 30, 2000.*

9 (i) *COMMERCIAL PRACTICES ENCOURAGED.—With re-*
10 *spect to contracts and subcontracts within the scope of the*
11 *defense facility-wide pilot program, the Secretary of Defense*
12 *may, to the extent the Secretary determines appropriate*
13 *and in accordance with applicable law, adopt commercial*
14 *practices in the administration of contracts and sub-*
15 *contracts. Such commercial practices may include the fol-*
16 *lowing:*

17 (1) *Substitution of commercial oversight and in-*
18 *spection procedures for Government audit and access*
19 *to records.*

20 (2) *Incorporation of commercial oversight, in-*
21 *spection, and acceptance procedures.*

22 (3) *Use of alternative dispute resolution tech-*
23 *niques (including arbitration).*

1 (4) *Elimination of contract provisions authoriz-*
2 *ing the Government to make unilateral changes to*
3 *contracts.*

4 **SEC. 823. TREATMENT OF DEPARTMENT OF DEFENSE**
5 **CABLE TELEVISION FRANCHISE AGREE-**
6 **MENTS.**

7 *Not later than 180 days after the date of the enactment*
8 *of this Act, the chief judge of the United States Court of*
9 *Federal Claims shall transmit to Congress a report contain-*
10 *ing an advisory opinion on the following two questions:*

11 (1) *Is it within the power of the executive branch*
12 *to treat cable television franchise agreements for the*
13 *construction, installation, or capital improvement of*
14 *cable television systems at military installations of*
15 *the Department of Defense as contracts under part 49*
16 *of the Federal Acquisition Regulation without violat-*
17 *ing title VI of the Communications Act of 1934 (47*
18 *U.S.C. 521 et seq.)?*

19 (2) *If the answer to the question in paragraph*
20 (1) *is in the affirmative, is the executive branch re-*
21 *quired by law to so treat such franchise agreements?*

22 **SEC. 824. EXTENSION OF PILOT MENTOR-PROTEGE PRO-**
23 **GRAM.**

24 *Section 831(j)(1) of the National Defense Authoriza-*
25 *tion Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is*

1 amended by striking out “1995” and inserting in lieu there-
2 of “1996”.

3 **TITLE IX—DEPARTMENT OF DE-**
4 **FENSE ORGANIZATION AND**
5 **MANAGEMENT**

6 **Subtitle A—General Matters**

7 **SEC. 901. ORGANIZATION OF THE OFFICE OF THE SEC-**
8 **RETARY OF DEFENSE.**

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

10 (1) *The statutory provisions that as of the date*
11 *of the enactment of this Act govern the organization*
12 *of the Office of the Secretary of Defense have evolved*
13 *from enactment of a number of executive branch legis-*
14 *lative proposals and congressional initiatives over a*
15 *period of years.*

16 (2) *The May 1995 report of the congressionally*
17 *mandated Commission on Roles and Missions of the*
18 *Armed Forces included a number of recommendations*
19 *relating to the Office of the Secretary of Defense.*

20 (3) *The Secretary of Defense has decided to cre-*
21 *ate a special Department task force and to conduct*
22 *other reviews to review many of the Commission’s rec-*
23 *ommendations.*

24 (4) *The Secretary of Defense has decided to insti-*
25 *tute a 5 percent per year reduction of civilian person-*

1 *nel assigned to the Office of the Secretary of Defense,*
2 *including the Washington Headquarters Service and*
3 *the Defense Support Activities, for the period from*
4 *fiscal year 1996 through fiscal year 2001.*

5 *(5) Over the ten-year period from 1986 through*
6 *1995, defense spending in real dollars has been re-*
7 *duced by 34 percent and military end-strengths have*
8 *been reduced by 28 percent. During the same period,*
9 *the number of civilian employees of the Office of the*
10 *Secretary of Defense has increased by 22 percent.*

11 *(6) To achieve greater efficiency and to*
12 *revalidate the role and mission of the Office of the*
13 *Secretary of Defense, a comprehensive review of the*
14 *organizations and functions of that Office and of the*
15 *personnel needed to carry out those functions is re-*
16 *quired.*

17 *(b) REVIEW.—The Secretary of Defense shall conduct*
18 *a further review of the organizations and functions of the*
19 *Office of the Secretary of Defense, including the Washington*
20 *Headquarters Service and the Defense Support Activities,*
21 *and the personnel needed to carry out those functions. The*
22 *review shall include the following:*

23 *(1) An assessment of the appropriate functions of*
24 *the Office and whether the Office of the Secretary of*

1 *Defense or some of its component parts should be or-*
2 *ganized along mission lines.*

3 *(2) An assessment of the adequacy of the present*
4 *organizational structure to efficiently and effectively*
5 *support the Secretary in carrying out his responsibil-*
6 *ities in a manner that ensures civilian authority in*
7 *the Department of Defense.*

8 *(3) An assessment of the advantages and dis-*
9 *advantages of the use of political appointees to fill the*
10 *positions of the various Under Secretaries of Defense,*
11 *Assistant Secretaries of Defense, and Deputy Under*
12 *Secretaries of Defense.*

13 *(4) An assessment of the extent of unnecessary*
14 *duplication of functions between the Office of the Sec-*
15 *retary of Defense and the Joint Staff.*

16 *(5) An assessment of the extent of unnecessary*
17 *duplication of functions between the Office of the Sec-*
18 *retary of Defense and the military departments.*

19 *(6) An assessment of the appropriate number of*
20 *positions referred to in paragraph (3) and of Deputy*
21 *Assistant Secretaries of Defense.*

22 *(7) An assessment of whether some or any of the*
23 *functions currently performed by the Office of Hu-*
24 *manitarian and Refugee Affairs are more properly or*

1 *effectively performed by another agency of Govern-*
2 *ment or elsewhere within the Department of Defense.*

3 (8) *An assessment of the efficacy of the Joint Re-*
4 *quirements Oversight Council and whether it is advis-*
5 *able or necessary to establish a statutory charter for*
6 *this organization.*

7 (9) *An assessment of any benefits or efficiencies*
8 *derived from decentralizing certain functions cur-*
9 *rently performed by the Office of the Secretary of De-*
10 *fense.*

11 (10) *An assessment of the appropriate size, num-*
12 *ber, and functional responsibilities of the Defense*
13 *Agencies and other Department of Defense support or-*
14 *ganizations.*

15 (c) *REPORT.*—*Not later than March 1, 1996, the Sec-*
16 *retary of Defense shall submit to the congressional defense*
17 *committees a report containing —*

18 (1) *his findings and conclusions resulting from*
19 *the review under subsection (b); and*

20 (2) *a plan for implementing resulting rec-*
21 *ommendations, including proposals for legislation*
22 *(with supporting rationale) that would be required as*
23 *a result of the review.*

1 (d) *PERSONNEL REDUCTION.*—(1) *Effective October 1,*
2 *1999, the number of OSD personnel may not exceed 75 per-*
3 *cent of the number of OSD personnel as of October 1, 1994.*

4 (2) *For purposes of this subsection, the term “OSD*
5 *personnel” means military and civilian personnel of the*
6 *Department of Defense who are assigned to, or employed*
7 *in, functions in the Office of the Secretary of Defense (in-*
8 *cluding Direct Support Activities of that Office and the*
9 *Washington Headquarters Services of the Department of*
10 *Defense).*

11 (3) *In carrying out reductions in the number of per-*
12 *sonnel assigned to, or employed in, the Office of the Depart-*
13 *ment of Defense in order to comply with paragraph (1),*
14 *the Secretary may not reassign functions solely in order*
15 *to evade the requirement contained in that paragraph.*

16 (4) *If the Secretary of Defense determines, and certifies*
17 *to Congress, that the limitation in paragraph (1) would ad-*
18 *versely affect United States national security, the limita-*
19 *tion under paragraph (1) shall be applied by substituting*
20 *“80 percent” for “75 percent”.*

21 ***SEC. 902. REDUCTION IN NUMBER OF ASSISTANT SEC-***
22 ***RETARY OF DEFENSE POSITIONS.***

23 (a) *REDUCTION.*—*Section 138(a) of title 10, United*
24 *States Code, is amended by striking out “eleven” and in-*
25 *serting in lieu thereof “ten”.*

1 (b) *CONFORMING AMENDMENT.*—Section 5315 of title
2 5, United States Code, is amended by striking out “(11)”
3 after “Assistant Secretaries of Defense” and inserting in
4 lieu thereof “(10)”.

5 **SEC. 903. DEFERRED REPEAL OF VARIOUS STATUTORY PO-**
6 **SITIONS AND OFFICES IN OFFICE OF THE**
7 **SECRETARY OF DEFENSE.**

8 (a) *EFFECTIVE DATE.*—The amendments made by this
9 section shall take effect on January 31, 1997.

10 (b) *TERMINATION OF SPECIFICATION BY LAW OF ASD*
11 *POSITIONS.*—Subsection (b) of section 138 of title 10, Unit-
12 ed States Code, is amended to read as follows:

13 “(b) The Assistant Secretaries shall perform such du-
14 ties and exercise such powers as the Secretary of Defense
15 may prescribe.”.

16 (c) *REPEAL OF CERTAIN OSD PRESIDENTIAL AP-*
17 *POINTMENT POSITIONS.*—The following sections of chapter
18 4 of such title are repealed:

19 (1) Section 133a, relating to the Deputy Under
20 Secretary of Defense for Acquisition and Technology.

21 (2) Section 134a, relating to the Deputy Under
22 Secretary of Defense for Policy.

23 (3) Section 134a, relating to the Director of De-
24 fense Research and Engineering.

1 (4) *Section 139, relating to the Director of Oper-*
2 *ational Test and Evaluation.*

3 (5) *Section 142, relating to the Assistant to the*
4 *Secretary of Defense for Nuclear and Chemical and*
5 *Biological Defense Programs.*

6 (d) *DIRECTOR OF MILITARY RELOCATION ASSISTANCE*
7 *PROGRAMS.—Section 1056 of such title is amended by*
8 *striking out subsection (d).*

9 (e) *CONFORMING AMENDMENTS RELATING TO REPEAL*
10 *OF VARIOUS OSD POSITIONS.—Chapter 4 of such title is*
11 *further amended—*

12 (1) *in section 131(b)—*

13 (A) *by striking out paragraphs (6) and (8);*
14 *and*

15 (B) *by redesignating paragraphs (7), (9),*
16 *(10), and (11), as paragraphs (6), (7), (8), and*
17 *(9), respectively;*

18 (2) *in section 138(d), by striking out “the Under*
19 *Secretaries of Defense, and the Director of Defense Re-*
20 *search and Engineering” and inserting in lieu thereof*
21 *“and the Under Secretaries of Defense”; and*

22 (3) *in the table of sections at the beginning of the*
23 *chapter, by striking out the items relating to sections*
24 *133a, 134a, 137, 139, and 142.*

1 (f) *CONFORMING AMENDMENTS RELATING TO REPEAL*
2 *OF SPECIFICATION OF ASD POSITIONS.—*

3 (1) *Section 176(a)(3) of title 10, United States*
4 *Code, is amended—*

5 (A) *by striking out “Assistant Secretary of*
6 *Defense for Health Affairs” and inserting in lieu*
7 *thereof “official in the Department of Defense*
8 *with principal responsibility for health affairs”;*
9 *and*

10 (B) *by striking out “Chief Medical Director*
11 *of the Department of Veterans Affairs” and in-*
12 *serting in lieu thereof “Under Secretary for*
13 *Health of the Department of Veterans Affairs”.*

14 (2) *Section 1216(d) of such title is amended by*
15 *striking out “Assistant Secretary of Defense for*
16 *Health Affairs” and inserting in lieu thereof “official*
17 *in the Department of Defense with principal respon-*
18 *sibility for health affairs”.*

19 (3) *Section 1587(d) of such title is amended by*
20 *striking out “Assistant Secretary of Defense for Man-*
21 *power and Logistics” and inserting in lieu thereof*
22 *“official in the Department of Defense with principal*
23 *responsibility for personnel and readiness”.*

24 (4) *The text of section 10201 of such title is*
25 *amended to read as follows:*

1 *“The official in the Department of Defense with re-*
2 *sponsibility for overall supervision of reserve component af-*
3 *fairs of the Department of Defense is the official designated*
4 *by the Secretary of Defense to have that responsibility.”.*

5 (5) *Section 1211(b)(2) of the National Defense*
6 *Authorization Act for Fiscal Years 1988 and 1989*
7 *(P.L. 100–180; 101 Stat 1155; 10 U.S.C. 167 note)*
8 *is amended by striking out “the Assistant Secretary*
9 *of Defense for Special Operations and Low Intensity*
10 *Conflict” and inserting in lieu thereof “the official*
11 *designated by the Secretary of Defense to have prin-*
12 *cipal responsibility for matters relating to special op-*
13 *erations and low intensity conflict”.*

14 (g) *CONFORMING AMENDMENTS RELATING TO OPER-*
15 *ATIONAL TEST AND EVALUATION AUTHORITY.—(1) Sub-*
16 *section (a) of section 2399 of title 10, United States Code,*
17 *is amended—*

18 (A) *by inserting “a conventional weapons system*
19 *that” after “means” in the matter in paragraph (2)*
20 *preceding subparagraph (A);*

21 (B) *by striking out “a conventional weapons sys-*
22 *tem that” in paragraph (2)(A); and*

23 (C) *by adding at the end the following new para-*
24 *graph:*

1 “(3) *The Secretary of Defense shall designate an offi-*
2 *cial of the Department of Defense to perform the duties of*
3 *the position referred to in this section as the ‘designated*
4 *OT&E official’.*”

5 (2) *Subsection (b) of such section is amended—*

6 (A) *by striking out “Director of Operational Test*
7 *and Evaluation of the Department of Defense” in*
8 *paragraph (1) and inserting in lieu thereof “des-*
9 *ignated OT&E official”;* and

10 (B) *by striking out “Director” each place it ap-*
11 *pears in paragraphs (2), (3), and (4) and inserting*
12 *in lieu thereof “designated OT&E official”.*

13 (3) *Subsection (c)(1) of such section is amended by*
14 *striking out “Director of Operational Test and Evaluation*
15 *of the Department of Defense” and inserting in lieu thereof*
16 *“designated OT&E official”.*

17 (4) *Subsection (e) of such section is amended by strik-*
18 *ing out “Director” each place it appears and inserting in*
19 *lieu thereof “designated OT&E official”.*

20 (5) *Such section is further amended—*

21 (A) *by striking out subsection (g); and*

22 (B) *by redesignating subsection (h) as subsection*
23 *(g).*

24 (h) *REPEAL OF MINIMUM NUMBER OF SENIOR STAFF*
25 *FOR SPECIFIED ASSISTANT SECRETARY OF DEFENSE.—*

1 *Section 355 of the National Defense Authorization Act for*
2 *Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1540)*
3 *is repealed.*

4 **SEC. 904. REDESIGNATION OF THE POSITION OF ASSIST-**
5 **ANT TO THE SECRETARY OF DEFENSE FOR**
6 **ATOMIC ENERGY.**

7 (a) *IN GENERAL.*—(1) *Section 142 of title 10, United*
8 *States Code, is amended—*

9 (A) *by striking out the section heading and in-*
10 *serting in lieu thereof the following:*

11 **“§ 142. Assistant to the Secretary of Defense for Nu-**
12 **clear and Chemical and Biological De-**
13 **fense Programs”;**

14 (B) *in subsection (a), by striking out “Assistant*
15 *to the Secretary of Defense for Atomic Energy” and*
16 *inserting in lieu thereof “Assistant to the Secretary of*
17 *Defense for Nuclear and Chemical and Biological De-*
18 *fense Programs”; and*

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

21 **“(b) The Assistant to the Secretary shall—**

22 **“(1) advise the Secretary of Defense on nuclear**
23 **energy, nuclear weapons, and chemical and biological**
24 **defense;**

1 “(2) serve as the Staff Director of the Nuclear
2 Weapons Council established by section 179 of this
3 title; and

4 “(3) perform such additional duties as the Sec-
5 retary may prescribe.”.

6 (2) The item relating to such section in the table of
7 sections at the beginning of chapter 4 of such title is amend-
8 ed to read as follows:

 “142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biologi-
 cal Defense Programs.”.

9 (b) CONFORMING AMENDMENTS.—(1) Section
10 179(c)(2) of title 10, United States Code, is amended by
11 striking out “The Assistant to the Secretary of Defense for
12 Atomic Energy” and inserting in lieu thereof “The Assist-
13 ant to the Secretary of Defense for Nuclear and Chemical
14 and Biological Defense Programs”.

15 (2) Section 5316 of title 5, United States Code, is
16 amended by striking out “The Assistant to the Secretary
17 of Defense for Atomic Energy, Department of Defense.” and
18 inserting in lieu thereof the following:

19 “Assistant to the Secretary of Defense for Nu-
20 clear and Chemical and Biological Defense Programs,
21 Department of Defense.”.

1 **SEC. 905. JOINT REQUIREMENTS OVERSIGHT COUNCIL.**

2 (a) *IN GENERAL.*—(1) Chapter 7 of title 10, United
3 States Code, is amended by adding at the end the following
4 new section:

5 **“§ 181. Joint Requirements Oversight Council**

6 “(a) *ESTABLISHMENT.*—The Secretary of Defense shall
7 establish a Joint Requirements Oversight Council in the De-
8 partment of Defense.

9 “(b) *MISSION.*—In addition to other matters assigned
10 to it by the President or Secretary of Defense, the Joint
11 Requirements Oversight Council shall—

12 “(1) assist the Chairman of the Joint Chiefs of
13 Staff in identifying and assessing the priority of joint
14 military requirements (including existing systems
15 and equipment) to meet the national military strat-
16 egy;

17 “(2) assist the Chairman in considering alter-
18 natives to any acquisition program that has been
19 identified to meet military requirements by evaluat-
20 ing the cost, schedule, and performance criteria of the
21 program and of the identified alternatives; and

22 “(3) as part of its mission to assist the Chair-
23 man in assigning joint priority among existing and
24 future programs meeting valid requirements, ensure
25 that the assignment of such priorities conforms to and

1 *reflects resource levels projected by the Secretary of*
2 *Defense through defense planning guidance.*

3 “(c) *COMPOSITION.—(1) The Joint Requirements*
4 *Oversight Council is composed of—*

5 “(A) *the Chairman of the Joint Chiefs of Staff,*
6 *who is the chairman of the Council;*

7 “(B) *an Army officer in the grade of general;*

8 “(C) *a Navy officer in the grade of admiral;*

9 “(D) *an Air Force officer in the grade of general;*

10 *and*

11 “(E) *a Marine Corps officer in the grade of gen-*
12 *eral.*

13 “(2) *Members of the Council, other than the Chairman*
14 *of the Joint Chiefs of Staff, shall be selected by the Chair-*
15 *man of the Joint Chiefs of Staff, after consultation with*
16 *the Secretary of Defense, from officers in the grade of gen-*
17 *eral or admiral, as the case may be, who are recommended*
18 *for such selection by the Secretary of the military depart-*
19 *ment concerned.*

20 “(3) *The functions of the Chairman of the Joint Chiefs*
21 *of Staff as chairman of the Council may only be delegated*
22 *to the Vice Chairman of the Joint Chiefs of Staff.”.*

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

 “181. *Joint Requirements Oversight Council.”.*

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on January 31, 1997.*

3 **SEC. 906. RESTRUCTURING OF DEPARTMENT OF DEFENSE**
4 **ACQUISITION ORGANIZATION AND**
5 **WORKFORCE.**

6 (a) *RESTRUCTURING REPORT.*—*Not later than March*
7 *1, 1996, the Secretary of Defense shall submit to Congress*
8 *a report on the acquisition organization and workforce of*
9 *the Department of Defense. The report shall include—*

- 10 (1) *the plan described in subsection (b); and*
11 (2) *the assessment of streamlining and restruc-*
12 *turing options described in subsection (c).*

13 (b) *PLAN FOR RESTRUCTURING.*—(1) *The Secretary*
14 *shall include in the report under subsection (a) a plan on*
15 *how to restructure the current acquisition organization of*
16 *the Department of Defense in a manner that would enable*
17 *the Secretary to accomplish the following:*

18 (A) *Reduce the number of military and civilian*
19 *personnel assigned to, or employed in, acquisition or-*
20 *ganizations of the Department of Defense (as defined*
21 *by the Secretary) by 25 percent over a period of five*
22 *years, beginning on October 1, 1995.*

23 (B) *Eliminate duplication of functions among*
24 *existing acquisition organizations of the Department*
25 *of Defense.*

1 (C) *Maximize opportunity for consolidation*
2 *among acquisition organizations of the Department of*
3 *Defense to reduce management overhead.*

4 (2) *In the report, the Secretary shall also identify any*
5 *statutory requirement or congressional directive that inhib-*
6 *its any proposed restructuring plan or reduction in the size*
7 *of the defense acquisition organization.*

8 (3) *In designing the plan under paragraph (1), the*
9 *Secretary shall give full consideration to the process effi-*
10 *ciencies expected to be achieved through the implementation*
11 *of the Federal Acquisition Streamlining Act of 1994 (Public*
12 *Law 103–355), the Federal Acquisition Reform Act of 1995*
13 *(division D of this Act), and other ongoing initiatives to*
14 *increase the use of commercial practices and reduce contract*
15 *overhead in the defense procurement system.*

16 (c) *ASSESSMENT OF SPECIFIED RESTRUCTURING OP-*
17 *TIONS.—The Secretary shall include in the report under*
18 *subsection (a) a detailed assessment of each of the following*
19 *options for streamlining and restructuring the existing de-*
20 *fense acquisition organization, together with a specific rec-*
21 *ommendation as to whether each such option should be im-*
22 *plemented:*

23 (1) *Consolidation of certain functions of the De-*
24 *fense Contract Audit Agency and the Defense Contract*
25 *Management Command.*

1 (2) *Contracting for performance of a significant*
2 *portion of the workload of the Defense Contract Audit*
3 *Agency and other Defense Agencies that perform ac-*
4 *quisition functions.*

5 (3) *Consolidation or selected elimination of De-*
6 *partment of Defense acquisition organizations.*

7 (4) *Any other defense acquisition infrastructure*
8 *streamlining or restructuring option the Secretary*
9 *may determine.*

10 (d) *REDUCTION OF ACQUISITION WORKFORCE.—(1)*
11 *The Secretary of Defense shall accomplish reductions in de-*
12 *fense acquisition personnel positions during fiscal year*
13 *1996 so that the total number of such personnel as of Octo-*
14 *ber 1, 1996, is less than the total number of such personnel*
15 *as of October 1, 1995, by at least 15,000.*

16 (2) *For purposes of this subsection, the term “defense*
17 *acquisition personnel” means military and civilian person-*
18 *nel assigned to, or employed in, acquisition organizations*
19 *of the Department of Defense (as specified in Department*
20 *of Defense Instruction numbered 5000.58 dated January 14,*
21 *1992) with the exception of personnel who possess technical*
22 *competence in trade-skill maintenance and repair positions*
23 *involved in performing depot maintenance functions.*

1 **SEC. 907. REPORT ON NUCLEAR POSTURE REVIEW AND ON**
2 **PLANS FOR NUCLEAR WEAPONS MANAGE-**
3 **MENT IN EVENT OF ABOLITION OF DEPART-**
4 **MENT OF ENERGY.**

5 (a) *REPORT REQUIRED.*—*The Secretary of Defense*
6 *shall submit to Congress a report concerning the nuclear*
7 *weapons complex. The report shall set forth—*

8 (1) *the Secretary's views on the effectiveness of*
9 *the Department of Energy in managing the nuclear*
10 *weapons complex, including the fulfillment of the re-*
11 *quirements for nuclear weapons established for the*
12 *Department of Energy in the Nuclear Posture Review;*
13 *and*

14 (2) *the Secretary's recommended plan for the in-*
15 *corporation into the Department of Defense of the na-*
16 *tional security programs of the Department of Energy*
17 *if the Department of Energy should be abolished and*
18 *those programs be transferred to the Department of*
19 *Defense.*

20 (b) *DEFINITION.*—*For purposes of this section, the*
21 *term "Nuclear Posture Review" means the Department of*
22 *Defense Nuclear Posture Review as contained in the report*
23 *entitled "Report of the Secretary of Defense to the President*
24 *and the Congress", dated February 19, 1995, or in subse-*
25 *quent such reports.*

1 (c) *SUBMISSION OF REPORT.*—The report under sub-
2 section (a) shall be submitted not later than March 15,
3 1996.

4 **SEC. 908. REDESIGNATION OF ADVANCED RESEARCH**
5 **PROJECTS AGENCY.**

6 (a) *REDESIGNATION.*—The agency in the Department
7 of Defense known as the Advanced Research Projects Agency
8 shall after the date of the enactment of this Act be des-
9 ignated as the Defense Advanced Research Projects Agency.

10 (b) *REFERENCES.*—Any reference in any law, regula-
11 tion, document, record, or other paper of the United States
12 or in any provision of this Act to the Advanced Research
13 Projects Agency shall be considered to be a reference to the
14 Defense Advanced Research Projects Agency.

15 **SEC. 909. NAVAL NUCLEAR PROPULSION PROGRAM.**

16 (a) *REPEAL OF PROVISION GIVING PERMANENT STA-*
17 *TUS TO EXECUTIVE ORDER.*—Effective October 1, 1998, sec-
18 tion 1634 of the Department of Defense Authorization, 1985
19 (Public Law 98–525; 42 U.S.C. 7158 note), is repealed.

20 (b) *NOTICE-AND-WAIT FOR CHANGES TO EXECUTIVE*
21 *ORDER.*—An Executive order that includes a provision that
22 after the effective date of subsection (a) would amend, mod-
23 ify, or repeal Executive order 12344 (42 U.S.C. 7158 note)
24 may not be issued until 60 days after the date on which
25 notice of the intent to issue an Executive order containing

1 *such a provision (together with the text of that provision)*
 2 *is submitted in writing to the congressional defense commit-*
 3 *tees.*

4 ***Subtitle B—Financial Management***

5 ***SEC. 911. TRANSFER AUTHORITY REGARDING FUNDS***

6 ***AVAILABLE FOR FOREIGN CURRENCY FLUC-***

7 ***TUATIONS.***

8 *(a) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS*
 9 *AUTHORIZED.—Section 2779 of title 10, United States*
 10 *Code, is amended by adding at the end the following:*

11 *“(c) TRANSFERS TO MILITARY PERSONNEL AC-*
 12 *COUNTS.—The Secretary of Defense may transfer funds to*
 13 *military personnel appropriations for a fiscal year out of*
 14 *funds available to the Department of Defense for that fiscal*
 15 *year under the appropriation ‘Foreign Currency Fluctua-*
 16 *tions, Defense’.”.*

17 *(b) REVISION AND CODIFICATION OF AUTHORITY FOR*
 18 *TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS AC-*
 19 *COUNT.—Section 2779 of such title, as amended by sub-*
 20 *section (a), is further amended by adding at the end the*
 21 *following:*

22 *“(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUA-*
 23 *TIONS ACCOUNT.—(1) The Secretary of Defense may trans-*
 24 *fer to the appropriation ‘Foreign Currency Fluctuations,*
 25 *Defense’ unobligated amounts of funds appropriated for op-*

1 *eration and maintenance and unobligated amounts of funds*
2 *appropriated for military personnel.*

3 “(2) *Any transfer from an appropriation under para-*
4 *graph (1) shall be made not later than the end of the second*
5 *fiscal year following the fiscal year for which the appropria-*
6 *tion is provided.*

7 “(3) *Any transfer made pursuant to the authority pro-*
8 *vided in this subsection shall be limited so that the amount*
9 *in the appropriation ‘Foreign Currency Fluctuations, De-*
10 *fense’ does not exceed \$970,000,000 at the time the transfer*
11 *is made.”.*

12 *(c) CONDITIONS OF AVAILABILITY FOR TRANSFERRED*
13 *FUNDS.—Section 2779 of such title, as amended by sub-*
14 *section (b), is further amended by adding at the end the*
15 *following:*

16 “(e) *CONDITIONS OF AVAILABILITY FOR TRANSFERRED*
17 *FUNDS.—Amounts transferred under subsection (c) or (d)*
18 *shall be merged with and be available for the same purposes*
19 *and for the same period as the appropriations to which*
20 *transferred.”.*

21 *(d) REPEAL OF SUPERSEDED PROVISIONS.—(1) Sec-*
22 *tion 767A of Public Law 96–527 (94 Stat. 3093) is re-*
23 *pealed.*

1 (2) *Section 791 of the Department of Defense Appro-*
2 *priation Act, 1983 (enacted in section 101(c) of Public Law*
3 *97-377; 96 Stat. 1865) is repealed.*

4 (e) *TECHNICAL AMENDMENTS.—Section 2779 of title*
5 *10, United States Code, is amended—*

6 (1) *in subsection (a), by striking out “(a)(1)”*
7 *and inserting in lieu thereof “(a) TRANSFERS BACK*
8 *TO FOREIGN CURRENCY FLUCTUATIONS APPROPRIA-*
9 *TION.—(1)”;*

10 (2) *in subsection (a)(2), by striking out “2d fis-*
11 *cal year” and inserting in lieu thereof “second fiscal*
12 *year”;* and

13 (3) *in subsection (b), by striking out “(b)(1)”*
14 *and inserting in lieu thereof “(b) FUNDING FOR*
15 *LOSSES IN MILITARY CONSTRUCTION AND FAMILY*
16 *HOUSING.—(1)”.*

17 (f) *EFFECTIVE DATE.—Subsections (c) and (d) of sec-*
18 *tion 2779 of title 10, United States Code, as added by sub-*
19 *sections (a) and (b), and the repeals made by subsection*
20 *(d), shall apply only with respect to amounts appropriated*
21 *for a fiscal year after fiscal year 1995.*

22 **SEC. 912. DEFENSE MODERNIZATION ACCOUNT.**

23 (a) *ESTABLISHMENT AND USE.—(1) Chapter 131 of*
24 *title 10, United States Code, is amended by inserting after*
25 *section 2215 the following new section:*

1 **“§ 2216. Defense Modernization Account**

2 “(a) *ESTABLISHMENT.*—*There is established in the*
3 *Treasury an account to be known as the ‘Defense Mod-*
4 *ernization Account’.*

5 “(b) *TRANSFERS TO ACCOUNT.*—(1)(A) *Upon a deter-*
6 *mination by the Secretary of a military department or the*
7 *Secretary of Defense with respect to Defense-wide appro-*
8 *priations accounts of the availability and source of funds*
9 *described in subparagraph (B), that Secretary may transfer*
10 *to the Defense Modernization Account during any fiscal*
11 *year any amount of funds available to the Secretary de-*
12 *scribed in that subparagraph. Such funds may be trans-*
13 *ferred to that account only after the Secretary concerned*
14 *notifies the congressional defense committees in writing of*
15 *the amount and source of the proposed transfer.*

16 “(B) *This subsection applies to the following funds*
17 *available to the Secretary concerned:*

18 “(i) *Unexpired funds in appropriations accounts*
19 *that are available for procurement and that, as a re-*
20 *sult of economies, efficiencies, and other savings*
21 *achieved in carrying out a particular procurement,*
22 *are excess to the requirements of that procurement.*

23 “(ii) *Unexpired funds that are available during*
24 *the final 30 days of a fiscal year for support of in-*
25 *stallations and facilities and that, as a result of*
26 *economies, efficiencies, and other savings, are excess to*

1 *the requirements for support of installations and fa-*
2 *cilities.*

3 “(C) *Any transfer under subparagraph (A) shall be*
4 *made under regulations prescribed by the Secretary of De-*
5 *fense.*

6 “(2) *Funds referred to in paragraph (1) may not be*
7 *transferred to the Defense Modernization Account if—*

8 “(A) *the funds are necessary for programs,*
9 *projects, and activities that, as determined by the Sec-*
10 *retary, have a higher priority than the purposes for*
11 *which the funds would be available if transferred to*
12 *that account; or*

13 “(B) *the balance of funds in the account, after*
14 *transfer of funds to the account, would exceed*
15 *\$1,000,000,000.*

16 “(3) *Amounts credited to the Defense Modernization*
17 *Account shall remain available for transfer until the end*
18 *of the third fiscal year that follows the fiscal year in which*
19 *the amounts are credited to the account.*

20 “(4) *The period of availability of funds for expenditure*
21 *provided for in sections 1551 and 1552 of title 31 may not*
22 *be extended by transfer into the Defense Modernization Ac-*
23 *count.*

24 “(c) *SCOPE OF USE OF FUNDS.—Funds transferred to*
25 *the Defense Modernization Account from funds appro-*

1 *priated for a military department, Defense Agency, or other*
2 *element of the Department of Defense shall be available in*
3 *accordance with subsections (f) and (g) only for transfer*
4 *to funds available for that military department, Defense*
5 *Agency, or other element.*

6 “(d) *AUTHORIZED USE OF FUNDS.—Funds available*
7 *from the Defense Modernization Account pursuant to sub-*
8 *section (f) or (g) may be used for the following purposes:*

9 “(1) *For increasing, subject to subsection (e), the*
10 *quantity of items and services procured under a pro-*
11 *curement program in order to achieve a more efficient*
12 *production or delivery rate.*

13 “(2) *For research, development, test, and evalua-*
14 *tion and for procurement necessary for modernization*
15 *of an existing system or of a system being procured*
16 *under an ongoing procurement program.*

17 “(e) *LIMITATIONS.—(1) Funds in the Defense Mod-*
18 *ernization Account may not be used to increase the quantity*
19 *of an item or services procured under a particular procure-*
20 *ment program to the extent that doing so would—*

21 “(A) *result in procurement of a total quantity of*
22 *items or services in excess of—*

23 “(i) *a specific limitation provided by law*
24 *on the quantity of the items or services that may*
25 *be procured; or*

1 “(i) the requirement for the items or serv-
2 ices as approved by the Joint Requirements
3 Oversight Council and reported to Congress by
4 the Secretary of Defense; or

5 “(B) result in an obligation or expenditure of
6 funds in excess of a specific limitation provided by
7 law on the amount that may be obligated or ex-
8 pended, respectively, for that procurement program.

9 “(2) Funds in the Defense Modernization Account may
10 not be used for a purpose or program for which Congress
11 has not authorized appropriations.

12 “(3) Funds may not be transferred from the Defense
13 Modernization Account in any year for the purpose of—

14 “(A) making an expenditure for which there is
15 no corresponding obligation; or

16 “(B) making an expenditure that would satisfy
17 an unliquidated or unrecorded obligation arising in
18 a prior fiscal year.

19 “(f) TRANSFER OF FUNDS.—(1) The Secretary of De-
20 fense may transfer funds in the Defense Modernization Ac-
21 count to appropriations available for purposes set forth in
22 subsection (d).

23 “(2) Funds in the Defense Modernization Account may
24 not be transferred under paragraph (1) until 30 days after
25 the date on which the Secretary concerned notifies the con-

1 *gressional defense committees in writing of the amount and*
2 *purpose of the proposed transfer.*

3 “(3) *The total amount of transfers from the Defense*
4 *Modernization Account during any fiscal year under this*
5 *subsection may not exceed \$500,000,000.*

6 “(g) *AVAILABILITY OF FUNDS BY APPROPRIATION.—*
7 *In addition to transfers under subsection (f), funds in the*
8 *Defense Modernization Account may be made available for*
9 *purposes set forth in subsection (d) in accordance with the*
10 *provisions of appropriations Acts, but only to the extent*
11 *authorized in an Act other than an appropriations Act.*

12 “(h) *SECRETARY TO ACT THROUGH COMPTROLLER.—*
13 *The Secretary of Defense shall carry out this section through*
14 *the Under Secretary of Defense (Comptroller), who shall be*
15 *authorized to implement this section through the issuance*
16 *of any necessary regulations, policies, and procedures after*
17 *consultation with the General Counsel and Inspector Gen-*
18 *eral of the Department of Defense.*

19 “(i) *QUARTERLY REPORTS.—(1) Not later than 15*
20 *days after the end of each calendar quarter, the Secretary*
21 *of Defense shall submit to the congressional committees spec-*
22 *ified in paragraph (2) a report on the Defense Moderniza-*
23 *tion Account. Each such report shall set forth the following:*

24 “(A) *The amount and source of each credit to the*
25 *account during that quarter.*

1 “(B) *The amount and purpose of each transfer*
2 *from the account during that quarter.*

3 “(C) *The balance in the account at the end of the*
4 *quarter and, of such balance, the amount attributable*
5 *to transfers to the account from each Secretary con-*
6 *cerned.*

7 “(2) *The committees referred to in paragraph (1) are*
8 *the congressional defense committees and the Committee on*
9 *Governmental Affairs of the Senate and the Committee on*
10 *Government Reform and Oversight of the House of Rep-*
11 *resentatives.*

12 “(j) *DEFINITIONS.—In this section:*

13 “(1) *The term ‘Secretary concerned’ includes the*
14 *Secretary of Defense with respect to Defense-wide ap-*
15 *propriations accounts.*

16 “(2) *The term ‘unexpired funds’ means funds ap-*
17 *propriated for a definite period that remain available*
18 *for obligation.*

19 “(3) *The term ‘congressional defense committees’*
20 *means—*

21 “(A) *the Committee on Armed Services and*
22 *the Committee on Appropriations of the Senate;*
23 *and*

1 “(B) the Committee on National Security
2 and the Committee on Appropriations of the
3 House of Representatives.”.

4 (2) The table of sections at the beginning of chapter
5 131 of such title is amended by inserting after the item re-
6 lating to section 2215 the following new item:

 “2216. Defense Modernization Account.”.

7 (b) *EFFECTIVE DATE.*—Section 2216 of title 10, *Unit-*
8 *ed States Code* (as added by subsection (a)), shall apply
9 only to funds appropriated for fiscal years after fiscal year
10 1995.

11 (c) *EXPIRATION OF AUTHORITY AND ACCOUNT.*—(1)
12 *The authority under section 2216(b) of title 10, United*
13 *States Code* (as added by subsection (a)), to transfer funds
14 into the Defense Modernization Account terminates at the
15 close of September 30, 2003.

16 (2) Three years after the termination date specified in
17 paragraph (1), the Defense Modernization Account shall be
18 closed and any remaining balance in the account shall be
19 canceled and thereafter shall not be available for any pur-
20 pose.

21 (d) *GAO REVIEWS.*—(1) *The Comptroller General of*
22 *the United States* shall conduct two reviews of the adminis-
23 *tration of the Defense Modernization Account. In each re-*
24 *view, the Comptroller General shall assess the operations*
25 *and benefits of the account.*

1 (2) *Not later than March 1, 2000, the Comptroller Gen-*
2 *eral shall—*

3 (A) *complete the first review; and*

4 (B) *submit to the specified committees of Con-*
5 *gress an initial report on the administration and*
6 *benefits of the Defense Modernization Account.*

7 (3) *Not later than March 1, 2003, the Comptroller Gen-*
8 *eral shall—*

9 (A) *complete the second review; and*

10 (B) *submit to the specified committees of Con-*
11 *gress a final report on the administration and bene-*
12 *fits of the Defense Modernization Account.*

13 (4) *Each such report shall include any recommended*
14 *legislation regarding the account that the Comptroller Gen-*
15 *eral considers appropriate.*

16 (5) *For purposes of this subsection, the term “specified*
17 *committees of Congress” means the congressional commit-*
18 *tees referred to in section 2216(i)(2) of title 10, United*
19 *States Code, as added by subsection (a).*

20 **SEC. 913. DESIGNATION AND LIABILITY OF DISBURSING**
21 **AND CERTIFYING OFFICIALS.**

22 (a) *DISBURSING OFFICIALS.—(1) Section 3321(c) of*
23 *title 31, United States Code, is amended by striking out*
24 *paragraph (2) and inserting in lieu thereof the following:*

25 “(2) *The Department of Defense.*”.

1 (2) *Section 2773 of title 10, United States Code, is*
2 *amended—*

3 (A) *in subsection (a)—*

4 (i) *in paragraph (1), by striking out “With*
5 *the approval of a Secretary of a military depart-*
6 *ment when the Secretary considers it necessary,*
7 *a disbursing official of the military department”*
8 *and inserting in lieu thereof “Subject to para-*
9 *graph (3), a disbursing official of the Depart-*
10 *ment of Defense”;* and

11 (ii) *by adding at the end the following new*
12 *paragraph:*

13 “(3) *A disbursing official may make a designation*
14 *under paragraph (1) only with the approval of the Sec-*
15 *retary of Defense or, in the case of a disbursing official of*
16 *a military department, the Secretary of that military de-*
17 *partment.”;* and

18 (B) *in subsection (b)(1), by striking out “any*
19 *military department” and inserting in lieu thereof*
20 *“the Department of Defense”.*

21 (b) *DESIGNATION OF MEMBERS OF THE ARMED*
22 *FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—*
23 *Section 3325(b) of title 31, United States Code, is amended*
24 *to read as follows:*

1 “(b) *In addition to officers and employees referred to*
2 *in subsection (a)(1)(B) of this section as having authoriza-*
3 *tion to certify vouchers, members of the armed forces under*
4 *the jurisdiction of the Secretary of Defense may certify*
5 *vouchers when authorized, in writing, by the Secretary to*
6 *do so.”.*

7 (c) *CONFORMING AMENDMENTS.—(1) Section 1012 of*
8 *title 37, United States Code, is amended by striking out*
9 *“Secretary concerned” both places it appears and inserting*
10 *in lieu thereof “Secretary of Defense”.*

11 (2) *Section 1007(a) of title 37, United States Code,*
12 *is amended by striking out “Secretary concerned” and in-*
13 *serting in lieu thereof “Secretary of Defense, or upon the*
14 *denial of relief of an officer pursuant to section 3527 of*
15 *title 31”.*

16 (3)(A) *Section 7863 of title 10, United States Code,*
17 *is amended—*

18 (i) *in the first sentence, by striking out “dis-*
19 *bursements of public moneys or” and “the money was*
20 *paid or”;* and

21 (ii) *in the second sentence, by striking out “dis-*
22 *bursement or”.*

23 (B)(i) *The heading of such section is amended to read*
24 *as follows:*

1 **“§ 7863. Disposal of public stores by order of com-**
 2 **manding officer”.**

3 (ii) *The item relating to such section in the table of*
 4 *sections at the beginning of chapter 661 of such title is*
 5 *amended to read as follows:*

“7863. Disposal of public stores by order of commanding officer.”.

6 (4) *Section 3527(b)(1) of title 31, United States Code,*
 7 *is amended—*

8 (A) *by striking out “a disbursing official of the*
 9 *armed forces” and inserting in lieu thereof “an offi-*
 10 *cial of the armed forces referred to in subsection (a)”;*

11 (B) *by striking out “records,” and inserting in*
 12 *lieu thereof “records, or a payment described in sec-*
 13 *tion 3528(a)(4)(A) of this title,”;*

14 (C) *by redesignating subparagraphs (A), (B),*
 15 *and (C) as clauses (i), (ii), and (iii), and realigning*
 16 *such clauses four ems from the left margin;*

17 (D) *by inserting before clause (i), as so redesign-*
 18 *ated, the following:*

19 *“(A) in the case of a physical loss or defi-*
 20 *ciency—”;*

21 (E) *in clause (iii), as so redesignated, by strik-*
 22 *ing out the period at the end and inserting in lieu*
 23 *thereof “; or”;* and

24 (F) *by adding at the end the following:*

1 “(B) in the case of a payment described in sec-
2 tion 3528(a)(4)(A) of this title, the Secretary of De-
3 fense or the Secretary of the appropriate military de-
4 partment, after taking a diligent collection action,
5 finds that the criteria of section 3528(b)(1) of this
6 title are satisfied.”.

7 **SEC. 914. FISHER HOUSE TRUST FUNDS.**

8 (a) *ESTABLISHMENT.*—(1) Chapter 131 of title 10,
9 United States Code, is amended by adding at the end the
10 following new section:

11 **“§ 2221. Fisher House trust funds**

12 “(a) *ESTABLISHMENT.*—The following trust funds are
13 established on the books of the Treasury:

14 “(1) *The Fisher House Trust Fund, Department*
15 *of the Army.*

16 “(2) *The Fisher House Trust Fund, Department*
17 *of the Air Force.*

18 “(b) *INVESTMENT.*—Funds in the trust funds may be
19 invested in securities of the United States. Earnings and
20 gains realized from the investment of funds in a trust fund
21 shall be credited to the trust fund.

22 “(c) *USE OF FUNDS.*—(1) Amounts in the Fisher
23 House Trust Fund, Department of the Army, that are at-
24 tributable to earnings or gains realized from investments
25 shall be available for the operation and maintenance of

1 *Fisher houses that are located in proximity to medical*
 2 *treatment facilities of the Army.*

3 “(2) *Amounts in the Fisher House Trust Fund, De-*
 4 *partment of the Air Force, that are attributable to earnings*
 5 *or gains realized from investments shall be available for the*
 6 *operation and maintenance of Fisher houses that are lo-*
 7 *cated in proximity to medical treatment facilities of the Air*
 8 *Force.*

9 “(3) *The use of funds under this section is subject to*
 10 *section 1321(b)(2) of title 31.*

11 “(d) *FISHER HOUSE DEFINED.—In this section, the*
 12 *term ‘Fisher house’ means a housing facility that—*

13 “(1) *is located in proximity to a medical treat-*
 14 *ment facility of the Army or the Air Force; and*

15 “(2) *is available for residential use on a tem-*
 16 *porary basis by patients at such facilities, members*
 17 *of the family of such patients, and others providing*
 18 *the equivalent of familial support for such patients.”.*

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

“2221. *Fisher House trust funds.*”.

21 “(b) *CORPUS OF TRUST FUNDS.—(1) The Secretary of*
 22 *the Treasury shall—*

23 “(A) *close the accounts established with the funds*
 24 *that were required by section 8019 of Public Law*
 25 *102–172 (105 Stat. 1175) and section 9023 of Public*

1 *Law 102–396 (106 Stat. 1905) to be transferred to an*
2 *appropriated trust fund; and*

3 *(B) transfer the amounts in such accounts to the*
4 *Fisher House Trust Fund, Department of the Army,*
5 *established by subsection (a)(1) of section 2221 of title*
6 *10, United States Code, as added by subsection (a).*
7 *(2) The Secretary of the Air Force shall transfer to*
8 *the Fisher House Trust Fund, Department of the Air Force,*
9 *established by subsection (a)(2) of section 2221 of title 10,*
10 *United States Code (as added by section (a)), all amounts*
11 *in the accounts for Air Force installations and other facili-*
12 *ties that, as of the date of the enactment of this Act, are*
13 *available for operation and maintenance of Fisher houses*
14 *(as defined in subsection (d) of such section 2221).*

15 *(c) CONFORMING AMENDMENTS.—Section 1321 of title*
16 *31, United States Code, is amended—*

17 *(1) by adding at the end of subsection (a) the fol-*
18 *lowing:*

19 *“(92) Fisher House Trust Fund, Department of*
20 *the Army.*

21 *“(93) Fisher House Trust Fund, Department of*
22 *the Air Force.”; and*

23 *(2) in subsection (b)—*

24 *(A) by inserting “(1)” after “(b)”;*

1 (B) *in the second sentence, by striking out*
2 *“Amounts accruing to these funds (except to the*
3 *trust fund ‘Armed Forces Retirement Home*
4 *Trust Fund’)” and inserting in lieu thereof “Ex-*
5 *cept as provided in paragraph (2), amounts ac-*
6 *curring to these funds”;*

7 (C) *by striking out the third sentence; and*

8 (D) *by adding at the end the following:*

9 “(2) *Expenditures from the following trust funds may*
10 *be made only under annual appropriations and only if the*
11 *appropriations are specifically authorized by law:*

12 “(A) *Armed Forces Retirement Home Trust*
13 *Fund.*

14 “(B) *Fisher House Trust Fund, Department of*
15 *the Army.*

16 “(C) *Fisher House Trust Fund, Department of*
17 *the Air Force.”.*

18 (d) *REPEAL OF SUPERSEDED PROVISIONS.—The fol-*
19 *lowing provisions of law are repealed:*

20 (1) *Section 8019 of Public Law 102–172 (105*
21 *Stat. 1175).*

22 (2) *Section 9023 of Public Law 102–396 (106*
23 *Stat. 1905).*

24 (3) *Section 8019 of Public Law 103–139 (107*
25 *Stat. 1441).*

1 (4) *Section 8017 of Public Law 103–335 (108*
2 *Stat. 2620; 10 U.S.C. 1074 note).*

3 **SEC. 915. LIMITATION ON USE OF AUTHORITY TO PAY FOR**
4 **EMERGENCY AND EXTRAORDINARY EX-**
5 **PENSES.**

6 *Section 127 of title 10, United States Code, is amend-*
7 *ed—*

8 (1) *by redesignating subsection (c) as subsection*
9 *(d); and*

10 (2) *by inserting after subsection (b) the following*
11 *new subsection (c):*

12 “(c)(1) *Funds may not be obligated or expended in an*
13 *amount in excess of \$500,000 under the authority of sub-*
14 *section (a) or (b) until the Secretary of Defense has notified*
15 *the Committee on Armed Services and the Committee on*
16 *Appropriations of the Senate and the Committee on Na-*
17 *tional Security and the Committee on Appropriations of*
18 *the House of Representatives of the intent to obligate or ex-*
19 *pend the funds, and—*

20 “(A) *in the case of an obligation or expenditure*
21 *in excess of \$1,000,000, 15 days have elapsed since the*
22 *date of the notification; or*

23 “(B) *in the case of an obligation or expenditure*
24 *in excess of \$500,000, but not in excess of \$1,000,000,*
25 *5 days have elapsed since the date of the notification.*

1 “(2) Subparagraph (A) or (B) of paragraph (1) shall
2 not apply to an obligation or expenditure of funds otherwise
3 covered by such subparagraph if the Secretary of Defense
4 determines that the national security objectives of the Unit-
5 ed States will be compromised by the application of the sub-
6 paragraph to the obligation or expenditure. If the Secretary
7 makes a determination with respect to an obligation or ex-
8 penditure under the preceding sentence, the Secretary shall
9 immediately notify the committees referred to in paragraph
10 (1) that such obligation or expenditure is necessary and
11 provide any relevant information (in classified form, if nec-
12 essary) jointly to the chairman and ranking minority mem-
13 ber (or their designees) of such committees.

14 “(3) A notification under paragraph (1) and informa-
15 tion referred to in paragraph (2) shall include the amount
16 to be obligated or expended, as the case may be, and the
17 purpose of the obligation or expenditure.”.

18 **TITLE X—GENERAL PROVISIONS**

19 **Subtitle A—Financial Matters**

20 **SEC. 1001. TRANSFER AUTHORITY.**

21 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—(1)
22 Upon determination by the Secretary of Defense that such
23 action is necessary in the national interest, the Secretary
24 may transfer amounts of authorizations made available to
25 the Department of Defense in this division for fiscal year

1 1996 between any such authorizations for that fiscal year
2 (or any subdivisions thereof). Amounts of authorizations so
3 transferred shall be merged with and be available for the
4 same purposes as the authorization to which transferred.

5 (2) The total amount of authorizations that the Sec-
6 retary of Defense may transfer under the authority of this
7 section may not exceed \$2,000,000,000.

8 (b) *LIMITATIONS.*—The authority provided by this sec-
9 tion to transfer authorizations—

10 (1) may only be used to provide authority for
11 items that have a higher priority than the items from
12 which authority is transferred; and

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

15 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—A trans-
16 fer made from one account to another under the authority
17 of this section shall be deemed to increase the amount au-
18 thorized for the account to which the amount is transferred
19 by an amount equal to the amount transferred.

20 (d) *NOTICE TO CONGRESS.*—The Secretary shall
21 promptly notify Congress of each transfer made under sub-
22 section (a).

23 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

24 (a) *STATUS OF CLASSIFIED ANNEX.*—The Classified
25 Annex prepared by the committee on conference to accom-

1 *pany the bill H.R. 1530 of the One Hundred Fourth Con-*
2 *gress and transmitted to the President is hereby incor-*
3 *porated into this Act.*

4 (b) *CONSTRUCTION WITH OTHER PROVISIONS OF*
5 *ACT.*—*The amounts specified in the Classified Annex are*
6 *not in addition to amounts authorized to be appropriated*
7 *by other provisions of this Act.*

8 (c) *LIMITATION ON USE OF FUNDS.*—*Funds appro-*
9 *priated pursuant to an authorization contained in this Act*
10 *that are made available for a program, project, or activity*
11 *referred to in the Classified Annex may only be expended*
12 *for such program, project, or activity in accordance with*
13 *such terms, conditions, limitations, restrictions, and re-*
14 *quirements as are set out for that program, project, or activ-*
15 *ity in the Classified Annex.*

16 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.*—*The*
17 *President shall provide for appropriate distribution of the*
18 *Classified Annex, or of appropriate portions of the annex,*
19 *within the executive branch of the Government.*

20 **SEC. 1003. IMPROVED FUNDING MECHANISMS FOR**
21 **UNBUDGETED OPERATIONS.**

22 (a) *REVISION OF FUNDING MECHANISM.*—(1) *Section*
23 *127a of title 10, United States Code, is amended to read*
24 *as follows:*

1 **“§ 127a. Operations for which funds are not provided**
2 **in advance: funding mechanisms**

3 “(a) *IN GENERAL.*—(1) *The Secretary of Defense shall*
4 *use the procedures prescribed by this section with respect*
5 *to any operation specified in paragraph (2) that involves—*

6 “(A) *the deployment (other than for a training*
7 *exercise) of elements of the Armed Forces for a pur-*
8 *pose other than a purpose for which funds have been*
9 *specifically provided in advance; or*

10 “(B) *the provision of humanitarian assistance,*
11 *disaster relief, or support for law enforcement (includ-*
12 *ing immigration control) for which funds have not*
13 *been specifically provided in advance.*

14 “(2) *This section applies to—*

15 “(A) *any operation the incremental cost of which*
16 *is expected to exceed \$50,000,000; and*

17 “(B) *any other operation the expected incremen-*
18 *tal cost of which, when added to the expected incre-*
19 *mental costs of other operations that are currently on-*
20 *going, is expected to result in a cumulative incremen-*
21 *tal cost of ongoing operations of the Department of*
22 *Defense in excess of \$100,000,000.*

23 *Any operation the incremental cost of which is expected not*
24 *to exceed \$10,000,000 shall be disregarded for the purposes*
25 *of subparagraph (B).*

1 “(3) Whenever an operation to which this section ap-
2 plies is commenced or subsequently becomes covered by this
3 section, the Secretary of Defense shall designate and iden-
4 tify that operation for the purposes of this section and shall
5 promptly notify Congress of that designation (and of the
6 identification of the operation).

7 “(4) This section does not provide authority for the
8 President or the Secretary of Defense to carry out any oper-
9 ation, but establishes mechanisms for the Department of De-
10 fense by which funds are provided for operations that the
11 armed forces are required to carry out under some other
12 authority.

13 “(b) *WAIVER OF REQUIREMENT TO REIMBURSE SUP-*
14 *PORT UNITS.*—(1) The Secretary of Defense shall direct
15 that, when a unit of the Armed Forces participating in an
16 operation described in subsection (a) receives services from
17 an element of the Department of Defense that operates
18 through the Defense Business Operations Fund (or a succes-
19 sor fund), such unit of the Armed Forces may not be re-
20 quired to reimburse that element for the incremental costs
21 incurred by that element in providing such services, not-
22 withstanding any other provision of law or any Govern-
23 ment accounting practice.

24 “(2) The amounts which but for paragraph (1) would
25 be required to be reimbursed to an element of the Depart-

1 *ment of Defense (or a fund) shall be recorded as an expense*
2 *attributable to the operation and shall be accounted for sep-*
3 *arately.*

4 “(c) *TRANSFER AUTHORITY.—(1) Whenever there is*
5 *an operation of the Department of Defense described in sub-*
6 *section (a), the Secretary of Defense may transfer amounts*
7 *described in paragraph (3) to accounts from which incre-*
8 *mental expenses for that operation were incurred in order*
9 *to reimburse those accounts for those incremental expenses.*
10 *Amounts so transferred shall be merged with and be avail-*
11 *able for the same purposes as the accounts to which trans-*
12 *ferred.*

13 “(2) *The total amount that the Secretary of Defense*
14 *may transfer under the authority of this section in any fis-*
15 *cal year is \$200,000,000.*

16 “(3) *Transfers under this subsection may only be made*
17 *from amounts appropriated to the Department of Defense*
18 *for any fiscal year that remain available for obligation,*
19 *other than amounts within any operation and maintenance*
20 *appropriation that are available for (A) an account (known*
21 *as a budget activity 1 account) that is specified as being*
22 *for operating forces, or (B) an account (known as a budget*
23 *activity 2 account) that is specified as being for mobiliza-*
24 *tion.*

1 “(4) *The authority provided by this subsection is in*
2 *addition to any other authority provided by law authoriz-*
3 *ing the transfer of amounts available to the Department of*
4 *Defense. However, the Secretary may not use any such au-*
5 *thority under another provision of law for a purpose de-*
6 *scribed in paragraph (1) if there is authority available*
7 *under this subsection for that purpose.*

8 “(5) *The authority provided by this subsection to*
9 *transfer amounts may not be used to provide authority for*
10 *an activity that has been denied authorization by Congress.*

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

16 “(d) *REPORT UPON DESIGNATION OF AN OPER-*
17 *ATION.—Within 45 days after the Secretary of Defense iden-*
18 *tifies an operation pursuant to subsection (a)(2), the Sec-*
19 *retary of Defense shall submit to Congress a report that sets*
20 *forth the following:*

21 “(1) *The manner by which the Secretary pro-*
22 *poses to obtain funds for the cost to the United States*
23 *of the operation, including a specific discussion of*
24 *how the Secretary proposes to restore balances in—*

1 “(A) *the Defense Business Operations Fund*
2 *(or a successor fund), or*

3 “(B) *the accounts from which the Secretary*
4 *transfers funds under the authority of subsection*
5 *(c), to the levels that would have been antici-*
6 *ipated but for the provisions of subsection (c).*

7 “(2) *If the operation is described in subsection*
8 *(a)(1)(B), a justification why the budgetary resources*
9 *of another department or agency of the Federal Gov-*
10 *ernment, instead of resources of the Department of*
11 *Defense, are not being used for carrying out the oper-*
12 *ation.*

13 “(3) *The objectives of the operation.*

14 “(4) *The estimated duration of the operation and*
15 *of any deployment of armed forces personnel in such*
16 *operation.*

17 “(5) *The estimated incremental cost of the oper-*
18 *ation to the United States.*

19 “(6) *The exit criteria for the operation and for*
20 *the withdrawal of the elements of the armed forces in-*
21 *volved in the operation.*

22 “(e) *LIMITATIONS.—(1) The Secretary may not restore*
23 *balances in the Defense Business Operations Fund through*
24 *increases in rates charged by that fund in order to com-*

1 *pensate for costs incurred and not reimbursed due to sub-*
2 *section (b).*

3 “(2) *The Secretary may not restore balances in the De-*
4 *fense Business Operations Fund or any other fund or ac-*
5 *count through the use of unobligated amounts in an oper-*
6 *ation and maintenance appropriation that are available*
7 *within that appropriation for (A) an account (known as*
8 *a budget activity 1 account) that is specified as being for*
9 *operating forces, or (B) an account (known as a budget ac-*
10 *tivity 2 account) that is specified as being for mobilization.*

11 “(f) *SUBMISSION OF REQUESTS FOR SUPPLEMENTAL*
12 *APPROPRIATIONS.—(1) Whenever there is an operation de-*
13 *scribed in subsection (a), the President shall submit to Con-*
14 *gress a request for the enactment of supplemental appro-*
15 *priations for the then-current fiscal year in order to provide*
16 *funds to replenish the Defense Business Operations Fund*
17 *or any other fund or account of the Department of Defense*
18 *from which funds for the incremental expenses of that oper-*
19 *ation were derived under this section.*

20 “(2) *A request under paragraph (1) shall be submitted*
21 *not later than 45 days after the date on which notification*
22 *is provided pursuant to subsection (a)(3). The request shall*
23 *be submitted as a separate request from any other legislative*
24 *proposal.*

1 “(g) *REQUIREMENTS RELATING TO ADDITIONAL SUP-*
2 *PLEMENTAL APPROPRIATIONS.*—If, after a supplemental
3 appropriation has been requested for an operation under
4 subsection (f) and has been provided by law, enactment of
5 an additional supplemental appropriation becomes nec-
6 essary for the operation before the withdrawal of all armed
7 forces personnel from the operation, the Secretary of Defense
8 shall submit to Congress a revised report described in sub-
9 section (d) and the President shall submit to Congress an
10 additional request for enactment of a supplemental appro-
11 priation as described in subsection (f). The revised report
12 and the request shall be submitted as soon as it is deter-
13 mined that the additional supplemental appropriation is
14 necessary.

15 “(h) *INCREMENTAL COSTS.*—For purposes of this sec-
16 tion, incremental costs of the Department of Defense with
17 respect to an operation are the costs of the Department that
18 are directly attributable to the operation (and would not
19 have been incurred but for the operation). Incremental costs
20 do not include the cost of property or services acquired by
21 the Department that are paid for by a source outside the
22 Department or out of funds contributed by such a source.

23 “(i) *RELATIONSHIP TO WAR POWERS RESOLUTION.*—
24 This section may not be construed as altering or supersed-

1 *ing the War Powers Resolution. This section does not pro-*
2 *vide authority to conduct any military operation.*

3 “(j) *GAO COMPLIANCE REVIEWS.*—*The Comptroller*
4 *General of the United States shall from time to time, and*
5 *when requested by a committee of Congress, conduct a re-*
6 *view of the defense funding structure under this section to*
7 *determine whether the Department of Defense is complying*
8 *with the requirements and limitations of this section.”.*

9 (2) *The item relating to section 127a in the table of*
10 *sections at the beginning of chapter 3 of such title is amend-*
11 *ed to read as follows:*

“127a. Operations for which funds are not provided in advance: funding mecha-
nisms.”.

12 (b) *EFFECTIVE DATE.*—*The amendment to section*
13 *127a of title 10, United States Code, made by subsection*
14 *(a) shall take effect on the date of the enactment of this*
15 *Act and shall apply to any operation of the Department*
16 *of Defense that is in effect on or after that date, whether*
17 *such operation is begun before, on, or after such date of en-*
18 *actment. In the case of an operation begun before such date,*
19 *any reference in such section to the commencement of such*
20 *operation shall be treated as referring to the effective date*
21 *under the preceding sentence.*

22 ***SEC. 1004. OPERATION PROVIDE COMFORT.***

23 (a) *AUTHORIZATION OF AMOUNTS AVAILABLE.*—*With-*
24 *in the total amounts authorized to be appropriated in titles*

1 *III and IV, there is hereby authorized to be appropriated*
2 *for fiscal year 1996 for costs associated with Operation Pro-*
3 *vide Comfort—*

4 (1) *\$136,300,000 for operation and maintenance*
5 *costs; and*

6 (2) *\$7,000,000 for incremental military person-*
7 *nel costs.*

8 (b) *REPORT.—Not more than \$70,000,000 of the*
9 *amount appropriated under subsection (a) may be obligated*
10 *until the Secretary of Defense submits to the congressional*
11 *defense committees a report on Operation Provide Comfort*
12 *which includes the following:*

13 (1) *A detailed presentation of the projected costs*
14 *to be incurred by the Department of Defense for Oper-*
15 *ation Provide Comfort during fiscal year 1996, to-*
16 *gether with a discussion of missions and functions ex-*
17 *pected to be performed by the Department as part of*
18 *that operation during that fiscal year.*

19 (2) *A detailed presentation of the projected costs*
20 *to be incurred by other departments and agencies of*
21 *the Federal Government participating in or providing*
22 *support to Operation Provide Comfort during fiscal*
23 *year 1996.*

24 (3) *A discussion of available options to reduce*
25 *the involvement of the Department of Defense in those*

1 *aspects of Operation Provide Comfort that are not di-*
2 *rectly related to the military mission of the Depart-*
3 *ment of Defense.*

4 (4) *A plan establishing an exit strategy for Unit-*
5 *ed States involvement in, and support for, Operation*
6 *Provide Comfort.*

7 (c) *OPERATION PROVIDE COMFORT.*—*For purposes of*
8 *this section, the term “Operation Provide Comfort” means*
9 *the operation of the Department of Defense that as of Octo-*
10 *ber 30, 1995, is designated as Operation Provide Comfort.*

11 ***SEC. 1005. OPERATION ENHANCED SOUTHERN WATCH.***

12 (a) *AUTHORIZATION OF AMOUNTS AVAILABLE.*—*With-*
13 *in the total amounts authorized to be appropriated in titles*
14 *III and IV, there is hereby authorized to be appropriated*
15 *for fiscal year 1996 for costs associated with Operation En-*
16 *hanced Southern Watch—*

17 (1) *\$433,400,000 for operation and maintenance*
18 *costs; and*

19 (2) *\$70,400,000 for incremental military person-*
20 *nel costs.*

21 (b) *REPORT.*—(1) *Of the amounts specified in sub-*
22 *section (a), not more than \$250,000,000 may be obligated*
23 *until the Secretary of Defense submits to the congressional*
24 *defense committees a report designating Operation En-*
25 *hanced Southern Watch, or significant elements thereof, as*

1 *a forward presence operation for which funding should be*
2 *budgeted as part of the annual defense budget process in*
3 *the same manner as other activities of the Armed Forces*
4 *involving forward presence or forward deployed forces.*

5 *(2) The report shall set forth the following:*

6 *(A) The expected duration and annual costs of*
7 *the various elements of Operation Enhanced Southern*
8 *Watch.*

9 *(B) Those elements of Operation Enhanced*
10 *Southern Watch that are semi-permanent in nature*
11 *and should be budgeted in the future as part of the*
12 *annual defense budget process in the same manner as*
13 *other activities of the Armed Forces involving forward*
14 *presence or forward deployed forces.*

15 *(C) The political and military objectives associ-*
16 *ated with Operation Enhanced Southern Watch.*

17 *(D) The contributions (both in-kind and actual)*
18 *by other nations to the costs of conducting Operation*
19 *Enhanced Southern Watch.*

20 *(c) OPERATION ENHANCED SOUTHERN WATCH.—For*
21 *purposes of this section, the term “Operation Enhanced*
22 *Southern Watch” means the operation of the Department*
23 *of Defense that as of October 30, 1995, is designated as Op-*
24 *eration Enhanced Southern Watch.*

1 **SEC. 1006. AUTHORITY FOR OBLIGATION OF CERTAIN UN-**
2 **AUTHORIZED FISCAL YEAR 1995 DEFENSE AP-**
3 **PROPRIATIONS.**

4 (a) *AUTHORITY.*—*The amounts described in subsection*
5 *(b) may be obligated and expended for programs, projects,*
6 *and activities of the Department of Defense in accordance*
7 *with fiscal year 1995 defense appropriations except as oth-*
8 *erwise provided in subsection (c).*

9 (b) *COVERED AMOUNTS.*—*The amounts referred to in*
10 *subsection (a) are the amounts provided for programs,*
11 *projects, and activities of the Department of Defense in fis-*
12 *cal year 1995 defense appropriations that are in excess of*
13 *the amounts provided for such programs, projects, and ac-*
14 *tivities in fiscal year 1995 defense authorizations.*

15 (c) *PROGRAMS NOT AVAILABLE FOR OBLIGATION.*—
16 *Amounts described in subsection (b) which remain available*
17 *for obligation on the date of the enactment of this Act may*
18 *not be obligated or expended for the following programs,*
19 *projects, and activities of the Department of Defense (for*
20 *which amounts were provided in fiscal year 1995 defense*
21 *appropriations):*

22 (1) *The TARTAR support equipment program*
23 *under “Weapons Procurement, Navy” in the amount*
24 *of \$2,400,000.*

1 (2) *The natural gas utilization equipment pro-*
2 *gram under “Other Procurement, Navy” in the*
3 *amount of \$8,000,000.*

4 (3) *The munitions standardization-plasma fur-*
5 *nace technology program under “Research, Develop-*
6 *ment, Test, and Evaluation, Army” in the amount of*
7 *\$7,500,000.*

8 (4) *The logistics technology-cold pasteurization/*
9 *sterilization program under “Research, Development,*
10 *Test, and Evaluation, Army” in the amount of*
11 *\$2,000,000.*

12 (5) *The logistics technology-air beam tents pro-*
13 *gram under “Research, Development, Test, and Eval-*
14 *uation, Army” in the amount of \$500,000.*

15 (d) *DEFINITIONS.—For the purposes of this section:*

16 (1) *FISCAL YEAR 1995 DEFENSE APPROPRIA-*
17 *TIONS.—The term “fiscal year 1995 defense appro-*
18 *priations” means amounts appropriated or otherwise*
19 *made available to the Department of Defense for fiscal*
20 *year 1995 in the Department of Defense Appropria-*
21 *tions Act, 1995 (Public Law 103–335).*

22 (2) *FISCAL YEAR 1995 DEFENSE AUTHORIZA-*
23 *TIONS.—The term “fiscal year 1995 defense author-*
24 *izations” means amounts authorized to be appro-*
25 *priated for the Department of Defense for fiscal year*

1 *reduced by \$832,000,000 to reflect savings from revised eco-*
2 *nomie assumptions. Such reduction shall be made from ac-*
3 *counts in those titles as follows:*

4 *Operation and Maintenance, Army, \$54,000,000.*

5 *Operation and Maintenance, Navy, \$80,000,000.*

6 *Operation and Maintenance, Marine Corps,*
7 *\$9,000,000.*

8 *Operation and Maintenance, Air Force,*
9 *\$51,000,000.*

10 *Operation and Maintenance, Defense-Wide,*
11 *\$36,000,000.*

12 *Operation and Maintenance, Army Reserve,*
13 *\$4,000,000.*

14 *Operation and Maintenance, Navy Reserve,*
15 *\$4,000,000.*

16 *Operation and Maintenance, Marine Corps Re-*
17 *serve, \$1,000,000.*

18 *Operation and Maintenance, Air Force Reserve,*
19 *\$3,000,000.*

20 *Operation and Maintenance, Army National*
21 *Guard, \$7,000,000.*

22 *Operation and Maintenance, Air National*
23 *Guard, \$7,000,000.*

24 *Drug Interdiction and Counter-Drug Activities,*
25 *Defense, \$5,000,000.*

1 *Environmental Restoration, Defense,*
2 *\$11,000,000.*

3 *Overseas Humanitarian, Disaster, and Civic*
4 *Aid, \$1,000,000.*

5 *Former Soviet Union Threat Reduction,*
6 *\$2,000,000.*

7 *Defense Health Program, \$51,000,000.*

8 *Aircraft Procurement, Army, \$9,000,000.*

9 *Missile Procurement, Army, \$5,000,000.*

10 *Procurement of Weapons and Tracked Combat*
11 *Vehicles, Army, \$10,000,000.*

12 *Procurement of Ammunition, Army, \$6,000,000.*

13 *Other Procurement, Army, \$17,000,000.*

14 *Aircraft Procurement, Navy, \$29,000,000.*

15 *Weapons Procurement, Navy, \$13,000,000.*

16 *Shipbuilding and Conversion, Navy,*
17 *\$42,000,000.*

18 *Other Procurement, Navy, \$18,000,000.*

19 *Procurement, Marine Corps, \$4,000,000.*

20 *Aircraft Procurement, Air Force, \$50,000,000.*

21 *Missile Procurement, Air Force, \$29,000,000.*

22 *Other Procurement, Air Force, \$45,000,000.*

23 *Procurement, Defense-Wide, \$16,000,000.*

24 *Chemical Agents and Munitions Destruction, De-*
25 *fense, \$5,000,000.*

1 *Research, Development, Test and Evaluation,*
2 *Army, \$20,000,000.*

3 *Research, Development, Test and Evaluation,*
4 *Navy, \$50,000,000.*

5 *Research, Development, Test and Evaluation,*
6 *Air Force, \$79,000,000.*

7 *Research, Development, Test and Evaluation,*
8 *Defense-Wide, \$57,000,000.*

9 *Research, Development, Test and Evaluation,*
10 *Defense, \$2,000,000.*

11 **(b) REDUCTIONS TO BE APPLIED PROPORTION-**
12 *ALLY.—Reductions under this section shall be applied pro-*
13 *portionally to each budget activity, activity group, and sub-*
14 *activity group and to each program, project, and activity*
15 *within each account.*

16 ***Subtitle B—Naval Vessels and***
17 ***Shipyards***

18 ***SEC. 1011. IOWA CLASS BATTLESHIPS.***

19 **(a) RETURN TO NAVAL VESSEL REGISTER.—***The Sec-*
20 *retary of the Navy shall list on the Naval Vessel Register,*
21 *and maintain on such register, at least two of the Iowa-*
22 *class battleships that were stricken from the register in Feb-*
23 *ruary 1995.*

24 **(b) SUPPORT.—***The Secretary shall retain the existing*
25 *logistical support necessary for support of at least two oper-*

1 *ational Iowa class battleships in active service, including*
2 *technical manuals, repair and replacement parts, and ord-*
3 *nance.*

4 *(c) SELECTION OF SHIPS.—The Secretary shall select*
5 *for listing on the Naval Vessel Register under subsection (a)*
6 *Iowa class battleships that are in good material condition*
7 *and can provide adequate fire support for an amphibious*
8 *assault.*

9 *(d) REPLACEMENT FIRE-SUPPORT CAPABILITY.—(1)*
10 *If the Secretary of the Navy makes a certification described*
11 *in paragraph (2), the requirements of subsections (a) and*
12 *(b) shall terminate, effective 60 days after the date of the*
13 *submission of such certification.*

14 *(2) A certification referred to in paragraph (1) is a*
15 *certification submitted by the Secretary of the Navy in*
16 *writing to the Committee on Armed Services of the Senate*
17 *and the Committee on National Security of the House of*
18 *Representatives that the Navy has within the fleet an oper-*
19 *ational surface fire-support capability that equals or ex-*
20 *ceeds the fire-support capability that the Iowa class battle-*
21 *ships listed on the Naval Vessel Register pursuant to sub-*
22 *section (a) would, if in active service, be able to provide*
23 *for Marine Corps amphibious assaults and operations*
24 *ashore.*

1 **SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN**
2 **FOREIGN COUNTRIES.**

3 (a) *TRANSFERS BY GRANT.*—*The Secretary of the*
4 *Navy is authorized to transfer on a grant basis under sec-*
5 *tion 516 of the Foreign Assistance Act of 1961 (22 U.S.C.*
6 *2321j) frigates of the Oliver Hazard Perry class to other*
7 *countries as follows:*

8 (1) *To the Government of Bahrain, the guided*
9 *missile frigate Jack Williams (FFG 24).*

10 (2) *To the Government of Egypt, the frigate*
11 *Copeland (FFG 25).*

12 (3) *To the Government of Turkey, the frigates*
13 *Clifton Sprague (FFG 16) and Antrim (FFG 20).*

14 (b) *TRANSFERS BY LEASE OR SALE.*—*The Secretary*
15 *of the Navy is authorized to transfer on a lease basis under*
16 *section 61 of the Arms Export Control Act (22 U.S.C. 2796)*
17 *or on a sale basis under section 21 of the Arms Export Con-*
18 *trol Act (22 U.S.C. 2761) frigates of the Oliver Hazard*
19 *Perry class to other countries as follows:*

20 (1) *To the Government of Egypt, the frigate*
21 *Duncan (FFG 10).*

22 (2) *To the Government of Oman, the guided mis-*
23 *sile frigate Mahlon S. Tisdale (FFG 27).*

24 (3) *To the Government of Turkey, the frigate*
25 *Flatley (FFG 21).*

1 (4) *To the Government of the United Arab Emir-*
2 *ates, the guided missile frigate Gallery (FFG 26).*

3 (c) *FINANCING FOR TRANSFERS BY LEASE.*—Section
4 *23 of the Arms Export Control Act (22 U.S.C. 2763) may*
5 *be used to provide financing for any transfer by lease under*
6 *subsection (b) in the same manner as if such transfer were*
7 *a procurement by the recipient nation of a defense article.*

8 (d) *COSTS OF TRANSFERS.*—Any expense incurred by
9 *the United States in connection with a transfer authorized*
10 *by subsection (a) or (b) shall be charged to the recipient.*

11 (e) *EXPIRATION OF AUTHORITY.*—The authority to
12 *transfer a vessel under subsection (a) and under subsection*
13 *(b) shall expire at the end of the two-year period beginning*
14 *on the date of the enactment of this Act, except that a lease*
15 *entered into during that period under any provision of sub-*
16 *section (b) may be renewed.*

17 (f) *REPAIR AND REFURBISHMENT IN UNITED STATES*
18 *SHIPYARDS.*—The Secretary of the Navy shall require, as
19 *a condition of the transfer of a vessel under this section,*
20 *that the country to which the vessel is transferred have such*
21 *repair or refurbishment of the vessel as is needed, before the*
22 *vessel joins the naval forces of that country, performed at*
23 *a shipyard located in the United States, including a United*
24 *States Navy shipyard.*

1 (g) *PROHIBITION ON CERTAIN TRANSFERS OF VES-*
 2 *SELS ON GRANT BASIS.*—(1) *Section 516 of the Foreign As-*
 3 *sistance Act of 1961 (22 U.S.C. 2321j) is amended by add-*
 4 *ing at the end the following new subsection:*

5 “(g) *PROHIBITION ON CERTAIN TRANSFERS OF VES-*
 6 *SELS ON GRANT BASIS.*—(1) *The President may not trans-*
 7 *fer on a grant basis under this section a vessel that is in*
 8 *excess of 3,000 tons or that is less than 20 years of age.*

9 “(2) *If the President determines that it is in the na-*
 10 *tional security interests of the United States to transfer a*
 11 *particular vessel on a grant basis under this section, the*
 12 *President may request that Congress enact legislation ex-*
 13 *empting the transfer from the prohibition in paragraph*
 14 *(1).”.*

15 (2) *The amendment made by paragraph (1) shall*
 16 *apply with respect to the transfer of a vessel on or after*
 17 *the date of the enactment of this Act (other than a vessel*
 18 *the transfer of which is authorized by subsection (a) or by*
 19 *law before the date of the enactment of this Act).*

20 **SEC. 1013. CONTRACT OPTIONS FOR LMSR VESSELS.**

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

22 (1) *A requirement for the Department of the*
 23 *Navy to acquire 19 large, medium-speed, roll-on/roll-*
 24 *off (LMSR) vessels was established by the Secretary of*
 25 *Defense in the Mobility Requirements Study con-*

1 *ducted after the Persian Gulf War pursuant to section*
2 *909 of the National Defense Authorization Act for*
3 *Fiscal Year 1991 (Public Law 101-510; 104 Stat.*
4 *1623) and was revalidated by the Secretary of De-*
5 *fense in the report entitled “Mobility Requirements*
6 *Study Bottom-Up Review Update”, submitted to Con-*
7 *gress in April 1995.*

8 *(2) The Strategic Sealift Program is a vital ele-*
9 *ment of the national military strategy calling for the*
10 *Nation to be able to fight and win two nearly simul-*
11 *taneous major regional contingencies.*

12 *(3) The Secretary of the Navy has entered into*
13 *contracts with shipyards covering acquisition of a*
14 *total of 17 such LMSR vessels, of which five are vessel*
15 *conversions and 12 are new construction vessels.*
16 *Under those contracts, the Secretary has placed orders*
17 *for the acquisition of 11 vessels and has options for*
18 *the acquisition of six more, all of which would be new*
19 *construction vessels. The options allow the Secretary*
20 *to place orders for one vessel to be constructed at each*
21 *of two shipyards for award before December 31, 1995,*
22 *December 31, 1996, and December 31, 1997, respec-*
23 *tively.*

24 *(4) Acquisition of an additional two such LMSR*
25 *vessels, for a total of 19 vessels (the requirement de-*

1 scribed in paragraph (1)) would contribute to preser-
2 vation of the industrial base of United States ship-
3 yards capable of building auxiliary and sealift ves-
4 sels.

5 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
6 that the Secretary of the Navy should plan for, and budget
7 to provide for, the acquisition as soon as possible of a total
8 of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels
9 (the number determined to be required in the Mobility Re-
10 quirements Study referred to in subsection (a)(1)), rather
11 than only 17 such vessels (the number of vessels under con-
12 tract as of May 1995).

13 (c) *ADDITIONAL NEW CONSTRUCTION CONTRACT OP-*
14 *TION.*—The Secretary of the Navy should negotiate with
15 each of the two shipyards holding new construction con-
16 tracts referred to in subsection (a)(3) (Department of the
17 Navy contracts numbered N00024-93-C-2203 and
18 N00024-93-C-2205) for an option under each such con-
19 tract for construction of one additional such LMSR vessel,
20 with such option to be available to the Secretary for exercise
21 during 1995, 1996, or 1997.

22 (d) *REPORT.*—The Secretary of the Navy shall submit
23 to the congressional defense committees, by March 31, 1996,
24 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 **SEC. 1014. NATIONAL DEFENSE RESERVE FLEET.**

4 (a) *AVAILABILITY OF NATIONAL DEFENSE SEALIFT*
5 *FUND.*—Section 2218 of title 10, United States Code, is
6 *amended—*

7 (1) *in subsection (c)(1)—*

8 (A) *by striking out “only for—” in the*
9 *matter preceding subparagraph (A) and insert-*
10 *ing in lieu thereof “only for the following pur-*
11 *poses:”;*

12 (B) *by capitalizing the first letter of the*
13 *first word of subparagraphs (A), (B), (C), and*
14 *(D);*

15 (C) *by striking out the semicolon at the end*
16 *of subparagraphs (A) and (B) and inserting in*
17 *lieu thereof a period;*

18 (D) *by striking out “; and” at the end of*
19 *subparagraph (C) and inserting in lieu thereof a*
20 *period; and*

21 (E) *by adding at the end the following new*
22 *subparagraph:*

23 “(E) *Expenses for maintaining the National De-*
24 *fense Reserve Fleet under section 11 of the Merchant*
25 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and*

1 for the costs of acquisition of vessels for, and alter-
 2 ation and conversion of vessels in (or to be placed in),
 3 the fleet, but only for vessels built in United States
 4 shipyards.”; and

5 (2) in subsection (i), by inserting “(other than
 6 subsection (c)(1)(E))” after “Nothing in this section”.

7 (b) *CLARIFICATION OF EXEMPTION OF NDRF VES-*
 8 *SELS FROM RETROFIT REQUIREMENT.*—Section 11 of the
 9 *Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744)*
 10 is amended by adding at the end the following new sub-
 11 section:

12 “(e) Vessels in the National Defense Reserve Fleet are
 13 exempt from the provisions of section 3703a of title 46,
 14 United States Code.”.

15 (c) *AUTHORITY TO USE NATIONAL DEFENSE SEALIFT*
 16 *FUND TO CONVERT TWO VESSELS.*—Of the amount author-
 17 ized to be appropriated in section 302 for fiscal year 1996
 18 for the National Defense Sealift Fund under section 2218
 19 of title 10, United States Code, not more than \$20,000,000
 20 shall be available for conversion work on the following two
 21 roll-on/roll-off vessels, which were acquired by the Maritime
 22 Administration during fiscal year 1995:

23 (1) *M/V Cape Knox (ON-1036323).*

24 (2) *M/V Cape Kennedy (ON-1036324).*

1 **SEC. 1015. NAVAL SALVAGE FACILITIES.**

2 Chapter 637 of title 10, United States Code, is amend-
3 ed to read as follows:

4 **“CHAPTER 637—SALVAGE FACILITIES**

“Sec.

“7361. Authority to provide for necessary salvage facilities.

“7362. Acquisition and transfer of vessels and equipment.

“7363. Settlement of claims.

“7364. Disposition of receipts.

5 **“§ 7361. Authority to provide for necessary salvage fa-**
6 **cilities**

7 “(a) *AUTHORITY.*—The Secretary of the Navy may
8 provide, by contract or otherwise, necessary salvage facili-
9 ties for public and private vessels.

10 “(b) *COORDINATION WITH SECRETARY OF TRANSPOR-*
11 *TATION.*—The Secretary shall submit to the Secretary of
12 Transportation for comment each proposed contract for sal-
13 vage facilities that affects the interests of the Department
14 of Transportation.

15 “(c) *LIMITATION.*—The Secretary of the Navy may
16 enter into a term contract under subsection (a) only if the
17 Secretary determines that available commercial salvage fa-
18 cilities are inadequate to meet the requirements of national
19 defense.

20 “(d) *PUBLIC NOTICE.*—The Secretary may not enter
21 into a contract under subsection (a) until the Secretary has
22 provided public notice of the intent to enter into such a
23 contract.

1 **“§ 7362. Acquisition and transfer of vessels and equip-**
2 **ment**

3 “(a) *AUTHORITY.*—*The Secretary of the Navy may ac-*
4 *quire or transfer for operation by private salvage companies*
5 *such vessels and equipment as the Secretary considers nec-*
6 *essary.*

7 “(b) *AGREEMENT ON USE.*—*Before any salvage vessel*
8 *or salvage gear is transferred by the Secretary to a private*
9 *party, the private party must agree in writing with the*
10 *Secretary that the vessel or gear will be used to support*
11 *organized offshore salvage facilities for a period of as many*
12 *years as the Secretary considers appropriate.*

13 “(c) *REFERENCE TO AUTHORITY TO ADVANCE FUNDS*
14 *FOR IMMEDIATE SALVAGE OPERATIONS.*—*For authority for*
15 *the Secretary of the Navy to advance to private salvage*
16 *companies such funds as the Secretary considers necessary*
17 *to provide for the immediate financing of salvage oper-*
18 *ations, see section 2307(g)(2) of this title.*

19 **“§ 7363. Settlement of claims**

20 “*The Secretary of the Navy may settle any claim by*
21 *the United States for salvage services rendered by the De-*
22 *partment of the Navy and may receive payment of any such*
23 *claim.*

24 **“§ 7364. Disposition of receipts**

25 “*Amounts received under this chapter shall be credited*
26 *to appropriations for maintaining naval salvage facilities.*

1 *However, any amount received under this chapter in any*
2 *fiscal year in excess of naval salvage costs incurred by the*
3 *Navy during that fiscal year shall be deposited into the gen-*
4 *eral fund of the Treasury.”.*

5 **SEC. 1016. VESSELS SUBJECT TO REPAIR UNDER PHASED**
6 **MAINTENANCE CONTRACTS.**

7 (a) *IN GENERAL.*—*The Secretary of the Navy shall en-*
8 *sure that any vessel that is covered by the contract referred*
9 *to in subsection (b) remains covered by that contract, re-*
10 *gardless of the operating command to which the vessel is*
11 *subsequently assigned, unless the vessel is taken out of serv-*
12 *ice for the Department of the Navy.*

13 (b) *COVERED CONTRACT.*—*The contract referred to in*
14 *subsection (a) is the contract entered into before the date*
15 *of the enactment of this Act for the phased maintenance*
16 *of AE class ships.*

17 **SEC. 1017. CLARIFICATION OF REQUIREMENTS RELATING**
18 **TO REPAIRS OF VESSELS.**

19 *Section 7310(a) of title 10, United States Code, is*
20 *amended by inserting “or Guam” after “the United States”*
21 *the second place it appears.*

22 **SEC. 1018. SENSE OF CONGRESS CONCERNING NAMING OF**
23 **AMPHIBIOUS SHIPS.**

24 *It is the sense of Congress that the Secretary of the*
25 *Navy—*

1 (1) *should name the vessel to be designated*
 2 *LHD-7 as the U.S.S. Iwo Jima; and*

3 (2) *should name the vessel to be designated*
 4 *LPD-17, and each subsequent ship of the LPD-17*
 5 *class, after a Marine Corps battle or a member of the*
 6 *Marine Corps.*

7 **SEC. 1019. SENSE OF CONGRESS CONCERNING NAMING OF**
 8 **NAVAL VESSEL.**

9 *It is the sense of Congress that the Secretary of the*
 10 *Navy should name an appropriate ship of the United States*
 11 *Navy the U.S.S. Joseph Vittori, in honor of Marine Cor-*
 12 *poral Joseph Vittori (1929-1951) of Beverly, Massachusetts,*
 13 *who was posthumously awarded the Medal of Honor for ac-*
 14 *tions against the enemy in Korea on September 15-16,*
 15 *1951.*

16 **SEC. 1020. TRANSFER OF RIVERINE PATROL CRAFT.**

17 (a) *AUTHORITY TO TRANSFER VESSEL.—Notwith-*
 18 *standing subsections (a) and (d) of section 7306 of title 10,*
 19 *United States Code, but subject to subsections (b) and (c)*
 20 *of that section, the Secretary of the Navy may transfer a*
 21 *vessel described in subsection (b) to Tidewater Community*
 22 *College, Portsmouth, Virginia, for scientific and edu-*
 23 *cational purposes.*

1 (b) *VESSEL*.—*The authority under subsection (a) ap-*
 2 *plies in the case of a riverine patrol craft of the U.S.S.*
 3 *Swift class.*

4 (c) *LIMITATION*.—*The transfer authorized by sub-*
 5 *section (a) may be made only if the Secretary determines*
 6 *that the vessel to be transferred is of no further use to the*
 7 *United States for national security purposes.*

8 (d) *TERMS AND CONDITIONS*.—*The Secretary may re-*
 9 *quire such terms and conditions in connection with the*
 10 *transfer authorized by this section as the Secretary consid-*
 11 *ers appropriate.*

12 ***Subtitle C—Counter-Drug Activities***

13 ***SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY*** 14 ***FOR FEDERAL SUPPORT OF DRUG INTERDIC-*** 15 ***TION AND COUNTER-DRUG ACTIVITIES OF*** 16 ***THE NATIONAL GUARD.***

17 (a) *FUNDING ASSISTANCE AUTHORIZED*.—*Subsection*
 18 *(a) of section 112 of title 32, United States Code, is amend-*
 19 *ed to read as follows:*

20 “(a) *FUNDING ASSISTANCE*.—*The Secretary of Defense*
 21 *may provide funds to the Governor of a State who submits*
 22 *to the Secretary a State drug interdiction and counter-drug*
 23 *activities plan satisfying the requirements of subsection (c).*
 24 *Such funds shall be used for—*

1 “(1) the pay, allowances, clothing, subsistence,
2 gratuities, travel, and related expenses, as authorized
3 by State law, of personnel of the National Guard of
4 that State used, while not in Federal service, for the
5 purpose of drug interdiction and counter-drug activi-
6 ties;

7 “(2) the operation and maintenance of the equip-
8 ment and facilities of the National Guard of that
9 State used for the purpose of drug interdiction and
10 counter-drug activities; and

11 “(3) the procurement of services and leasing of
12 equipment for the National Guard of that State used
13 for the purpose of drug interdiction and counter-drug
14 activities.”.

15 (b) *REORGANIZATION OF SECTION.*—Such section is
16 further amended—

17 (1) by redesignating subsection (f) as subsection
18 (h);

19 (2) by redesignating subsection (d) as subsection
20 (g) and transferring that subsection to appear before
21 subsection (h), as redesignated by paragraph (1); and

22 (3) by redesignating subsections (b) and (c) as
23 subsections (c) and (d), respectively.

1 (c) *STATE DRUG INTERDICTION AND COUNTER-DRUG*
2 *ACTIVITIES PLAN.*—Subsection (c) of such section, as reded-
3 *ignated by subsection (b)(3), is amended—*

4 (1) *in the matter preceding paragraph (1), by*
5 *striking out “A plan referred to in subsection (a)”*
6 *and inserting in lieu thereof “A State drug interdic-*
7 *tion and counter-drug activities plan”;*

8 (2) *by striking out “and” at the end of para-*
9 *graph (2); and*

10 (3) *in paragraph (3)—*

11 (A) *by striking out “annual training” and*
12 *inserting in lieu thereof “training”;*

13 (B) *by striking out the period at the end*
14 *and inserting in lieu thereof a semicolon; and*

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

17 “(4) *include a certification by the Attorney Gen-*
18 *eral of the State (or, in the case of a State with no*
19 *position of Attorney General, a civilian official of the*
20 *State equivalent to a State attorney general) that the*
21 *use of the National Guard of the State for the activi-*
22 *ties proposed under the plan is authorized by, and is*
23 *consistent with, State law; and*

24 “(5) *certify that the Governor of the State or a*
25 *civilian law enforcement official of the State des-*

1 *ignated by the Governor has determined that any ac-*
 2 *tivities included in the plan that are carried out in*
 3 *conjunction with Federal law enforcement agencies*
 4 *serve a State law enforcement purpose.”.*

5 *(d) EXAMINATION OF STATE PLAN.—Subsection (d) of*
 6 *such section, as redesignated by subsection (b)(3), is amend-*
 7 *ed—*

8 *(1) in paragraph (1)—*

9 *(A) by striking out “subsection (b)” and in-*
 10 *serting in lieu thereof “subsection (c)”; and*

11 *(B) by inserting after “Before funds are*
 12 *provided to the Governor of a State under this*
 13 *section” the following: “and before members of*
 14 *the National Guard of that State are ordered to*
 15 *full-time National Guard duty as authorized in*
 16 *subsection (b)”; and*

17 *(2) in paragraph (3)—*

18 *(A) in subparagraph (A), by striking out*
 19 *“subsection (b)” and inserting in lieu thereof*
 20 *“subsection (c)”; and*

21 *(B) by striking out subparagraph (B) and*
 22 *inserting in lieu thereof the following:*

23 *“(B) pursuant to the plan submitted for a pre-*
 24 *vious fiscal year, funds were provided to the State in*
 25 *accordance with subsection (a) or personnel of the Na-*

1 *tional Guard of the State were ordered to perform*
2 *full-time National Guard duty in accordance with*
3 *subsection (b).”.*

4 *(e) USE OF PERSONNEL PERFORMING FULL-TIME NA-*
5 *TIONAL GUARD DUTY.—Such section is further amended by*
6 *inserting after subsection (a) the following new subsection*
7 *(b):*

8 *“(b) USE OF PERSONNEL PERFORMING FULL-TIME*
9 *NATIONAL GUARD DUTY.—Under regulations prescribed by*
10 *the Secretary of Defense, personnel of the National Guard*
11 *of a State may, in accordance with the State drug interdic-*
12 *tion and counter-drug activities plan referred to in sub-*
13 *section (c), be ordered to perform full-time National Guard*
14 *duty under section 502(f) of this title for the purpose of*
15 *carrying out drug interdiction and counter-drug activi-*
16 *ties.”.*

17 *(f) END STRENGTH LIMITATION.—Such section is fur-*
18 *ther amended by inserting after subsection (e) the following*
19 *new subsection (f):*

20 *“(f) END STRENGTH LIMITATION.—(1) Except as pro-*
21 *vided in paragraph (2), at the end of a fiscal year there*
22 *may not be more than 4000 members of the National*
23 *Guard—*

24 *“(A) on full-time National Guard duty under*
25 *section 502(f) of this title to perform drug interdic-*

1 *tion or counter-drug activities pursuant to an order*
2 *to duty for a period of more than 180 days; or*

3 *“(B) on duty under State authority to perform*
4 *drug interdiction or counter-drug activities pursuant*
5 *to an order to duty for a period of more than 180*
6 *days with State pay and allowances being reimbursed*
7 *with funds provided under subsection (a)(1).*

8 *“(2) The Secretary of Defense may increase the end*
9 *strength authorized under paragraph (1) by not more than*
10 *20 percent for any fiscal year if the Secretary determines*
11 *that such an increase is necessary in the national security*
12 *interests of the United States.”.*

13 *(g) DEFINITIONS.—Subsection (h) of such section, as*
14 *redesignated by subsection (b)(1), is amended by striking*
15 *out paragraph (1) and inserting in lieu thereof the follow-*
16 *ing:*

17 *“(1) The term ‘drug interdiction and counter-*
18 *drug activities’, with respect to the National Guard of*
19 *a State, means the use of National Guard personnel*
20 *in drug interdiction and counter-drug law enforce-*
21 *ment activities authorized by the law of the State and*
22 *requested by the Governor of the State.”.*

23 *(h) TECHNICAL AMENDMENTS.—Subsection (e) of such*
24 *section is amended—*

1 (1) in paragraph (1), by striking out “sections
2 517 and 524” and inserting in lieu thereof “sections
3 12011 and 12012”; and

4 (2) in paragraph (2), by striking out “the Com-
5 mittees on Armed Services of the Senate and House
6 of Representatives” and inserting in lieu thereof “the
7 Committee on Armed Services of the Senate and the
8 Committee on National Security of the House of Rep-
9 resentatives”.

10 **SEC. 1022. NATIONAL DRUG INTELLIGENCE CENTER.**

11 (a) *LIMITATION ON USE OF FUNDS.*—Except as pro-
12 vided in subsection (b), funds appropriated or otherwise
13 made available for the Department of Defense pursuant to
14 this or any other Act may not be obligated or expended for
15 the National Drug Intelligence Center, Johnstown, Penn-
16 sylvania.

17 (b) *EXCEPTION.*—If the Attorney General operates the
18 National Drug Intelligence Center using funds available for
19 the Department of Justice, the Secretary of Defense may
20 continue to provide Department of Defense intelligence per-
21 sonnel to support intelligence activities at the Center. The
22 number of such personnel providing support to the Center
23 after the date of the enactment of this Act may not exceed
24 the number of the Department of Defense intelligence per-

1 *sonnel who are supporting intelligence activities at the Cen-*
 2 *ter on the day before such date.*

3 ***Subtitle D—Civilian Personnel***

4 ***SEC. 1031. MANAGEMENT OF DEPARTMENT OF DEFENSE*** 5 ***CIVILIAN PERSONNEL.***

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

8 *(1) in subsection (a)—*

9 *(A) by striking out “man-year constraint or*
 10 *limitation” and inserting in lieu thereof “con-*
 11 *straint or limitation in terms of man years, end*
 12 *strength, full-time equivalent positions, or maxi-*
 13 *mum number of employees”; and*

14 *(B) by adding at the end the following new*
 15 *sentence: “The Secretary of Defense and the Sec-*
 16 *retaries of the military departments may not be*
 17 *required to make a reduction in the number of*
 18 *full-time equivalent positions in the Department*
 19 *of Defense unless such reduction is necessary due*
 20 *to a reduction in funds available to the Depart-*
 21 *ment or is required under a law that is enacted*
 22 *after the date of the enactment of the National*
 23 *Defense Authorization Act for Fiscal Year 1996*
 24 *and that refers specifically to this subsection.”;*

1 (2) *in subsection (b)(2), by striking out “any*
2 *end-strength” and inserting in lieu thereof “any con-*
3 *straint or limitation in terms of man years, end*
4 *strength, full-time equivalent positions, or maximum*
5 *number of employees”;* and

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

8 “(d) *With respect to each budget activity within an*
9 *appropriation for a fiscal year for operations and mainte-*
10 *nance, the Secretary of Defense shall ensure that there are*
11 *employed during that fiscal year employees in the number*
12 *and with the combination of skills and qualifications that*
13 *are necessary to carry out the functions within that budget*
14 *activity for which funds are provided for that fiscal year.”.*

15 **SEC. 1032. CONVERSION OF MILITARY POSITIONS TO CI-**
16 **VILIAN POSITIONS.**

17 (a) **CONVERSION REQUIREMENT.**—(1) *By September*
18 *30, 1997, the Secretary of Defense shall convert at least*
19 *10,000 military positions to civilian positions.*

20 (2) *At least 3,000 of the military positions converted*
21 *to satisfy the requirement of paragraph (1) shall be con-*
22 *verted to civilian positions not later than September 30,*
23 *1996.*

24 (3) *In this subsection:*

1 (A) *The term “military position” means a posi-*
2 *tion that, as of the date of the enactment of this Act,*
3 *is authorized to be filled by a member of the Armed*
4 *Forces on active duty.*

5 (B) *The term “civilian position” means a posi-*
6 *tion that is required to be filled by a civilian em-*
7 *ployee of the Department of Defense.*

8 (b) *IMPLEMENTATION PLAN.—Not later than March*
9 *31, 1996, the Secretary of Defense shall submit to the Com-*
10 *mittee on Armed Services of the Senate and the Committee*
11 *on National Security of the House of Representatives a plan*
12 *for the implementation of subsection (a).*

13 ***SEC. 1033. ELIMINATION OF 120-DAY LIMITATION ON DE-***
14 ***TAILS OF CERTAIN EMPLOYEES.***

15 (a) *ELIMINATION OF LIMITATION.—Subsection (b) of*
16 *section 3341 of title 5, United States Code, is amended—*

17 (1) *by inserting “(1)” after “(b)”;* and

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

19 “(2) *The 120-day limitation in paragraph (1) for de-*
20 *tails and renewals of details does not apply to the Depart-*
21 *ment of Defense in the case of a detail—*

22 “(A) *made in connection with the closure or re-*
23 *alignment of a military installation pursuant to a*
24 *base closure law or an organizational restructuring of*
25 *the Department as part of a reduction in the size of*

1 *the armed forces or the civilian workforce of the De-*
2 *partment; and*

3 *“(B) in which the position to which the employee*
4 *is detailed is eliminated on or before the date of the*
5 *closure, realignment, or restructuring.*

6 *“(c) For purposes of this section—*

7 *“(1) the term ‘base closure law’ means—*

8 *“(A) section 2687 of title 10;*

9 *“(B) title II of the Defense Authorization*
10 *Amendments and Base Closure and Realignment*
11 *Act (10 U.S.C. 2687 note); and*

12 *“(C) the Defense Base Closure and Realign-*
13 *ment Act of 1990 (10 U.S.C. 2687 note); and*

14 *“(2) the term ‘military installation’—*

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

19 *“(B) in the case of an installation covered*
20 *by the Act referred to in subparagraph (B) of*
21 *paragraph (1), has the meaning given such term*
22 *in section 209(6) of such Act; and*

23 *“(C) in the case of an installation covered*
24 *by the Act referred to in subparagraph (C) of*

1 that paragraph, has the meaning given such
2 term in section 2910(4) of such Act.”.

3 (b) *APPLICABILITY.*—The amendments made by sub-
4 section (a) apply to details made before the date of the en-
5 actment of this Act but still in effect on that date and de-
6 tails made on or after that date.

7 **SEC. 1034. AUTHORITY FOR CIVILIAN EMPLOYEES OF DE-**
8 **PARTMENT OF DEFENSE TO PARTICIPATE**
9 **VOLUNTARILY IN REDUCTIONS IN FORCE.**

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

12 “(f)(1) The Secretary of Defense or the Secretary of
13 a military department may—

14 “(A) release in a reduction in force an employee
15 who volunteers for the release even though the em-
16 ployee is not otherwise subject to release in the reduc-
17 tion in force under the criteria applicable under the
18 other provisions of this section; and

19 “(B) for each employee voluntarily released in
20 the reduction in force under subparagraph (A), retain
21 an employee in a similar position who would other-
22 wise be released in the reduction in force under such
23 criteria.

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

4 “(3) *An employee with critical knowledge and skills*
5 *(as defined by the Secretary concerned) may not participate*
6 *in a voluntary release under paragraph (1) if the Secretary*
7 *concerned determines that such participation would impair*
8 *the performance of the mission of the Department of Defense*
9 *or the military department concerned.*

10 “(4) *The regulations prescribed under this section shall*
11 *incorporate the authority provided in this subsection.*

12 “(5) *The authority under paragraph (1) may not be*
13 *exercised after September 30, 1996.”.*

14 ***SEC. 1035. AUTHORITY TO PAY SEVERANCE PAYMENTS IN***
15 ***LUMP SUMS.***

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

18 “(i)(1) *In the case of an employee of the Department*
19 *of Defense who is entitled to severance pay under this sec-*
20 *tion, the Secretary of Defense or the Secretary of the mili-*
21 *tary department concerned may, upon application by the*
22 *employee, pay the total amount of the severance pay to the*
23 *employee in one lump sum.*

24 “(2)(A) *If an employee paid severance pay in a lump*
25 *sum under this subsection is reemployed by the Government*

1 of the United States or the government of the District of
2 Columbia at such time that, had the employee been paid
3 severance pay in regular pay periods under subsection (b),
4 the payments of such pay would have been discontinued
5 under subsection (d) upon such reemployment, the employee
6 shall repay to the Department of Defense (for the military
7 department that formerly employed the employee, if appli-
8 cable) an amount equal to the amount of severance pay to
9 which the employee was entitled under this section that
10 would not have been paid to the employee under subsection
11 (d) by reason of such reemployment.

12 “(B) The period of service represented by an amount
13 of severance pay repaid by an employee under subpara-
14 graph (A) shall be considered service for which severance
15 pay has not been received by the employee under this sec-
16 tion.

17 “(C) Amounts repaid to an agency under this para-
18 graph shall be credited to the appropriation available for
19 the pay of employees of the agency for the fiscal year in
20 which received. Amounts so credited shall be merged with,
21 and shall be available for the same purposes and the same
22 period as, the other funds in that appropriation.

23 “(3) If an employee fails to repay to an agency an
24 amount required to be repaid under paragraph (2)(A), that

1 amount is recoverable from the employee as a debt due the
2 United States.

3 “(4) This subsection applies with respect to severance
4 pay payable under this section for separations taking effect
5 on or after the date of the enactment of the National Defense
6 Authorization Act for Fiscal Year 1996 and before October
7 1, 1999.”.

8 **SEC. 1036. CONTINUED HEALTH INSURANCE COVERAGE.**

9 Section 8905a(d)(4) of title 5, United States Code, is
10 amended—

11 (1) in subparagraph (A), by inserting “, or a
12 voluntary separation from a surplus position,” after
13 “an involuntary separation from a position”; and

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

16 “(C) For the purpose of this paragraph, ‘surplus posi-
17 tion’ means a position which is identified in pre-reduction-
18 in-force planning as no longer required, and which is ex-
19 pected to be eliminated under formal reduction-in-force pro-
20 cedures.”.

21 **SEC. 1037. REVISION OF AUTHORITY FOR APPOINTMENTS**
22 **OF INVOLUNTARILY SEPARATED MILITARY**
23 **RESERVE TECHNICIANS.**

24 (a) REVISION OF AUTHORITY.—Section 3329 of title
25 5, United States Code, as added by section 544 of the Na-

1 *tional Defense Authorization Act for Fiscal Year 1993 (Pub-*
2 *lic Law 102–484; 106 Stat. 2415), is amended—*

3 *(1) in subsection (b), by striking out “be offered”*
4 *and inserting in lieu thereof “be provided placement*
5 *consideration in a position described in subsection (c)*
6 *through a priority placement program of the Depart-*
7 *ment of Defense”; and*

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

10 *“(c)(1) The position for which placement consideration*
11 *shall be provided to a former military technician under sub-*
12 *section (b) shall be a position—*

13 *“(A) in either the competitive service or the ex-*
14 *cepted service;*

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

16 *“(C) in which the person is qualified to serve,*
17 *taking into consideration whether the employee in*
18 *that position is required to be a member of a reserve*
19 *component of the armed forces as a condition of em-*
20 *ployment.*

21 *“(2) To the maximum extent practicable, the position*
22 *shall also be in a pay grade or other pay classification suffi-*
23 *cient to ensure that the rate of basic pay of the former mili-*
24 *tary technician, upon appointment to the position, is not*
25 *less than the rate of basic pay last received by the former*

1 *military technician for technician service before separa-*
 2 *tion.”.*

3 (b) *TECHNICAL AND CLERICAL AMENDMENTS.—(1)*
 4 *The section 3329 of title 5, United States Code, that was*
 5 *added by section 4431 of the National Defense Authoriza-*
 6 *tion Act for Fiscal Year 1993 (Public Law 102–484; 106*
 7 *Stat. 2719) is redesignated as section 3330 of such title.*

8 (2) *The table of sections at the beginning of chapter*
 9 *33 of such title is amended by striking out the item relating*
 10 *to section 3329, as added by section 4431(b) of such Act*
 11 *(106 Stat. 2720), and inserting in lieu thereof the following*
 12 *new item:*

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

13 **SEC. 1038. WEARING OF UNIFORM BY NATIONAL GUARD**
 14 **TECHNICIANS.**

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

17 *“(b) Except as prescribed by the Secretary concerned,*
 18 *a technician employed under subsection (a) shall, while so*
 19 *employed—*

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

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

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

1 (b) *UNIFORM ALLOWANCES FOR OFFICERS.*—Section
2 417 of title 37, United States Code, is amended by adding
3 at the end the following:

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

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

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

18 (1) by inserting “(a)” before “The President”;

19 and

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

21 “(b) In determining the quantity and kind of clothing
22 or allowances to be furnished pursuant to regulations pre-
23 scribed under this section to persons employed as National
24 Guard technicians under section 709 of title 32, the Presi-
25 dent shall take into account the requirement under sub-

1 *section (b) of such section for such persons to wear a uni-*
 2 *form.*

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

9 **SEC. 1039. MILITARY LEAVE FOR MILITARY RESERVE TECH-**
 10 **NICIANS FOR CERTAIN DUTY OVERSEAS.**

11 *Section 6323 of title 5, United States Code, is amended*
 12 *by adding at the end the following new subsection:*

13 “(d)(1) *A military reserve technician described in sec-*
 14 *tion 8401(30) is entitled at such person’s request to leave*
 15 *without loss of, or reduction in, pay, leave to which such*
 16 *person is otherwise entitled, credit for time or service, or*
 17 *performance or efficiency rating for each day, not to exceed*
 18 *44 workdays in a calendar year, in which such person is*
 19 *on active duty without pay, as authorized pursuant to sec-*
 20 *tion 12315 of title 10, under section 12301(b) or 12301(d)*
 21 *of title 10 (other than active duty during a war or national*
 22 *emergency declared by the President or Congress) for par-*
 23 *ticipation in noncombat operations outside the United*
 24 *States, its territories and possessions.*

1 “(2) An employee who requests annual leave or com-
 2 pensatory time to which the employee is otherwise entitled,
 3 for a period during which the employee would have been
 4 entitled upon request to leave under this subsection, may
 5 be granted such annual leave or compensatory time without
 6 regard to this section or section 5519.”.

7 **SEC. 1040. PERSONNEL ACTIONS INVOLVING EMPLOYEES**
 8 **OF NONAPPROPRIATED FUND INSTRUMEN-**
 9 **TALITIES.**

10 (a) CLARIFICATION OF DEFINITION OF
 11 NONAPPROPRIATED FUND INSTRUMENTALITY EM-
 12 PLOYEE.—Subsection (a)(1) of section 1587 of title 10,
 13 United States Code, is amended by adding at the end the
 14 following new sentence: “Such term includes a civilian em-
 15 ployee of a support organization within the Department of
 16 Defense or a military department, such as the Defense Fi-
 17 nance and Accounting Service, who is paid from
 18 nonappropriated funds on account of the nature of the em-
 19 ployee’s duties.”.

20 (b) DIRECT REPORTING OF VIOLATIONS.—Subsection
 21 (e) of such section is amended in the second sentence by
 22 inserting before the period the following: “and to permit
 23 the reporting of alleged violations of subsection (b) directly
 24 to the Inspector General of the Department of Defense”.

1 (c) *TECHNICAL AMENDMENT.*—Subsection (a)(1) of
 2 such section is further amended by striking out “Navy Re-
 3 sale and Services Support Office” and inserting in lieu
 4 thereof “Navy Exchange Service Command”.

5 (d) *CLERICAL AMENDMENTS.*—(1) The heading of such
 6 section is amended to read as follows:

7 “**§1587. Employees of nonappropriated fund instru-**
 8 **mentalities: reprisals”.**

9 (2) The item relating to such section in the table of
 10 sections at the beginning of chapter 81 of such title is
 11 amended to read as follows:

“1587. Employees of nonappropriated fund instrumentalities: reprisals.”.

12 **SEC. 1041. COVERAGE OF NONAPPROPRIATED FUND EM-**
 13 **PLOYEES UNDER AUTHORITY FOR FLEXIBLE**
 14 **AND COMPRESSED WORK SCHEDULES.**

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

17 “(2) ‘employee’ has the meaning given the term
 18 in subsection (a) of section 2105 of this title, except
 19 that such term also includes an employee described in
 20 subsection (c) of that section;”.

1 **SEC. 1042. LIMITATION ON PROVISION OF OVERSEAS LIV-**
 2 **ING QUARTERS ALLOWANCES FOR**
 3 **NONAPPROPRIATED FUND INSTRUMENTAL-**
 4 **ITY EMPLOYEES.**

5 (a) *CONFORMING ALLOWANCE TO ALLOWANCES FOR*
 6 *OTHER CIVILIAN EMPLOYEES.*—Subject to subsection (b),
 7 *an overseas living quarters allowance paid from*
 8 *nonappropriated funds and provided to a nonappropriated*
 9 *fund instrumentality employee after the date of the enact-*
 10 *ment of this Act may not exceed the amount of a quarters*
 11 *allowance provided under subchapter III of chapter 59 of*
 12 *title 5 to a similarly situated civilian employee of the De-*
 13 *partment of Defense paid from appropriated funds.*

14 (b) *APPLICATION TO CERTAIN CURRENT EMPLOY-*
 15 *EES.*—In the case of a nonappropriated fund instrumentality
 16 *employee who, as of the date of the enactment of this*
 17 *Act, receives an overseas living quarters allowance under*
 18 *any other authority, subsection (a) shall apply to such em-*
 19 *ployee only after the earlier of—*

20 (1) *September 30, 1997; or*

21 (2) *the date on which the employee otherwise*
 22 *ceases to be eligible for such an allowance under such*
 23 *other authority.*

24 (c) *NONAPPROPRIATED FUND INSTRUMENTALITY EM-*
 25 *PLOYEE DEFINED.*—For purposes of this section, the term
 26 *“nonappropriated fund instrumentality employee” has the*

1 *meaning given such term in section 1587(a)(1) of title 10,*
 2 *United States Code.*

3 **SEC. 1043. ELECTIONS RELATING TO RETIREMENT COV-**
 4 **ERAGE.**

5 *(a) IN GENERAL.—*

6 *(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section*
 7 *8347(q) of title 5, United States Code, is amend-*
 8 *ed—*

9 *(A) in paragraph (1)—*

10 *(i) by striking “of the Department of*
 11 *Defense or the Coast Guard” in the matter*
 12 *before subparagraph (A); and*

13 *(ii) by striking “3 days” and inserting*
 14 *“1 year”; and*

15 *(B) in paragraph (2)(C)—*

16 *(i) by striking “3 days” and inserting*
 17 *“1 year”; and*

18 *(ii) by striking “in the Department of*
 19 *Defense or the Coast Guard, respectively,”.*

20 *(2) FEDERAL EMPLOYEES’ RETIREMENT SYS-*
 21 *TEM.—Section 8461(n) of title 5, United States Code,*
 22 *is amended—*

23 *(A) in paragraph (1)—*

1 (i) by striking “of the Department of
2 Defense or the Coast Guard” in the matter
3 before subparagraph (A); and

4 (ii) by striking “3 days” and inserting
5 “1 year”; and

6 (B) in paragraph (2)(C)—

7 (i) by striking “3 days” and inserting
8 “1 year”; and

9 (ii) by striking “in the Department of
10 Defense or the Coast Guard, respectively,”.

11 (b) *REGULATIONS.*—Not later than 6 months after the
12 date of the enactment of this Act, the Office of Personnel
13 Management (and each of the other administrative authori-
14 ties, within the meaning of subsection (c)(2)(C)(iii)) shall
15 prescribe any regulations (or make any modifications in
16 existing regulations) necessary to carry out this section and
17 the amendments made by this section, including regulations
18 to provide for the notification of individuals who may be
19 affected by the enactment of this section. All regulations
20 (and modifications to regulations) under the preceding sen-
21 tence shall take effect on the same date.

22 (c) *APPLICABILITY; RELATED PROVISIONS.*—

23 (1) *PROSPECTIVE RULES.*—Except as otherwise
24 provided in this subsection, the amendments made by
25 this section shall apply with respect to moves occur-

1 ring on or after the effective date of the regulations
2 under subsection (b). Moves occurring on or after the
3 date of the enactment of this Act and before the effec-
4 tive date of such regulations shall be subject to appli-
5 cable provisions of title 5, United States Code, dis-
6 regarding the amendments made by this section, ex-
7 cept that any individual making an election pursuant
8 to this sentence shall be ineligible to make an election
9 otherwise allowable under paragraph (2).

10 (2) *RETROACTIVE RULES.*—

11 (A) *IN GENERAL.*—The regulations under
12 subsection (b) shall include provisions for the ap-
13 plication of sections 8347(q) and 8461(n) of title
14 5, United States Code, as amended by this sec-
15 tion, with respect to any individual who, at any
16 time after December 31, 1965, and before the ef-
17 fective date of such regulations, moved between
18 positions in circumstances that would have
19 qualified such individual to make an election
20 under the provisions of such section 8347(q) or
21 8461(n), as so amended, if such provisions had
22 then been in effect.

23 (B) *DEADLINE; RELATED PROVISIONS.*—An
24 election pursuant to this paragraph—

1 (i) shall be made within 1 year after
2 the effective date of the regulations under
3 subsection (b), and

4 (ii) shall have the same force and effect
5 as if it had been timely made at the time
6 of the move,

7 except that no such election may be made by any
8 individual—

9 (I) who has previously made, or had
10 an opportunity to make, an election under
11 section 8347(q) or 8461(n) of title 5, United
12 States Code (as in effect before being
13 amended by this section); however, this
14 subclause shall not be considered to render
15 an individual ineligible, based on an oppor-
16 tunity arising out of a move occurring dur-
17 ing the period described in the second sen-
18 tence of paragraph (1), if no election has in
19 fact been made by such individual based on
20 such move;

21 (II) who has not, since the move on
22 which eligibility for the election is based, re-
23 mained continuously subject (disregarding
24 any break in service of less than 3 days) to
25 CSRS or FERS or both seriatim (if the

1 *move was from a NAFI position) or any re-*
2 *irement system (or 2 or more such systems*
3 *seriatim) established for employees described*
4 *in section 2105(c) of such title (if the move*
5 *was to a NAFI position); or*

6 *(III) if such election would be based on*
7 *a move to the Civil Service Retirement Sys-*
8 *tem from a retirement system established for*
9 *employees described in section 2105(c) of*
10 *such title.*

11 *(C) TRANSFERS OF CONTRIBUTIONS.—*

12 *(i) IN GENERAL.—If an individual*
13 *makes an election under this paragraph to*
14 *be transferred back to a retirement system*
15 *in which such individual previously par-*
16 *ticipated (in this section referred to as the*
17 *“previous system”), all individual contribu-*
18 *tions (including interest) and Government*
19 *contributions to the retirement system in*
20 *which such individual is then currently*
21 *participating (in this section referred to as*
22 *the “current system”), excluding those made*
23 *to the Thrift Savings Plan or any other de-*
24 *defined contribution plan, which are attrib-*
25 *utable to periods of service performed since*

1 *the move on which the election is based,*
2 *shall be paid to the fund, account, or other*
3 *repository for contributions made under the*
4 *previous system. For purposes of this sec-*
5 *tion, the term “current system” shall be*
6 *considered also to include any retirement*
7 *system (besides the one in which the indi-*
8 *vidual is participating at the time of mak-*
9 *ing the election) in which such individual*
10 *previously participated since the move on*
11 *which the election is based.*

12 (ii) *CONDITION SUBSEQUENT RELAT-*
13 *ING TO REPAYMENT OF LUMP-SUM CRED-*
14 *IT.—In the case of an individual who has*
15 *received such individual’s lump-sum credit*
16 *(within the meaning of section 8401(19) of*
17 *title 5, United States Code, or a similar*
18 *payment) from such individual’s previous*
19 *system, the payment described in clause (i)*
20 *shall not be made (and the election to which*
21 *it relates shall be ineffective) unless such*
22 *lump-sum credit is redeposited or otherwise*
23 *paid at such time and in such manner as*
24 *shall be required under applicable regula-*
25 *tions. Regulations to carry out this clause*

1 shall include provisions for the computation
2 of interest (consistent with section 8334(e)
3 (2) and (3) of title 5, United States Code),
4 if no provisions for such computation other-
5 wise exist.

6 (iii) *CONDITION SUBSEQUENT RELAT-*
7 *ING TO DEFICIENCY IN PAYMENTS RELATIVE*
8 *TO AMOUNTS NEEDED TO ENSURE THAT*
9 *BENEFITS ARE FULLY FUNDED.—*

10 (I) *IN GENERAL.—*Except as pro-
11 vided in subclause (II), the payment
12 described in clause (i) shall not be
13 made (and the election to which it re-
14 lates shall be ineffective) if the actuar-
15 ial present value of the future benefits
16 that would be payable under the pre-
17 vious system with respect to service
18 performed by such individual after the
19 move on which the election under this
20 paragraph is based and before the effec-
21 tive date of the election, exceeds the
22 total amounts required to be trans-
23 ferred to the previous system under the
24 preceding provisions of this subpara-
25 graph with respect to such service, as

1 *determined by the authority admin-*
 2 *istering such previous system (in this*
 3 *section referred to as the “administra-*
 4 *tive authority”).*

5 (II) *PAYMENT OF DEFICIENCY.—A*
 6 *determination of a deficiency under*
 7 *this clause shall not render an election*
 8 *ineffective if the individual pays or ar-*
 9 *ranges to pay, at a time and in a*
 10 *manner satisfactory to such adminis-*
 11 *trative authority, the full amount of*
 12 *the deficiency described in subclause*
 13 *(I).*

14 (D) *ALTERNATIVE ELECTION FOR AN INDI-*
 15 *VIDUAL THEN PARTICIPATING IN FERS.—*

16 (i) *APPLICABILITY.—This subpara-*
 17 *graph applies with respect to any individ-*
 18 *ual who—*

19 (I) *is then currently participating*
 20 *in FERS; and*

21 (II) *would then otherwise be eligi-*
 22 *ble to make an election under subpara-*
 23 *graphs (A) through (C) of this para-*
 24 *graph, determined disregarding the*
 25 *matter in subclause (I) of subpara-*

1 graph (B) before the first semicolon
2 therein.

3 (ii) *ELECTION.*—An individual de-
4 scribed in clause (i) may, instead of making
5 an election for which such individual is oth-
6 erwise eligible under this paragraph, elect to
7 have all prior qualifying NAFI service of
8 such individual treated as creditable service
9 for purposes of any annuity under *FERS*
10 payable out of the Civil Service Retirement
11 and Disability Fund.

12 (iii) *QUALIFYING NAFI SERVICE.*—For
13 purposes of this subparagraph, the term
14 “qualifying NAFI service” means any serv-
15 ice which, but for this subparagraph, would
16 be creditable for purposes of any retirement
17 system established for employees described
18 in section 2105(c) of title 5, United States
19 Code.

20 (iv) *SERVICE CEASES TO BE CRED-*
21 *ITABLE FOR NAFI RETIREMENT SYSTEM*
22 *PURPOSES.*—Any qualifying NAFI service
23 that becomes creditable for *FERS* purposes
24 by virtue of an election made under this
25 subparagraph shall not be creditable for

1 *purposes of any retirement system referred*
2 *to in clause (iii).*

3 (v) *CONDITIONS.—An election under*
4 *this subparagraph shall be subject to re-*
5 *quirements, similar to those set forth in sub-*
6 *paragraph (C), to ensure that—*

7 (I) *appropriate transfers of indi-*
8 *vidual and Government contributions*
9 *are made to the Civil Service Retire-*
10 *ment and Disability Fund; and*

11 (II) *the actuarial present value of*
12 *future benefits under FERS attrib-*
13 *utable to service made creditable by*
14 *such election is fully funded.*

15 (E) *ALTERNATIVE ELECTION FOR AN INDI-*
16 *VIDUAL THEN PARTICIPATING IN A NAFLI RETIRE-*
17 *MENT SYSTEM.—*

18 (i) *APPLICABILITY.—This subpara-*
19 *graph applies with respect to any individ-*
20 *ual who—*

21 (I) *is then currently participating*
22 *in any retirement system established*
23 *for employees described in section*
24 *2105(c) of title 5, United States Code*

1 (in this subparagraph referred to as a
2 “NAFI retirement system”); and

3 (II) would then otherwise be eligi-
4 ble to make an election under subpara-
5 graphs (A) through (C) of this para-
6 graph (determined disregarding the
7 matter in subclause (I) of subpara-
8 graph (B) before the first semicolon
9 therein) based on a move from FERS.

10 (ii) *ELECTION*.—An individual de-
11 scribed in clause (i) may, instead of making
12 an election for which such individual is oth-
13 erwise eligible under this paragraph, elect to
14 have all prior qualifying FERS service of
15 such individual treated as creditable service
16 for purposes of determining eligibility for
17 benefits under a NAFI retirement system,
18 but not for purposes of computing the
19 amount of any such benefits except as pro-
20 vided in clause (v)(II).

21 (iii) *QUALIFYING FERS SERVICE*.—For
22 purposes of this subparagraph, the term
23 “qualifying FERS service” means any serv-
24 ice which, but for this subparagraph, would

1 *be creditable for purposes of the Federal*
2 *Employees' Retirement System.*

3 *(iv) SERVICE CEASES TO BE CRED-*
4 *ITABLE FOR PURPOSES OF FERS.—Any*
5 *qualifying FERS service that becomes cred-*
6 *itable for NAFI purposes by virtue of an*
7 *election made under this subparagraph shall*
8 *not be creditable for purposes of the Federal*
9 *Employees' Retirement System.*

10 *(v) FUNDING REQUIREMENTS.—*

11 *(I) IN GENERAL.—Except as pro-*
12 *vided in subclause (II), nothing in this*
13 *section or in any other provision of*
14 *law or any other authority shall be*
15 *considered to require any payment or*
16 *transfer of monies in order for an elec-*
17 *tion under this subparagraph to be ef-*
18 *fective.*

19 *(II) CONTRIBUTION REQUIRED*
20 *ONLY IF INDIVIDUAL ELECTS TO HAVE*
21 *SERVICE MADE CREDITABLE FOR COM-*
22 *PUTATION PURPOSES AS WELL.—*
23 *Under regulations prescribed by the*
24 *appropriate administrative authority,*
25 *an individual making an election*

1 *under this subparagraph may further*
2 *elect to have the qualifying FERS serv-*
3 *ice made creditable for computation*
4 *purposes under a NAFI retirement sys-*
5 *tem, but only if the individual pays or*
6 *arranges to pay, at a time and in a*
7 *manner satisfactory to such adminis-*
8 *trative authority, the amount necessary*
9 *to fully fund the actuarial present*
10 *value of future benefits under the NAFI*
11 *retirement system attributable to the*
12 *qualifying FERS service.*

13 (3) *INFORMATION.—The regulations under sub-*
14 *section (b) shall include provisions under which any*
15 *individual—*

16 (A) *shall, upon request, be provided infor-*
17 *mation or assistance in determining whether*
18 *such individual is eligible to make an election*
19 *under paragraph (2) and, if so, the exact*
20 *amount of any payment which would be required*
21 *of such individual in connection with any such*
22 *election; and*

23 (B) *may seek any other information or as-*
24 *sistance relating to any such election.*

1 (d) *CREDITABILITY OF NAFI SERVICE FOR RIF PUR-*
2 *POSES.*—

3 (1) *IN GENERAL.*—Clause (ii) of section
4 3502(a)(C) of title 5, United States Code, is amended
5 by striking “January 1, 1987” and inserting “Janu-
6 ary 1, 1966”.

7 (2) *EFFECTIVE DATE.*—Notwithstanding any
8 provision of subsection (c), the amendment made by
9 paragraph (1) shall—

10 (A) take effect on the date of the enactment
11 of this Act; and

12 (B) apply with respect to any reduction in
13 force carried out on or after such date.

14 **SEC. 1044. EXTENSION OF TEMPORARY AUTHORITY TO PAY**
15 **CIVILIAN EMPLOYEES WITH RESPECT TO THE**
16 **EVACUATION FROM GUANTANAMO, CUBA.**

17 (a) *EXTENSION OF AUTHORITY.*—The Secretary of De-
18 fense may, until the end of January 31, 1996, and without
19 regard to the time limitations specified in subsection (a)
20 of section 5523 of title 5, United States Code, make pay-
21 ments under the provisions of such section from funds avail-
22 able for the pay of civilian personnel in the case of employ-
23 ees, or an employee’s dependents or immediate family, evac-
24 uated from Guantanamo Bay, Cuba, pursuant to the Au-
25 gust 26, 1994 order of the Secretary. This section shall take

1 *effect as of October 1, 1995, and shall apply with respect*
2 *to payments made for periods occurring on or after that*
3 *date.*

4 **(b) MONTHLY REPORT.**—*On the first day of each*
5 *month beginning after the date of the enactment of this Act*
6 *and ending before March 1996, the Secretary of the Navy*
7 *shall transmit to the Committee on Armed Services of the*
8 *Senate and the Committee on National Security of the*
9 *House of Representatives a report regarding the payment*
10 *of employees pursuant to subsection (a). Each such report*
11 *shall include, for the month preceding the month in which*
12 *the report is transmitted, a statement of the following:*

13 **(1)** *The number of the employees paid pursuant*
14 *to such section.*

15 **(2)** *The positions of employment of the employ-*
16 *ees.*

17 **(3)** *The number and location of the employees'*
18 *dependents and immediate families.*

19 **(4)** *The actions taken by the Secretary to elimi-*
20 *nate the conditions which necessitated the payments.*

1 ***Subtitle E—Miscellaneous***
2 ***Reporting Requirements***

3 ***SEC. 1051. REPORT ON FISCAL YEAR 1997 BUDGET SUBMIS-***
4 ***SION REGARDING GUARD AND RESERVE COM-***
5 ***PONENTS.***

6 (a) *REPORT.*—*The Secretary of Defense shall submit*
7 *to the congressional defense committees, at the same time*
8 *that the President submits the budget for fiscal year 1997*
9 *under section 1105(a) of title 31, United States Code, a re-*
10 *port on amounts requested in that budget for the Guard*
11 *and Reserve components.*

12 (b) *CONTENT.*—*The report shall include the following:*

13 (1) *A description of the anticipated effect that*
14 *the amounts requested (if approved by Congress) will*
15 *have to enhance the capabilities of each of the Guard*
16 *and Reserve components.*

17 (2) *A listing, with respect to each such compo-*
18 *nent, of each of the following:*

19 (A) *The amount requested for each major*
20 *weapon system for which funds are requested in*
21 *the budget for that component.*

22 (B) *The amount requested for each item of*
23 *equipment (other than a major weapon system)*
24 *for which funds are requested in the budget for*
25 *that component.*

1 (C) *The amount requested for each military*
2 *construction project, together with the location of*
3 *each such project, for which funds are requested*
4 *in the budget for that component.*

5 (c) *INCLUSION OF INFORMATION IN NEXT FYDP.—The*
6 *Secretary of Defense shall specifically display in the next*
7 *future-years defense program (or program revision) submit-*
8 *ted to Congress after the date of the enactment of this Act*
9 *the amounts programmed for procurement of equipment*
10 *and for military construction for each of the Guard and*
11 *Reserve components.*

12 (d) *DEFINITION.—For purposes of this section, the*
13 *term “Guard and Reserve components” means the follow-*
14 *ing:*

15 (1) *The Army Reserve.*

16 (2) *The Army National Guard of the United*
17 *States.*

18 (3) *The Naval Reserve.*

19 (4) *The Marine Corps Reserve.*

20 (5) *The Air Force Reserve.*

21 (6) *The Air National Guard of the United*
22 *States.*

1 **SEC. 1052. REPORT ON DESIRABILITY AND FEASIBILITY OF**
2 **PROVIDING AUTHORITY FOR USE OF FUNDS**
3 **DERIVED FROM RECOVERED LOSSES RESULT-**
4 **ING FROM CONTRACTOR FRAUD.**

5 (a) *REPORT.*—Not later than April 1, 1996, the Sec-
6 retary of Defense shall submit to Congress a report on the
7 desirability and feasibility of authorizing by law the reten-
8 tion and use by the Department of Defense of a specified
9 portion (not to exceed three percent) of amounts recovered
10 by the Government during any fiscal year from losses and
11 expenses incurred by the Department of Defense as a result
12 of contractor fraud at military installations.

13 (b) *MATTERS TO BE INCLUDED.*—The report shall in-
14 clude the views of the Secretary of Defense regarding—

15 (1) the degree to which such authority would cre-
16 ate enhanced incentives for the discovery, investiga-
17 tion, and resolution of contractor fraud at military
18 installations; and

19 (2) the appropriate allocation for funds that
20 would be available for expenditure pursuant to such
21 authority.

22 **SEC. 1053. REPORT OF NATIONAL POLICY ON PROTECTING**
23 **THE NATIONAL INFORMATION INFRASTRUC-**
24 **TURE AGAINST STRATEGIC ATTACKS.**

25 Not later than 120 days after the date of the enactment
26 of this Act, the President shall submit to Congress a report

1 *setting forth the results of a review of the national policy*
2 *on protecting the national information infrastructure*
3 *against strategic attacks. The report shall include the fol-*
4 *lowing:*

5 (1) *A description of the national policy and ar-*
6 *chitecture governing the plans for establishing proce-*
7 *dures, capabilities, systems, and processes necessary to*
8 *perform indications, warning, and assessment func-*
9 *tions regarding strategic attacks by foreign nations,*
10 *groups, or individuals, or any other entity against*
11 *the national information infrastructure.*

12 (2) *An assessment of the future of the National*
13 *Communications System (NCS), which has performed*
14 *the central role in ensuring national security and*
15 *emergency preparedness communications for essential*
16 *United States Government and private sector users,*
17 *including a discussion of—*

18 (A) *whether there is a Federal interest in*
19 *expanding or modernizing the National Commu-*
20 *nications System in light of the changing strate-*
21 *gic national security environment and the revo-*
22 *lution in information technologies; and*

23 (B) *the best use of the National Commu-*
24 *nications System and the assets and experience*
25 *it represents as an integral part of a larger na-*

1 *tional strategy to protect the United States*
2 *against a strategic attack on the national infor-*
3 *mation infrastructure.*

4 **SEC. 1054. REPORT ON DEPARTMENT OF DEFENSE BOARDS**
5 **AND COMMISSIONS.**

6 *(a) STUDY.—The Secretary of Defense shall conduct a*
7 *study of the boards and commissions described in subsection*
8 *(c). As part of such study, the Secretary shall determine,*
9 *with respect to each such board or commission that received*
10 *support from the Department of Defense during fiscal year*
11 *1995, whether that board or commission merits continued*
12 *support from the Department.*

13 *(b) REPORT.—Not later than April 1, 1996, the Sec-*
14 *retary shall submit to the Committee on Armed Services*
15 *of the Senate and the Committee on National Security of*
16 *the House of Representatives a report on the results of the*
17 *study. The report shall include the following:*

18 *(1) A list of each board and commission de-*
19 *scribed in subsection (c) that received support from*
20 *the Department of Defense during fiscal year 1995.*

21 *(2) With respect to the boards and commissions*
22 *specified on the list under paragraph (1)—*

23 *(A) a list of each such board or commission*
24 *concerning which the Secretary determined*

1 *under subsection (a) that continued support from*
2 *the Department of Defense is merited; and*

3 *(B) a list of each such board or commission*
4 *concerning which the Secretary determined*
5 *under subsection (a) that continued support from*
6 *the Department if not merited.*

7 *(3) For each board and commission specified on*
8 *the list under paragraph (2)(A), a description of—*

9 *(A) the purpose of the board or commission;*

10 *(B) the nature and cost of the support pro-*
11 *vided by the Department to the board or commis-*
12 *sion during fiscal year 1995;*

13 *(C) the nature and duration of the support*
14 *that the Secretary proposes to provide to the*
15 *board or commission;*

16 *(D) the anticipated cost to the Department*
17 *of providing such support; and*

18 *(E) a justification of the determination that*
19 *the board or commission merits the continued*
20 *support of the Department.*

21 *(4) For each board and commission specified on*
22 *the list under paragraph (2)(B), a description of—*

23 *(A) the purpose of the board or commission;*

1 (B) the nature and cost of the support pro-
2 vided by the Department to the board or commis-
3 sion during fiscal year 1995; and

4 (C) a justification of the determination that
5 the board or commission does not merit the con-
6 tinued support of the Department.

7 (c) COVERED BOARDS AND COMMISSIONS.—Subsection
8 (a) applies to any board or commission (including any
9 board or commission authorized by law) that operates with-
10 in or for the Department of Defense and that—

11 (1) provides only policy-making assistance or
12 advisory services for the Department; or

13 (2) carries out only activities that are not rou-
14 tine activities, on-going activities, or activities nec-
15 essary to the routine, on-going operations of the De-
16 partment.

17 (d) SUPPORT DEFINED.—For purposes of this section,
18 the term “support” includes the provision of any of the fol-
19 lowing:

20 (1) Funds.

21 (2) Equipment, materiel, or other assets.

22 (3) Services of personnel.

1 **SEC. 1055. DATE FOR SUBMISSION OF ANNUAL REPORT ON**
2 **SPECIAL ACCESS PROGRAMS.**

3 *Section 119(a) of title 10, United States Code, is*
4 *amended by striking out “February 1” and inserting in lieu*
5 *thereof “March 1”.*

6 **Subtitle F—Repeal of Certain Re-**
7 **porting and Other Requirements**
8 **and Authorities**

9 **SEC. 1061. REPEAL OF MISCELLANEOUS PROVISIONS OF**
10 **LAW.**

11 *(a) VOLUNTEERS INVESTING IN PEACE AND SECURITY*
12 *PROGRAM.—(1) Chapter 89 of title 10, United States Code,*
13 *is repealed.*

14 *(2) The tables of chapters at the beginning of subtitle*
15 *A, and at the beginning of part II of subtitle A, of such*
16 *title are each amended by striking out the item relating to*
17 *chapter 89.*

18 *(b) SECURITY AND CONTROL OF SUPPLIES.—(1)*
19 *Chapter 171 of such title is repealed.*

20 *(2) The tables of chapters at the beginning of subtitle*
21 *A, and at the beginning of part IV of subtitle A, of such*
22 *title are each amended by striking out the item relating to*
23 *chapter 171.*

24 *(c) ANNUAL AUTHORIZATION OF MILITARY TRAINING*
25 *STUDENT LOADS.—Section 115 of such title is amended—*

1 (1) *in subsection (a), by striking out paragraph*
 2 (3);

3 (2) *in subsection (b)—*

4 (A) *by inserting “or” at the end of para-*
 5 *graph (1);*

6 (B) *by striking out “; or” at the end of*
 7 *paragraph (2) and inserting in lieu thereof a pe-*
 8 *riod; and*

9 (C) *by striking out paragraph (3); and*

10 (3) *by striking out subsection (f).*

11 (d) *PORTIONS OF ANNUAL MANPOWER REQUIREMENTS*

12 *REPORT.—Section 115a of such title is amended—*

13 (1) *in subsection (b)(2), by striking out subpara-*
 14 *graph (C);*

15 (2) *by striking out subsection (d);*

16 (3) *by redesignating subsection (e) as subsection*
 17 *(d) and striking out paragraphs (4) and (5) thereof;*

18 (4) *by striking out subsection (f); and*

19 (5) *by redesignating subsection (g) as subsection*
 20 *(e).*

21 (e) *OBSOLETE AUTHORITY FOR PAYMENT OF STI-*

22 *PENDS FOR MEMBERS OF CERTAIN ADVISORY COMMITTEES*

23 *AND BOARDS OF VISITORS OF SERVICE ACADEMIES.—(1)*

24 *The second sentence of each of sections 173(b) and 174(b)*

25 *of such title is amended to read as follows: “Other members*

1 *and part-time advisers shall (except as otherwise specifi-*
2 *cally authorized by law) serve without compensation for*
3 *such service.”.*

4 (2) *Sections 4355(h), 6968(h), and 9355(h) of such title*
5 *are amended by striking out “is entitled to not more than*
6 *\$5 a day and”.*

7 (f) *ANNUAL BUDGET INFORMATION CONCERNING RE-*
8 *CRUITING COSTS.—(1) Section 227 of such title is repealed.*

9 (2) *The table of sections at the beginning of chapter*
10 *9 of such title is amended by striking out the item relating*
11 *to section 227.*

12 (g) *EXPIRED AUTHORITY RELATING TO PEACEKEEP-*
13 *ING ACTIVITIES.—(1) Section 403 of such title is repealed.*

14 (2) *The table of sections at the beginning of subchapter*
15 *I of chapter 20 of such title is amended by striking out*
16 *the item relating to section 403.*

17 (h) *PROCUREMENT OF GASOHOL FOR DEPARTMENT OF*
18 *DEFENSE MOTOR VEHICLES.—(1) Subsection (a) of section*
19 *2398 of such title is repealed.*

20 (2) *Such section is further amended—*

21 (A) *by redesignating subsections (b) and (c) as*
22 *subsections (a) and (b), respectively; and*

23 (B) *in subsection (b), as so redesignated, by*
24 *striking out “subsection (b)” and inserting in lieu*
25 *thereof “subsection (a)”.*

1 (i) *REQUIREMENT OF NOTICE OF CERTAIN DISPOSALS*
2 *AND GIFTS BY SECRETARY OF NAVY.*—Section 7545 of such
3 *title is amended—*

4 (1) *by striking out subsection (c); and*

5 (2) *by redesignating subsection (d) as subsection*
6 *(c).*

7 (j) *ANNUAL REPORT ON BIOLOGICAL DEFENSE RE-*
8 *SEARCH PROGRAM.*—(1) *Section 2370 of such title is re-*
9 *pealed.*

10 (2) *The table of sections at the beginning of chapter*
11 *139 of such title is amended by striking out the item relat-*
12 *ing to such section.*

13 (k) *REPORTS AND NOTIFICATIONS RELATING TO*
14 *CHEMICAL AND BIOLOGICAL AGENTS.*—Subsection (a) of
15 *section 409 of Public Law 91–121 (50 U.S.C. 1511) is re-*
16 *pealed.*

17 (l) *ANNUAL REPORT ON BALANCED TECHNOLOGY INI-*
18 *TIATIVE.*—Subsection (e) of section 211 of the *National De-*
19 *fense Authorization Act for Fiscal Years 1990 and 1991*
20 *(Public Law 101–189; 103 Stat. 1394) is repealed.*

21 (m) *REPORT ON ENVIRONMENTAL RESTORATION*
22 *COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990*
23 *BASE CLOSURE LAW.*—Section 2827 of the *National De-*
24 *fense Authorization Act for Fiscal Years 1992 and 1993*

1 *(Public Law 102–190; 10 U.S.C. 2687 note) is amended by*
 2 *striking out subsection (b).*

3 *(n) LIMITATION ON AMERICAN DIPLOMATIC FACILI-*
 4 *TIES IN GERMANY.—Section 1432 of the National Defense*
 5 *Authorization Act for Fiscal Year 1994 (Public Law 103–*
 6 *160; 107 Stat. 1833) is repealed.*

7 **SEC. 1062. REPORTS REQUIRED BY TITLE 10, UNITED**
 8 **STATES CODE.**

9 *(a) ANNUAL REPORT ON RELOCATION ASSISTANCE*
 10 *PROGRAMS.—Section 1056 of title 10, United States Code,*
 11 *is amended—*

12 *(1) by striking out subsection (f); and*

13 *(2) by redesignating subsection (g) as subsection*
 14 *(f).*

15 *(b) NOTICE OF SALARY INCREASES FOR FOREIGN NA-*
 16 *TIONAL EMPLOYEES.—Section 1584 of such title is amend-*
 17 *ed—*

18 *(1) by striking out subsection (b); and*

19 *(2) in subsection (a), by striking out “(a) WAIV-*
 20 *ER OF EMPLOYMENT RESTRICTIONS FOR CERTAIN*
 21 *PERSONNEL.—”.*

22 *(c) NOTICE REGARDING CONTRACTS PERFORMED FOR*
 23 *PERIODS EXCEEDING 10 YEARS.—(1) Section 2352 of such*
 24 *title is repealed.*

1 (2) *The table of sections at the beginning of chapter*
 2 *139 of such title is amended by striking out the item relat-*
 3 *ing to section 2352.*

4 (d) *REPORT ON LOW-RATE PRODUCTION UNDER*
 5 *NAVAL VESSEL AND MILITARY SATELLITE PROGRAMS.—*
 6 *Section 2400(c) of such title is amended—*

7 (1) *by striking out paragraph (2); and*

8 (2) *in paragraph (1)—*

9 (A) *by striking out “(1)”;* and

10 (B) *by redesignating clauses (A) and (B) as*
 11 *clauses (1) and (2), respectively.*

12 (e) *REPORT ON WAIVERS OF PROHIBITION ON EM-*
 13 *PLOYMENT OF FELONS.—Section 2408(a)(3) of such title is*
 14 *amended by striking out the second sentence.*

15 (f) *REPORT ON DETERMINATION NOT TO DEBAR FOR*
 16 *FRAUDULENT USE OF LABELS.—Section 2410f(a) of such*
 17 *title is amended by striking out the second sentence.*

18 (g) *NOTICE OF MILITARY CONSTRUCTION CONTRACTS*
 19 *ON GUAM.—Section 2864(b) of such title is amended by*
 20 *striking out “after the 21-day period” and all that follows*
 21 *through “determination”.*

22 **SEC. 1063. REPORTS REQUIRED BY DEFENSE AUTHORIZA-**
 23 **TION AND APPROPRIATIONS ACTS.**

24 (a) *PUBLIC LAW 99-661 REQUIREMENT FOR REPORT*
 25 *ON FUNDING FOR NICARAGUAN DEMOCRATIC RESIST-*

1 ANCE.—Section 1351 of the National Defense Authorization
2 Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat.
3 3995; 10 U.S.C. 114 note) is amended—

4 (1) by striking out subsection (b); and

5 (2) in subsection (a), by striking out “(a) LIM-
6 TATION.—”.

7 (b) ANNUAL REPORT ON OVERSEAS MILITARY FACIL-
8 ITY INVESTMENT RECOVERY ACCOUNT.—Section 2921 of
9 the Military Construction Authorization Act for Fiscal Year
10 1991 (division B of Public Law 101-510; 10 U.S.C. 2687
11 note) is amended—

12 (1) by striking out subsection (f); and

13 (2) by redesignating subsections (g) and (h) as
14 subsections (f) and (g), respectively.

15 (c) SCIENCE, MATHEMATICS, AND ENGINEERING EDU-
16 CATION MASTER PLAN.—Section 829 of the National De-
17 fense Authorization Act for Fiscal Years 1992 and 1993
18 (Public Law 102-190; 105 Stat. 1444; 10 U.S.C. 2192 note)
19 is repealed.

20 (d) REPORT REGARDING HEATING FACILITY MOD-
21 ERNIZATION AT KAISERSLAUTERN.—Section 8008 of the
22 Department of Defense Appropriations Act, 1994 (Public
23 Law 103-139; 107 Stat. 1438), is amended by inserting
24 “but without regard to the notification requirement in sub-

1 *section (b)(2) of such section,” after “section 2690 of title*
2 *10, United States Code,”.*

3 **SEC. 1064. REPORTS REQUIRED BY OTHER PROVISIONS OF**
4 **LAW.**

5 *(a) REQUIREMENT UNDER ARMS EXPORT CONTROL*
6 *ACT FOR QUARTERLY REPORT ON PRICE AND AVAILABILITY*
7 *ESTIMATES.—Section 28 of the Arms Export Control Act*
8 *(22 U.S.C. 2768) is repealed.*

9 *(b) ANNUAL REPORT ON NATIONAL SECURITY AGENCY*
10 *EXECUTIVE PERSONNEL.—Section 12(a) of the National*
11 *Security Agency Act of 1959 (50 U.S.C. 402 note) is amend-*
12 *ed by striking out paragraph (5).*

13 *(c) REPORTS CONCERNING CERTAIN FEDERAL CON-*
14 *TRACTING AND FINANCIAL TRANSACTIONS.—Section 1352*
15 *of title 31, United States Code, is amended—*

16 *(1) in subsection (b)(6)(A), by inserting “(other*
17 *than the Secretary of Defense and Secretary of a mili-*
18 *tary department)” after “The head of each agency”;*
19 *and*

20 *(2) in subsection (d)(1), by inserting “(other*
21 *than in the case of the Department of Defense or a*
22 *military department)” after “paragraph (3) of this*
23 *subsection”.*

1 (d) *ANNUAL REPORT ON WATER RESOURCES PROJECT*
 2 *AGREEMENTS*.—Section 221 of the Flood Control Act of
 3 1970 (42 U.S.C. 1962d–5b) is amended—

4 (1) by striking out subsection (e); and

5 (2) by redesignating subsection (f) as subsection
 6 (e).

7 (e) *ANNUAL REPORT ON CONSTRUCTION OF TEN-*
 8 *NESSEE-TOMBIGBEE WATERWAY*.—Section 185 of the
 9 *Water Resources Development Act of 1976* (33 U.S.C. 544c)
 10 is amended by striking out the second sentence.

11 (f) *ANNUAL REPORT ON MONITORING OF NAVY HOME*
 12 *PORT WATERS*.—Section 7 of the *Organotin Antifouling*
 13 *Paint Control Act of 1988* (33 U.S.C. 2406) is amended—

14 (1) by striking out subsection (d); and

15 (2) by redesignating subsections (e) and (f) as
 16 subsections (d) and (e), respectively.

17 ***Subtitle G—Department of Defense***
 18 ***Education Programs***

19 ***SEC. 1071. CONTINUATION OF UNIFORMED SERVICES UNI-***
 20 ***VERSITY OF THE HEALTH SCIENCES.***

21 (a) *POLICY*.—Congress reaffirms—

22 (1) the prohibition set forth in subsection (a) of
 23 section 922 of the *National Defense Authorization Act*
 24 *for Fiscal Year 1995* (Public Law 103–337; 108 Stat.
 25 2829; 10 U.S.C. 2112 note) regarding closure of the

1 *Uniformed Services University of the Health Sciences;*
2 *and*

3 *(2) the expression of the sense of Congress set*
4 *forth in subsection (b) of such section regarding the*
5 *budgetary commitment to continuation of the univer-*
6 *sity.*

7 *(b) PERSONNEL STRENGTH.—During the five-year pe-*
8 *riod beginning on October 1, 1995, the personnel staffing*
9 *levels for the Uniformed Services University of the Health*
10 *Services may not be reduced below the personnel staffing*
11 *levels for the university as of October 1, 1993.*

12 *(c) BUDGETARY COMMITMENT TO CONTINUATION.—It*
13 *is the sense of Congress that the Secretary of Defense should*
14 *budget for the operation of the Uniformed Services Univer-*
15 *sity of the Health Sciences during fiscal year 1997 at a*
16 *level at least equal to the level of operations conducted at*
17 *the University during fiscal year 1995.*

18 **SEC. 1072. ADDITIONAL GRADUATE SCHOOLS AND PRO-**
19 **GRAMS AT UNIFORMED SERVICES UNIVER-**
20 **SITY OF THE HEALTH SCIENCES.**

21 *(a) ADDITIONAL SCHOOLS AND PROGRAMS.—Sub-*
22 *section (h) of section 2113 of title 10, United States Code,*
23 *is amended to read as follows:*

24 *“(h) The Secretary of Defense may establish the follow-*
25 *ing educational programs at the University:*

1 “(1) *Postdoctoral, postgraduate, and techno-*
2 *logical institutes.*”

3 “(2) *A graduate school of nursing.*”

4 “(3) *Other schools or programs that the Sec-*
5 *retary determines necessary in order to operate the*
6 *University in a cost-effective manner.*”.

7 **(b) CONFORMING AMENDMENTS TO REFLECT ADVI-**
8 **SORY NATURE OF BOARD OF REGENTS.—**(1) *Section*
9 *2112(b) of such title is amended by striking out “, upon*
10 *recommendation of the Board of Regents,”.*

11 (2) *Section 2113 of such title is amended—*

12 (A) *in subsection (a)—*

13 (i) *by striking out “a Board of Regents*
14 *(hereinafter in this chapter referred to as the*
15 *‘Board’)*” *in the first sentence and inserting in*
16 *lieu thereof “the Secretary of Defense”; and*

17 (ii) *by inserting after the first sentence the*
18 *following new sentence: “To assist the Secretary*
19 *in an advisory capacity, there is a Board of Re-*
20 *gents for the University.”;*

21 (B) *in subsection (d), by striking out “Board”*
22 *the first place it appears and inserting in lieu thereof*
23 *“Secretary”;*

24 (C) *in subsection (e), by striking out “of De-*
25 *fense”;*

1 (D) in subsection (f)(1), by striking out “of De-
2 fense”;

3 (E) in subsection (g)—

4 (i) by striking out “Board is authorized to”
5 in the first sentence and inserting in lieu thereof
6 “Secretary may”;

7 (ii) by striking out “Board is also author-
8 ized to” in the third sentence and inserting in
9 lieu thereof “Secretary may”; and

10 (iii) by striking out “Board may also, sub-
11 ject to the approval of the Secretary of Defense,”
12 in the fifth sentence and inserting in lieu thereof
13 “Secretary may”; and

14 (F) by striking out “Board” each place it ap-
15 pears in subsections (f), (i), and (j) and inserting in
16 lieu thereof “Secretary”.

17 (3) Section 2114(e)(1) of such title is amended by
18 striking out “Board, upon approval of the Secretary of De-
19 fense,” and inserting in lieu thereof “Secretary of Defense”.

20 (c) CLERICAL AMENDMENTS.—(1) The heading of sec-
21 tion 2113 of such title is amended to read as follows:

22 **“§2113. Administration of University”.**

23 (2) The item relating to such section in the table of
24 sections at the beginning of chapter 104 of such title is
25 amended to read as follows:

“2113. Administration of University.”.

1 **SEC. 1073. FUNDING FOR ADULT EDUCATION PROGRAMS**
2 **FOR MILITARY PERSONNEL AND DEPEND-**
3 **ENTS OUTSIDE THE UNITED STATES.**

4 *Of amounts appropriated pursuant to section 301,*
5 *\$600,000 shall be available to carry out adult education*
6 *programs, consistent with the Adult Education Act (20*
7 *U.S.C. 1201 et seq.), for the following:*

8 *(1) Members of the Armed Forces who are serv-*
9 *ing in locations—*

10 *(A) that are outside the United States; and*

11 *(B) for which amounts are not required to*
12 *be allotted under section 313(b) of such Act (20*
13 *U.S.C. 1201b(b)).*

14 *(2) The dependents of such members.*

15 **SEC. 1074. ASSISTANCE TO LOCAL EDUCATIONAL AGEN-**
16 **CIES THAT BENEFIT DEPENDENTS OF MEM-**
17 **BERS OF THE ARMED FORCES AND DEPART-**
18 **MENT OF DEFENSE CIVILIAN EMPLOYEES.**

19 *(a) CONTINUATION OF DEPARTMENT OF DEFENSE*
20 *PROGRAM FOR FISCAL YEAR 1996.—(1) Of the amounts au-*
21 *thorized to be appropriated in section 301(5)—*

22 *(A) \$30,000,000 shall be available for providing*
23 *educational agencies assistance (as defined in para-*
24 *graph (4)(A)) to local educational agencies; and*

1 (B) \$5,000,000 shall be available for making
2 educational agencies payments (as defined in para-
3 graph (4)(B)) to local educational agencies.

4 (2) Not later than June 30, 1996, the Secretary of De-
5 fense shall—

6 (A) notify each local educational agency that is
7 eligible for educational agencies assistance for fiscal
8 year 1996 of that agency's eligibility for such assist-
9 ance and the amount of such assistance for which that
10 agency is eligible; and

11 (B) notify each local educational agency that is
12 eligible for an educational agencies payment for fiscal
13 year 1996 of that agency's eligibility for such pay-
14 ment and the amount of the payment for which that
15 agency is eligible.

16 (3) The Secretary of Defense shall disburse funds made
17 available under subparagraphs (A) and (B) of paragraph
18 (1) not later than 30 days after the date on which notifica-
19 tion to the eligible local educational agencies is provided
20 pursuant to paragraph (2).

21 (4) In this section:

22 (A) The term "educational agencies assistance"
23 means assistance authorized under subsection (b) of
24 section 386 of the National Defense Authorization Act

1 *for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C.*
2 *238 note).*

3 *(B) The term “educational agencies payments”*
4 *means payments authorized under subsection (d) of*
5 *that section, as amended by subsection (d).*

6 *(b) SPECIAL RULE FOR 1994 PAYMENTS.—The Sec-*
7 *retary of Education shall not consider any payment to a*
8 *local educational agency by the Department of Defense, that*
9 *is available to such agency for current expenditures and*
10 *used for capital expenses, as funds available to such agency*
11 *for purposes of making a determination for fiscal year 1994*
12 *under section 3(d)(2)(B)(i) of the Act of September 30, 1950*
13 *(Public Law 874, 81st Congress) (as such Act was in effect*
14 *on September 30, 1994).*

15 *(c) REDUCTION IN IMPACT THRESHOLD.—Subsection*
16 *(c)(1) of section 386 of the National Defense Authorization*
17 *Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C.*
18 *238 note) is amended—*

19 *(1) by striking out “30 percent” and inserting in*
20 *lieu thereof “20 percent”; and*

21 *(2) by striking out “counted under subsection (a)*
22 *or (b) of section 3 of the Act of September 30, 1950*
23 *(Public Law 874, Eighty-first Congress; 20 U.S.C.*
24 *238)” and inserting in lieu thereof “counted under*

1 *section 8003(a) of the Elementary and Secondary*
2 *Education Act of 1965 (20 U.S.C. 7703(a))”.*

3 *(d) ADJUSTMENTS RELATED TO BASE CLOSURES AND*
4 *REALIGNMENTS.—Subsection (d) of section 386 of the Na-*
5 *tional Defense Authorization Act for Fiscal Year 1993 (Pub-*
6 *lic Law 102–484; 28 U.S.C. 238 note) is amended to read*
7 *as follows:*

8 *“(d) ADJUSTMENTS RELATED TO BASE CLOSURES*
9 *AND REALIGNMENTS.—To assist communities in making*
10 *adjustments resulting from reductions in the size of the*
11 *Armed Forces, the Secretary of Defense shall, in consulta-*
12 *tion with the Secretary of Education, make payments to*
13 *local educational agencies that, during the period between*
14 *the end of the school year preceding the fiscal year for which*
15 *the payments are authorized and the beginning of the school*
16 *year immediately preceding that school year, had an overall*
17 *reduction of not less than 20 percent in the number of mili-*
18 *tary dependent students as a result of the closure or realign-*
19 *ment of military installations.”.*

20 *(e) EXTENSION OF REPORTING REQUIREMENT.—Sub-*
21 *section (e)(1) of section 386 of the National Defense Author-*
22 *ization Act for Fiscal Year 1993 (Public Law 102–484; 20*
23 *U.S.C. 238 note) is amended by striking out “and 1995”*
24 *and inserting in lieu thereof “1995, and 1996”.*

1 (f) *PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED*
2 *CHILDREN.*—*Subsection (f) of section 8003 of the Elemen-*
3 *tary and Secondary Education Act of 1965 (20 U.S.C.*
4 *7703) is amended—*

5 (1) *in paragraph (2)—*

6 (A) *in the matter preceding clause (i) of*
7 *subparagraph (A), by striking “only if such*
8 *agency” and inserting “if such agency is eligible*
9 *for a supplementary payment in accordance*
10 *with subparagraph (B) or such agency”;* and

11 (B) *by adding at the end the following new*
12 *subparagraph:*

13 “(D) *A local educational agency shall only*
14 *be eligible to receive additional assistance under*
15 *this subsection if the Secretary determines that—*

16 “(i) *such agency is exercising due dili-*
17 *gence in availing itself of State and other*
18 *financial assistance; and*

19 “(ii) *the eligibility of such agency*
20 *under State law for State aid with respect*
21 *to the free public education of children de-*
22 *scribed in subsection (a)(1) and the amount*
23 *of such aid are determined on a basis no*
24 *less favorable to such agency than the basis*
25 *used in determining the eligibility of local*

1 *educational agencies for State aid, and the*
2 *amount of such aid, with respect to the free*
3 *public education of other children in the*
4 *State.”; and*

5 (2) *in paragraph (3)—*

6 (A) *in subparagraph (A)—*

7 (i) *in the matter preceding clause (i),*
8 *by inserting “(other than any amount re-*
9 *ceived under paragraph (2)(B))” after “sub-*
10 *section”;*

11 (ii) *in subclause (I) of clause (i), by*
12 *striking “or the average per-pupil expendi-*
13 *ture of all the States”;*

14 (iii) *by amending clause (ii) to read as*
15 *follows:*

16 “(ii) *The Secretary shall next multiply*
17 *the amount determined under clause (i) by*
18 *the total number of students in average*
19 *daily attendance at the schools of the local*
20 *educational agency.”; and*

21 (iv) *by amending clause (iii) to read*
22 *as follows:*

23 “(iii) *The Secretary shall next subtract*
24 *from the amount determined under clause*
25 *(ii) all funds available to the local edu-*

1 *cational agency for current expenditures,*
 2 *but shall not so subtract funds provided—*

3 *“(I) under this Act; or*

4 *“(II) by any department or agen-*
 5 *cy of the Federal Government (other*
 6 *than the Department) that are used for*
 7 *capital expenses.”; and*

8 *(B) by amending subparagraph (B) to read*
 9 *as follows:*

10 *“(B) SPECIAL RULE.—With respect to pay-*
 11 *ments under this subsection for a fiscal year for*
 12 *a local educational agency described in clause*
 13 *(ii) or (iii) of paragraph (2)(A), the maximum*
 14 *amount of payments under this subsection shall*
 15 *be equal to—*

16 *“(i) the product of—*

17 *“(I) the average per-pupil expend-*
 18 *iture in all States multiplied by 0.7,*
 19 *except that such amount may not ex-*
 20 *ceed 125 percent of the average per-*
 21 *pupil expenditure in all local edu-*
 22 *cational agencies in the State; multi-*
 23 *plied by*

24 *“(II) the number of students de-*
 25 *scribed in subparagraph (A) or (B) of*

1 *subsection (a)(1) for such agency;*
2 *minus*
3 *“(ii) the amount of payments such*
4 *agency receives under subsections (b) and*
5 *(d) for such year.”.*

6 *(g) CURRENT YEAR DATA.—Paragraph (4) of section*
7 *8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read*
8 *as follows:*

9 *“(4) CURRENT YEAR DATA.—For purposes of*
10 *providing assistance under this subsection the Sec-*
11 *retary—*

12 *“(A) shall use student and revenue data*
13 *from the fiscal year for which the local edu-*
14 *cational agency is applying for assistance under*
15 *this subsection; and*

16 *“(B) shall derive the per pupil expenditure*
17 *amount for such year for the local educational*
18 *agency’s comparable school districts by increas-*
19 *ing or decreasing the per pupil expenditure data*
20 *for the second fiscal year preceding the fiscal*
21 *year for which the determination is made by the*
22 *same percentage increase or decrease reflected be-*
23 *tween the per pupil expenditure data for the*
24 *fourth fiscal year preceding the fiscal year for*

1 *which the determination is made and the per*
2 *pupil expenditure data for such second year.”.*

3 (h) *TECHNICAL AMENDMENTS TO CORRECT REF-*
4 *ERENCES TO REPEALED LAW.—Section 386 of the National*
5 *Defense Authorization Act for Fiscal Year 1993 (Public*
6 *Law 102–484; 20 U.S.C. 238 note) is amended—*

7 (1) *in subsection (e)(2)—*

8 (A) *in subparagraph (C), by inserting after*
9 *“et seq.,” the following: “title VIII of the Ele-*
10 *mentary and Secondary Education Act of 1965*
11 *(20 U.S.C. 7701 et seq.),”;* and

12 (B) *in subparagraph (D)(iii), by striking*
13 *out “under subsections (a) and (b) of section 3*
14 *of such Act (20 U.S.C. 238)”;* and

15 (2) *in subsection (h)—*

16 (A) *in paragraph (1), by striking out “sec-*
17 *tion 14101 of the Elementary and Secondary*
18 *Education Act of 1965” and inserting in lieu*
19 *thereof “section 8013(9) of the Elementary and*
20 *Secondary Education Act of 1965 (20 U.S.C.*
21 *7713(9))”;* and

22 (B) *by striking out paragraph (3) and in-*
23 *serting in lieu thereof the following new para-*
24 *graph:*

1 “(3) The term ‘State’ means each of the 50
2 States and the District of Columbia.”.

3 **SEC. 1075. SHARING OF PERSONNEL OF DEPARTMENT OF**
4 **DEFENSE DOMESTIC DEPENDENT SCHOOLS**
5 **AND DEFENSE DEPENDENTS’ EDUCATION**
6 **SYSTEM.**

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

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

12 “(i) transfer employees from schools established
13 under this section to schools in the defense dependents’
14 education system in order to provide the services re-
15 ferred to in subparagraph (B) to such system; and

16 “(ii) transfer employees from such system to
17 schools established under this section in order to pro-
18 vide such services to those schools.

19 “(B) The services referred to in subparagraph (A) are
20 the following:

21 “(i) Administrative services.

22 “(ii) Logistical services.

23 “(iii) Personnel services.

24 “(iv) Such other services as the Secretary consid-
25 ers appropriate.

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

5 “(D) The Secretary may provide that the transfer of
6 an employee under this paragraph occur without reim-
7 bursement of the school or system concerned.

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

12 **SEC. 1076. INCREASE IN RESERVE COMPONENT MONTGOM-**
13 **ERY GI BILL EDUCATIONAL ASSISTANCE AL-**
14 **LOWANCE WITH RESPECT TO SKILLS OR SPE-**
15 **CIALTIES FOR WHICH THERE IS A CRITICAL**
16 **SHORTAGE OF PERSONNEL.**

17 Section 16131 of title 10, United States Code, is
18 amended by adding at the end the following new subsection:

19 “(j)(1) In the case of a person who has a skill or spe-
20 cialty designated by the Secretary concerned as a skill or
21 specialty in which there is a critical shortage of personnel
22 or for which it is difficult to recruit or, in the case of criti-
23 cal units, retain personnel, the Secretary concerned may in-
24 crease the rate of the educational assistance allowance ap-
25 plicable to that person to such rate in excess of the rate

1 *prescribed under subparagraphs (A) through (D) of sub-*
2 *section (b)(1) as the Secretary of Defense considers appro-*
3 *priate, but the amount of any such increase may not exceed*
4 *\$350 per month.*

5 “(2) *In the case of a person who has a skill or specialty*
6 *designated by the Secretary concerned as a skill or specialty*
7 *in which there is a critical shortage of personnel or for*
8 *which it is difficult to recruit or, in the case of critical*
9 *units, retain personnel, who is eligible for educational bene-*
10 *fits under chapter 30 (other than section 3012) of title 38*
11 *and who meets the eligibility criteria specified in subpara-*
12 *graphs (A) and (B) of section 16132(a)(1) of this title, the*
13 *Secretary concerned may increase the rate of the edu-*
14 *cational assistance allowance applicable to that person to*
15 *such rate in excess of the rate prescribed under section 3015*
16 *of title 38 as the Secretary of Defense considers appropriate,*
17 *but the amount of any such increase may not exceed \$350*
18 *per month.*

19 “(3) *The authority provided by paragraphs (1) and*
20 *(2) shall be exercised by the Secretaries concerned under*
21 *regulations prescribed by the Secretary of Defense.”.*

1 **SEC. 1077. DATE FOR ANNUAL REPORT ON RESERVE COM-**
 2 **PONENT MONTGOMERY GI BILL EDU-**
 3 **CATIONAL ASSISTANCE PROGRAM.**

4 *Section 16137 of title 10, United States Code, is*
 5 *amended by striking out “December 15 of each year” and*
 6 *inserting in lieu thereof “March 1 of each year”.*

7 **SEC. 1078. SCOPE OF EDUCATION PROGRAMS OF COMMU-**
 8 **NITY COLLEGE OF THE AIR FORCE.**

9 *(a) LIMITATION TO MEMBERS OF THE AIR FORCE.—*
 10 *Section 9315(a)(1) of title 10, United States Code, is*
 11 *amended by striking out “for enlisted members of the armed*
 12 *forces” and inserting in lieu thereof “for enlisted members*
 13 *of the Air Force”.*

14 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 15 *section (a) shall apply with respect to enrollments in the*
 16 *Community College of the Air Force after March 31, 1996.*

17 **SEC. 1079. AMENDMENTS TO EDUCATION LOAN REPAY-**
 18 **MENT PROGRAMS.**

19 *(a) GENERAL EDUCATION LOAN REPAYMENT PRO-*
 20 *GRAM.—Section 2171(a)(1) of title 10, United States Code,*
 21 *is amended—*

22 *(1) by striking out “or” at the end of subpara-*
 23 *graph (A);*

24 *(2) by redesignating subparagraph (B) as sub-*
 25 *paragraph (C); and*

1 (3) by inserting after subparagraph (A) the fol-
2 lowing new subparagraph (B):

3 “(B) any loan made under part D of such title
4 (the William D. Ford Federal Direct Loan Program,
5 20 U.S.C. 1087a et seq.); or”.

6 (b) *EDUCATION LOAN REPAYMENT PROGRAM FOR EN-*
7 *LISTED MEMBERS OF SELECTED RESERVE WITH CRITICAL*
8 *SPECIALTIES.*—Section 16301(a)(1) of such title is amend-
9 ed—

10 (1) by striking out “or” at the end of subpara-
11 graph (A);

12 (2) by redesignating subparagraph (B) as sub-
13 paragraph (C); and

14 (3) by inserting after subparagraph (A) the fol-
15 lowing new subparagraph (B):

16 “(B) any loan made under part D of such title
17 (the William D. Ford Federal Direct Loan Program,
18 20 U.S.C. 1087a et seq.); or”.

19 (c) *EDUCATION LOAN REPAYMENT PROGRAM FOR*
20 *HEALTH PROFESSIONS OFFICERS SERVING IN SELECTED*
21 *RESERVE WITH WARTIME CRITICAL MEDICAL SKILL*
22 *SHORTAGES.*—Section 16302(a) of such title is amended—

23 (1) by redesignating paragraphs (2) through (4)
24 as paragraphs (3) through (5) respectively; and

1 (2) *by inserting after paragraph (1) the follow-*
 2 *ing new paragraph (2):*

3 “*(2) any loan made under part D of such title*
 4 *(the William D. Ford Federal Direct Loan Program,*
 5 *20 U.S.C. 1087a et seq.); or”.*

6 ***Subtitle H—Other Matters***

7 ***SEC. 1081. NATIONAL DEFENSE TECHNOLOGY AND INDUS-*** 8 ***TRIAL BASE, DEFENSE REINVESTMENT, AND*** 9 ***DEFENSE CONVERSION PROGRAMS.***

10 *(a) NATIONAL SECURITY OBJECTIVES FOR NATIONAL*
 11 *TECHNOLOGY AND INDUSTRIAL BASE.—(1) Section 2501 of*
 12 *title 10, United States Code, is amended—*

13 *(A) in subsection (a)—*

14 *(i) by striking out “DEFENSE POLICY” in*
 15 *the subsection heading and inserting in lieu*
 16 *thereof “NATIONAL SECURITY”; and*

17 *(ii) by striking out paragraph (5);*

18 *(B) by striking out subsection (b); and*

19 *(C) by redesignating subsection (c) as subsection*

20 *(b).*

21 *(2) The heading of such section is amended to read*
 22 *as follows:*

1 **“§2501. National security objectives concerning na-**
2 **tional technology and industrial base”.**

3 (b) NATIONAL DEFENSE TECHNOLOGY AND INDUS-
4 TRIAL BASE COUNCIL.—Section 2502(c) of such title is
5 amended—

6 (1) in paragraph (1), by striking out subpara-
7 graph (B) and inserting in lieu thereof the following
8 new subparagraph:

9 “(B) programs for achieving such national
10 security objectives; and”;

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

12 (3) by redesignating paragraph (3) as para-
13 graph (2).

14 (c) MODIFICATION OF DEFENSE DUAL-USE CRITICAL
15 TECHNOLOGY PARTNERSHIPS PROGRAM.—Section 2511 of
16 such title is amended to read as follows:

17 **“§2511. Defense dual-use critical technology program**

18 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
19 of Defense shall conduct a program to further the national
20 security objectives set forth in section 2501(a) of this title
21 by encouraging and providing for research, development,
22 and application of dual-use critical technologies. The Sec-
23 retary may make grants, enter into contracts, or enter into
24 cooperative agreements and other transactions pursuant to
25 section 2371 of this title in furtherance of the program. The

1 *Secretary shall identify projects to be conducted as part of*
2 *the program.*

3 “(b) *ASSISTANCE AUTHORIZED.*—*The Secretary of De-*
4 *fense may provide technical and other assistance to facili-*
5 *tate the achievement of the purposes of projects conducted*
6 *under the program. In providing such assistance, the Sec-*
7 *retary shall make available, as appropriate for the work*
8 *to be performed, equipment and facilities of Department of*
9 *Defense laboratories (including the scientists and engineers*
10 *at those laboratories) for purposes of projects selected by the*
11 *Secretary.*

12 “(c) *FINANCIAL COMMITMENT OF NON-FEDERAL GOV-*
13 *ERNMENT PARTICIPANTS.*—(1) *The total amount of funds*
14 *provided by the Federal Government for a project conducted*
15 *under the program may not exceed 50 percent of the total*
16 *cost of the project. However, the Secretary of Defense may*
17 *agree to a project in which the total amount of funds pro-*
18 *vided by the Federal Government exceeds 50 percent if the*
19 *Secretary determines the project is particularly meritori-*
20 *ous, but the project would not otherwise have sufficient non-*
21 *Federal funding or in-kind contributions.*

22 “(2) *The Secretary may prescribe regulations to pro-*
23 *vide for consideration of in-kind contributions by non-Fed-*
24 *eral Government participants in a project conducted under*
25 *the program for the purpose of calculating the share of the*

1 *project costs that has been or is being undertaken by such*
2 *participants. In such regulations, the Secretary may au-*
3 *thorize a participant that is a small business concern to*
4 *use funds received under the Small Business Innovation Re-*
5 *search Program or the Small Business Technology Transfer*
6 *Program to help pay the costs of project activities. Any such*
7 *funds so used may be considered in calculating the amount*
8 *of the financial commitment undertaken by the non-Federal*
9 *Government participants unless the Secretary determines*
10 *that the small business concern has not made a significant*
11 *equity percentage contribution in the project from non-Fed-*
12 *eral sources.*

13 “(3) *The Secretary shall consider a project proposal*
14 *submitted by a small business concern without regard to*
15 *the ability of the small business concern to immediately*
16 *meet its share of the anticipated project costs. Upon the se-*
17 *lection of a project proposal submitted by a small business*
18 *concern, the small business concern shall have a period of*
19 *not less than 120 days in which to arrange to meet its fi-*
20 *nancial commitment requirements under the project from*
21 *sources other than a person of a foreign country. If the Sec-*
22 *retary determines upon the expiration of that period that*
23 *the small business concern will be unable to meet its share*
24 *of the anticipated project costs, the Secretary shall revoke*

1 *the selection of the project proposal submitted by the small*
2 *business concern.*

3 “(d) *SELECTION PROCESS.—Competitive procedures*
4 *shall be used in the conduct of the program.*

5 “(e) *SELECTION CRITERIA.—The criteria for the selec-*
6 *tion of projects under the program shall include the follow-*
7 *ing:*

8 “(1) *The extent to which the proposed project ad-*
9 *vances and enhances the national security objectives*
10 *set forth in section 2501(a) of this title.*

11 “(2) *The technical excellence of the proposed*
12 *project.*

13 “(3) *The qualifications of the personnel proposed*
14 *to participate in the research activities of the pro-*
15 *posed project.*

16 “(4) *An assessment of timely private sector in-*
17 *vestment in activities to achieve the goals and objec-*
18 *tives of the proposed project other than through the*
19 *project.*

20 “(5) *The potential effectiveness of the project in*
21 *the further development and application of each tech-*
22 *nology proposed to be developed by the project for the*
23 *national technology and industrial base.*

24 “(6) *The extent of the financial commitment of*
25 *eligible firms to the proposed project.*

1 “(7) *The extent to which the project does not un-*
2 *necessarily duplicate projects undertaken by other*
3 *agencies.*”

4 “(f) *REGULATIONS.—The Secretary of Defense shall*
5 *prescribe regulations for the purposes of this section.*”

6 (d) *FEDERAL DEFENSE LABORATORY DIVERSIFICA-*
7 *TION PROGRAM.—Section 2519 of such title is amended—*

8 (1) *in subsection (b), by striking out “referred to*
9 *in section 2511(b) of this title”; and*

10 (2) *in subsection (f), by striking out “section*
11 *2511(f)” and inserting in lieu thereof “section*
12 *2511(e)”.*

13 (e) *MANUFACTURING SCIENCE AND TECHNOLOGY PRO-*
14 *GRAM.—Subsection (b) of section 2525 of such title is*
15 *amended to read as follows:*

16 “(b) *PURPOSE OF PROGRAM.—The Secretary of De-*
17 *fense shall use the program—*

18 “(1) *to provide centralized guidance and direc-*
19 *tion (including goals, milestones, and priorities) to*
20 *the military departments and the Defense Agencies on*
21 *all matters relating to manufacturing technology;*

22 “(2) *to direct the development and implementa-*
23 *tion of Department of Defense plans, programs,*
24 *projects, activities, and policies that promote the de-*

1 *velopment and application of advanced technologies to*
2 *manufacturing processes, tools, and equipment;*

3 *“(3) to improve the manufacturing quality, pro-*
4 *ductivity, technology, and practices of businesses and*
5 *workers providing goods and services to the Depart-*
6 *ment of Defense;*

7 *“(4) to promote dual-use manufacturing proc-*
8 *esses;*

9 *“(5) to disseminate information concerning im-*
10 *proved manufacturing improvement concepts, includ-*
11 *ing information on such matters as best manufactur-*
12 *ing practices, product data exchange specifications,*
13 *computer-aided acquisition and logistics support, and*
14 *rapid acquisition of manufactured parts;*

15 *“(6) to sustain and enhance the skills and capa-*
16 *bilities of the manufacturing work force;*

17 *“(7) to promote high-performance work systems*
18 *(with development and dissemination of production*
19 *technologies that build upon the skills and capabilities*
20 *of the work force), high levels of worker education and*
21 *training; and*

22 *“(8) to ensure appropriate coordination between*
23 *the manufacturing technology programs and indus-*
24 *trial preparedness programs of the Department of De-*
25 *fense and similar programs undertaken by other de-*

1 *partments and agencies of the Federal Government or*
2 *by the private sector.”.*

3 *(f) REPEAL OF VARIOUS ASSISTANCE PROGRAMS.—*
4 *Sections 2512, 2513, 2520, 2521, 2522, 2523, and 2524 of*
5 *such title are repealed.*

6 *(g) REPEAL OF MILITARY-CIVILIAN INTEGRATION AND*
7 *TECHNOLOGY TRANSFER ADVISORY BOARD.—Section 2516*
8 *of such title is repealed.*

9 *(h) REPEAL OF OBSOLETE DEFINITIONS.—Section*
10 *2491 of such title is amended—*

11 *(1) by striking out paragraphs (11) and (12);*
12 *and*

13 *(2) by redesignating paragraphs (13), (14), (15),*
14 *and (16) as paragraphs (11) (12), (13), and (14), re-*
15 *spectively.*

16 *(i) CLERICAL AMENDMENTS.—(1) The table of sections*
17 *at the beginning of subchapter II of chapter 148 of such*
18 *title is amended by striking out the item relating to section*
19 *2501 and inserting in lieu thereof the following new item:*

*“2501. National security objectives concerning national technology and industrial
base.”.*

20 *(2) The table of sections at the beginning of subchapter*
21 *III of such chapter is amended—*

1 (A) by striking out the item relating to section
2 2511 and inserting in lieu thereof the following new
3 item:

 “2511. Defense dual-use critical technology program.”; and

4 (B) by striking out the items relating to sections
5 2512, 2513, 2516, and 2520.

6 (3) The table of sections at the beginning of subchapter
7 IV of such chapter is amended by striking out the items
8 relating to sections 2521, 2522, 2523, and 2524.

9 **SEC. 1082. AMMUNITION INDUSTRIAL BASE.**

10 (a) *REVIEW OF AMMUNITION PROCUREMENT PRO-*
11 *GRAMS.*—The Secretary of Defense shall carry out a review
12 of the programs of the Department of Defense for the pro-
13 curement of ammunition. The review shall include the De-
14 partment of Defense management of ammunition procure-
15 ment programs, including the procedures of the Department
16 for the planning for, budgeting for, administration, and
17 carrying out of such programs. The Secretary shall begin
18 the review not later than 30 days after the date of the enact-
19 ment of this Act.

20 (b) *MATTERS TO BE REVIEWED.*—The review under
21 subsection (a) shall include an assessment of the following:

22 (1) The practicability and desirability of (A)
23 continuing to use centralized procurement practices
24 (through a single executive agent) for the procurement
25 of ammunition required by the Armed Forces, and

1 *(B) using such centralized procurement practices for*
2 *the procurement of all such ammunition.*

3 *(2) The capability of the ammunition production*
4 *facilities of the Government to meet the requirements*
5 *of the Armed Forces for procurement of ammunition.*

6 *(3) The practicability and desirability of con-*
7 *verting those ammunition production facilities to*
8 *ownership or operation by private sector entities.*

9 *(4) The practicability and desirability of inte-*
10 *grating the budget planning for the procurement of*
11 *ammunition among the Armed Forces.*

12 *(5) The practicability and desirability of estab-*
13 *lishing an advocate within the Department of Defense*
14 *for matters relating to the ammunition industrial*
15 *base, with such an advocate to be responsible for—*

16 *(A) establishing the quantity and price of*
17 *ammunition procured by the Armed Forces; and*

18 *(B) establishing and implementing policy to*
19 *ensure the continuing capability of the ammuni-*
20 *tion industrial base in the United States to meet*
21 *the requirements of the Armed Forces.*

22 *(6) The practicability and desirability of provid-*
23 *ing information on the ammunition procurement*
24 *practices of the Armed Forces to Congress through a*
25 *single source.*

1 (c) *REPORT.*—Not later than April 1, 1996, the Sec-
2 retary shall submit to the congressional defense committees
3 a report on the review carried out under subsection (a). The
4 report shall include the following:

5 (1) *The results of the review.*

6 (2) *A discussion of the methodologies used in*
7 *carrying out the review.*

8 (3) *An assessment of various methods of ensuring*
9 *the continuing capability of the ammunition indus-*
10 *trial base of the United States to meet the require-*
11 *ments of the Armed Forces.*

12 (4) *Recommendations of means (including legis-*
13 *lation) of implementing those methods in order to en-*
14 *sure such continuing capability.*

15 ***SEC. 1083. POLICY CONCERNING EXCESS DEFENSE INDUS-***
16 ***TRIAL CAPACITY.***

17 *No funds appropriated pursuant to an authorization*
18 *of appropriations in this Act may be used for capital in-*
19 *vestment in, or the development and construction of, a Gov-*
20 *ernment-owned, Government-operated defense industrial fa-*
21 *cility unless the Secretary of Defense certifies to the Con-*
22 *gress that no similar capability or minimally used capacity*
23 *exists in any other Government-owned, Government-oper-*
24 *ated defense industrial facility.*

1 **SEC. 1084. SENSE OF CONGRESS CONCERNING ACCESS TO**
2 **SECONDARY SCHOOL STUDENT INFORMA-**
3 **TION FOR RECRUITING PURPOSES.**

4 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
5 *that—*

6 (1) *the States (with respect to public schools)*
7 *and entities operating private secondary schools*
8 *should not have a policy of denying, or otherwise ef-*
9 *fectively preventing, the Secretary of Defense from ob-*
10 *taining for military recruiting purposes—*

11 (A) *entry to any secondary school or access*
12 *to students at any secondary school equal to that*
13 *of other employers; or*

14 (B) *access to directory information pertain-*
15 *ing to students at secondary schools equal to that*
16 *of other employers (other than in a case in which*
17 *an objection has been raised as described in*
18 *paragraph (2)); and*

19 (2) *any State, and any entity operating a pri-*
20 *vate secondary school, that releases directory informa-*
21 *tion secondary school students should—*

22 (A) *give public notice of the categories of*
23 *such information to be released; and*

24 (B) *allow a reasonable period after such no-*
25 *tice has been given for a student or (in the case*
26 *of an individual younger than 18 years of age)*

1 *a parent to inform the school that any or all of*
2 *such information should not be released without*
3 *obtaining prior consent from the student or the*
4 *parent, as the case may be.*

5 *(b) REPORT ON DOD PROCEDURES.—Not later than*
6 *March 1, 1996, the Secretary of Defense shall submit to*
7 *Congress a report on Department of Defense procedures for*
8 *determining if and when a State or an entity operating*
9 *a private secondary school has denied or prevented access*
10 *to students or information as described in subsection (a)(1).*

11 *(c) DEFINITIONS.—For purposes of this section:*

12 (1) *The term “directory information” means,*
13 *with respect to a student, the student’s name, address,*
14 *telephone listing, date and place of birth, level of edu-*
15 *cation, degrees received, and (if available) the most*
16 *recent previous educational program enrolled in by*
17 *the student.*

18 (2) *The term “student” means an individual en-*
19 *rolled in any program of education who is 17 years*
20 *of age or older.*

1 **SEC. 1085. DISCLOSURE OF INFORMATION CONCERNING**
2 **UNACCOUNTED FOR UNITED STATES PER-**
3 **SONNEL FROM THE KOREAN CONFLICT, THE**
4 **VIETNAM ERA, AND THE COLD WAR.**

5 *Section 1082 of the National Defense Authorization*
6 *Act for Fiscal Years 1992 and 1993 (Public Law 102–190;*
7 *50 U.S.C. 401 note) is amended—*

8 *(1) in subsection (b)(3)(A), by striking out “can-*
9 *not be located after a reasonable effort.” and inserting*
10 *in lieu thereof “cannot be located by the Secretary of*
11 *Defense—*

12 *“(i) in the case of a person missing from*
13 *the Vietnam era, after a reasonable effort; and*

14 *“(ii) in the case of a person missing from*
15 *the Korean Conflict or Cold War, after a period*
16 *of 90 days from the date on which any record or*
17 *other information referred to in paragraph (2) is*
18 *received by the Department of Defense for disclo-*
19 *sure review from the Archivist of the United*
20 *States, the Library of Congress, or the Joint*
21 *United States-Russian Commission on POW/*
22 *MIAs.”; and*

23 *(2) in subsection (c)(1), by striking out “not*
24 *later than September 30, 1995” and inserting in lieu*
25 *thereof “not later than January 2, 1996”.*

1 **SEC. 1086. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT**
2 **FLEET.**

3 (a) *SUBMITTAL OF JCS REPORT ON AIRCRAFT.*—Not
4 later than February 1, 1996, the Secretary of Defense shall
5 submit to Congress the report that, as of the date of the
6 enactment of this Act, is in preparation by the Chairman
7 of the Joint Chiefs of Staff on operational support airlift
8 aircraft.

9 (b) *CONTENT OF REPORT.*—(1) The report referred to
10 in subsection (a) shall contain findings and recommenda-
11 tions on the following:

12 (A) *Requirements for the modernization and*
13 *safety of the operational support airlift aircraft fleet.*

14 (B) *The disposition of aircraft that would be ex-*
15 *cess to that fleet upon fulfillment of the requirements*
16 *referred to in subparagraph (A).*

17 (C) *Plans and requirements for the standardiza-*
18 *tion of the fleet, including plans and requirements for*
19 *the provision of a single manager for all logistical*
20 *support and operational requirements.*

21 (D) *Central scheduling of all operational support*
22 *airlift aircraft.*

23 (E) *Needs of the Department for helicopter sup-*
24 *port in the National Capital Region, including the*
25 *acceptable uses of that support.*

1 (2) *In preparing the report, the Chairman of the Joint*
2 *Chiefs of Staff shall take into account the recommendation*
3 *of the Commission on Roles and Missions of the Armed*
4 *Forces to reduce the size of the operational support airlift*
5 *aircraft fleet.*

6 (c) *REGULATIONS.—(1) Upon completion of the report*
7 *referred to in subsection (a), the Secretary shall prescribe*
8 *regulations, consistent with the findings and recommenda-*
9 *tions set forth in the report, for the operation, maintenance,*
10 *disposition, and use of operational support airlift aircraft.*

11 (2) *The regulations shall, to the maximum extent prac-*
12 *ticable, provide for, and encourage the use of, commercial*
13 *airlines in lieu of the use of such aircraft.*

14 (3) *The regulations shall apply uniformly throughout*
15 *the Department.*

16 (4) *The regulations shall not require exclusive use of*
17 *such aircraft for any particular class of government person-*
18 *nel.*

19 (d) *REDUCTIONS IN FLYING HOURS.—(1) The Sec-*
20 *retary shall ensure that the number of hours flown during*
21 *fiscal year 1996 by operational support airlift aircraft does*
22 *not exceed the number equal to 85 percent of the number*
23 *of hours flown during fiscal year 1995 by operational sup-*
24 *port airlift aircraft.*

1 (2) *The Secretary should ensure that the number of*
2 *hours flown in the National Capital Region during fiscal*
3 *year 1996 by helicopters of the operational support airlift*
4 *aircraft fleet does not exceed the number equal to 85 percent*
5 *of the number of hours flown in the National Capital Re-*
6 *gion during fiscal year 1995 by helicopters of the oper-*
7 *ational support airlift aircraft fleet.*

8 (e) *RESTRICTION ON AVAILABILITY OF FUNDS.—Of the*
9 *funds appropriated pursuant to section 301 for the oper-*
10 *ation and use of operational support airlift aircraft, not*
11 *more than 50 percent is available for obligation until the*
12 *Secretary submits to Congress the report referred to in sub-*
13 *section (a).*

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

15 (1) *The term “operational support airlift air-*
16 *craft” means aircraft of the Department of Defense*
17 *designated within the Department as operational sup-*
18 *port airlift aircraft.*

19 (2) *The term “National Capital Region” has the*
20 *meaning given such term in section 2674(f)(2) of title*
21 *10, United States Code.*

22 **SEC. 1087. CIVIL RESERVE AIR FLEET.**

23 *Section 9512 of title 10, United States Code, is amend-*
24 *ed by striking out “full Civil Reserve Air Fleet” in sub-*

1 sections (b)(2) and (e) and inserting in lieu thereof “Civil
2 Reserve Air Fleet”.

3 **SEC. 1088. DAMAGE OR LOSS TO PERSONAL PROPERTY**
4 **DUE TO EMERGENCY EVACUATION OR EX-**
5 **TRAORDINARY CIRCUMSTANCES.**

6 (a) *SETTLEMENT OF CLAIMS OF PERSONNEL.*—Sec-
7 tion 3721(b)(1) of title 31, United States Code, is amended
8 by inserting after the first sentence the following: “If, how-
9 ever, the claim arose from an emergency evacuation or from
10 extraordinary circumstances, the amount settled and paid
11 under the authority of the preceding sentence may exceed
12 \$40,000, but may not exceed \$100,000.”.

13 (b) *APPLICABILITY.*—The amendment made by sub-
14 section (a) shall apply to claims arising before, on, or after
15 the date of the enactment of this Act.

16 (c) *REPRESENTMENTS OF PREVIOUSLY PRESENTED*
17 *CLAIMS.*—(1) A claim under subsection (b) of section 3721
18 of title 31, United States Code, that was settled under such
19 section before the date of the enactment of this Act may be
20 represented under such section, as amended by subsection
21 (a), to the head of the agency concerned to recover the
22 amount equal to the difference between the actual amount
23 of the damage or loss and the amount settled and paid
24 under the authority of such section before the date of the
25 enactment of this Act, except that—

1 (A) the claim shall be represented in writing
2 within two years after the date of the enactment of
3 this Act;

4 (B) a determination of the actual amount of the
5 damage or loss shall have been made by the head of
6 the agency concerned pursuant to settlement of the
7 claim under the authority of such section before the
8 date of the enactment of this Act;

9 (C) the claimant shall have proof of the deter-
10 mination referred to in subparagraph (B); and

11 (D) the total of all amounts paid in settlement
12 of the claim under the authority of such section may
13 not exceed \$100,000.

14 (2) Subsection (k) of such section shall not apply to
15 bar representment of a claim described in paragraph (1),
16 but shall apply to such a claim that is represented and set-
17 tled under that section after the date of the enactment of
18 this Act.

19 **SEC. 1089. AUTHORITY TO SUSPEND OR TERMINATE COL-**
20 **LECTION ACTIONS AGAINST DECEASED MEM-**
21 **BERS.**

22 Section 3711 of title 31, United States Code, is amend-
23 ed by adding at the end the following:

24 “(g)(1) The Secretary of Defense may suspend or ter-
25 minate an action by the Secretary or by the Secretary of

1 *a military department under subsection (a) to collect a*
2 *claim against the estate of a person who died while serving*
3 *on active duty as a member of the Army, Navy, Air Force,*
4 *or Marine Corps if the Secretary determines that, under*
5 *the circumstances applicable with respect to the deceased*
6 *person, it is appropriate to do so.*

7 “(2) *In this subsection, the term ‘active duty’ has the*
8 *meaning given that term in section 101 of title 10.’”.*

9 **SEC. 1090. CHECK CASHING AND EXCHANGE TRANS-**
10 **ACTIONS FOR DEPENDENTS OF UNITED**
11 **STATES GOVERNMENT PERSONNEL.**

12 *(a) AUTHORITY TO CARRY OUT TRANSACTIONS.—Sub-*
13 *section (b) of section 3342 of title 31, United States Code,*
14 *is amended—*

15 *(1) by redesignating paragraphs (3), (4), and (5)*
16 *as paragraphs (4), (5), and (6), respectively; and*

17 *(2) by inserting after paragraph (2) the follow-*
18 *ing new paragraph:*

19 “(3) *a dependent of personnel of the Government,*
20 *but only—*

21 “(A) *at a United States installation at*
22 *which adequate banking facilities are not avail-*
23 *able; and*

24 “(B) *in the case of negotiation of negotiable*
25 *instruments, if the dependent’s sponsor author-*

1 izes, in writing, the presentation of negotiable
2 instruments to the disbursing official for negotia-
3 tion.”.

4 (b) *PAY OFFSET*.—Subsection (c) of such section is
5 amended—

6 (1) by redesignating paragraph (3) as para-
7 graph (4); and

8 (2) by inserting after paragraph (2) the follow-
9 ing new paragraph (3):

10 “(3) The amount of any deficiency resulting from cash-
11 ing a check for a dependent under subsection (b)(3), includ-
12 ing any charges assessed against the disbursing official by
13 a financial institution for insufficient funds to pay the
14 check, may be offset from the pay of the dependent’s spon-
15 sor.”.

16 (c) *DEFINITIONS*.—Such section is further amended by
17 adding at the end the following:

18 “(e) Regulations prescribed under subsection (d) shall
19 include regulations that define the terms ‘dependent’ and
20 ‘sponsor’ for the purposes of this section. In the regulations,
21 the term ‘dependent’, with respect to a member of a uni-
22 formed service, shall have the meaning given that term in
23 section 401 of title 37.”.

1 **SEC. 1091. DESIGNATION OF NATIONAL MARITIME CENTER.**

2 (a) *DESIGNATION OF NATIONAL MARITIME CENTER.*—

3 *The NAUTICUS building, located at one Waterside Drive,*
4 *Norfolk, Virginia, shall be known and designated as the*
5 *“National Maritime Center”.*

6 (b) *REFERENCE TO NATIONAL MARITIME CENTER.*—

7 *Any reference in a law, map, regulation, document, paper,*
8 *or other record of the United States to the building referred*
9 *to in subsection (a) shall be deemed to be a reference to*
10 *the “National Maritime Center”.*

11 **SEC. 1092. SENSE OF CONGRESS REGARDING HISTORIC**
12 **PRESERVATION OF MIDWAY ISLANDS.**

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

14 (1) *September 2, 1995, marks the 50th anniver-*
15 *sary of the United States victory over Japan in*
16 *World War II.*

17 (2) *The Battle of Midway proved to be the turn-*
18 *ing point in the war in the Pacific, as United States*
19 *Navy forces inflicted such severe losses on the Impe-*
20 *rial Japanese Navy during the battle that the Impe-*
21 *rial Japanese Navy never again took the offensive*
22 *against United States or allied forces.*

23 (3) *During the Battle of Midway, an out-*
24 *numbered force of the United States Navy, consisting*
25 *of 29 ships and other units of the Armed Forces under*
26 *the command of Admiral Nimitz and Admiral*

1 *Spruance, out-maneuvered and out-fought 350 ships*
2 *of the Imperial Japanese Navy.*

3 (4) *It is in the public interest to erect a memo-*
4 *rial to the Battle of Midway that is suitable to ex-*
5 *press the enduring gratitude of the American people*
6 *for victory in the battle and to inspire future genera-*
7 *tions of Americans with the heroism and sacrifice of*
8 *the members of the Armed Forces who achieved that*
9 *victory.*

10 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
11 *that—*

12 (1) *the Midway Islands and the surrounding*
13 *seas deserve to be memorialized;*

14 (2) *the historic structures related to the Battle of*
15 *Midway should be maintained, in accordance with*
16 *the National Historic Preservation Act (16 U.S.C.*
17 *470–470t), and subject to the availability of appro-*
18 *priations for that purpose.*

19 (3) *appropriate access to the Midway Islands by*
20 *survivors of the Battle of Midway, their families, and*
21 *other visitors should be provided in a manner that en-*
22 *sure the public health and safety on the Midway Is-*
23 *lands and the conservation of the natural resources of*
24 *those islands in accordance with existing Federal law.*

1 **SEC. 1093. SENSE OF SENATE REGARDING FEDERAL SPEND-**
 2 **ING.**

3 *It is the sense of the Senate that in pursuit of a bal-*
 4 *anced Federal budget, Congress should exercise fiscal re-*
 5 *straint, particularly in authorizing spending not requested*
 6 *by the executive branch and in proposing new programs.*

7 **SEC. 1094. EXTENSION OF AUTHORITY FOR VESSEL WAR**
 8 **RISK INSURANCE.**

9 *Section 1214 of the Merchant Marine Act, 1936 (46*
 10 *App. U.S.C. 1294), is amended by striking “June 30, 1995”*
 11 *and inserting in lieu thereof “June 30, 2000”.*

12 **TITLE XI—UNIFORM CODE OF**
 13 **MILITARY JUSTICE**

14 **SEC. 1101. SHORT TITLE.**

15 *This title may be cited as the “Military Justice*
 16 *Amendments of 1995”.*

17 **SEC. 1102. REFERENCES TO UNIFORM CODE OF MILITARY**
 18 **JUSTICE.**

19 *Except as otherwise expressly provided, whenever in*
 20 *this title an amendment or repeal is expressed in terms of*
 21 *an amendment to, or repeal of, a section or other provision,*
 22 *the reference shall be considered to be made to a section or*
 23 *other provision of chapter 47 of title 10, United States Code*
 24 *(the Uniform Code of Military Justice).*

1 **Subtitle A—Offenses**

2 **SEC. 1111. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.**

3 *Section 847(b) (article 47(b)) is amended—*

4 (1) *in the first sentence, by inserting “indict-*
5 *ment or” after “shall be tried on”; and*

6 (2) *in the second sentence, by striking out “shall*
7 *be” and all that follows and inserting in lieu thereof*
8 *“shall be fined or imprisoned, or both, at the court’s*
9 *discretion.”.*

10 **SEC. 1112. FLIGHT FROM APPREHENSION.**

11 (a) *IN GENERAL.—Section 895 (article 95) is amended*
12 *to read as follows:*

13 **“§895. Art. 95. Resistance, flight, breach of arrest,**
14 **and escape**

15 *“Any person subject to this chapter who—*

16 *“(1) resists apprehension;*

17 *“(2) flees from apprehension;*

18 *“(3) breaks arrest; or*

19 *“(4) escapes from custody or confinement;*

20 *shall be punished as a court-martial may direct.”.*

21 (b) *CLERICAL AMENDMENT.—The item relating to sec-*
22 *tion 895 (article 95) in the table of sections at the beginning*
23 *of subchapter X is amended to read as follows:*

“895. Art. 95. Resistance, flight, breach of arrest, and escape.”.

1 **SEC. 1113. CARNAL KNOWLEDGE.**

2 (a) *GENDER NEUTRALITY.*—Subsection (b) of section
3 920 (article 120) is amended to read as follows:

4 “(b) Any person subject to this chapter who, under cir-
5 cumstances not amounting to rape, commits an act of sex-
6 ual intercourse with a person—

7 “(1) who is not that person’s spouse; and

8 “(2) who has not attained the age of sixteen
9 years;

10 is guilty of carnal knowledge and shall be punished as a
11 court-martial may direct.”.

12 (b) *MISTAKE OF FACT.*—Such section (article) is fur-
13 ther amended by adding at the end the following new sub-
14 section:

15 “(d)(1) In a prosecution under subsection (b), it is an
16 affirmative defense that—

17 “(A) the person with whom the accused commit-
18 ted the act of sexual intercourse had at the time of the
19 alleged offense attained the age of twelve years; and

20 “(B) the accused reasonably believed that that
21 person had at the time of the alleged offense attained
22 the age of sixteen years.

23 “(2) The accused has the burden of proving a defense
24 under paragraph (1) by a preponderance of the evidence.”.

Subtitle B—Sentences**SEC. 1121. EFFECTIVE DATE FOR FORFEITURES OF PAY
AND ALLOWANCES AND REDUCTIONS IN
GRADE BY SENTENCE OF COURT-MARTIAL.**

(a) *EFFECTIVE DATE OF SPECIFIED PUNISHMENTS.*—
Subsection (a) of section 857 (article 57) is amended to read
as follows:

“(a)(1) Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

“(A) the date that is 14 days after the date on which the sentence is adjudged; or

“(B) the date on which the sentence is approved by the convening authority.

“(2) On application by an accused, the convening authority may defer a forfeiture of pay or allowances or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. Such a deferment may be rescinded at any time by the convening authority.

“(3) A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect.

“(4) In this subsection, the term ‘convening authority’, with respect to a sentence of a court-martial, means any

1 *person authorized to act on the sentence under section 860*
2 *of this title (article 60).”.*

3 **(b) APPLICABILITY.**—*The amendment made by sub-*
4 *section (a) shall apply to a case in which a sentence is ad-*
5 *judged by a court-martial on or after the first day of the*
6 *first month that begins at least 30 days after the date of*
7 *the enactment of this Act.*

8 **SEC. 1122. REQUIRED FORFEITURE OF PAY AND ALLOW-**
9 **ANCES DURING CONFINEMENT.**

10 **(a) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR MORE THAN SIX MONTHS.**—*(1) Subchapter VIII*
11 *is amended by inserting after section 858a (article 58a) the*
12 *following:*

14 **“§ 858b. Art. 58b. Sentences: forfeiture of pay and al-**
15 **lowances during confinement**

16 *“(a)(1) A court-martial sentence described in para-*
17 *graph (2) shall result in the forfeiture of pay and allow-*
18 *ances due that member during any period of confinement*
19 *or parole. The forfeiture pursuant to this section shall take*
20 *effect on the date determined under section 857(a) of this*
21 *title (article 57(a)) and may be deferred as provided in that*
22 *section. The pay and allowances forfeited, in the case of a*
23 *general court-martial, shall be all pay and allowances due*
24 *that member during such period and, in the case of a spe-*

1 *cial court-martial, shall be two-thirds of all pay and allow-*
2 *ances due that member during such period.*

3 “(2) *A sentence covered by this section is any sentence*
4 *that includes—*

5 “(A) *confinement for more than six months or*
6 *death; or*

7 “(B) *confinement for six months or less and a*
8 *dishonorable or bad-conduct discharge or dismissal.*

9 “(b) *In a case involving an accused who has depend-*
10 *ents, the convening authority or other person acting under*
11 *section 860 of this title (article 60) may waive any or all*
12 *of the forfeitures of pay and allowances required by sub-*
13 *section (a) for a period not to exceed six months. Any*
14 *amount of pay or allowances that, except for a waiver under*
15 *this subsection, would be forfeited shall be paid, as the con-*
16 *vening authority or other person taking action directs, to*
17 *the dependents of the accused.*

18 “(c) *If the sentence of a member who forfeits pay and*
19 *allowances under subsection (a) is set aside or disapproved*
20 *or, as finally approved, does not provide for a punishment*
21 *referred to in subsection (a)(2), the member shall be paid*
22 *the pay and allowances which the member would have been*
23 *paid, except for the forfeiture, for the period during which*
24 *the forfeiture was in effect.”.*

1 (2) *The table of sections at the beginning of subchapter*
 2 *VIII is amended by adding at the end the following new*
 3 *item:*

“858b. 58b. *Sentences: forfeiture of pay and allowances during confinement.*”.

4 (b) *APPLICABILITY.*—*The section (article) added by the*
 5 *amendment made by subsection (a)(1) shall apply to a case*
 6 *in which a sentence is adjudged by a court-martial on or*
 7 *after the first day of the first month that begins at least*
 8 *30 days after the date of the enactment of this Act.*

9 (c) *CONFORMING AMENDMENT.*—(1) *Section 804 of*
 10 *title 37, United States Code, is repealed.*

11 (2) *The table of sections at the beginning of chapter*
 12 *15 of such title is amended by striking out the item relating*
 13 *to section 804.*

14 **SEC. 1123. DEFERMENT OF CONFINEMENT.**

15 (a) *DEFERMENT.*—*Subchapter VIII is amended—*

16 (1) *by inserting after subsection (c) of section*
 17 *857 (article 57) the following:*

18 **“§857a. Art. 57a. Deferment of sentences”;**

19 (2) *by redesignating the succeeding two sub-*
 20 *sections as subsection (a) and (b);*

21 (3) *in subsection (b), as redesignated by para-*
 22 *graph (2), by striking out “postpone” and inserting*
 23 *in lieu thereof “defer”; and*

24 (4) *by inserting after subsection (b), as redesi-*
 25 *gnated by paragraph (2), the following:*

1 “(c) *In any case in which a court-martial sentences*
2 *a person to confinement and the sentence to confinement*
3 *has been ordered executed, but in which review of the case*
4 *under section 867(a)(2) of this title (article 67(a)(2)) is*
5 *pending, the Secretary concerned may defer further service*
6 *of the sentence to confinement while that review is pend-*
7 *ing.*”.

8 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
9 *the beginning of such subchapter is amended by inserting*
10 *after the item relating to section 857 (article 57) the follow-*
11 *ing new item:*

 “857a. 57a. *Deferment of sentences.*”.

12 ***Subtitle C—Pretrial and Post-Trial*** 13 ***Actions***

14 ***SEC. 1131. ARTICLE 32 INVESTIGATIONS.***

15 *Section 832 (article 32) is amended—*

16 (1) *by redesignating subsection (d) as subsection*
17 *(e); and*

18 (2) *by inserting after subsection (c) the following*
19 *new subsection (d):*

20 “(d) *If evidence adduced in an investigation under this*
21 *article indicates that the accused committed an uncharged*
22 *offense, the investigating officer may investigate the subject*
23 *matter of that offense without the accused having first been*
24 *charged with the offense if the accused—*

25 “(1) *is present at the investigation;*

1 “(2) is informed of the nature of each uncharged
2 offense investigated; and

3 “(3) is afforded the opportunities for representa-
4 tion, cross-examination, and presentation prescribed
5 in subsection (b).”.

6 **SEC. 1132. SUBMISSION OF MATTERS TO THE CONVENING**
7 **AUTHORITY FOR CONSIDERATION.**

8 Section 860(b)(1) (article 60(b)(1)) is amended by in-
9 serting after the first sentence the following: “Any such sub-
10 mission shall be in writing.”.

11 **SEC. 1133. COMMITMENT OF ACCUSED TO TREATMENT FA-**
12 **CILITY BY REASON OF LACK OF MENTAL CA-**
13 **PACITY OR MENTAL RESPONSIBILITY.**

14 (a) *APPLICABLE PROCEDURES.*—(1) Subchapter IX is
15 amended by inserting after section 876a (article 76a) the
16 following:

17 **“§876b. Art. 76b. Lack of mental capacity or mental**
18 **responsibility: commitment of accused for**
19 **examination and treatment**

20 “(a) *PERSONS INCOMPETENT TO STAND TRIAL.*—(1)
21 In the case of a person determined under this chapter to
22 be presently suffering from a mental disease or defect ren-
23 dering the person mentally incompetent to the extent that
24 the person is unable to understand the nature of the pro-
25 ceedings against that person or to conduct or cooperate in-

1 *telligently in the defense of the case, the general court-mar-*
2 *tial convening authority for that person shall commit the*
3 *person to the custody of the Attorney General.*

4 “(2) *The Attorney General shall take action in accord-*
5 *ance with section 4241(d) of title 18.*

6 “(3) *If at the end of the period for hospitalization pro-*
7 *vided for in section 4241(d) of title 18, it is determined*
8 *that the committed person’s mental condition has not so im-*
9 *proved as to permit the trial to proceed, action shall be*
10 *taken in accordance with section 4246 of such title.*

11 “(4)(A) *When the director of a facility in which a per-*
12 *son is hospitalized pursuant to paragraph (2) determines*
13 *that the person has recovered to such an extent that the per-*
14 *son is able to understand the nature of the proceedings*
15 *against the person and to conduct or cooperate intelligently*
16 *in the defense of the case, the director shall promptly trans-*
17 *mit a notification of that determination to the Attorney*
18 *General and to the general court-martial convening author-*
19 *ity for the person. The director shall send a copy of the*
20 *notification to the person’s counsel.*

21 “(B) *Upon receipt of a notification, the general court-*
22 *martial convening authority shall promptly take custody*
23 *of the person unless the person covered by the notification*
24 *is no longer subject to this chapter. If the person is no longer*
25 *subject to this chapter, the Attorney General shall take any*

1 *action within the authority of the Attorney General that*
2 *the Attorney General considers appropriate regarding the*
3 *person.*

4 “(C) *The director of the facility may retain custody*
5 *of the person for not more than 30 days after transmitting*
6 *the notifications required by subparagraph (A).*

7 “(5) *In the application of section 4246 of title 18 to*
8 *a case under this subsection, references to the court that or-*
9 *dered the commitment of a person, and to the clerk of such*
10 *court, shall be deemed to refer to the general court-martial*
11 *convening authority for that person. However, if the person*
12 *is no longer subject to this chapter at a time relevant to*
13 *the application of such section to the person, the United*
14 *States district court for the district where the person is hos-*
15 *pitalized or otherwise may be found shall be considered as*
16 *the court that ordered the commitment of the person.*

17 “(b) *PERSONS FOUND NOT GUILTY BY REASON OF*
18 *LACK OF MENTAL RESPONSIBILITY.—(1) If a person is*
19 *found by a court-martial not guilty only by reason of lack*
20 *of mental responsibility, the person shall be committed to*
21 *a suitable facility until the person is eligible for release in*
22 *accordance with this section.*

23 “(2) *The court-martial shall conduct a hearing on the*
24 *mental condition in accordance with subsection (c) of sec-*

1 *tion 4243 of title 18. Subsections (b) and (d) of that section*
2 *shall apply with respect to the hearing.*

3 “(3) *A report of the results of the hearing shall be made*
4 *to the general court-martial convening authority for the*
5 *person.*

6 “(4) *If the court-martial fails to find by the standard*
7 *specified in subsection (d) of section 4243 of title 18 that*
8 *the person’s release would not create a substantial risk of*
9 *bodily injury to another person or serious damage of prop-*
10 *erty of another due to a present mental disease or defect—*

11 “(A) *the general court-martial convening author-*
12 *ity may commit the person to the custody of the At-*
13 *torney General; and*

14 “(B) *the Attorney General shall take action in*
15 *accordance with subsection (e) of section 4243 of title*
16 *18.*

17 “(5) *Subsections (f), (g), and (h) of section 4243 of*
18 *title 18 shall apply in the case of a person hospitalized pur-*
19 *suant to paragraph (4)(B), except that the United States*
20 *district court for the district where the person is hospital-*
21 *ized shall be considered as the court that ordered the per-*
22 *son’s commitment.*

23 “(c) *GENERAL PROVISIONS.—(1) Except as otherwise*
24 *provided in this subsection and subsection (d)(1), the provi-*

1 sions of section 4247 of title 18 apply in the administration
2 of this section.

3 “(2) In the application of section 4247(d) of title 18
4 to hearings conducted by a court-martial under this section
5 or by (or by order of) a general court-martial convening
6 authority under this section, the reference in that section
7 to section 3006A of such title does not apply.

8 “(d) *APPLICABILITY.*—(1) The provisions of chapter
9 313 of title 18 referred to in this section apply according
10 to the provisions of this section notwithstanding section
11 4247(j) of title 18.

12 “(2) If the status of a person as described in section
13 802 of this title (article 2) terminates while the person is,
14 pursuant to this section, in the custody of the Attorney Gen-
15 eral, hospitalized, or on conditional release under a pre-
16 scribed regimen of medical, psychiatric, or psychological
17 care or treatment, the provisions of this section establishing
18 requirements and procedures regarding a person no longer
19 subject to this chapter shall continue to apply to that person
20 notwithstanding the change of status.”.

21 (2) The table of sections at the beginning of such sub-
22 chapter is amended by inserting after the item relating to
23 section 876a (article 76a) the following:

“876b. 76b. Lack of mental capacity or mental responsibility: commitment of ac-
cused for examination and treatment.”.

1 (b) *CONFORMING AMENDMENT.*—Section 802 (article
2 2) is amended by adding at the end the following new sub-
3 section:

4 “(e) The provisions of this section are subject to section
5 876b(d)(2) of this title (article 76b(d)(2)).”.

6 (c) *EFFECTIVE DATE.*—Section 876b of title 10, *Unit-*
7 *ed States Code* (article 76b of the *Uniform Code of Military*
8 *Justice*), as added by subsection (a), shall take effect at the
9 end of the six-month period beginning on the date of the
10 enactment of this Act and shall apply with respect to
11 charges referred to courts-martial after the end of that pe-
12 riod.

13 ***Subtitle D—Appellate Matters***

14 ***SEC. 1141. APPEALS BY THE UNITED STATES.***

15 (a) *APPEALS RELATING TO DISCLOSURE OF CLASSI-*
16 *FIED INFORMATION.*—Section 862(a)(1) (article 62(a)(1))
17 is amended to read as follows:

18 “(a)(1) In a trial by court-martial in which a military
19 judge presides and in which a punitive discharge may be
20 adjudged, the United States may appeal the following (other
21 than an order or ruling that is, or that amounts to, a find-
22 ing of not guilty with respect to the charge or specification):

23 “(A) An order or ruling of the military judge
24 which terminates the proceedings with respect to a
25 charge or specification.

1 “(B) *An order or ruling which excludes evidence*
2 *that is substantial proof of a fact material in the pro-*
3 *ceeding.*

4 “(C) *An order or ruling which directs the disclo-*
5 *sure of classified information.*

6 “(D) *An order or ruling which imposes sanctions*
7 *for nondisclosure of classified information.*

8 “(E) *A refusal of the military judge to issue a*
9 *protective order sought by the United States to pre-*
10 *vent the disclosure of classified information.*

11 “(F) *A refusal by the military judge to enforce*
12 *an order described in subparagraph (E) that has pre-*
13 *viously been issued by appropriate authority.”.*

14 (b) *DEFINITIONS.—Section 801 (article 1) is amended*
15 *by inserting after paragraph (14) the following new para-*
16 *graphs:*

17 “(15) *The term ‘classified information’ means*
18 *(A) any information or material that has been deter-*
19 *mined by an official of the United States pursuant to*
20 *law, an Executive order, or regulation to require pro-*
21 *tection against unauthorized disclosure for reasons of*
22 *national security, and (B) any restricted data, as de-*
23 *finied in section 11(y) of the Atomic Energy Act of*
24 *1954 (42 U.S.C. 2014(y)).*

1 “(16) The term ‘national security’ means the na-
2 tional defense and foreign relations of the United
3 States.”.

4 **SEC. 1142. REPEAL OF TERMINATION OF AUTHORITY FOR**
5 **CHIEF JUSTICE OF THE UNITED STATES TO**
6 **DESIGNATE ARTICLE III JUDGES FOR TEM-**
7 **PORARY SERVICE ON COURT OF APPEALS**
8 **FOR THE ARMED FORCES.**

9 Subsection (i) of section 1301 of the National Defense
10 Authorization Act for Fiscal Years 1990 and 1991 (Public
11 Law 101–189; 10 U.S.C. 942 note) is repealed.

12 **Subtitle E—Other Matters**

13 **SEC. 1151. ADVISORY COMMITTEE ON CRIMINAL LAW JU-**
14 **RISDICTION OVER CIVILIANS ACCOMPANYING**
15 **THE ARMED FORCES IN TIME OF ARMED CON-**
16 **FLICT.**

17 (a) *ESTABLISHMENT.*—Not later than 45 days after
18 the date of the enactment of this Act, the Secretary of De-
19 fense and the Attorney General shall jointly appoint an ad-
20 visory committee to review and make recommendations con-
21 cerning the appropriate forum for criminal jurisdiction
22 over civilians accompanying the Armed Forces in the field
23 outside the United States in time of armed conflict.

24 (b) *MEMBERSHIP.*—The committee shall be composed
25 of at least five individuals, including experts in military

1 *law, international law, and Federal civilian criminal law.*
2 *In making appointments to the committee, the Secretary*
3 *and the Attorney General shall ensure that the members of*
4 *the committee reflect diverse experiences in the conduct of*
5 *prosecution and defense functions.*

6 (c) *DUTIES.—The committee shall do the following:*

7 (1) *Review historical experiences and current*
8 *practices concerning the use, training, discipline, and*
9 *functions of civilians accompanying the Armed Forces*
10 *in the field.*

11 (2) *Based upon such review and other informa-*
12 *tion available to the committee, develop specific rec-*
13 *ommendations concerning the advisability and fea-*
14 *sibility of establishing United States criminal law ju-*
15 *risdiction over persons who as civilians accompany*
16 *the Armed Forces in the field outside the United*
17 *States during time of armed conflict not involving a*
18 *war declared by Congress, including whether such ju-*
19 *risdiction should be established through any of the fol-*
20 *lowing means (or a combination of such means de-*
21 *pending upon the degree of the armed conflict in-*
22 *volved):*

23 (A) *Establishing court-martial jurisdiction*
24 *over such persons.*

1 (B) *Extending the jurisdiction of the Article*
2 *III courts to cover such persons.*

3 (C) *Establishing an Article I court to exer-*
4 *cise criminal jurisdiction over such persons.*

5 (3) *Develop such additional recommendations as*
6 *the committee considers appropriate as a result of the*
7 *review.*

8 (d) *REPORT.—(1) Not later than December 15, 1996,*
9 *the advisory committee shall transmit to the Secretary of*
10 *Defense and the Attorney General a report setting forth its*
11 *findings and recommendations, including the recommenda-*
12 *tions required under subsection (c)(2).*

13 (2) *Not later than January 15, 1997, the Secretary*
14 *of Defense and the Attorney General shall jointly transmit*
15 *the report of the advisory committee to Congress. The Sec-*
16 *retary and the Attorney General may include in the trans-*
17 *mittal any joint comments on the report that they consider*
18 *appropriate, and either such official may include in the*
19 *transmittal any separate comments on the report that such*
20 *official considers appropriate.*

21 (e) *DEFINITIONS.—For purposes of this section:*

22 (1) *The term “Article I court” means a court es-*
23 *tablished under Article I of the Constitution.*

24 (2) *The term “Article III court” means a court*
25 *established under Article III of the Constitution.*

1 (f) *TERMINATION OF COMMITTEE.*—*The advisory com-*
 2 *mittee shall terminate 30 days after the date on which the*
 3 *report of the committee is submitted to Congress under sub-*
 4 *section (d)(2).*

5 **SEC. 1152. TIME AFTER ACCESSION FOR INITIAL INSTRUC-**
 6 **TION IN THE UNIFORM CODE OF MILITARY**
 7 **JUSTICE.**

8 Section 937(a)(1) (article 137(a)(1)) is amended by
 9 striking out “within six days” and inserting in lieu thereof
 10 “within fourteen days”.

11 **SEC. 1153. TECHNICAL AMENDMENT.**

12 Section 866(f) (article 66(f)) is amended by striking
 13 out “Courts of Military Review” both places it appears and
 14 inserting in lieu thereof “Courts of Criminal Appeals”.

15 **TITLE XII—COOPERATIVE**
 16 **THREAT REDUCTION WITH**
 17 **STATES OF FORMER SOVIET**
 18 **UNION**

19 **SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT RE-**
 20 **DUCTION PROGRAMS.**

21 (a) *IN GENERAL.*—*For purposes of section 301 and*
 22 *other provisions of this Act, Cooperative Threat Reduction*
 23 *programs are the programs specified in subsection (b).*

1 (b) *SPECIFIED PROGRAMS.*—*The programs referred to*
2 *in subsection (a) are the following programs with respect*
3 *to states of the former Soviet Union:*

4 (1) *Programs to facilitate the elimination, and*
5 *the safe and secure transportation and storage, of nu-*
6 *clear, chemical, and other weapons and their delivery*
7 *vehicles.*

8 (2) *Programs to facilitate the safe and secure*
9 *storage of fissile materials derived from the elimi-*
10 *nation of nuclear weapons.*

11 (3) *Programs to prevent the proliferation of*
12 *weapons, weapons components, and weapons-related*
13 *technology and expertise.*

14 (4) *Programs to expand military-to-military*
15 *and defense contacts.*

16 ***SEC. 1202. FISCAL YEAR 1996 FUNDING ALLOCATIONS.***

17 (a) *IN GENERAL.*—*Of the amount appropriated pursu-*
18 *ant to the authorization of appropriations in section 301*
19 *for Cooperative Threat Reduction programs, not more than*
20 *the following amounts may be obligated for the purposes*
21 *specified:*

22 (1) *For elimination of strategic offensive weap-*
23 *ons in Russia, Ukraine, Belarus, and Kazakhstan,*
24 *\$90,000,000.*

1 (2) *For weapons security in Russia,*
2 \$42,500,000.

3 (3) *For the Defense Enterprise Fund, \$0.*

4 (4) *For nuclear infrastructure elimination in*
5 *Ukraine, Belarus, and Kazakhstan, \$35,000,000.*

6 (5) *For planning and design of a storage facility*
7 *for Russian fissile material, \$29,000,000.*

8 (6) *For planning and design of a chemical weap-*
9 *ons destruction facility in Russia, \$73,000,000.*

10 (7) *For activities designated as Defense and*
11 *Military Contacts/General Support/Training in Rus-*
12 *sia, Ukraine, Belarus, and Kazakhstan, \$10,000,000.*

13 (8) *For activities designated as Other Assess-*
14 *ments/Support \$20,500,000.*

15 (b) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
16 *AMOUNTS.—(1) If the Secretary of Defense determines that*
17 *it is necessary to do so in the national interest, the Sec-*
18 *retary may, subject to paragraph (2), obligate amounts for*
19 *the purposes stated in any of the paragraphs of subsection*
20 *(a) in excess of the amount specified for those purposes in*
21 *that paragraph, but not in excess of 115 percent of that*
22 *amount. However, the total amount obligated for the pur-*
23 *poses stated in the paragraphs in subsection (a) may not*
24 *by reason of the use of the authority provided in the preced-*

1 *ing sentence exceed the sum of the amounts specified in*
2 *those paragraphs.*

3 (2) *An obligation for the purposes stated in any of the*
4 *paragraphs in subsection (a) in excess of the amount speci-*
5 *fied in that paragraph may be made using the authority*
6 *provided in paragraph (1) only after—*

7 (A) *the Secretary submits to Congress a notifica-*
8 *tion of the intent to do so together with a complete*
9 *discussion of the justification for doing so; and*

10 (B) *15 days have elapsed following the date of*
11 *the notification.*

12 (c) *REIMBURSEMENT OF PAY ACCOUNTS.—Funds ap-*
13 *propriated pursuant to the authorization of appropriations*
14 *in section 301 for Cooperative Threat Reduction programs*
15 *may be transferred to military personnel accounts for reim-*
16 *bursement of those accounts for the amount of pay and al-*
17 *lowances paid to reserve component personnel for service*
18 *while engaged in any activity under a Cooperative Threat*
19 *Reduction program.*

20 **SEC. 1203. PROHIBITION ON USE OF FUNDS FOR PEACE-**
21 **KEEPING EXERCISES AND RELATED ACTIVI-**
22 **TIES WITH RUSSIA.**

23 *None of the funds appropriated pursuant to the au-*
24 *thorization in section 301 for Cooperative Threat Reduction*
25 *programs may be obligated or expended for the purpose of*

1 *conducting with Russia any peacekeeping exercise or other*
2 *peacekeeping-related activity.*

3 **SEC. 1204. REVISION TO AUTHORITY FOR ASSISTANCE FOR**
4 **WEAPONS DESTRUCTION.**

5 *Section 211 of Public Law 102–228 (22 U.S.C. 2551*
6 *note) is amended by adding at the end the following new*
7 *subsection:*

8 *“(c) As part of a transmission to Congress under sub-*
9 *section (b) of a certification that a proposed recipient of*
10 *United States assistance under this title is committed to*
11 *carrying out the matters specified in each of paragraphs*
12 *(1) through (6) of that subsection, the President shall in-*
13 *clude a statement setting forth, in unclassified form (to-*
14 *gether with a classified annex if necessary), the determina-*
15 *tion of the President, with respect to each such paragraph,*
16 *as to whether that proposed recipient is at that time in*
17 *fact carrying out the matter specified in that paragraph.”.*

18 **SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF**
19 **FUNDS.**

20 *(a) ANNUAL REQUIREMENT.—(1) Not less than 15*
21 *days before any obligation of any funds appropriated for*
22 *any fiscal year for a program specified under section 1201*
23 *as a Cooperative Threat Reduction program, the Secretary*
24 *of Defense shall submit to the congressional committees spec-*

1 *ified in paragraph (2) a report on that proposed obligation*
2 *for that program for that fiscal year.*

3 *(2) The congressional committees referred to in para-*
4 *graph (1) are the following:*

5 *(A) The Committee on Armed Services, the Com-*
6 *mittee on Foreign Relations, and the Committee on*
7 *Appropriations of the Senate.*

8 *(B) The Committee on National Security, the*
9 *Committee on International Relations, and the Com-*
10 *mittee on Appropriations of the House of Representa-*
11 *tives.*

12 *(b) MATTERS TO BE SPECIFIED IN REPORTS.—Each*
13 *such report shall specify—*

14 *(1) the activities and forms of assistance for*
15 *which the Secretary of Defense plans to obligate*
16 *funds;*

17 *(2) the amount of the proposed obligation; and*

18 *(3) the projected involvement (if any) of any de-*
19 *partment or agency of the United States (in addition*
20 *to the Department of Defense) and of the private sec-*
21 *tor of the United States in the activities and forms*
22 *of assistance for which the Secretary of Defense plans*
23 *to obligate such funds.*

1 **SEC. 1206. REPORT ON ACCOUNTING FOR UNITED STATES**
2 **ASSISTANCE.**

3 (a) *REPORT.*—(1) *The Secretary of Defense shall sub-*
4 *mit to Congress an annual report on the efforts made by*
5 *the United States (including efforts through the use of au-*
6 *dits, examinations, and on-site inspections) to ensure that*
7 *assistance provided under Cooperative Threat Reduction*
8 *programs is fully accounted for and that such assistance*
9 *is being used for its intended purposes.*

10 (2) *A report shall be submitted under this section not*
11 *later than January 31 of each year until the Cooperative*
12 *Threat Reduction programs are completed.*

13 (b) *INFORMATION TO BE INCLUDED.*—*Each report*
14 *under this section shall include the following:*

15 (1) *A list of cooperative threat reduction assist-*
16 *ance that has been provided before the date of the re-*
17 *port.*

18 (2) *A description of the current location of the*
19 *assistance provided and the current condition of such*
20 *assistance.*

21 (3) *A determination of whether the assistance*
22 *has been used for its intended purpose.*

23 (4) *A description of the activities planned to be*
24 *carried out during the next fiscal year to ensure that*
25 *cooperative threat reduction assistance provided dur-*

1 *ing that fiscal year is fully accounted for and is used*
2 *for its intended purpose.*

3 *(c) COMPTROLLER GENERAL ASSESSMENT.—Not later*
4 *than 30 days after the date on which a report of the Sec-*
5 *retary under subsection (a) is submitted to Congress, the*
6 *Comptroller General of the United States shall submit to*
7 *Congress a report giving the Comptroller General’s assess-*
8 *ment of the report and making any recommendations that*
9 *the Comptroller General considers appropriate.*

10 ***SEC. 1207. LIMITATION ON ASSISTANCE TO NUCLEAR***
11 ***WEAPONS SCIENTISTS OF FORMER SOVIET***
12 ***UNION.***

13 *Amounts appropriated pursuant to the authorization*
14 *of appropriations in section 301 for Cooperative Threat Re-*
15 *duction programs may not be obligated for any program*
16 *established primarily to assist nuclear weapons scientists*
17 *in states of the former Soviet Union until 30 days after*
18 *the date on which the Secretary of Defense certifies in writ-*
19 *ing to Congress that the funds to be obligated will not be*
20 *used (1) to contribute to the modernization of the strategic*
21 *nuclear forces of such states, or (2) for research, develop-*
22 *ment, or production of weapons of mass destruction.*

1 **SEC. 1208. LIMITATION RELATING TO OFFENSIVE BIOLOGI-**
2 **CAL WARFARE PROGRAM OF RUSSIA.**

3 (a) *LIMITATION.*—Of the amount appropriated pursu-
4 ant to the authorization of appropriations in section 301
5 for Cooperative Threat Reduction programs that is avail-
6 able for the purpose stated in section 1202(a)(6),
7 \$60,000,000 may not be obligated or expended until the
8 President submits to Congress either a certification as pro-
9 vided in subsection (b) or a certification as provided in sub-
10 section (c).

11 (b) *CERTIFICATION WITH RESPECT TO OFFENSIVE BI-*
12 *OLOGICAL WARFARE PROGRAM OF RUSSIA.*—A certification
13 under this subsection is a certification by the President of
14 each of the following:

15 (1) *That Russia is in compliance with its obliga-*
16 *tions under the Biological Weapons Convention.*

17 (2) *That Russia has agreed with the United*
18 *States and the United Kingdom on a common set of*
19 *procedures to govern visits by officials of the United*
20 *States and United Kingdom to military biological fa-*
21 *cilities of Russia, as called for under the Joint State-*
22 *ment on Biological Weapons issued by officials of the*
23 *United States, the United Kingdom, and Russia on*
24 *September 14, 1992.*

1 (3) *That visits by officials of the United States*
2 *and United Kingdom to the four declared military bi-*
3 *ological facilities of Russia have occurred.*

4 (c) *ALTERNATIVE CERTIFICATION.*—*A certification*
5 *under this subsection is a certification by the President that*
6 *the President is unable to make a certification under sub-*
7 *section (b).*

8 (d) *USE OF FUNDS UPON ALTERNATIVE CERTIFI-*
9 *CATION.*—*If the President makes a certification under sub-*
10 *section (c), the \$60,000,000 specified in subsection (a)—*

11 (1) *shall not be available for the purpose stated*
12 *in section 1202(a)(6); and*

13 (2) *shall be available for activities in Ukraine,*
14 *Kazakhstan, and Belarus—*

15 (A) *for the elimination of strategic offensive*
16 *weapons (in addition to the amount specified in*
17 *section 1202(a)(1)); and*

18 (B) *for nuclear infrastructure elimination*
19 *(in addition to the amount specified in section*
20 *1202(a)(4)).*

21 **SEC. 1209. LIMITATION ON USE OF FUNDS FOR CHEMICAL**
22 **WEAPONS DESTRUCTION FACILITY.**

23 (a) *LIMITATION.*—*Of the amount appropriated pursu-*
24 *ant to the authorization of appropriations in section 301*
25 *for Cooperative Threat Reduction programs that is avail-*

1 *able for planning and design of a chemical weapons de-*
2 *struction facility, not more than one-half of such amount*
3 *may be obligated or expended until the President certifies*
4 *to Congress the following:*

5 (1) *That the United States and Russia have*
6 *completed a joint laboratory study to determine the*
7 *feasibility of an appropriate technology for destruc-*
8 *tion of chemical weapons of Russia.*

9 (2) *That Russia is making reasonable progress,*
10 *with the assistance of the United States (if necessary),*
11 *toward the completion of a comprehensive implemen-*
12 *tation plan for managing and funding the dismantle-*
13 *ment and destruction of Russia's chemical weapons*
14 *stockpile.*

15 (3) *That the United States and Russia have*
16 *made substantial progress toward resolution, to the*
17 *satisfaction of the United States, of outstanding com-*
18 *pliance issues under the 1989 Wyoming Memorandum*
19 *of Understanding and the 1990 Bilateral Destruction*
20 *Agreement.*

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

22 (1) *The term “1989 Wyoming Memorandum of*
23 *Understanding” means the Memorandum of Under-*
24 *standing between the Government of the United States*
25 *of America and the Government of the Union of So-*

1 *viet Socialist Republics Regarding a Bilateral Ver-*
2 *ification Experiment and Data Exchange Related to*
3 *Prohibition on Chemical Weapons, signed at Jackson*
4 *Hole, Wyoming, on September 23, 1989.*

5 (2) *The term “1990 Bilateral Destruction Agree-*
6 *ment” means the Agreement between the United*
7 *States of America and the Union of Soviet Socialist*
8 *Republics on destruction and nonproduction of chemi-*
9 *cal weapons and on measures to facilitate the multi-*
10 *lateral convention on banning chemical weapons*
11 *signed on June 1, 1990.*

12 **TITLE XIII—MATTERS RELATING**
13 **TO OTHER NATIONS**
14 **Subtitle A—Peacekeeping**
15 **Provisions**

16 **SEC. 1301. PLACEMENT OF UNITED STATES FORCES**
17 **UNDER UNITED NATIONS OPERATIONAL OR**
18 **TACTICAL CONTROL.**

19 (a) *FINDINGS.—Congress finds the following:*

20 (1) *The President has made United Nations*
21 *peace operations a major component of the foreign*
22 *and security policies of the United States.*

23 (2) *The President has committed United States*
24 *military personnel under United Nations operational*

1 *control to missions in Haiti, Croatia, and Macedonia*
2 *that could endanger those personnel.*

3 (3) *The President has committed the United*
4 *States to deploy as many as 25,000 military person-*
5 *nel to Bosnia-Herzegovina as peacekeepers under*
6 *NATO operational control in the event that the par-*
7 *ties to that conflict reach a peace agreement.*

8 (4) *Although the President has insisted that he*
9 *will retain command of United States forces at all*
10 *times, in the past this has meant administrative con-*
11 *trol of United States forces only, while operational*
12 *control has been ceded to United Nations command-*
13 *ers, some of whom were foreign nationals.*

14 (5) *The experience of United States forces par-*
15 *ticipating in combined United States-United Nations*
16 *operations in Somalia, and in combined United Na-*
17 *tions-NATO operations in the former Yugoslavia,*
18 *demonstrate that prerequisites for effective military*
19 *operations such as unity of command and clarity of*
20 *mission have not been met by United Nations com-*
21 *mand and control arrangements.*

22 (6) *Despite the many deficiencies in the conduct*
23 *of United Nations peace operations, there may be*
24 *unique occasions when it is in the national security*

1 *interests of the United States to participate in such*
2 *operations.*

3 *(b) POLICY.—It is the sense of Congress that—*

4 *(1) the President should consult closely with*
5 *Congress regarding any United Nations peace oper-*
6 *ation that could involve United States combat forces*
7 *and that such consultations should continue through-*
8 *out the duration of such activities;*

9 *(2) the President should consult with Congress*
10 *before a vote within the United Nations Security*
11 *Council on any resolution which would authorize, ex-*
12 *tend, or revise the mandate for any such activity;*

13 *(3) in view of the complexity of United Nations*
14 *peace operations and the difficulty of achieving unity*
15 *of command and expeditious decisionmaking, the*
16 *United States should participate in such operations*
17 *only when it is clearly in the national security inter-*
18 *est to do so;*

19 *(4) United States combat forces should be under*
20 *the operational control of qualified commanders and*
21 *should have clear and effective command and control*
22 *arrangements and rules of engagement (which do not*
23 *restrict their self-defense in any way) and clear and*
24 *unambiguous mission statements; and*

1 (5) *none of the Armed Forces of the United*
2 *States should be under the operational control of for-*
3 *foreign nationals in United Nations peace enforcement*
4 *operations except in the most extraordinary cir-*
5 *cumstances.*

6 (c) *DEFINITIONS.—For purposes of subsections (a) and*
7 *(b):*

8 (1) *The term “United Nations peace enforcement*
9 *operations” means any international peace enforce-*
10 *ment or similar activity that is authorized by the*
11 *United Nations Security Council under chapter VII*
12 *of the Charter of the United Nations.*

13 (2) *The term “United Nations peace operations”*
14 *means any international peacekeeping, peacemaking,*
15 *peace enforcement, or similar activity that is author-*
16 *ized by the United Nations Security Council under*
17 *chapter VI or VII of the Charter of the United Na-*
18 *tions.*

19 (d) *IN GENERAL.—(1) Chapter 20 of title 10, United*
20 *States Code, is amended by inserting after section 404 the*
21 *following new section:*

1 **“§ 405. Placement of United States forces under Unit-**
2 **ed Nations operational or tactical control:**
3 **limitation**

4 “(a) *LIMITATION.*—*Except as provided in subsections*
5 *(b) and (c), funds appropriated or otherwise made available*
6 *for the Department of Defense may not be obligated or ex-*
7 *pended for activities of any element of the armed forces that*
8 *after the date of the enactment of this section is placed*
9 *under United Nations operational or tactical control, as de-*
10 *finied in subsection (f).*

11 “(b) *EXCEPTION FOR PRESIDENTIAL CERTIFI-*
12 *CATION.*—*(1) Subsection (a) shall not apply in the case of*
13 *a proposed placement of an element of the armed forces*
14 *under United Nations operational or tactical control if the*
15 *President, not less than 15 days before the date on which*
16 *such United Nations operational or tactical control is to*
17 *become effective (or as provided in paragraph (2)), meets*
18 *the requirements of subsection (d).*

19 “(2) *If the President certifies to Congress that an emer-*
20 *gency exists that precludes the President from meeting the*
21 *requirements of subsection (d) 15 days before placing an*
22 *element of the armed forces under United Nations oper-*
23 *ational or tactical control, the President may place such*
24 *forces under such operational or tactical control and meet*
25 *the requirements of subsection (d) in a timely manner, but*

1 *in no event later than 48 hours after such operational or*
2 *tactical control becomes effective.*

3 “(c) *ADDITIONAL EXCEPTIONS.—(1) Subsection (a)*
4 *shall not apply in the case of a proposed placement of any*
5 *element of the armed forces under United Nations oper-*
6 *ational or tactical control if the Congress specifically au-*
7 *thorizes by law that particular placement of United States*
8 *forces under United Nations operational or tactical control.*

9 “(2) *Subsection (a) shall not apply in the case of a*
10 *proposed placement of any element of the armed forces in*
11 *an operation conducted by the North Atlantic Treaty Orga-*
12 *nization.*

13 “(d) *PRESIDENTIAL CERTIFICATIONS.—The require-*
14 *ments referred to in subsection (b)(1) are that the President*
15 *submit to Congress the following:*

16 “(1) *Certification by the President that it is in*
17 *the national security interests of the United States to*
18 *place any element of the armed forces under United*
19 *Nations operational or tactical control.*

20 “(2) *A report setting forth the following:*

21 “(A) *A description of the national security*
22 *interests that would be advanced by the place-*
23 *ment of United States forces under United Na-*
24 *tions operation or tactical control.*

1 “(B) *The mission of the United States forces*
2 *involved.*

3 “(C) *The expected size and composition of*
4 *the United States forces involved.*

5 “(D) *The precise command and control re-*
6 *lationship between the United States forces in-*
7 *volved and the United Nations command struc-*
8 *ture.*

9 “(E) *The precise command and control re-*
10 *lationship between the United States forces in-*
11 *volved and the commander of the United States*
12 *unified command for the region in which those*
13 *United States forces are to operate.*

14 “(F) *The extent to which the United States*
15 *forces involved will rely on forces of other coun-*
16 *tries for security and defense and an assessment*
17 *of the capability of those other forces to provide*
18 *adequate security to the United States forces in-*
19 *volved.*

20 “(G) *The exit strategy for complete with-*
21 *drawal of the United States forces involved.*

22 “(H) *The extent to which the commander of*
23 *any unit of the armed forces proposed for place-*
24 *ment under United Nations operational or tac-*
25 *tical control will at all times retain the right—*

1 “(i) to report independently to supe-
2 rior United States military authorities; and

3 “(ii) to decline to comply with orders
4 judged by the commander to be illegal or be-
5 yond the mandate of the mission to which
6 the United States agreed with the United
7 Nations, until such time as that commander
8 receives direction from superior United
9 States military authorities with respect to
10 the orders that the commander has declined
11 to comply with.

12 “(I) The extent to which the United States
13 will retain the authority to withdraw any ele-
14 ment of the armed forces from the proposed oper-
15 ation at any time and to take any action it con-
16 siders necessary to protect those forces if they are
17 engaged.

18 “(J) The anticipated monthly incremental
19 cost to the United States of participation in the
20 United Nations operation by the United States
21 forces which are proposed to be placed under
22 United Nations operational or tactical control.

23 “(e) CLASSIFICATION OF REPORT.—A report under
24 subsection (d) shall be submitted in unclassified form and,
25 if necessary, in classified form.

1 “(f) *UNITED NATIONS OPERATIONAL OR TACTICAL*
2 *CONTROL.*—*For purposes of this section, an element of the*
3 *Armed Forces shall be considered to be placed under United*
4 *Nations operational or tactical control if—*

5 “(1) *that element is under the operational or tac-*
6 *tical control of an individual acting on behalf of the*
7 *United Nations for the purpose of international*
8 *peacekeeping, peacemaking, peace-enforcing, or simi-*
9 *lar activity that is authorized by the Security Council*
10 *under chapter VI or VII of the Charter of the United*
11 *Nations; and*

12 “(2) *the senior military commander of the Unit-*
13 *ed Nations force or operation is a foreign national or*
14 *is a citizen of the United States who is not a United*
15 *States military officer serving on active duty.*

16 “(g) *INTERPRETATION.*—*Nothing in this section may*
17 *be construed—*

18 “(1) *as authority for the President to use any*
19 *element of the armed forces in any operation; and*

20 “(2) *as authority for the President to place any*
21 *element of the armed forces under the command or*
22 *operational control of a foreign national.”.*

1 (2) *The table of sections at the beginning of subchapter*
 2 *I of such chapter is amended by adding at the end the fol-*
 3 *lowing new item:*

“405. Placement of United States forces under United Nations operational or tactical control: limitation.”.

4 (e) *EXCEPTION FOR ONGOING OPERATIONS IN MAC-*
 5 *EDONIA AND CROATIA.*—*Section 405 of title 10, United*
 6 *States Code, as added by subsection (d), does not apply in*
 7 *the case of activities of the Armed Forces as part of the*
 8 *United Nations force designated as the United Nations Pro-*
 9 *tection Force (UNPROFOR) that are carried out—*

10 (1) *in Macedonia pursuant to United Nations*
 11 *Security Council Resolution 795, adopted December*
 12 *11, 1992, and subsequent reauthorization Resolutions;*
 13 *or*

14 (2) *in Croatia pursuant to United Nations Secu-*
 15 *urity Council Resolution 743, adopted February 21,*
 16 *1992, and subsequent reauthorization Resolutions.*

17 **SEC. 1302. LIMITATION ON USE OF DEPARTMENT OF DE-**
 18 **FENSE FUNDS FOR UNITED STATES SHARE**
 19 **OF COSTS OF UNITED NATIONS PEACEKEEP-**
 20 **ING ACTIVITIES.**

21 (a) *IN GENERAL.*—*Chapter 20 of title 10, United*
 22 *States Code, is amended by inserting after section 405, as*
 23 *added by section 1301, the following new section:*

1 **“§ 406. Use of Department of Defense funds for United**
 2 **States share of costs of United Nations**
 3 **peacekeeping activities: limitation**

4 “(a) *PROHIBITION ON USE OF FUNDS.—Funds avail-*
 5 *able to the Department of Defense may not be used to make*
 6 *a financial contribution (directly or through another de-*
 7 *partment or agency of the United States) to the United Na-*
 8 *tions—*

9 *“(1) for the costs of a United Nations peacekeep-*
 10 *ing activity; or*

11 *“(2) for any United States arrearage to the*
 12 *United Nations.*

13 “(b) *APPLICATION OF PROHIBITION.—The prohibition*
 14 *in subsection (a) applies to voluntary contributions, as well*
 15 *as to contributions pursuant to assessment by the United*
 16 *Nations for the United States share of the costs of a peace-*
 17 *keeping activity.”.*

18 (b) *CLERICAL AMENDMENT.—The table of sections at*
 19 *the beginning of such chapter is amended by inserting after*
 20 *the item relating to section 405, as added by section 1301,*
 21 *the following new item:*

“406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.”.

1 **Subtitle B—Humanitarian**
2 **Assistance Programs**

3 **SEC. 1311. OVERSEAS HUMANITARIAN, DISASTER, AND**
4 **CIVIC AID PROGRAMS.**

5 (a) *COVERED PROGRAMS.*—For purposes of section
6 301 and other provisions of this Act, programs of the De-
7 partment of Defense designated as Overseas Humanitarian,
8 Disaster, and Civic Aid (OHDACA) programs are the pro-
9 grams provided by sections 401, 402, 404, 2547, and 2551
10 of title 10, United States Code.

11 (b) *GAO REPORT.*—Not later than March 1, 1996, the
12 Comptroller General of the United States shall provide to
13 the congressional defense committees a report on—

14 (1) *existing funding mechanisms available to*
15 *cover the costs associated with the Overseas Humani-*
16 *tarian, Disaster, and Civic Assistance activities*
17 *through funds provided to the Department of State or*
18 *the Agency for International Development, and*

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

22 **SEC. 1312. HUMANITARIAN ASSISTANCE.**

23 Section 2551 of title 10, United States Code, is amend-
24 ed—

25 (1) *by striking out subsections (b) and (c);*

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

3 (3) by striking out subsection (e) and inserting
4 in lieu thereof the following:

5 “(c) STATUS REPORTS.—(1) The Secretary of Defense
6 shall submit to the congressional committees specified in
7 subsection (f) an annual report on the provision of humani-
8 tarian assistance pursuant to this section for the prior fis-
9 cal year. The report shall be submitted each year at the
10 time of the budget submission by the President for the next
11 fiscal year.

12 “(2) Each report required by paragraph (1) shall cover
13 all provisions of law that authorize appropriations for hu-
14 manitarian assistance to be available from the Department
15 of Defense for the purposes of this section.

16 “(3) Each report under this subsection shall set forth
17 the following information regarding activities during the
18 previous fiscal year:

19 “(A) The total amount of funds obligated for hu-
20 manitarian relief under this section.

21 “(B) The number of scheduled and completed
22 transportation missions for purposes of providing hu-
23 manitarian assistance under this section.

24 “(C) A description of any transfer of excess
25 nonlethal supplies of the Department of Defense made

1 available for humanitarian relief purposes under sec-
2 tion 2547 of this title. The description shall include
3 the date of the transfer, the entity to whom the trans-
4 fer is made, and the quantity of items transferred.”;

5 (4) by redesignating subsection (f) as subsection
6 (d) and in that subsection striking out “the Commit-
7 tees on” and all that follows through “House of Rep-
8 resentatives of the” and inserting in lieu thereof “the
9 congressional committees specified in subsection (f)
10 and the Committees on Appropriations of the Senate
11 and House of Representatives of the”;

12 (5) by redesignating subsection (g) as subsection
13 (e); and

14 (6) by adding at the end the following new sub-
15 section:

16 “(f) CONGRESSIONAL COMMITTEES.—The congres-
17 sional committees referred to in subsections (c)(1) and (d)
18 are the following:

19 “(1) The Committee on Armed Services and the
20 Committee on Foreign Relations of the Senate.

21 “(2) The Committee on National Security and
22 the Committee on International Relations of the
23 House of Representatives.”.

1 **SEC. 1313. LANDMINE CLEARANCE PROGRAM.**

2 (a) *INCLUSION IN GENERAL HUMANITARIAN ASSIST-*
3 *ANCE PROGRAM.*—*Subsection (e) of section 401 of title 10,*
4 *United States Code, is amended—*

5 (1) *by striking out “means—” and inserting in*
6 *lieu thereof “means:”;*

7 (2) *by revising the first word in each of para-*
8 *graphs (1) through (4) so that the first letter of such*
9 *word is upper case;*

10 (3) *by striking out the semicolon at the end of*
11 *paragraphs (1) and (2) and inserting in lieu thereof*
12 *a period;*

13 (4) *by striking out “; and” at the end of para-*
14 *graph (3) and inserting in lieu thereof a period; and*

15 (5) *by adding at the end the following new para-*
16 *graph:*

17 “(5) *Detection and clearance of landmines, in-*
18 *cluding activities relating to the furnishing of edu-*
19 *cation, training, and technical assistance with respect*
20 *to the detection and clearance of landmines.”.*

21 (b) *LIMITATION ON LANDMINE ASSISTANCE BY MEM-*
22 *BERS OF ARMED FORCES.*—*Subsection (a) of such section*
23 *is amended by adding at the end the following new para-*
24 *graph:*

1 “(4) *The Secretary of Defense shall ensure that no*
 2 *member of the Armed Forces, while providing assistance*
 3 *under this section that is described in subsection (e)(5)—*

4 “(A) *engages in the physical detection, lifting, or*
 5 *destroying of landmines (unless the member does so*
 6 *for the concurrent purpose of supporting a United*
 7 *States military operation); or*

8 “(B) *provides such assistance as part of a mili-*
 9 *tary operation that does not involve the Armed*
 10 *Forces.”.*

11 (c) *REPEAL.—Section 1413 of the National Defense*
 12 *Authorization Act for Fiscal Year 1995 (Public Law 103-*
 13 *337; 108 Stat. 2913; 10 U.S.C. 401 note) is repealed.*

14 ***Subtitle C—Arms Exports and***
 15 ***Military Assistance***

16 ***SEC. 1321. DEFENSE EXPORT LOAN GUARANTEES.***

17 (a) *ESTABLISHMENT OF PROGRAM.—(1) Chapter 148*
 18 *of title 10, United States Code, is amended by adding at*
 19 *the end the following new subchapter:*

20 ***“SUBCHAPTER VI—DEFENSE EXPORT LOAN***
 21 ***GUARANTEES***

“Sec.

“2540. *Establishment of loan guarantee program.*

“2540a. *Transferability.*

“2540b. *Limitations.*

“2540c. *Fees charged and collected.*

“2540d. *Definitions.*

1 **“§ 2540. Establishment of loan guarantee program**

2 “(a) *ESTABLISHMENT.*—*In order to meet the national*
3 *security objectives in section 2501(a) of this title, the Sec-*
4 *retary of Defense shall establish a program under which the*
5 *Secretary may issue guarantees assuring a lender against*
6 *losses of principal or interest, or both principal and inter-*
7 *est, arising out of the financing of the sale or long-term*
8 *lease of defense articles, defense services, or design and con-*
9 *struction services to a country referred to in subsection (b).*

10 “(b) *COVERED COUNTRIES.*—*The authority under sub-*
11 *section (a) applies with respect to the following countries:*

12 “(1) *A member nation of the North Atlantic*
13 *Treaty Organization (NATO).*

14 “(2) *A country designated as of March 31, 1995,*
15 *as a major non-NATO ally pursuant to section*
16 *2350a(i)(3) of this title.*

17 “(3) *A country in Central Europe that, as deter-*
18 *mined by the Secretary of State—*

19 “(A) *has changed its form of national gov-*
20 *ernment from a nondemocratic form of govern-*
21 *ment to a democratic form of government since*
22 *October 1, 1989; or*

23 “(B) *is in the process of changing its form*
24 *of national government from a nondemocratic*
25 *form of government to a democratic form of gov-*
26 *ernment.*

1 “(4) *A noncommunist country that was a mem-*
2 *ber nation of the Asia Pacific Economic Cooperation*
3 *(APEC) as of October 31, 1993.*

4 “(c) *AUTHORITY SUBJECT TO PROVISIONS OF APPRO-*
5 *PRIATIONS.—The Secretary may guarantee a loan under*
6 *this subchapter only to such extent or in such amounts as*
7 *may be provided in advance in appropriations Acts.*

8 **“§ 2540a. Transferability**

9 *“A guarantee issued under this subchapter shall be*
10 *fully and freely transferable.*

11 **“§ 2540b. Limitations**

12 “(a) *TERMS AND CONDITIONS OF LOAN GUARAN-*
13 *TEES.—In issuing a guarantee under this subchapter for*
14 *a medium-term or long-term loan, the Secretary may not*
15 *offer terms and conditions more beneficial than those that*
16 *would be provided to the recipient by the Export-Import*
17 *Bank of the United States under similar circumstances in*
18 *conjunction with the provision of guarantees for nondefense*
19 *articles and services.*

20 “(b) *LOSSES ARISING FROM FRAUD OR MISREPRE-*
21 *SENTATION.—No payment may be made under a guarantee*
22 *issued under this subchapter for a loss arising out of fraud*
23 *or misrepresentation for which the party seeking payment*
24 *is responsible.*

1 “(c) *NO RIGHT OF ACCELERATION.*—*The Secretary of*
2 *Defense may not accelerate any guaranteed loan or incre-*
3 *ment, and may not pay any amount, in respect of a guar-*
4 *antee issued under this subchapter, other than in accord-*
5 *ance with the original payment terms of the loan.*

6 “**§ 2540c. Fees charged and collected**

7 “(a) *EXPOSURE FEES.*—*The Secretary of Defense shall*
8 *charge a fee (known as ‘exposure fee’) for each guarantee*
9 *issued under this subchapter.*

10 “(b) *AMOUNT OF EXPOSURE FEE.*—*To the extent that*
11 *the cost of the loan guarantees under this subchapter is not*
12 *otherwise provided for in appropriations Acts, the fee im-*
13 *posed under subsection (a) with respect to a loan guarantee*
14 *shall be fixed in an amount that is sufficient to meet poten-*
15 *tial liabilities of the United States under the loan guaran-*
16 *tee.*

17 “(c) *PAYMENT TERMS.*—*The fee under subsection (a)*
18 *for each guarantee shall become due as the guarantee is is-*
19 *sued. In the case of a guarantee for a loan which is dis-*
20 *bursed incrementally, and for which the guarantee is cor-*
21 *respondingly issued incrementally as portions of the loan*
22 *are disbursed, the fee shall be paid incrementally in propor-*
23 *tion to the amount of the guarantee that is issued.*

24 “(d) *ADMINISTRATIVE FEES.*—*The Secretary of De-*
25 *fense shall charge a fee for each guarantee issued under this*

1 subchapter to reflect the additional administrative costs of
 2 the Department of Defense that are directly attributable to
 3 the administration of the program under this subchapter.
 4 Such fees shall be credited to a special account in the Treas-
 5 ury. Amounts in the special account shall be available, to
 6 the extent and in amounts provided in appropriations Acts,
 7 for paying the costs of administrative expenses of the De-
 8 partment of Defense that are attributable to the loan guar-
 9 antee program under this subchapter.

10 **“§2540d. Definitions**

11 *“In this subchapter:*

12 *“(1) The terms ‘defense article’, ‘defense services’,*
 13 *and ‘design and construction services’ have the mean-*
 14 *ings given those terms in section 47 of the Arms Ex-*
 15 *port Control Act (22 U.S.C. 2794).*

16 *“(2) The term ‘cost’, with respect to a loan guar-*
 17 *antee, has the meaning given that term in section 502*
 18 *of the Congressional Budget and Impoundment Con-*
 19 *trol Act of 1974 (2 U.S.C. 661a).”.*

20 *(2) The table of subchapters at the beginning of such*
 21 *chapter is amended by adding at the end the following new*
 22 *item:*

“VI. Defense Export Loan Guarantees 2540”.

23 *(b) REPORT.—Not later than two years after the date*
 24 *of the enactment of this Act, the President shall submit to*
 25 *Congress a report on the loan guarantee program estab-*

1 *lished pursuant to section 2540 of title 10, United States*
2 *Code, as added by subsection (a). The report shall include—*

3 *(1) an analysis of the costs and benefits of the*
4 *loan guarantee program; and*

5 *(2) any recommendations for modification of the*
6 *program that the President considers appropriate, in-*
7 *cluding—*

8 *(A) any recommended addition to the list of*
9 *countries for which a guarantee may be issued*
10 *under the program; and*

11 *(B) any proposed legislation necessary to*
12 *authorize a recommended modification.*

13 *(c) FIRST YEAR COSTS.—The Secretary of Defense*
14 *shall make available, from amounts appropriated to the De-*
15 *partment of Defense for fiscal year 1996 for operations and*
16 *maintenance, such amounts as may be necessary, not to ex-*
17 *ceed \$500,000, for the expenses of the Department of Defense*
18 *during fiscal year 1996 that are directly attributable to the*
19 *administration of the defense export loan guarantee pro-*
20 *gram under subchapter VI of chapter 148 of title 10, United*
21 *States Code, as added by subsection (a).*

22 *(d) REPLENISHMENT OF OPERATIONS AND MAINTENANCE*
23 *ACCOUNTS FOR FIRST YEAR COSTS.—The Secretary*
24 *of Defense shall, using funds in the special account referred*
25 *to in section 2540c(d) of title 10, United States Code (as*

1 *added by subsection (b)), replenish operations and mainte-*
2 *nance accounts for amounts expended from such accounts*
3 *for expenses referred to in subsection (c).*

4 **SEC. 1322. NATIONAL SECURITY IMPLICATIONS OF UNITED**
5 **STATES EXPORT CONTROL POLICY.**

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

7 *(1) Export controls remain an important ele-*
8 *ment of the national security policy of the United*
9 *States.*

10 *(2) It is in the national security interest that*
11 *United States export control policy be effective in pre-*
12 *venting the transfer, to potential adversaries or com-*
13 *batants of the United States, of technology that*
14 *threatens the national security or defense of the Unit-*
15 *ed States.*

16 *(3) It is in the national security interest that the*
17 *United States monitor aggressively the export of mili-*
18 *tarily critical technology in order to prevent its diver-*
19 *sion to potential adversaries or combatants of the*
20 *United States.*

21 *(4) The Department of Defense relies increas-*
22 *ingly on commercial and dual-use technologies, prod-*
23 *ucts, and processes to support United States military*
24 *capabilities and economic strength.*

1 (5) *The maintenance of the military advantage*
2 *of the United States depends on effective export con-*
3 *trols on dual-use items and technologies that are criti-*
4 *cal to the military capabilities of the Armed Forces.*

5 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
6 *that—*

7 (1) *the Secretary of Defense should evaluate li-*
8 *cence applications for the export of militarily critical*
9 *commodities the export of which is controlled for na-*
10 *tional security reasons if those commodities are to be*
11 *exported to certain countries of concern;*

12 (2) *the Secretary of Defense should identify the*
13 *dual-use items and technologies that are critical to the*
14 *military capabilities of the Armed Forces, including*
15 *the military use made of such items and technologies;*

16 (3) *upon identification by the Secretary of De-*
17 *fense of the dual-use items and technologies referred to*
18 *in paragraph (2), the President should ensure effective*
19 *export controls or use unilateral export controls on*
20 *dual-use items and technologies that are critical to the*
21 *military capabilities of the Armed Forces (regardless*
22 *of the availability of such items or technologies over-*
23 *seas) with respect to the countries that—*

24 (A) *pose a threat to the national security*
25 *interests of the United States; and*

1 (B) are not members in good standing of bi-
2 lateral or multilateral agreements to which the
3 United States is a party on the use of such items
4 and technologies; and

5 (4) the President, upon recommendation of the
6 Secretary of Defense, should ensure effective controls
7 on the re-export by other countries of dual-use items
8 and technologies that are critical to the military ca-
9 pabilities of the Armed Forces.

10 (c) ANNUAL REPORT.—(1) Not later than December 1
11 of each year through 1999, the President shall submit to
12 the committees specified in paragraph (4) a report on the
13 effect of the export control policy of the United States on
14 the national security interests of the United States.

15 (2) The report shall include the following:

16 (A) A list setting forth each country determined
17 by the Secretary of Defense, the intelligence commu-
18 nity, and other appropriate agencies to be a rogue na-
19 tion or potential adversary or combatant of the Unit-
20 ed States.

21 (B) For each country so listed, a list of—

22 (i) the categories of items that the United
23 States currently prohibits for export to the coun-
24 try;

1 (ii) the categories of items that may be ex-
2 ported from the United States with an individ-
3 ual license, and in such cases, any licensing con-
4 ditions normally required and the policy
5 grounds used for approvals and denials; and

6 (iii) the categories of items that may be ex-
7 ported under a general license designated “G-
8 DEST”.

9 (C) For each category of items listed under sub-
10 paragraph (B)—

11 (i) a statement whether a prohibition, con-
12 trol, or licensing requirement on a category of
13 items is imposed pursuant to an international
14 multilateral agreement or is unilateral;

15 (ii) a statement whether a prohibition, con-
16 trol, or licensing requirement on a category of
17 items is imposed by the other members of an
18 international agreement or is unilateral;

19 (iii) when the answer under either clause (i)
20 or clause (ii) is unilateral, a statement concern-
21 ing the efforts being made to ensure that the pro-
22 hibition, control, or licensing requirement is
23 made multilateral; and

24 (iv) a statement on what impact, if any, a
25 unilateral prohibition is having, or would have,

1 *on preventing the rogue nation or potential ad-*
2 *versary from attaining the items in question for*
3 *military purposes.*

4 *(D) A description of United States policy on*
5 *sharing satellite imagery that has military signifi-*
6 *cance and a discussion of the criteria for determining*
7 *the imagery that has that significance.*

8 *(E) A description of the relationship between*
9 *United States policy on the export of space launch ve-*
10 *hicle technology and the Missile Technology Control*
11 *Regime.*

12 *(F) An assessment of United States efforts to*
13 *support the inclusion of additional countries in the*
14 *Missile Technology Control Regime.*

15 *(G) An assessment of the ongoing efforts made by*
16 *potential participant countries in the Missile Tech-*
17 *nology Control Regime to meet the guidelines estab-*
18 *lished by the Missile Technology Control Regime.*

19 *(H) A discussion of the history of the space*
20 *launch vehicle programs of other countries, including*
21 *a discussion of the military origins and purposes of*
22 *such programs and the current level of military in-*
23 *volvement in such programs.*

24 *(3) The President shall submit the report in unclassi-*
25 *fied form, but may include a classified annex.*

1 (4) *The committees referred to in paragraph (1) are*
2 *the following:*

3 (A) *The Committee on Armed Services and the*
4 *Committee on Foreign Relations of the Senate.*

5 (B) *The Committee on National Security and the*
6 *Committee on International Relations of the House of*
7 *Representatives.*

8 (5) *For purposes of this subsection, the term “Missile*
9 *Technology Control Regime” means the policy statement*
10 *announced on April 16, 1987, between the United States,*
11 *the United Kingdom, the Federal Republic of Germany,*
12 *France, Italy, Canada, and Japan to restrict sensitive mis-*
13 *sile-relevant transfers based on the Missile Technology Con-*
14 *trol Regime Annex, and any amendment thereto.*

15 **SEC. 1323. DEPARTMENT OF DEFENSE REVIEW OF EXPORT**
16 **LICENSES FOR CERTAIN BIOLOGICAL PATHO-**
17 **GENS.**

18 (a) *DEPARTMENT OF DEFENSE REVIEW.—Any appli-*
19 *cation to the Secretary of Commerce for a license for the*
20 *export of a class 2, class 3, or class 4 biological pathogen*
21 *to a country identified to the Secretary under subsection*
22 *(c) as a country that is known or suspected to have a bio-*
23 *logical weapons program shall be referred to the Secretary*
24 *of Defense for review. The Secretary of Defense shall notify*
25 *the Secretary of Commerce within 15 days after receipt of*

1 *an application under the preceding sentence whether the ex-*
2 *port of such biological pathogen pursuant to the license*
3 *would be contrary to the national security interests of the*
4 *United States.*

5 **(b) DENIAL OF LICENSE IF CONTRARY TO NATIONAL**
6 **SECURITY INTEREST.**—*A license described in subsection (a)*
7 *shall be denied by the Secretary of Commerce if it is deter-*
8 *mined that the export of such biological pathogen to that*
9 *country would be contrary to the national security interests*
10 *of the United States.*

11 **(c) IDENTIFICATION OF COUNTRIES KNOWN OR SUS-**
12 **PECTED TO HAVE A PROGRAM TO DEVELOP OFFENSIVE**
13 **BIOLOGICAL WEAPONS.**—*(1) The Secretary of Defense shall*
14 *determine, for the purposes of this section, those countries*
15 *that are known or suspected to have a program to develop*
16 *offensive biological weapons. Upon making such determina-*
17 *tion, the Secretary shall provide to the Secretary of Com-*
18 *merce a list of those countries.*

19 *(2) The Secretary of Defense shall update the list under*
20 *paragraph (1) on a regular basis. Whenever a country is*
21 *added to or deleted from such list, the Secretary shall notify*
22 *the Secretary of Commerce.*

23 *(3) Determination under this subsection of countries*
24 *that are known or suspected to have a program to develop*

1 *offensive biological weapons shall be made in consultation*
2 *with the Secretary of State and the intelligence community.*

3 (d) *DEFINITION.*—*For purposes of this section, the*
4 *term “class 2, class 3, or class 4 biological pathogen” means*
5 *any biological pathogen that is characterized by the Centers*
6 *for Disease Control as a class 2, class 3, or class 4 biological*
7 *pathogen.*

8 ***SEC. 1324. ANNUAL REPORTS ON IMPROVING EXPORT CON-***
9 ***TROL MECHANISMS AND ON MILITARY AS-***
10 ***SISTANCE.***

11 (a) *JOINT REPORTS BY SECRETARIES OF STATE AND*
12 *COMMERCE.*—*Not later than April 1 of each of 1996 and*
13 *1997, the Secretary of State and the Secretary of Commerce*
14 *shall submit to Congress a joint report, prepared in con-*
15 *sultation with the Secretary of Defense, relating to United*
16 *States export-control mechanisms. Each such report shall*
17 *set forth measures to be taken to strengthen United States*
18 *export-control mechanisms, including—*

19 (1) *steps being taken by each Secretary (A) to*
20 *share on a regular basis the export licensing watchlist*
21 *of that Secretary’s department with the other Sec-*
22 *retary, and (B) to incorporate the export licensing*
23 *watchlist data received from the other Secretary into*
24 *the watchlist of that Secretary’s department;*

1 (2) *steps being taken by each Secretary to incor-*
2 *porate into the watchlist of that Secretary's depart-*
3 *ment similar data from systems maintained by the*
4 *Department of Defense and the United States Cus-*
5 *toms Service; and*

6 (3) *a description of such further measures to be*
7 *taken to strengthen United States export-control*
8 *mechanisms as the Secretaries consider to be appro-*
9 *priate.*

10 (b) *REPORTS BY INSPECTORS GENERAL.—(1) Not*
11 *later than April 1 of each of 1996 and 1997, the Inspector*
12 *General of the Department of State and the Inspector Gen-*
13 *eral of the Department of Commerce shall each submit to*
14 *Congress a report providing that official's evaluation of the*
15 *effectiveness during the preceding year of the export licens-*
16 *ing watchlist screening process of that official's department.*
17 *The reports shall be submitted in both a classified and un-*
18 *classified version.*

19 (2) *Each report of an Inspector General under para-*
20 *graph (1) shall (with respect to that official's depart-*
21 *ment)—*

22 (A) *set forth the number of export licenses grant-*
23 *ed to parties on the export licensing watchlist;*

24 (B) *set forth the number of end-use checks per-*
25 *formed with respect to export licenses granted to par-*

1 *ties on the export licensing watchlist the previous*
2 *year;*

3 *(C) assess the screening process used in granting*
4 *an export license when an applicant is on the export*
5 *licensing watchlist; and*

6 *(D) assess the extent to which the export licens-*
7 *ing watchlist contains all relevant information and*
8 *parties required by statute or regulation.*

9 *(c) ANNUAL MILITARY ASSISTANCE REPORT.—The*
10 *Foreign Assistance Act of 1961 is amended by inserting*
11 *after section 654 (22 U.S.C. 2414) the following new sec-*
12 *tion:*

13 ***“SEC. 655. ANNUAL REPORT ON MILITARY ASSISTANCE,***
14 ***MILITARY EXPORTS, AND MILITARY IMPORTS.***

15 *“(a) REPORT REQUIRED.—Not later than February 1*
16 *of each of 1996 and 1997, the President shall transmit to*
17 *Congress a report concerning military assistance authorized*
18 *or furnished for the fiscal year ending the previous Septem-*
19 *ber 30.*

20 *“(b) INFORMATION RELATING TO MILITARY ASSIST-*
21 *ANCE AND MILITARY EXPORTS.—Each such report shall*
22 *show the aggregate dollar value and quantity of defense ar-*
23 *ticles (including excess defense articles) and defense services,*
24 *and of military education and training, authorized or fur-*
25 *nished by the United States to each foreign country and*

1 *international organization. The report shall specify, by cat-*
2 *egory, whether those articles and services, and that edu-*
3 *cation and training, were furnished by grant under chapter*
4 *2 or chapter 5 of part II of this Act or by sale under chapter*
5 *2 of the Arms Export Control Act or were authorized by*
6 *commercial sale licensed under section 38 of the Arms Ex-*
7 *port Control Act.*

8 “(c) *INFORMATION RELATING TO MILITARY IM-*
9 *PORTS.—Each such report shall also include the total*
10 *amount of military items of non-United States manufac-*
11 *ture that were imported into the United States during the*
12 *fiscal year covered by the report. The report shall show the*
13 *country of origin, the type of item being imported, and the*
14 *total amount of items.”.*

15 **SEC. 1325. REPORT ON PERSONNEL REQUIREMENTS FOR**
16 **CONTROL OF TRANSFER OF CERTAIN WEAP-**
17 **ONS.**

18 *Not later than 30 days after the date of the enactment*
19 *of this Act, the Secretary of Defense and the Secretary of*
20 *Energy shall submit to the committees of Congress referred*
21 *to in subsection (c) of section 1154 of the National Defense*
22 *Authorization Act for Fiscal Year 1994 (Public Law 103-*
23 *160; 107 Stat. 1761) the report required under subsection*
24 *(a) of that section. The Secretary of Defense and the Sec-*
25 *retary of Energy shall include with the report an expla-*

1 *nation of the failure of such Secretaries to submit the report*
2 *in accordance with such subsection (a) and with all other*
3 *previous requirements for the submittal of the report.*

4 ***Subtitle D—Burdensharing and***
5 ***Other Cooperative Activities In-***
6 ***volving Allies and NATO***

7 ***SEC. 1331. ACCOUNTING FOR BURDENSARING CONTRIBU-***
8 ***TIONS.***

9 *(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN*
10 *LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j*
11 *of title 10, United States Code, is amended to read as fol-*
12 *lows:*

13 *“(b) ACCOUNTING.—Contributions accepted under sub-*
14 *section (a) which are not related to security assistance may*
15 *be accepted, managed, and expended in dollars or in the*
16 *currency of the host nation (or, in the case of a contribution*
17 *from a regional organization, in the currency in which the*
18 *contribution was provided). Any such contribution shall be*
19 *placed in an account established for such purpose and shall*
20 *remain available until expended for the purposes specified*
21 *in subsection (c). The Secretary of Defense shall establish*
22 *a separate account for such purpose for each country or re-*
23 *gional organization from which such contributions are ac-*
24 *cepted under subsection (a).”.*

1 **(b) CONFORMING AMENDMENT.**—*Subsection (d) of*
2 *such section is amended by striking out “credited under*
3 *subsection (b) to an appropriation account of the Depart-*
4 *ment of Defense” and inserting in lieu thereof “placed in*
5 *an account established under subsection (b)”.*

6 **(c) TECHNICAL AMENDMENT.**—*Such section is further*
7 *amended—*

8 **(1)** *in subsection (e)(1), by striking out “a report*
9 *to the congressional defense committees” and inserting*
10 *in lieu thereof “to the congressional committees speci-*
11 *fied in subsection (g) a report”; and*

12 **(2)** *by adding at the end the following new sub-*
13 *section:*

14 **“(g) CONGRESSIONAL COMMITTEES.**—*The congres-*
15 *sional committees referred to in subsection (e)(1) are—*

16 **“(1)** *the Committee on Armed Services and the*
17 *Committee on Appropriations of the Senate; and*

18 **“(2)** *the Committee on National Security and the*
19 *Committee on Appropriations of the House of Rep-*
20 *resentatives.”.*

1 **SEC. 1332. AUTHORITY TO ACCEPT CONTRIBUTIONS FOR**
2 **EXPENSES OF RELOCATION WITHIN HOST NA-**
3 **TION OF UNITED STATES ARMED FORCES**
4 **OVERSEAS.**

5 (a) *IN GENERAL.*—(1) *Subchapter II of chapter 138*
6 *of title 10, United States Code, is amended by adding at*
7 *the end the following new section:*

8 **“§ 2350k. Relocation within host nation of elements of**
9 **armed forces overseas**

10 *“(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The*
11 *Secretary of Defense may accept contributions from any na-*
12 *tion because of or in support of the relocation of elements*
13 *of the armed forces from or to any location within that na-*
14 *tion. Such contributions may be accepted in dollars or in*
15 *the currency of the host nation. Any such contribution shall*
16 *be placed in an account established for such purpose and*
17 *shall remain available until expended for the purposes spec-*
18 *ified in subsection (b). The Secretary shall establish a sepa-*
19 *rate account for such purpose for each country from which*
20 *such contributions are accepted.*

21 *“(b) USE OF CONTRIBUTIONS.—The Secretary may*
22 *use a contribution accepted under subsection (a) only for*
23 *payment of costs incurred in connection with the relocation*
24 *concerning which the contribution was made. Those costs*
25 *include the following:*

1 “(1) *Design and construction services, including*
2 *development and review of statements of work, master*
3 *plans and designs, acquisition of construction, and*
4 *supervision and administration of contracts relating*
5 *thereto.*

6 “(2) *Transportation and movement services, in-*
7 *cluding packing, unpacking, storage, and transpor-*
8 *tation.*

9 “(3) *Communications services, including instal-*
10 *lation and deinstallation of communications equip-*
11 *ment, transmission of messages and data, and rental*
12 *of transmission capability.*

13 “(4) *Supply and administration, including ac-*
14 *quisition of expendable office supplies, rental of office*
15 *space, budgeting and accounting services, auditing*
16 *services, secretarial services, and translation services.*

17 “(5) *Personnel costs, including salary, allow-*
18 *ances and overhead of employees whether full-time or*
19 *part-time, temporary or permanent (except for mili-*
20 *tary personnel), and travel and temporary duty costs.*

21 “(6) *All other clearly identifiable expenses di-*
22 *rectly related to relocation.*

23 “(c) *METHOD OF CONTRIBUTION.—Contributions may*
24 *be accepted in any of the following forms:*

1 “(1) Irrevocable letter of credit issued by a fi-
2 nancial institution acceptable to the Treasurer of the
3 United States.

4 “(2) Drawing rights on a commercial bank ac-
5 count established and funded by the host nation,
6 which account is blocked such that funds deposited
7 cannot be withdrawn except by or with the approval
8 of the United States.

9 “(3) Cash, which shall be deposited in a separate
10 trust fund in the United States Treasury pending ex-
11 penditure and which shall accrue interest in accord-
12 ance with section 9702 of title 31.

13 “(d) ANNUAL REPORT TO CONGRESS.—Not later than
14 30 days after the end of each fiscal year, the Secretary shall
15 submit to Congress a report specifying—

16 “(1) the amount of the contributions accepted by
17 the Secretary during the preceding fiscal year under
18 subsection (a) and the purposes for which the con-
19 tributions were made; and

20 “(2) the amount of the contributions expended by
21 the Secretary during the preceding fiscal year and the
22 purposes for which the contributions were expended.”.

23 (2) The table of sections at the beginning of subchapter
24 II of chapter 138 of such title is amended by adding at
25 the end the following new item:

“2350k. Relocation within host nation of elements of armed forces overseas.”.

1 (b) *EFFECTIVE DATE.*—Section 2350k of title 10,
2 *United States Code*, as added by subsection (a), shall take
3 effect on the date of the enactment of this Act and shall
4 apply to contributions for relocation of elements of the
5 *Armed Forces in or to any nation received on or after such*
6 *date.*

7 **SEC. 1333. REVISED GOAL FOR ALLIED SHARE OF COSTS**
8 **FOR UNITED STATES INSTALLATIONS IN EU-**
9 **ROPE.**

10 Section 1304(a) of the *National Defense Authorization*
11 *Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*
12 *2890)* is amended—

- 13 (1) by inserting “(1)” after “so that”; and
14 (2) by inserting before the period at the end the
15 following: “, and (2) by September 30, 1997, those na-
16 tions have assumed 42.5 percent of such costs”.

17 **SEC. 1334. EXCLUSION OF CERTAIN FORCES FROM EURO-**
18 **PEAN END STRENGTH LIMITATION.**

19 (a) *EXCLUSION OF MEMBERS PERFORMING DUTIES*
20 *UNDER MILITARY-TO-MILITARY CONTACT PROGRAM.*—
21 *Paragraph (3) of section 1002(c) of the Department of De-*
22 *fense Authorization Act, 1985 (22 U.S.C. 1928 note) is*
23 *amended to read as follows:*

24 “(3) For purposes of this subsection, the following
25 members of the *Armed Forces* are excluded in calculating

1 *the end strength level of members of the Armed Forces of*
 2 *the United States assigned to permanent duty ashore in Eu-*
 3 *ropean member nations of NATO:*

4 “(A) *Members assigned to permanent duty*
 5 *ashore in Iceland, Greenland, and the Azores.*”

6 “(B) *Members performing duties in Europe for*
 7 *more than 179 days under a military-to-military*
 8 *contact program under section 168 of title 10, United*
 9 *States Code.*”.

10 ***SEC. 1335. COOPERATIVE RESEARCH AND DEVELOPMENT***
 11 ***AGREEMENTS WITH NATO ORGANIZATIONS.***

12 *Section 2350b(e) of title 10, United States Code, is*
 13 *amended—*

14 (1) *in paragraph (1), by inserting “or a NATO*
 15 *organization” after “a participant (other than the*
 16 *United States)”*; and

17 (2) *in paragraph (2), by striking out “a coopera-*
 18 *tive project” and inserting in lieu thereof “such a co-*
 19 *operative project or a NATO organization”.*

20 ***SEC. 1336. SUPPORT SERVICES FOR THE NAVY AT THE PORT***
 21 ***OF HAIFA, ISRAEL.***

22 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
 23 *that the Secretary of Defense should promptly seek to under-*
 24 *take such actions as are necessary—*

1 (1) *to ensure that suitable port services are*
2 *available to the Navy at the Port of Haifa, Israel;*
3 *and*

4 (2) *to ensure the availability to the Navy of suit-*
5 *able services at that port in light of the continuing*
6 *increase in commercial activities at the port.*

7 (b) *REPORT.*—*Not later than 30 days after the date*
8 *of the enactment of this Act, the Secretary of the Navy shall*
9 *submit to Congress a report on the availability of port serv-*
10 *ices for the Navy in the eastern Mediterranean Sea region.*
11 *The report shall specify—*

12 (1) *the services required by the Navy when call-*
13 *ing at the port of Haifa, Israel; and*

14 (2) *the availability of those services at ports else-*
15 *where in the region.*

16 ***Subtitle E—Other Matters***

17 ***SEC. 1341. PROHIBITION ON FINANCIAL ASSISTANCE TO*** 18 ***TERRORIST COUNTRIES.***

19 (a) *PROHIBITION.*—*Subchapter I of chapter 134 of*
20 *title 10, United States Code, is amended by adding at the*
21 *end the following:*

1 **“§2249a. Prohibition on providing financial assist-**
2 **ance to terrorist countries**

3 “(a) *PROHIBITION.—Funds available to the Depart-*
4 *ment of Defense may not be obligated or expended to provide*
5 *financial assistance to—*

6 “(1) *any country with respect to which the Sec-*
7 *retary of State has made a determination under sec-*
8 *tion 6(j)(1)(A) of the Export Administration Act of*
9 *1979 (50 App. 2405(j));*

10 “(2) *any country identified in the latest report*
11 *submitted to Congress under section 140 of the For-*
12 *oreign Relations Authorization Act, Fiscal Years 1988*
13 *and 1989 (22 U.S.C. 2656f), as providing significant*
14 *support for international terrorism; or*

15 “(3) *any other country that, as determined by*
16 *the President—*

17 “(A) *grants sanctuary from prosecution to*
18 *any individual or group that has committed an*
19 *act of international terrorism; or*

20 “(B) *otherwise supports international ter-*
21 *rorism.*

22 “(b) *WAIVER.—(1) The President may waive the ap-*
23 *plication of subsection (a) to a country if the President de-*
24 *termines—*

25 “(A) *that it is in the national security interests*
26 *of the United States to do so; or*

1 “(B) that the waiver should be granted for hu-
2 manitarian reasons.

3 “(2) The President shall—

4 “(A) notify the Committee on Armed Services
5 and the Committee on Foreign Relations of the Senate
6 and the Committee on National Security and the
7 Committee on International Relations of the House of
8 Representatives at least 15 days before the waiver
9 takes effect; and

10 “(B) publish a notice of the waiver in the Fed-
11 eral Register.

12 “(c) DEFINITION.—In this section, the term ‘inter-
13 national terrorism’ has the meaning given that term in sec-
14 tion 140(d) of the Foreign Relations Authorization Act, Fis-
15 cal Years 1988 and 1989 (22 U.S.C. 2656f(d)).”.

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

 “2249a. Prohibition on providing financial assistance to terrorist countries.”.

19 **SEC. 1342. JUDICIAL ASSISTANCE TO THE INTERNATIONAL**
20 **TRIBUNAL FOR YUGOSLAVIA AND TO THE**
21 **INTERNATIONAL TRIBUNAL FOR RWANDA.**

22 (a) SURRENDER OF PERSONS.—

23 (1) APPLICATION OF UNITED STATES EXTRA-
24 DITION LAWS.—Except as provided in paragraphs (2)
25 and (3), the provisions of chapter 209 of title 18,

1 *United States Code, relating to the extradition of per-*
2 *sons to a foreign country pursuant to a treaty or con-*
3 *vention for extradition between the United States and*
4 *a foreign government, shall apply in the same man-*
5 *ner and extent to the surrender of persons, including*
6 *United States citizens, to—*

7 *(A) the International Tribunal for Yugo-*
8 *slavia, pursuant to the Agreement Between the*
9 *United States and the International Tribunal for*
10 *Yugoslavia; and*

11 *(B) the International Tribunal for Rwanda,*
12 *pursuant to the Agreement Between the United*
13 *States and the International Tribunal for Rwan-*
14 *da.*

15 *(2) EVIDENCE ON HEARINGS.—For purposes of*
16 *applying section 3190 of title 18, United States Code,*
17 *in accordance with paragraph (1), the certification*
18 *referred to in that section may be made by the prin-*
19 *cipal diplomatic or consular officer of the United*
20 *States resident in such foreign countries where the*
21 *International Tribunal for Yugoslavia or the Inter-*
22 *national Tribunal for Rwanda may be permanently*
23 *or temporarily situated.*

24 *(3) PAYMENT OF FEES AND COSTS.—(A) The*
25 *provisions of the Agreement Between the United*

1 *States and the International Tribunal for Yugoslavia*
2 *and of the Agreement Between the United States and*
3 *the International Tribunal for Rwanda shall apply*
4 *in lieu of the provisions of section 3195 of title 18,*
5 *United States Code, with respect to the payment of*
6 *expenses arising from the surrender by the United*
7 *States of a person to the International Tribunal for*
8 *Yugoslavia or the International Tribunal for Rwan-*
9 *da, respectively, or from any proceedings in the Unit-*
10 *ed States relating to such surrender.*

11 *(B) The authority of subparagraph (A) may be*
12 *exercised only to the extent and in the amounts pro-*
13 *vided in advance in appropriations Acts.*

14 (4) *NONAPPLICABILITY OF THE FEDERAL*
15 *RULES.—The Federal Rules of Evidence and the Fed-*
16 *eral Rules of Criminal Procedure do not apply to*
17 *proceedings for the surrender of persons to the Inter-*
18 *national Tribunal for Yugoslavia or the International*
19 *Tribunal for Rwanda.*

20 (b) *ASSISTANCE TO FOREIGN AND INTERNATIONAL*
21 *TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBU-*
22 *NALS.—Section 1782(a) of title 28, United States Code, is*
23 *amended by inserting in the first sentence after “foreign*
24 *or international tribunal” the following: “, including crimi-*
25 *nal investigations conducted before formal accusation”.*

1 (c) *DEFINITIONS.*—*For purposes of this section:*

2 (1) *INTERNATIONAL TRIBUNAL FOR YUGO-*
3 *SLAVIA.*—*The term “International Tribunal for Yugo-*
4 *slavia” means the International Tribunal for the*
5 *Prosecution of Persons Responsible for Serious Viola-*
6 *tions of International Humanitarian Law in the Ter-*
7 *ritory of the Former Yugoslavia, as established by*
8 *United Nations Security Council Resolution 827 of*
9 *May 25, 1993.*

10 (2) *INTERNATIONAL TRIBUNAL FOR RWANDA.*—
11 *The term “International Tribunal for Rwanda”*
12 *means the International Tribunal for the Prosecution*
13 *of Persons Responsible for Genocide and Other Seri-*
14 *ous Violations of International Humanitarian Law*
15 *Committed in the Territory of Rwanda and Rwandan*
16 *Citizens Responsible for Genocide and Other Such*
17 *Violations Committed in the Territory of Neighboring*
18 *States, as established by United Nations Security*
19 *Council Resolution 955 of November 8, 1994.*

20 (3) *AGREEMENT BETWEEN THE UNITED STATES*
21 *AND THE INTERNATIONAL TRIBUNAL FOR YUGO-*
22 *SLAVIA.*—*The term “Agreement Between the United*
23 *States and the International Tribunal for Yugo-*
24 *slavia” means the Agreement on Surrender of Persons*
25 *Between the Government of the United States and the*

1 *International Tribunal for the Prosecution of Persons*
2 *Responsible for Serious Violations of International*
3 *Law in the Territory of the Former Yugoslavia,*
4 *signed at The Hague, October 5, 1994.*

5 (4) *AGREEMENT BETWEEN THE UNITED STATES*
6 *AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—*
7 *The term “Agreement between the United States and*
8 *the International Tribunal for Rwanda” means the*
9 *Agreement on Surrender of Persons Between the Gov-*
10 *ernment of the United States and the International*
11 *Tribunal for the Prosecution of Persons Responsible*
12 *for Genocide and Other Serious Violations of Inter-*
13 *national Humanitarian Law Committed in the Ter-*
14 *ritory of Rwanda and Rwandan Citizens Responsible*
15 *for Genocide and Other Such Violations Committed*
16 *in the Territory of Neighboring States, signed at The*
17 *Hague, January 24, 1995.*

18 **SEC. 1343. SEMIANNUAL REPORTS CONCERNING UNITED**
19 **STATES-PEOPLE’S REPUBLIC OF CHINA JOINT**
20 **DEFENSE CONVERSION COMMISSION.**

21 (a) *REPORTS REQUIRED.—The Secretary of Defense*
22 *shall submit to Congress a semiannual report on the United*
23 *States-People’s Republic of China Joint Defense Conversion*
24 *Commission. Each such report shall include the following:*

1 (1) *A description of the extent to which the ac-*
2 *tivities conducted in, through, or as a result of the*
3 *Commission could have directly or indirectly assisted,*
4 *or may directly or indirectly assist, the military*
5 *modernization efforts of the People’s Republic of*
6 *China.*

7 (2) *A discussion of the activities and operations*
8 *of the Commission, including—*

9 (A) *United States funding;*

10 (B) *a listing of participating United States*
11 *officials;*

12 (C) *specification of meeting dates and loca-*
13 *tions (prospective and retrospective);*

14 (D) *summary of discussions; and*

15 (E) *copies of any agreements reached.*

16 (3) *A discussion of the relationship between the*
17 *“defense conversion” activities of the People’s Repub-*
18 *lic of China and its defense modernization efforts.*

19 (4) *A discussion of the extent to which United*
20 *States business activities pursued, or proposed to be*
21 *pursued, under the imprimatur of the Commission, or*
22 *the importation of western technology in general, con-*
23 *tributes to the modernization of China’s military in-*
24 *dustrial base, including any steps taken by the Unit-*
25 *ed States or by United States commercial entities to*

1 *safeguard the technology or intellectual property*
2 *rights associated with any materials or information*
3 *transferred.*

4 (5) *An assessment of the benefits derived by the*
5 *United States from its participation in the Commis-*
6 *sion, including whether or to what extent United*
7 *States participation in the Commission has resulted*
8 *or will result in the following:*

9 (A) *Increased transparency in the current*
10 *and projected military budget and doctrine of the*
11 *People's Republic of China.*

12 (B) *Improved behavior and cooperation by*
13 *the People's Republic of China in the areas of*
14 *missile and nuclear proliferation.*

15 (C) *Increased transparency in the plans of*
16 *the People's Republic of China's for nuclear and*
17 *missile force modernization and testing.*

18 (6) *Efforts undertaken by the Secretary of De-*
19 *fense to—*

20 (A) *establish a list of enterprises controlled*
21 *by the People's Liberation Army, including those*
22 *which have been successfully converted to produce*
23 *products solely for civilian use; and*

24 (B) *provide estimates of the total revenues*
25 *of those enterprises.*

1 (7) *A description of current or proposed mecha-*
2 *nisms for improving the ability of the United States*
3 *to track the flow of revenues from the enterprises spec-*
4 *ified on the list established under paragraph (6)(A).*

5 (b) *SUBMITTAL OF REPORTS.*—*A report shall be sub-*
6 *mitted under subsection (a) not later than August 1 of each*
7 *year with respect to the first six months of that year and*
8 *shall be submitted not later than February 1 of each year*
9 *with respect to the last six months of the preceding year.*
10 *The first report under such subsection shall be submitted*
11 *not less than 60 days after the date of the enactment of*
12 *this Act and shall apply with respect to the six-month pe-*
13 *riod preceding the date of the enactment of this Act.*

14 (c) *FINAL REPORT UPON TERMINATION OF COMMIS-*
15 *SION.*—*Upon the termination of the United States-People’s*
16 *Republic of China Joint Defense Conversion Commission,*
17 *the Secretary of Defense shall submit a final report under*
18 *this section covering the period from the end of the period*
19 *covered by the last such report through the termination of*
20 *the Commission, and subsection (a) shall cease to apply*
21 *after the submission of such report.*

1 **TITLE XIV—ARMS CONTROL**
 2 **MATTERS**

3 **SEC. 1401. REVISION OF DEFINITION OF LANDMINE FOR**
 4 **PURPOSES OF LANDMINE EXPORT MORATO-**
 5 **RIUM.**

6 *Section 1423(d) of the National Defense Authorization*
 7 *Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.*
 8 *1832) is amended—*

9 (1) *by redesignating paragraphs (1), (2), and (3)*
 10 *as subparagraphs (A), (B), and (C), respectively;*

11 (2) *in subparagraph (C), as so redesignated, by*
 12 *striking out “by remote control or”;*

13 (3) *by inserting “(1)” before “For purposes of”;*
 14 *and*

15 (4) *by adding at the end the following new para-*
 16 *graph:*

17 “(2) *The term does not include command detonated*
 18 *antipersonnel land mines (such as the M18A1 ‘Claymore’*
 19 *mine).”.*

20 **SEC. 1402. REPORTS ON AND CERTIFICATION REQUIRE-**
 21 **MENT CONCERNING MORATORIUM ON USE BY**
 22 **ARMED FORCES OF ANTIPERSONNEL LAND-**
 23 **MINES.**

24 (a) *REPORT ON EFFECTS OF MORATORIUM.—Not later*
 25 *than April 30 of each of 1996, 1997, and 1998, the Chair-*

1 *man of the Joint Chiefs of Staff shall submit to the congress-*
2 *sional defense committees a report on the projected effects*
3 *of a moratorium on the defensive use of antipersonnel mines*
4 *and antitank mines by the Armed Forces. The report shall*
5 *include a discussion of the following matters:*

6 (1) *The extent to which current doctrine and*
7 *practices of the Armed Forces on the defensive use of*
8 *antipersonnel mines and antitank mines adhere to*
9 *applicable international law.*

10 (2) *The effects that a moratorium would have on*
11 *the defensive use of the current United States inven-*
12 *tory of remotely delivered, self-destructing antitank*
13 *systems, antipersonnel mines, and antitank mines.*

14 (3) *The reliability of the self-destructing anti-*
15 *personnel mines and self-destructing antitank mines*
16 *of the United States.*

17 (4) *The cost of clearing the antipersonnel mine-*
18 *fields currently protecting Naval Station Guanta-*
19 *namo Bay, Cuba, and other United States installa-*
20 *tions.*

21 (5) *The cost of replacing antipersonnel mines in*
22 *such minefields with substitute systems such as the*
23 *Claymore mine, and the level of protection that would*
24 *be afforded by use of such a substitute.*

1 (6) *The extent to which the defensive use of anti-*
2 *personnel mines and antitank mines by the Armed*
3 *Forces is a source of civilian casualties around the*
4 *world, and the extent to which the United States, and*
5 *the Department of Defense particularly, contributes to*
6 *alleviating the illegal and indiscriminate use of such*
7 *munitions.*

8 (7) *The extent to which the threat to the security*
9 *of United States forces during operations other than*
10 *war and combat operations would increase as a result*
11 *of such a moratorium.*

12 (b) *CERTIFICATION REQUIRED BEFORE OBSERVANCE*
13 *OF MORATORIUM.—Any moratorium imposed by law*
14 *(whether enacted before, on, or after the date of the enact-*
15 *ment of this Act) on the use of antipersonnel landmines by*
16 *the Armed Forces may be implemented only if (and after)*
17 *the Secretary of Defense, after consultation with the Chair-*
18 *man of the Joint Chiefs of Staff, certifies to Congress that—*

19 (1) *the moratorium will not adversely affect the*
20 *ability of United States forces to defend against at-*
21 *tack on land by hostile forces; and*

22 (2) *the Armed Forces have systems that are effec-*
23 *tive substitutes for antipersonnel landmines.*

1 **SEC. 1403. EXTENSION AND AMENDMENT OF COUNTER-**
2 **PROLIFERATION AUTHORITIES.**

3 (a) *ONE-YEAR EXTENSION OF PROGRAM.*—Section
4 1505 of the Weapons of Mass Destruction Control Act of
5 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a)
6 is amended—

7 (1) in subsection (a), by striking out “during fis-
8 cal years 1994 and 1995”;

9 (2) in subsection (e)(1), by striking out “fiscal
10 years 1994 and 1995” and inserting in lieu thereof
11 “a fiscal year during which the authority of the Sec-
12 retary of Defense to provide assistance under this sec-
13 tion is in effect”; and

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

16 “(f) *TERMINATION OF AUTHORITY.*—The authority of
17 the Secretary of Defense to provide assistance under this
18 section terminates at the close of fiscal year 1996.”.

19 (b) *PROGRAM AUTHORITIES.*—(1) Subsections (b)(2)
20 and (d)(3) of such section are amended by striking out “the
21 On-Site Inspection Agency” and inserting in lieu thereof
22 “the Department of Defense”.

23 (2) Subsection (c)(3) of such section is amended by
24 striking out “will be counted” and all that follows and in-
25 serting in lieu thereof “will be counted as discretionary

1 *spending in the national defense budget function (function*
2 *050).”.*

3 (c) *AMOUNT OF ASSISTANCE.*—*Subsection (d) of such*
4 *section is amended—*

5 (1) *in paragraph (1)—*

6 (A) *by striking out “for fiscal year 1994”*
7 *the first place it appears and all that follows*
8 *through the period at the end of the second sen-*
9 *tence and inserting in lieu thereof “for any fiscal*
10 *year shall be derived from amounts made avail-*
11 *able to the Department of Defense for that fiscal*
12 *year.”; and*

13 (B) *by striking out “referred to in this*
14 *paragraph”; and*

15 (2) *in paragraph (3)—*

16 (A) *by striking out “may not exceed” and*
17 *all that follows through “1995”; and*

18 (B) *by inserting before the period at the end*
19 *the following: “, may not exceed \$25,000,000 for*
20 *fiscal year 1994, \$20,000,000 for fiscal year*
21 *1995, or \$15,000,000 for fiscal year 1996”.*

1 **SEC. 1404. LIMITATION ON RETIREMENT OR DISMANTLE-**
2 **MENT OF STRATEGIC NUCLEAR DELIVERY**
3 **SYSTEMS.**

4 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
5 *that, unless and until the START II Treaty enters into*
6 *force, the Secretary of Defense should not take any action*
7 *to retire or dismantle, or to prepare to retire or dismantle,*
8 *any of the following strategic nuclear delivery systems:*

9 (1) *B-52H bomber aircraft.*

10 (2) *Trident ballistic missile submarines.*

11 (3) *Minuteman III intercontinental ballistic*
12 *missiles.*

13 (4) *Peacekeeper intercontinental ballistic mis-*
14 *siles.*

15 (b) *LIMITATION ON USE OF FUNDS.*—*Funds available*
16 *to the Department of Defense may not be obligated or ex-*
17 *pended during fiscal year 1996 for retiring or dismantling,*
18 *or for preparing to retire or dismantle, any of the strategic*
19 *nuclear delivery systems specified in subsection (a).*

20 **SEC. 1405. CONGRESSIONAL FINDINGS AND SENSE OF**
21 **CONGRESS CONCERNING TREATY VIOLA-**
22 **TIONS.**

23 (a) *REAFFIRMATION OF PRIOR FINDINGS CONCERNING*
24 *THE KRASNOYARSK RADAR.*—*Congress, noting its previous*
25 *findings with respect to the large phased-array radar of the*
26 *Soviet Union known as the “Krasnoyarsk radar” stated in*

1 paragraphs (1) through (4) of section 902(a) of the National
2 Defense Authorization Act for Fiscal Years 1988 and 1989
3 (Public Law 100–180; 101 Stat. 1135) (and reaffirmed in
4 section 1006(a) of the National Defense Authorization Act
5 for Fiscal Years 1990 and 1991 (Public Law 101–189; 103
6 Stat. 1543)), hereby reaffirms those findings as follows:

7 (1) *The 1972 Anti-Ballistic Missile Treaty pro-*
8 *hibits each party from deploying ballistic missile*
9 *early warning radars except at locations along the pe-*
10 *riphery of its national territory and oriented out-*
11 *ward.*

12 (2) *The 1972 Anti-Ballistic Missile Treaty pro-*
13 *hibits each party from deploying an ABM system to*
14 *defend its national territory and from providing a*
15 *base for any such nationwide defense.*

16 (3) *Large phased-array radars were recognized*
17 *during negotiation of the Anti-Ballistic Missile Trea-*
18 *ty as the critical long lead-time element of a nation-*
19 *wide defense against ballistic missiles.*

20 (4) *In 1983 the United States discovered the con-*
21 *struction, in the interior of the Soviet Union near the*
22 *town of Krasnoyarsk, of a large phased-array radar*
23 *that has subsequently been judged to be for ballistic*
24 *missile early warning and tracking.*

1 (b) *FURTHER REFERENCE TO 1987 CONGRESSIONAL*
2 *STATEMENTS.*—Congress further notes that in section 902
3 of the National Defense Authorization Act for Fiscal Years
4 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) Con-
5 gress also—

6 (1) noted that the President had certified that
7 the Krasnoyarsk radar was an unequivocal violation
8 of the 1972 Anti-Ballistic Missile Treaty; and

9 (2) stated it to be the sense of the Congress that
10 the Soviet Union was in violation of its legal obliga-
11 tion under that treaty.

12 (c) *FURTHER REFERENCE TO 1989 CONGRESSIONAL*
13 *STATEMENTS.*—Congress further notes that in section
14 1006(b) of the National Defense Authorization Act for Fis-
15 cal Years 1990 and 1991 (Public Law 101–189; 103 Stat.
16 1543) Congress also—

17 (1) again noted that in 1987 the President de-
18 clared that radar to be a clear violation of the 1972
19 Anti-Ballistic Missile Treaty and noted that on Octo-
20 ber 23, 1989, the Foreign Minister of the Soviet
21 Union conceded that the Krasnoyarsk radar is a vio-
22 lation of the 1972 Anti-Ballistic Missile Treaty; and

23 (2) stated it to be the sense of the Congress that
24 the Soviet Union should dismantle the Krasnoyarsk
25 radar expeditiously and without conditions and that

1 *until such radar was completely dismantled it would*
2 *remain a clear violation of the 1972 Anti-Ballistic*
3 *Missile Treaty.*

4 *(d) ADDITIONAL FINDINGS.—Congress also finds, with*
5 *respect to the Krasnoyarsk radar, that retired Soviet Gen-*
6 *eral Y.V. Votintsev, Director of the Soviet National Air De-*
7 *fense Forces from 1967 to 1985, has publicly stated—*

8 *(1) that he was directed by the Chief of the So-*
9 *viet General staff to locate the large phased-array*
10 *radar at Krasnoyarsk despite the recognition by So-*
11 *viet authorities that the location of such a radar at*
12 *that location would be a clear violation of the 1972*
13 *Anti-Ballistic Missile Treaty; and*

14 *(2) that Marshal D.F. Ustinov, Soviet Minister*
15 *of Defense, threatened to relieve from duty any Soviet*
16 *officer who continued to object to the construction of*
17 *a large-phased array radar at Krasnoyarsk.*

18 *(e) SENSE OF CONGRESS CONCERNING SOVIET TREATY*
19 *VIOLATIONS.—It is the sense of Congress that the govern-*
20 *ment of the Soviet Union intentionally violated its legal*
21 *obligations under the 1972 Anti-Ballistic Missile Treaty in*
22 *order to advance its national security interests.*

23 *(f) SENSE OF CONGRESS CONCERNING COMPLIANCE BY*
24 *RUSSIA WITH ARMS CONTROL OBLIGATIONS.—In light of*
25 *subsections (a) through (e), it is the sense of Congress that*

1 *the United States should remain vigilant in ensuring com-*
2 *pliance by Russia with its arms control obligations and*
3 *should, when pursuing future arms control agreements with*
4 *Russia, bear in mind violations of arms control obligations*
5 *by the Soviet Union.*

6 **SEC. 1406. SENSE OF CONGRESS ON RATIFICATION OF**
7 **CHEMICAL WEAPONS CONVENTION AND**
8 **START II TREATY.**

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

10 (1) *Proliferation of chemical or nuclear weapons*
11 *materials poses a danger to United States national*
12 *security, and the threat or use of such materials by*
13 *terrorists would directly threaten United States citi-*
14 *zens at home and abroad.*

15 (2) *Events such as the March 1995 terrorist re-*
16 *lease of a chemical nerve agent in the Tokyo subway,*
17 *the threatened use of chemical weapons during the*
18 *1991 Persian Gulf War, and the widespread use of*
19 *chemical weapons during the Iran-Iraq War of the*
20 *1980's are all potent reminders of the menace posed*
21 *by chemical weapons, of the fact that the threat of*
22 *chemical weapons is not sufficiently addressed, and*
23 *of the need to outlaw the development, production,*
24 *and possession of chemical weapons.*

1 (3) *The Chemical Weapons Convention nego-*
2 *tiated and signed by President Bush would make it*
3 *more difficult for would-be proliferators, including*
4 *terrorists, to acquire or use chemical weapons, if rati-*
5 *fied and fully implemented, as signed, by all signato-*
6 *ries.*

7 (4) *United States military authorities, including*
8 *Chairman of the Joint Chiefs of Staff General John*
9 *Shalikashvili, have stated that United States military*
10 *forces will deter and respond to chemical weapons*
11 *threats with a robust chemical defense and an over-*
12 *whelming superior conventional response, as dem-*
13 *onstrated in the Persian Gulf War, and have testified*
14 *in support of the ratification of the Chemical Weap-*
15 *ons Convention.*

16 (5) *The United States intelligence community*
17 *has testified that the Convention will provide new*
18 *and important sources of information, through regu-*
19 *lar data exchanges and routine and challenge inspec-*
20 *tions, to improve the ability of the United States to*
21 *assess the chemical weapons status in countries of*
22 *concern.*

23 (6) *The Convention has not entered into force for*
24 *lack of the requisite number of ratifications.*

1 (7) *Russia has signed the Convention, but has*
2 *not yet ratified it.*

3 (8) *There have been reports by Russian sources*
4 *of continued Russian production and testing of chem-*
5 *ical weapons, including a statement by a spokesman*
6 *of the Russian Ministry of Defense on December 5,*
7 *1994, that “We cannot say that all chemical weapons*
8 *production and testing has stopped altogether.”.*

9 (9) *The Convention will impose a legally binding*
10 *obligation on Russia and other nations that possess*
11 *chemical weapons and that ratify the Convention to*
12 *cease offensive chemical weapons activities and to de-*
13 *stroy their chemical weapons stockpiles and produc-*
14 *tion facilities.*

15 (10) *The United States must be prepared to exer-*
16 *cise fully its rights under the Convention, including*
17 *the request of challenge inspections when warranted,*
18 *and to exercise leadership in pursuing punitive meas-*
19 *ures against violators of the Convention, when war-*
20 *ranted.*

21 (11) *The United States should strongly encour-*
22 *age full implementation at the earliest possible date*
23 *of the terms and conditions of the United States-Rus-*
24 *sia bilateral chemical weapons destruction agreement*
25 *signed in 1990.*

1 (12) *The START II Treaty negotiated and*
2 *signed by President Bush would help reduce the dan-*
3 *ger of potential proliferators, including terrorists, ac-*
4 *quiring nuclear warheads and materials, and would*
5 *contribute to United States-Russian bilateral efforts*
6 *to secure and dismantle nuclear warheads, if ratified*
7 *and fully implemented as signed by both parties.*

8 (13) *It is in the national security interest of the*
9 *United States to take effective steps to make it more*
10 *difficult for proliferators or would-be terrorists to ob-*
11 *tain chemical or nuclear materials for use in weap-*
12 *ons.*

13 (14) *The President has urged prompt Senate ac-*
14 *tion on, and advice and consent to ratification of, the*
15 *START II Treaty and the Chemical Weapons Con-*
16 *vention.*

17 (15) *The Chairman of the Joint Chiefs of Staff*
18 *has testified to Congress that ratification and full im-*
19 *plementation of both treaties by all parties is in the*
20 *United States national interest and has strongly*
21 *urged prompt Senate advice and consent to their rati-*
22 *fication.*

23 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
24 *that the United States, Russia, and all other parties to the*
25 *START II Treaty and the Chemical Weapons Convention*

1 *should promptly ratify and fully implement, as negotiated,*
2 *both treaties.*

3 **SEC. 1407. IMPLEMENTATION OF ARMS CONTROL AGREE-**
4 **MENTS.**

5 (a) *FUNDING.*—*Of the amounts appropriated pursuant*
6 *to authorizations in sections 102, 103, 104, 201, and 301,*
7 *the Secretary of Defense may use an amount not to exceed*
8 *\$239,941,000 for implementing arms control agreements to*
9 *which the United States is a party.*

10 (b) *LIMITATION.*—(1) *Funds made available pursuant*
11 *to subsection (a) for the costs of implementing an arms con-*
12 *trol agreement may not (except as provided in paragraph*
13 *(2)) be used to reimburse expenses incurred by any other*
14 *party to the agreement for which (without regard to any*
15 *executive agreement or any policy not part of an arms con-*
16 *trol agreement)—*

17 (A) *the other party is responsible under the*
18 *terms of the arms control agreement; and*

19 (B) *the United States has no responsibility*
20 *under the agreement.*

21 (2) *The limitation in paragraph (1) does not apply*
22 *to a use of funds to carry out an arms control expenses*
23 *reimbursement policy of the United States described in sub-*
24 *section (c).*

1 (c) *COVERED ARMS CONTROL EXPENSES REIMBURSE-*
2 *MENT POLICIES.*—*Subsection (b)(2) applies to a policy of*
3 *the United States to reimburse expenses incurred by another*
4 *party to an arms control agreement if—*

5 (1) *the policy does not modify any obligation*
6 *imposed by the arms control agreement;*

7 (2) *the President—*

8 (A) *issued or approved the policy before the*
9 *date of the enactment of this Act; or*

10 (B) *entered into an agreement on the policy*
11 *with the government of another country or ap-*
12 *proved an agreement on the policy entered into*
13 *by an official of the United States and the gov-*
14 *ernment of another country; and*

15 (3) *the President has notified the designated con-*
16 *gressional committees of the policy or the policy*
17 *agreement (as the case may be), in writing, at least*
18 *30 days before the date on which the President issued*
19 *or approved the policy or has entered into or ap-*
20 *proved the policy agreement.*

21 (d) *DEFINITIONS.*—*For the purposes of this section:*

22 (1) *The term “arms control agreement” means*
23 *an arms control treaty or other form of international*
24 *arms control agreement.*

1 (2) *The term “executive agreement” means an*
2 *international agreement entered into by the President*
3 *that is not authorized by law or entered into as a*
4 *Treaty to which the Senate has given its advice and*
5 *consent to ratification.*

6 (3) *The term “designated congressional commit-*
7 *tees” means the following:*

8 (A) *The Committee on Foreign Relations,*
9 *the Committee on Armed Services, and the Com-*
10 *mittee on Appropriations of the Senate.*

11 (B) *The Committee on International Rela-*
12 *tions, the Committee on National Security, and*
13 *the Committee on Appropriations of the House of*
14 *Representatives.*

15 **SEC. 1408. IRAN AND IRAQ ARMS NONPROLIFERATION.**

16 (a) *SANCTIONS AGAINST TRANSFERS OF PERSONS.—*
17 *Section 1604(a) of the Iran–Iraq Arms Non-Proliferation*
18 *Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C.*
19 *1701 note) is amended by inserting “to acquire chemical,*
20 *biological, or nuclear weapons or” before “to acquire”.*

21 (b) *SANCTIONS AGAINST TRANSFERS OF FOREIGN*
22 *COUNTRIES.—Section 1605(a) of such Act is amended by*
23 *inserting “to acquire chemical, biological, or nuclear weap-*
24 *ons or” before “to acquire”.*

1 (c) *CLARIFICATION OF UNITED STATES ASSIST-*
 2 *ANCE.—Subparagraph (A) of section 1608(7) of such Act*
 3 *is amended to read as follows:*

4 “(A) *any assistance under the Foreign As-*
 5 *istance Act of 1961 (22 U.S.C. 2151 et seq.),*
 6 *other than urgent humanitarian assistance or*
 7 *medicine;”.*

8 (d) *NOTIFICATION OF CERTAIN WAIVERS UNDER*
 9 *MTCR PROCEDURES.—Section 73(e)(2) of the Arms Export*
 10 *Control Act (22 U.S.C. 2797b(e)(2)) is amended—*

11 (1) *by striking out “the Congress” and inserting*
 12 *in lieu thereof “the Committee on Armed Services and*
 13 *the Committee on Foreign Relations of the Senate and*
 14 *the Committee on National Security and the Commit-*
 15 *tee on International Relations of the House of Rep-*
 16 *resentatives”; and*

17 (2) *by striking out “20 working days” and in-*
 18 *serting in lieu thereof “45 working days”.*

19 ***TITLE XV—TECHNICAL AND***
 20 ***CLERICAL AMENDMENTS***

21 ***SEC. 1501. AMENDMENTS RELATED TO RESERVE OFFICER***
 22 ***PERSONNEL MANAGEMENT ACT.***

23 (a) *PUBLIC LAW 103–337.—The Reserve Officer Per-*
 24 *sonnel Management Act (title XVI of the National Defense*

1 *Authorization Act for Fiscal Year 1995 (Public Law 103-*
2 *337)) is amended as follows:*

3 *(1) Section 1624 (108 Stat. 2961) is amended—*

4 *(A) by striking out “641” and all that fol-*
5 *lows through “(2)” and inserting in lieu thereof*
6 *“620 is amended”; and*

7 *(B) by redesignating as subsection (d) the*
8 *subsection added by the amendment made by*
9 *that section.*

10 *(2) Section 1625 (108 Stat. 2962) is amended by*
11 *striking out “Section 689” and inserting in lieu*
12 *thereof “Section 12320”.*

13 *(3) Section 1626(1) (108 Stat. 2962) is amended*
14 *by striking out “(W-5)” in the second quoted matter*
15 *therein and inserting in lieu thereof “, W-5,”.*

16 *(4) Section 1627 (108 Stat. 2962) is amended by*
17 *striking out “Section 1005(b)” and inserting in lieu*
18 *thereof “Section 12645(b)”.*

19 *(5) Section 1631 (108 Stat. 2964) is amended—*

20 *(A) in subsection (a), by striking out “Sec-*
21 *tion 510” and inserting in lieu thereof “Section*
22 *12102”; and*

23 *(B) in subsection (b), by striking out “Sec-*
24 *tion 591” and inserting in lieu thereof “Section*
25 *12201”.*

1 (6) *Section 1632 (108 Stat. 2965) is amended by*
2 *striking out “Section 593(a)” and inserting in lieu*
3 *thereof “Section 12203(a)”.*

4 (7) *Section 1635(a) (108 Stat. 2968) is amended*
5 *by striking out “section 1291” and inserting in lieu*
6 *thereof “section 1691(b)”.*

7 (8) *Section 1671 (108 Stat. 3013) is amended—*

8 (A) *in subsection (b)(3), by striking out*
9 *“512, and 517” and inserting in lieu thereof*
10 *“and 512”; and*

11 (B) *in subsection (c)(2), by striking out the*
12 *comma after “861” in the first quoted matter*
13 *therein.*

14 (9) *Section 1684(b) (108 Stat. 3024) is amended*
15 *by striking out “section 14110(d)” and inserting in*
16 *lieu thereof “section 14111(c)”.*

17 (b) *SUBTITLE E OF TITLE 10.—Subtitle E of title 10,*
18 *United States Code, is amended as follows:*

19 (1) *The tables of chapters preceding part I and*
20 *at the beginning of part IV are amended by striking*
21 *out “Repayments” in the item relating to chapter*
22 *1609 and inserting in lieu thereof “Repayment Pro-*
23 *grams”.*

24 (2)(A) *The heading for section 10103 is amended*
25 *to read as follows:*

1 **“§ 10103. Basic policy for order into Federal service”.**

2 (B) *The item relating to section 10103 in the*
3 *table of sections at the beginning of chapter 1003 is*
4 *amended to read as follows:*

“10103. Basic policy for order into Federal service.”.

5 (3) *The table of sections at the beginning of*
6 *chapter 1005 is amended by striking out the third*
7 *word in the item relating to section 10142.*

8 (4) *The table of sections at the beginning of*
9 *chapter 1007 is amended—*

10 (A) *by striking out the third word in the*
11 *item relating to section 10205; and*

12 (B) *by capitalizing the initial letter of the*
13 *sixth word in the item relating to section 10211.*

14 (5) *The table of sections at the beginning of*
15 *chapter 1011 is amended by inserting “Sec.” at the*
16 *top of the column of section numbers.*

17 (6) *Section 10507 is amended—*

18 (A) *by striking out “section 124402(b)” and*
19 *inserting in lieu thereof “section 12402(b)”;* and

20 (B) *by striking out “Air Forces” and insert-*
21 *ing in lieu thereof “Air Force”.*

22 (7)(A) *Section 10508 is repealed.*

23 (B) *The table of sections at the beginning of*
24 *chapter 1011 is amended by striking out the item re-*
25 *lating to section 10508.*

1 (8) Section 10542 is amended by striking out
2 subsection (d).

3 (9) Section 12004(a) is amended by striking out
4 “active-status” and inserting in lieu thereof “active
5 status”.

6 (10) Section 12012 is amended by inserting
7 “**the**” in the section heading before the penultimate
8 word.

9 (11)(A) The heading for section 12201 is amend-
10 ed to read as follows:

11 **“§ 12201. Reserve officers: qualifications for appoint-
12 ment”.**

13 (B) The item relating to that section in the table
14 of sections at the beginning of chapter 1205 is amend-
15 ed to read as follows:

“12201. Reserve officers: qualifications for appointment.”.

16 (12)(A) The heading for section 12209 is amend-
17 ed to read as follows:

18 **“§ 12209. Officer candidates: enlisted Reserves”.**

19 (B) The heading for section 12210 is amended to
20 read as follows:

21 **“§ 12210. Attending Physician to the Congress: reserve
22 grade while so serving”.**

23 (13)(A) The headings for sections 12211, 12212,
24 12213, and 12214 are amended by inserting “**the**”
25 after “**National Guard of**”

1 (B) *The table of sections at the beginning of*
2 *chapter 1205 is amended by inserting “the” in the*
3 *items relating to sections 12211, 12212, 12213, and*
4 *12214 after “National Guard of”.*

5 (14) *Section 12213(a) is amended by striking*
6 *out “section 593” and inserting in lieu thereof “sec-*
7 *tion 12203”.*

8 (15) *The table of sections at the beginning of*
9 *chapter 1207 is amended by striking out “pro-*
10 *motions” in the item relating to section 12243 and*
11 *inserting in lieu thereof “promotion”.*

12 (16) *The table of sections at the beginning of*
13 *chapter 1209 is amended—*

14 (A) *in the item relating to section 12304, by*
15 *striking out the colon and inserting in lieu there-*
16 *of a semicolon; and*

17 (B) *in the item relating to section 12308, by*
18 *striking out the second, third, and fourth words.*

19 (17) *Section 12307 is amended by striking out*
20 *“Ready Reserve” in the second sentence and inserting*
21 *in lieu thereof “Retired Reserve”.*

22 (18)(A) *The table of sections at the beginning of*
23 *chapter 1211 is amended by inserting “the” in the*
24 *items relating to sections 12401, 12402, 12403, and*
25 *12404 after “Army and Air National Guard of”.*

1 (B) *The headings for sections 12402, 12403, and*
2 *12404 are amended by inserting “**the**” after “**Army***
3 ***and Air National Guard of**”*

4 (19) *Section 12407(b) is amended—*

5 (A) *by striking out “of those jurisdictions”*
6 *and inserting in lieu thereof “State”; and*

7 (B) *by striking out “jurisdictions” and in-*
8 *serting in lieu thereof “States”.*

9 (20) *Section 12731(f) is amended by striking out*
10 *“the date of the enactment of this subsection” and in-*
11 *serting in lieu thereof “October 5, 1994.”*

12 (21) *Section 12731a(c)(3) is amended by insert-*
13 *ing a comma after “Defense Conversion”.*

14 (22) *Section 14003 is amended by inserting*
15 *“**lists**” in the section heading immediately before the*
16 *colon.*

17 (23) *The table of sections at the beginning of*
18 *chapter 1403 is amended by striking out “selection*
19 *board” in the item relating to section 14105 and in-*
20 *serting in lieu thereof “promotion board”.*

21 (24) *The table of sections at the beginning of*
22 *chapter 1405 is amended—*

23 (A) *in the item relating to section 14307, by*
24 *striking out “Numbers” and inserting in lieu*
25 *thereof “Number”;*

1 (B) in the item relating to section 14309, by
2 striking out the colon and inserting in lieu there-
3 of a semicolon; and

4 (C) in the item relating to section 14314, by
5 capitalizing the initial letter of the antepenulti-
6 mate word.

7 (25) Section 14315(a) is amended by striking
8 out “a Reserve officer” and inserting in lieu thereof
9 “a reserve officer”.

10 (26) Section 14317(e) is amended—

11 (A) by inserting “OFFICERS ORDERED TO
12 ACTIVE DUTY IN TIME OF WAR OR NATIONAL
13 EMERGENCY.—” after “(e)”; and

14 (B) by striking out “section 10213 or 644”
15 and inserting in lieu thereof “section 123 or
16 10213”.

17 (27) The table of sections at the beginning of
18 chapter 1407 is amended—

19 (A) in the item relating to section 14506, by
20 inserting “reserve” after “Marine Corps and”;
21 and

22 (B) in the item relating to section 14507, by
23 inserting “reserve” after “Removal from the”;
24 and

1 (C) in the item relating to section 14509, by
2 inserting “in grades” after “reserve officers”.

3 (28) Section 14501(a) is amended by inserting
4 “OFFICERS BELOW THE GRADE OF COLONEL OR
5 NAVY CAPTAIN.—” after “(a)”.

6 (29) The heading for section 14506 is amended
7 by inserting a comma after “**Air Force**”.

8 (30) Section 14508 is amended by striking out
9 “this” after “from an active status under” in sub-
10 sections (c) and (d).

11 (31) Section 14515 is amended by striking out
12 “inactive status” and inserting in lieu thereof “inac-
13 tive-status”.

14 (32) Section 14903(b) is amended by striking out
15 “chapter” and inserting in lieu thereof “title”.

16 (33) The table of sections at the beginning of
17 chapter 1606 is amended in the item relating to sec-
18 tion 16133 by striking out “limitations” and insert-
19 ing in lieu thereof “limitation”.

20 (34) Section 16132(c) is amended by striking out
21 “section” and inserting in lieu thereof “sections”.

22 (35) Section 16135(b)(1)(A) is amended by strik-
23 ing out “section 2131(a)” and inserting in lieu there-
24 of “section 16131(a)”.

1 (36) *Section 18236(b)(1) is amended by striking*
2 *out “section 2233(e)” and inserting in lieu thereof*
3 *“section 18233(e)”.*

4 (37) *Section 18237 is amended—*

5 (A) *in subsection (a), by striking out “sec-*
6 *tion 2233(a)(1)” and inserting in lieu thereof*
7 *“section 18233(a)(1)”;* and

8 (B) *in subsection (b), by striking out “sec-*
9 *tion 2233(a)” and inserting in lieu thereof “sec-*
10 *tion 18233(a)”.*

11 (c) *OTHER PROVISIONS OF TITLE 10.—Effective as of*
12 *December 1, 1994 (except as otherwise expressly provided),*
13 *and as if included as amendments made by the Reserve Of-*
14 *ficer Personnel Management Act (title XVI of Public Law*
15 *103–360) as originally enacted, title 10, United States*
16 *Code, is amended as follows:*

17 (1) *Section 101(d)(6)(B)(i) is amended by strik-*
18 *ing out “section 175” and inserting in lieu thereof*
19 *“section 10301”.*

20 (2) *Section 114(b) is amended by striking out*
21 *“chapter 133” and inserting in lieu thereof “chapter*
22 *1803”.*

23 (3) *Section 115(d) is amended—*

1 (A) in paragraph (1), by striking out “sec-
2 tion 673” and inserting in lieu thereof “section
3 12302”;

4 (B) in paragraph (2), by striking out “sec-
5 tion 673b” and inserting in lieu thereof “section
6 12304”; and

7 (C) in paragraph (3), by striking out “sec-
8 tion 3500 or 8500” and inserting in lieu thereof
9 “section 12406”.

10 (4) Section 123(a) is amended—

11 (A) by striking out “281, 592, 1002, 1005,
12 1006, 1007, 1374, 3217, 3218, 3219, 3220,
13 3352(a) (last sentence),”, “5414, 5457, 5458,
14 5506,” and “8217, 8218, 8219,”; and

15 (B) by striking out “and 8855” and insert-
16 ing in lieu thereof “8855, 10214, 12003, 12004,
17 12005, 12007, 12202, 12213(a) (second sentence),
18 12642, 12645, 12646, 12647, 12771, 12772, and
19 12773”.

20 (5) Section 582(1) is amended by striking out
21 “section 672(d)” in subparagraph (B) and “section
22 673b” in subparagraph (D) and inserting in lieu
23 thereof “section 12301(d)” and “section 12304”, re-
24 spectively.

1 (6) *Section 641(1)(B) is amended by striking out*
2 *“10501” and inserting in lieu thereof “10502, 10505,*
3 *10506(a), 10506(b), 10507”.*

4 (7) *The table of sections at the beginning of*
5 *chapter 39 is amended by striking out the items relat-*
6 *ing to sections 687 and 690.*

7 (8) *Sections 1053(a)(1) and 1064 are amended*
8 *by striking out “chapter 67” and inserting in lieu*
9 *thereof “chapter 1223”.*

10 (9) *Section 1063(a)(1) is amended by striking*
11 *out “section 1332(a)(2)” and inserting in lieu thereof*
12 *“section 12732(a)(2)”.*

13 (10) *Section 1074b(b)(2) is amended by striking*
14 *out “section 673c” and inserting in lieu thereof “sec-*
15 *tion 12305”.*

16 (11) *Section 1076(b)(2)(A) is amended by strik-*
17 *ing out “before the effective date of the Reserve Officer*
18 *Personnel Management Act” and inserting in lieu*
19 *thereof “before December 1, 1994”.*

20 (12) *Section 1176(b) is amended by striking out*
21 *“section 1332” in the matter preceding paragraph (1)*
22 *and in paragraphs (1) and (2) and inserting in lieu*
23 *thereof “section 12732”.*

1 (13) *Section 1208(b) is amended by striking out*
2 *“section 1333” and inserting in lieu thereof “section*
3 *12733”.*

4 (14) *Section 1209 is amended by striking out*
5 *“section 1332”, “section 1335”, and “chapter 71” and*
6 *inserting in lieu thereof “section 12732”, “section*
7 *12735”, and “section 12739”, respectively.*

8 (15) *Section 1407 is amended—*

9 (A) *in subsection (c)(1) and (d)(1), by strik-*
10 *ing out “section 1331” and inserting in lieu*
11 *thereof “section 12731”; and*

12 (B) *in the heading for paragraph (1) of*
13 *subsection (d), by striking out “CHAPTER 67”*
14 *and inserting in lieu thereof “CHAPTER 1223”.*

15 (16) *Section 1408(a)(5) is amended by striking*
16 *out “section 1331” and inserting in lieu thereof “sec-*
17 *tion 12731”.*

18 (17) *Section 1431(a)(1) is amended by striking*
19 *out “section 1376(a)” and inserting in lieu thereof*
20 *“section 12774(a)”.*

21 (18) *Section 1463(a)(2) is amended by striking*
22 *out “chapter 67” and inserting in lieu thereof “chap-*
23 *ter 1223”.*

24 (19) *Section 1482(f)(2) is amended by inserting*
25 *“section” before “12731 of this title”.*

1 (20) *The table of sections at the beginning of*
2 *chapter 533 is amended by striking out the item re-*
3 *lating to section 5454.*

4 (21) *Section 2006(b)(1) is amended by striking*
5 *out “chapter 106 of this title” and inserting in lieu*
6 *thereof “chapter 1606 of this title”.*

7 (22) *Section 2121(c) is amended by striking out*
8 *“section 3353, 5600, or 8353” and inserting in lieu*
9 *thereof “section 12207”, effective on the effective date*
10 *specified in section 1691(b)(1) of Public Law 103–*
11 *337.*

12 (23) *Section 2130a(b)(3) is amended by striking*
13 *out “section 591” and inserting in lieu thereof “sec-*
14 *tion 12201”.*

15 (24) *The table of sections at the beginning of*
16 *chapter 337 is amended by striking out the items re-*
17 *lating to section 3351 and 3352.*

18 (25) *Sections 3850, 6389(c), 6391(c), and 8850*
19 *are amended by striking out “section 1332” and in-*
20 *serting in lieu thereof “section 12732”.*

21 (26) *Section 5600 is repealed, effective on the ef-*
22 *fective date specified in section 1691(b)(1) of Public*
23 *Law 103–337.*

1 (27) *Section 5892 is amended by striking out*
2 *“section 5457 or section 5458” and inserting in lieu*
3 *thereof “section 12004 or section 12005”.*

4 (28) *Section 6410(a) is amended by striking out*
5 *“section 1005” and inserting in lieu thereof “section*
6 *12645”.*

7 (29) *The table of sections at the beginning of*
8 *chapter 837 is amended by striking out the items re-*
9 *lating to section 8351 and 8352.*

10 (30) *Section 8360(b) is amended by striking out*
11 *“section 1002” and inserting in lieu thereof “section*
12 *12642”.*

13 (31) *Section 8380 is amended by striking out*
14 *“section 524” in subsections (a) and (b) and inserting*
15 *in lieu thereof “section 12011”.*

16 (32) *Sections 8819(a), 8846(a), and 8846(b) are*
17 *amended by striking out “sections 1005 and 1006”*
18 *and inserting in lieu thereof “sections 12645 and*
19 *12646”.*

20 (33) *Section 8819 is amended by striking out*
21 *“section 1005” and “section 1006” and inserting in*
22 *lieu thereof “section 12645” and “section 12646”, re-*
23 *spectively.*

24 (d) *CROSS REFERENCES IN OTHER DEFENSE LAWS.—*

1 (1) *Section 337(b) of the National Defense Au-*
2 *thorization Act for Fiscal Year 1995 (Public Law*
3 *103–337; 108 Stat. 2717) is amended by inserting be-*
4 *fore the period at the end the following: “or who after*
5 *November 30, 1994, transferred to the Retired Reserve*
6 *under section 10154(2) of title 10, United States*
7 *Code, without having completed the years of service*
8 *required under section 12731(a)(2) of such title for*
9 *eligibility for retired pay under chapter 1223 of such*
10 *title”.*

11 (2) *Section 525 of the National Defense Author-*
12 *ization Act for Fiscal Years 1992 and 1993 (Public*
13 *Law 102–190, 105 Stat. 1363) is amended by striking*
14 *out “section 690” and inserting in lieu thereof “sec-*
15 *tion 12321”.*

16 (3) *Subtitle B of title XLIV of the National De-*
17 *fense Authorization Act for Fiscal Year 1993 (Public*
18 *Law 102–484; 10 U.S.C. 12681 note) is amended—*

19 (A) *in section 4415, by striking out “section*
20 *1331a” and inserting in lieu thereof “section*
21 *12731a”;*

22 (B) *in subsection 4416—*

23 (i) *in subsection (a), by striking out*
24 *“section 1331” and inserting in lieu thereof*
25 *“section 12731”;*

1 (ii) in subsection (b)—

2 (I) by inserting “or section
3 12732” in paragraph (1) after “under
4 that section”; and

5 (II) by inserting “or 12731(a)” in
6 paragraph (2) after “section 1331(a”;

7 (iii) in subsection (e)(2), by striking
8 out “section 1332” and inserting in lieu
9 thereof “section 12732”; and

10 (iv) in subsection (g), by striking out
11 “section 1331a” and inserting in lieu there-
12 of “section 12731a”; and

13 (C) in section 4418—

14 (i) in subsection (a), by striking out
15 “section 1332” and inserting in lieu thereof
16 “section 12732”; and

17 (ii) in subsection (b)(1)(A), by striking
18 out “section 1333” and inserting in lieu
19 thereof “section 12733”.

20 (4) Title 37, United States Code, is amended—

21 (A) in section 302f(b), by striking out “sec-
22 tion 673c of title 10” in paragraphs (2) and
23 (3)(A) and inserting in lieu thereof “section
24 12305 of title 10”; and

1 (B) in section 433(a), by striking out “sec-
2 tion 687 of title 10” and inserting in lieu thereof
3 “section 12319 of title 10”.

4 (e) *CROSS REFERENCES IN OTHER LAWS.*—

5 (1) *Title 14, United States Code, is amended—*

6 (A) in section 705(f), by striking out “600
7 of title 10” and inserting in lieu thereof “12209
8 of title 10”; and

9 (B) in section 741(c), by striking out “sec-
10 tion 1006 of title 10” and inserting in lieu there-
11 of “section 12646 of title 10”.

12 (2) *Title 38, United States Code, is amended—*

13 (A) in section 3011(d)(3), by striking out
14 “section 672, 673, 673b, 674, or 675 of title 10”
15 and inserting in lieu thereof “section 12301,
16 12302, 12304, 12306, or 12307 of title 10”;

17 (B) in sections 3012(b)(1)(B)(iii) and
18 3701(b)(5)(B), by striking out “section 268(b) of
19 title 10” and inserting in lieu thereof “section
20 10143(a) of title 10”;

21 (C) in section 3501(a)(3)(C), by striking
22 out “section 511(d) of title 10” and inserting in
23 lieu thereof “section 12103(d) of title 10”; and

24 (D) in section 4211(4)(C), by striking out
25 “section 672(a), (d), or (g), 673, or 673b of title

1 10” and inserting in lieu thereof “section
2 12301(a), (d), or (g), 12302, or 12304 of title
3 10”.

4 (3) Section 702(a)(1) of the Soldiers’ and Sail-
5 ors’ Civil Relief Act of 1940 (50 U.S.C. App.
6 592(a)(1)) is amended—

7 (A) by striking out “section 672 (a) or (g),
8 673, 673b, 674, 675, or 688 of title 10” and in-
9 serting in lieu thereof “section 688, 12301(a),
10 12301(g), 12302, 12304, 12306, or 12307 of title
11 10”; and

12 (B) by striking out “section 672(d) of such
13 title” and inserting in lieu thereof “section
14 12301(d) of such title”.

15 (4) Section 463A of the Higher Education Act of
16 1965 (20 U.S.C. 1087cc-1) is amended in subsection
17 (a)(10) by striking out “(10 U.S.C. 2172)” and in-
18 serting in lieu thereof “(10 U.S.C. 16302)”.

19 (5) Section 179 of the National and Community
20 Service Act of 1990 (42 U.S.C. 12639) is amended in
21 subsection (a)(2)(C) by striking out “section 216(a) of
22 title 5” and inserting in lieu thereof “section 10101
23 of title 10”.

24 (f) *EFFECTIVE DATES.*—

1 (1) *Section 1636 of the Reserve Officer Personnel*
 2 *Management Act shall take effect on the date of the*
 3 *enactment of this Act.*

4 (2) *The amendments made by sections 1672(a),*
 5 *1673(a) (with respect to chapters 541 and 549),*
 6 *1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7) shall*
 7 *take effect on the effective date specified in section*
 8 *1691(b)(1) of the Reserve Officer Personnel Manage-*
 9 *ment Act (notwithstanding section 1691(a) of such*
 10 *Act).*

11 (3) *The amendments made by this section shall*
 12 *take effect as if included in the Reserve Officer Per-*
 13 *sonnel Management Act as enacted on October 5,*
 14 *1994.*

15 **SEC. 1502. AMENDMENTS TO REFLECT NAME CHANGE OF**
 16 **COMMITTEE ON ARMED SERVICES OF THE**
 17 **HOUSE OF REPRESENTATIVES.**

18 (a) *TITLE 10, UNITED STATES CODE.—Title 10, Unit-*
 19 *ed States Code, is amended as follows:*

20 (1) *Sections 503(b)(5), 520a(d), 526(d)(1),*
 21 *619a(h)(2), 806a(b), 838(b)(7), 946(c)(1)(A),*
 22 *1098(b)(2), 2313(b)(4), 2361(c)(1), 2371(h), 2391(c),*
 23 *2430(b), 2432(b)(3)(B), 2432(c)(2), 2432(h)(1),*
 24 *2667(d)(3), 2672a(b), 2687(b)(1), 4342(g),*
 25 *7307(b)(1)(A), and 9342(g) are amended by striking*

1 out “Committees on Armed Services of the Senate and
2 House of Representatives” and inserting in lieu there-
3 of “Committee on Armed Services of the Senate and
4 the Committee on National Security of the House of
5 Representatives”.

6 (2) Sections 178(c)(1)(A), 942(e)(5), 2350f(c),
7 7426(e), 7431(a), 7431(b)(1), 7431(c), 7438(b),
8 12302(b), 18235(a), and 18236(a) are amended by
9 striking out “Committees on Armed Services of the
10 Senate and the House of Representatives” and insert-
11 ing in lieu thereof “Committee on Armed Services of
12 the Senate and the Committee on National Security
13 of the House of Representatives”.

14 (3) Section 113(j)(1) is amended by striking out
15 “Committees on Armed Services and Committees on
16 Appropriations of the Senate and” and inserting in
17 lieu thereof “Committee on Armed Services and the
18 Committee on Appropriations of the Senate and the
19 Committee on National Security and the Committee
20 on Appropriations of the”.

21 (4) Section 119(g) is amended by striking out
22 paragraphs (1) and (2) and inserting in lieu thereof
23 the following:

24 “(1) the Committee on Armed Services and the
25 Committee on Appropriations, and the Defense Sub-

1 *committee of the Committee on Appropriations, of the*
2 *Senate; and*

3 “(2) *the Committee on National Security and the*
4 *Committee on Appropriations, and the National Se-*
5 *curity Subcommittee of the Committee on Appropria-*
6 *tions, of the House of Representatives.”.*

7 (5) *Section 127(c) is amended by striking out*
8 *“Committees on Armed Services and Appropriations*
9 *of the Senate and” and inserting in lieu thereof*
10 *“Committee on Armed Services and the Committee on*
11 *Appropriations of the Senate and the Committee on*
12 *National Security and the Committee on Appropria-*
13 *tions of”.*

14 (6) *Section 135(e) is amended—*

15 (A) *by inserting “(1)” after “(e)”;*

16 (B) *by striking out “the Committees on*
17 *Armed Services and the Committees on Appropria-*
18 *tions of the Senate and House of Representa-*
19 *tives are each” and inserting in lieu thereof*
20 *“each congressional committee specified in para-*
21 *graph (2) is”; and*

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

23 “(2) *The committees referred to in paragraph (1)*
24 *are—*

1 “(A) *the Committee on Armed Services and the*
2 *Committee on Appropriations of the Senate; and*

3 “(B) *the Committee on National Security and*
4 *the Committee on Appropriations of the House of*
5 *Representatives.*”.

6 (7) *Section 179(e) is amended by striking out*
7 *“to the Committees on Armed Services and Appro-*
8 *propriations of the Senate and” and inserting in lieu*
9 *thereof “to the Committee on Armed Services and the*
10 *Committee on Appropriations of the Senate and the*
11 *Committee on National Security and the Committee*
12 *on Appropriations of the”.*

13 (8) *Sections 401(d) and 402(d) are amended by*
14 *striking out “submit to the” and all that follows*
15 *through “Foreign Affairs” and inserting in lieu there-*
16 *of “submit to the Committee on Armed Services and*
17 *the Committee on Foreign Relations of the Senate and*
18 *the Committee on National Security and the Commit-*
19 *tee on International Relations”.*

20 (9) *Section 2367(d)(2) is amended by striking*
21 *out “the Committees on Armed Services and the Com-*
22 *mittees on Appropriations of the Senate and” and in-*
23 *serting in lieu thereof “the Committee on Armed Serv-*
24 *ices and the Committee on Appropriations of the Sen-*

1 *ate and the Committee on National Security and the*
2 *Committee on Appropriations of the”.*

3 (10) *Sections 2306b(g), 2801(c)(4), and*
4 *18233a(a)(1) are amended by striking out “the Com-*
5 *mittees on Armed Services and on Appropriations of*
6 *the Senate and” and inserting in lieu thereof “the*
7 *Committee on Armed Services and the Committee on*
8 *Appropriations of the Senate and the Committee on*
9 *National Security and the Committee on Appropria-*
10 *tions of the”.*

11 (11) *Section 1599(e)(2) is amended—*

12 (A) *in subparagraph (A), by striking out*
13 *“The Committees on Armed Services and Appro-*
14 *priations” and inserting in lieu thereof “The*
15 *Committee on National Security, the Committee*
16 *on Appropriations,”; and*

17 (B) *in subparagraph (B), by striking out*
18 *“The Committees on Armed Services and Appro-*
19 *priations” and inserting in lieu thereof “The*
20 *Committee on Armed Services, the Committee on*
21 *Appropriations,”.*

22 (12) *Sections 4355(a)(3), 6968(a)(3), and*
23 *9355(a)(3) are amended by striking out “Armed Serv-*
24 *ices” and inserting in lieu thereof “National Secu-*
25 *urity”.*

1 (13) *Section 1060(d) is amended by striking out*
2 *“Committee on Armed Services and the Committee on*
3 *Foreign Affairs” and inserting in lieu thereof “Com-*
4 *mittee on National Security and the Committee on*
5 *International Relations”.*

6 (14) *Section 2215 is amended—*

7 (A) *by inserting “(a) CERTIFICATION RE-*
8 *QUIRED.—” at the beginning of the text of the*
9 *section;*

10 (B) *by striking out “to the Committees”*
11 *and all that follows through “House of Rep-*
12 *resentatives” and inserting in lieu thereof “to the*
13 *congressional committees specified in subsection*
14 *(b)”;* *and*

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

16 *“(b) CONGRESSIONAL COMMITTEES.—The committees*
17 *referred to in subsection (a) are—*

18 *“(1) the Committee on Armed Services and the*
19 *Committee on Appropriations of the Senate; and*

20 *“(2) the Committee on National Security and the*
21 *Committee on Appropriations of the House of Rep-*
22 *resentatives.”.*

23 (15) *Section 2218 is amended—*

24 (A) *in subsection (j), by striking out “the*
25 *Committees on Armed Services and on Appro-*

1 *priations of the Senate and the House of Rep-*
2 *resentatives” and inserting in lieu thereof “the*
3 *congressional defense committees”; and*

4 *(B) by adding at the end of subsection (k)*
5 *the following new paragraph:*

6 *“(4) The term ‘congressional defense committees’*
7 *means—*

8 *“(A) the Committee on Armed Services and*
9 *the Committee on Appropriations of the Senate;*
10 *and*

11 *“(B) the Committee on National Security*
12 *and the Committee on Appropriations of the*
13 *House of Representatives.”.*

14 *(16) Section 2342(b) is amended—*

15 *(A) in the matter preceding paragraph (1),*
16 *by striking out “section—” and inserting in lieu*
17 *thereof “section unless—”;*

18 *(B) in paragraph (1), by striking out “un-*
19 *less”; and*

20 *(C) in paragraph (2), by striking out “noti-*
21 *fies the” and all that follows through “House of*
22 *Representatives” and inserting in lieu thereof*
23 *“the Secretary submits to the Committee on*
24 *Armed Services and the Committee on Foreign*
25 *Relations of the Senate and the Committee on*

1 *National Security and the Committee on Inter-*
2 *national Relations of the House of Representa-*
3 *tives notice of the intended designation”.*

4 (17) *Section 2350a(f)(2) is amended by striking*
5 *out “submit to the Committees” and all that follows*
6 *through “House of Representatives” and inserting in*
7 *lieu thereof “submit to the Committee on Armed Serv-*
8 *ices and the Committee on Foreign Relations of the*
9 *Senate and the Committee on National Security and*
10 *the Committee on International Relations of the*
11 *House of Representatives”.*

12 (18) *Section 2366 is amended—*

13 (A) *in subsection (d), by striking out “the*
14 *Committees on Armed Services and on Appro-*
15 *priations of the Senate and House of Representa-*
16 *tives” and inserting in lieu thereof “the congres-*
17 *sional defense committees”;* *and*

18 (B) *by adding at the end of subsection (e)*
19 *the following new paragraph:*

20 “(7) *The term ‘congressional defense committees’*
21 *means—*

22 “(A) *the Committee on Armed Services and*
23 *the Committee on Appropriations of the Senate;*
24 *and*

1 “(B) the Committee on National Security
2 and the Committee on Appropriations of the
3 House of Representatives.”.

4 (19) Section 2399(h)(2) is amended by striking
5 out “means” and all the follows and inserting in lieu
6 thereof the following: “means—

7 “(A) the Committee on Armed Services and
8 the Committee on Appropriations of the Senate;
9 and

10 “(B) the Committee on National Security
11 and the Committee on Appropriations of the
12 House of Representatives.”.

13 (20) Section 2401(b)(1) is amended—

14 (A) in subparagraph (B), by striking out
15 “the Committees on Armed Services and on Ap-
16 propriations of the Senate and” and inserting in
17 lieu thereof “the Committee on Armed Services
18 and the Committee on Appropriations of the
19 Senate and the Committee on National Security
20 and the Committees on Appropriations of the”;
21 and

22 (B) in subparagraph (C), by striking out
23 “the Committees on Armed Services and on Ap-
24 propriations of the Senate and House of Rep-

1 *representatives” and inserting in lieu thereof “those*
2 *committees”.*

3 *(21) Section 2403(e) is amended—*

4 *(A) by inserting “(1)” before “Before mak-*
5 *ing”;*

6 *(B) by striking out “shall notify the Com-*
7 *mittees on Armed Services and on Appropria-*
8 *tions of the Senate and House of Representa-*
9 *tives” and inserting in lieu thereof “shall submit*
10 *to the congressional committees specified in*
11 *paragraph (2) notice”; and*

12 *(C) by adding at the end the following new*
13 *paragraph:*

14 *“(2) The committees referred to in paragraph (1)*
15 *are—*

16 *“(A) the Committee on Armed Services and the*
17 *Committee on Appropriations of the Senate; and*

18 *“(B) the Committee on National Security and*
19 *the Committee on Appropriations of the House of*
20 *Representatives.”.*

21 *(22) Section 2515(d) is amended—*

22 *(A) by striking out “REPORTING” and all*
23 *that follows through “same time” and inserting*
24 *in lieu thereof “ANNUAL REPORT.—(1) The Sec-*
25 *retary of Defense shall submit to the congress-*

1 *sional committees specified in paragraph (2) an*
2 *annual report on the activities of the Office. The*
3 *report shall be submitted each year at the same*
4 *time”; and*

5 *(B) by adding at the end the following new*
6 *paragraph:*

7 “(2) *The committees referred to in paragraph (1)*
8 *are—*

9 “(A) *the Committee on Armed Services and the*
10 *Committee on Appropriations of the Senate; and*

11 “(B) *the Committee on National Security and*
12 *the Committee on Appropriations of the House of*
13 *Representatives.”.*

14 (23) *Section 2662 is amended—*

15 (A) *in subsection (a)—*

16 (i) *in the matter preceding paragraph*
17 (1), *by striking out “the Committees on*
18 *Armed Services of the Senate and House of*
19 *Representatives” and inserting in lieu*
20 *thereof “the Committee on Armed Services*
21 *of the Senate and the Committee on Na-*
22 *tional Security of the House of Representa-*
23 *tives”; and*

24 (ii) *in the matter following paragraph*
25 (6), *by striking out “to be submitted to the*

1 *Committees on Armed Services of the Senate*
2 *and House of Representatives”;*

3 *(B) in subsection (b), by striking out “shall*
4 *report annually to the Committees on Armed*
5 *Services of the Senate and the House of Rep-*
6 *resentatives” and inserting in lieu thereof “shall*
7 *submit annually to the congressional committees*
8 *named in subsection (a) a report”;*

9 *(C) in subsection (e), by striking out “the*
10 *Committees on Armed Services of the Senate and*
11 *the House of Representatives” and inserting in*
12 *lieu thereof “the congressional committees named*
13 *in subsection (a)”;* and

14 *(D) in subsection (f), by striking out “the*
15 *Committees on Armed Services of the Senate and*
16 *the House of Representatives shall” and inserting*
17 *in lieu thereof “the congressional committees*
18 *named in subsection (a) shall”.*

19 *(24) Section 2674(a) is amended—*

20 *(A) in paragraph (2), by striking out*
21 *“Committees on Armed Services of the Senate*
22 *and the House of Representatives, the Committee*
23 *on Environment and Public Works of the Senate,*
24 *and the Committee on Public Works and Trans-*
25 *portation of the House of Representatives” and*

1 *inserting in lieu thereof “congressional commit-*
2 *tees specified in paragraph (3)”*; and

3 *(B) by adding at the end the following new*
4 *paragraph:*

5 *“(3) The committees referred to in paragraph (2)*
6 *are—*

7 *“(A) the Committee on Armed Services and the*
8 *Committee on Environment and Public Works of the*
9 *Senate; and*

10 *“(B) the Committee on National Security and*
11 *the Committee on Transportation and Infrastructure*
12 *of the House of Representatives.”*.

13 *(25) Section 2813(c) is amended by striking out*
14 *“Committees on Armed Services and the Committees*
15 *on Appropriations of the Senate and House of Rep-*
16 *resentatives” and inserting in lieu thereof “appro-*
17 *priate committees of Congress”*.

18 *(26) Sections 2825(b)(1) and 2832(b)(2) are*
19 *amended by striking out “Committees on Armed*
20 *Services and the Committees on Appropriations of the*
21 *Senate and of the House of Representatives” and in-*
22 *serting in lieu thereof “appropriate committees of*
23 *Congress”*.

24 *(27) Section 2865(e)(2) and 2866(c)(2) are*
25 *amended by striking out “Committees on Armed*

1 *Services and Appropriations of the Senate and House*
 2 *of Representatives” and inserting in lieu thereof “ap-*
 3 *propriate committees of Congress”.*

4 (28)(A) *Section 7434 of such title is amended to*
 5 *read as follows:*

6 **“§ 7434. Annual report to congressional committees**

7 *“Not later than October 31 of each year, the Secretary*
 8 *shall submit to the Committee on Armed Services of the*
 9 *Senate and the Committee on National Security of the*
 10 *House of Representatives a report on the production from*
 11 *the naval petroleum reserves during the preceding calendar*
 12 *year.”.*

13 (B) *The item relating to such section in the table*
 14 *of contents at the beginning of chapter 641 is amend-*
 15 *ed to read as follows:*

“7434. Annual report to congressional committees.”.

16 (b) *TITLE 37, UNITED STATES CODE.—Sections*
 17 *301b(i)(2) and 406(i) of title 37, United States Code, are*
 18 *amended by striking out “Committees on Armed Services*
 19 *of the Senate and House of Representatives” and inserting*
 20 *in lieu thereof “Committee on Armed Services of the Senate*
 21 *and the Committee on National Security of the House of*
 22 *Representatives”.*

23 (c) *ANNUAL DEFENSE AUTHORIZATION ACTS.—*

24 (1) *The National Defense Authorization Act for*
 25 *Fiscal Year 1994 (Public Law 103–160) is amended*

1 *in sections 2922(b) and 2925(b) (10 U.S.C. 2687*
2 *note) by striking out “Committees on Armed Services*
3 *of the Senate and House of Representatives” and in-*
4 *serting in lieu thereof “Committee on Armed Services*
5 *of the Senate and the Committee on National Secu-*
6 *rity of the House of Representatives”.*

7 (2) *The National Defense Authorization Act for*
8 *Fiscal Year 1993 (Public Law 102–484) is amend-*
9 *ed—*

10 (A) *in section 326(a)(5) (10 U.S.C. 2301*
11 *note) and section 1304(a) (10 U.S.C. 113 note),*
12 *by striking out “Com- mittees on Armed Services*
13 *of the Senate and House of Representatives” and*
14 *inserting in lieu thereof “Committee on Armed*
15 *Services of the Senate and the Committee on Na-*
16 *tional Security of the House of Representatives”;*
17 *and*

18 (B) *in section 1505(e)(2)(B) (22 U.S.C.*
19 *5859a), by striking out “the Committee on*
20 *Armed Services, the Committee on Appropria-*
21 *tions, the Committee on Foreign Affairs, and the*
22 *Committee on Energy and Commerce” and in-*
23 *serting in lieu thereof “the Committee on Na-*
24 *tional Security, the Committee on Appropria-*

1 *tions, the Committee on International Relations,*
2 *and the Committee on Commerce”.*

3 *(3) Section 1097(a)(1) of the National Defense*
4 *Authorization Act for Fiscal Years 1992 and 1993*
5 *(Public Law 102–190; 22 U.S.C. 2751 note) is*
6 *amended by striking out “the Committees on Armed*
7 *Services and Foreign Affairs” and inserting in lieu*
8 *thereof “the Committee on National Security and the*
9 *Committee on International Relations”.*

10 *(4) The National Defense Authorization Act for*
11 *Fiscal Year 1991 (Public Law 101–510) is amended*
12 *as follows:*

13 *(A) Section 402(a) and section 1208(b)(3)*
14 *(10 U.S.C. 1701 note) are amended by striking*
15 *out “Committees on Armed Services of the Sen-*
16 *ate and the House of Representatives” and in-*
17 *serting in lieu thereof “Committee on Armed*
18 *Services of the Senate and the Committee on Na-*
19 *tional Security of the House of Representatives”.*

20 *(B) Section 1403 (50 U.S.C. 404b) is*
21 *amended—*

22 *(i) in subsection (a), by striking out*
23 *“the Committees on” and all that follows*
24 *through “each year” and inserting in lieu*

1 thereof “the congressional committees speci-
2 fied in subsection (d) each year”; and

3 (ii) by adding at the end the following
4 new subsection:

5 “(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The
6 congressional committees referred to in subsection (a) are
7 the following:

8 “(1) The Committee on Armed Services, the
9 Committee on Appropriations, and the Select Com-
10 mittee on Intelligence of the Senate.

11 “(2) The Committee on National Security, the
12 Committee on Appropriations, and the Permanent
13 Select Committee on Intelligence of the House of Rep-
14 resentatives.”.

15 (C) Section 1457 (50 U.S.C. 404c) is
16 amended—

17 (i) in subsection (a), by striking out
18 “shall submit to the” and all that follows
19 through “each year” and inserting in lieu
20 thereof “shall submit to the congressional
21 committees specified in subsection (d) each
22 year”;

23 (ii) in subsection (c)—

24 (I) by striking out “(1) Except as
25 provided in paragraph (2), the Presi-

1 *dent*” and inserting in lieu thereof

2 *“The President”*; and

3 (II) by striking out paragraph

4 (2); and

5 (iii) by adding at the end the following

6 new subsection:

7 *“(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The*

8 *congressional committees referred to in subsection (a) are*

9 *the following:*

10 *“(1) The Committee on Armed Services and the*

11 *Committee on Foreign Relations of the Senate.*

12 *“(2) The Committee on National Security and*

13 *the Committee on International Relations of the*

14 *House of Representatives.”.*

15 (D) Section 2921 (10 U.S.C. 2687 note) is

16 amended—

17 (i) in subsection (e)(3)(A), by striking

18 out *“the Committee on Armed Services, the*

19 *Committee on Appropriations, and the De-*

20 *fense Subcommittees”* and inserting in lieu

21 thereof *“the Committee on National Secu-*

22 *rity, the Committee on Appropriations, and*

23 *the National Security Subcommittee”*; and

24 (ii) in subsection (g)(2), by striking

25 out *“the Committee on Armed Services of*

1 *the Senate and House of Representatives”*
2 *and inserting in lieu thereof “the Committee*
3 *on Armed Services of the Senate and the*
4 *Committee on National Security of the*
5 *House of Representatives”.*

6 (5) *Section 613(h)(1) of the National Defense*
7 *Authorization Act, Fiscal Year 1989 (Public Law*
8 *100–456; 37 U.S.C. 302 note), is amended by striking*
9 *out “the Committees on Armed Services of the Senate*
10 *and the House of Representatives” and inserting in*
11 *lieu thereof “the Committee on Armed Services of the*
12 *Senate and the Committee on National Security of*
13 *the House of Representatives”.*

14 (6) *Section 1412 of the Department of Defense*
15 *Authorization Act, 1986 (Public Law 99–145; 50*
16 *U.S.C. 1521), is amended in subsections (b)(4) and*
17 *(k)(2), by striking out “Committees on Armed Serv-*
18 *ices of the Senate and House of Representatives” and*
19 *inserting in lieu thereof “Committee on Armed Serv-*
20 *ices of the Senate and the Committee on National Se-*
21 *curity of the House of Representatives”.*

22 (7) *Section 1002(d) of the Department of Defense*
23 *Authorization Act, 1985 (Public Law 98–525; 22*
24 *U.S.C. 1928 note), is amended by striking out “the*
25 *Committees on Armed Services of the Senate and the*

1 *House of Representatives” and inserting in lieu there-*
2 *of “the Committee on Armed Services of the Senate,*
3 *the Committee on National Security of the House of*
4 *Representatives”.*

5 (8) *Section 1252 of the Department of Defense*
6 *Authorization Act, 1984 (42 U.S.C. 248d), is amend-*
7 *ed—*

8 (A) *in subsection (d), by striking out “Com-*
9 *mittees on Appropriations and on Armed Serv-*
10 *ices of the Senate and the House of Representa-*
11 *tives” and inserting in lieu thereof “Committee*
12 *on Appropriations and the Committee on Armed*
13 *Services of the Senate and the Committee on Ap-*
14 *propriations and the Committee on National Se-*
15 *curity of the House of Representatives”;* and

16 (B) *in subsection (e), by striking out “Com-*
17 *mittees on Appropriations and on Armed Serv-*
18 *ices of the Senate and the House of Representa-*
19 *tives” and inserting in lieu thereof “congres-*
20 *sional committees specified in subsection (d)”.*

21 (d) *BASE CLOSURE LAW.—The Defense Base Closure*
22 *and Realignment Act of 1990 (part A of title XXIX of Pub-*
23 *lic Law 101–510; 10 U.S.C. 2687 note) is amended as fol-*
24 *lows:*

1 (1) Sections 2902(e)(2)(B)(ii) and 2908(b) are
2 amended by striking out “Armed Services” the first
3 place it appears and inserting in lieu thereof “Na-
4 tional Security”.

5 (2) Section 2910(2) is amended by striking out
6 “the Committees on Armed Services and the Commit-
7 tees on Appropriations of the Senate and of the House
8 of Representatives” and inserting in lieu thereof “the
9 Committee on Armed Services and the Committee on
10 Appropriations of the Senate and the Committee on
11 National Security and the Committee on Appropria-
12 tions of the House of Representatives”.

13 (e) NATIONAL DEFENSE STOCKPILE.—The Strategic
14 and Critical Materials Stock Piling Act is amended—

15 (1) in section 6(d) (50 U.S.C. 98e(d))—

16 (A) in paragraph (1), by striking out
17 “Committees on Armed Services of the Senate
18 and House of Representatives” and inserting in
19 lieu thereof “Committee on Armed Services of the
20 Senate and the Committee on National Security
21 of the House of Representatives”; and

22 (B) in paragraph (2), by striking out “the
23 Committees on Armed Services of the Senate and
24 House of Representatives” and inserting in lieu
25 thereof “such congressional committees”; and

1 (2) *in section 7(b) (50 U.S.C. 98f(b)), by striking*
2 *out “Committees on Armed Services of the Senate and*
3 *House of Representatives” and inserting in lieu there-*
4 *of “Committee on Armed Services of the Senate and*
5 *the Committee on National Security of the House of*
6 *Representatives”.*

7 (f) *OTHER DEFENSE-RELATED PROVISIONS.—*

8 (1) *Section 8125(g)(2) of the Department of De-*
9 *fense Appropriations Act, 1989 (Public Law 100–463;*
10 *10 U.S.C. 113 note), is amended by striking out*
11 *“Committees on Appropriations and Armed Services*
12 *of the Senate and House of Representatives” and in-*
13 *serting in lieu thereof “Committee on Appropriations*
14 *and the Committee on Armed Services of the Senate*
15 *and the Committee on Appropriations and the Com-*
16 *mittee on National Security of the House of Rep-*
17 *resentatives”.*

18 (2) *Section 9047A of the Department of Defense*
19 *Appropriations Act, 1993 (Public Law 102–396; 10*
20 *U.S.C. 2687 note), is amended by striking out “the*
21 *Committees on Appropriations and Armed Services of*
22 *the House of Representatives and the Senate” and in-*
23 *serting in lieu thereof “the Committee on Appropria-*
24 *tions and the Committee on Armed Services of the*
25 *Senate and the Committee on Appropriations and the*

1 *Committee on National Security of the House of Rep-*
2 *resentatives”.*

3 (3) *Section 3059(c)(1) of the Defense Drug Inter-*
4 *diction Assistance Act (subtitle A of title III of Public*
5 *Law 99–570; 10 U.S.C. 9441 note) is amended by*
6 *striking out “Committees on Appropriations and on*
7 *Armed Services of the Senate and the House of Rep-*
8 *resentatives” and inserting in lieu thereof “Committee*
9 *on Armed Services and the Committee on Appropria-*
10 *tions of the Senate and the Committee on National*
11 *Security and the Committee on Appropriations of the*
12 *House of Representatives”.*

13 (4) *Section 7606(b) of the Anti-Drug Abuse Act*
14 *of 1988 (Public Law 100–690; 10 U.S.C. 9441 note)*
15 *is amended by striking out “Committees on Appro-*
16 *priations and the Committee on Armed Services of*
17 *the Senate and the House of Representatives” and in-*
18 *serting in lieu thereof “Committee on Armed Services*
19 *and the Committee on Appropriations of the Senate*
20 *and the Committee on National Security and the*
21 *Committee on Appropriations of the House of Rep-*
22 *resentatives”.*

23 (5) *Section 104(d)(5) of the National Security*
24 *Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by*
25 *striking out “Committees on Armed Services of the*

1 *Senate and House of Representatives” and inserting*
2 *in lieu thereof “Committee on Armed Services of the*
3 *Senate and the Committee on National Security of*
4 *the House of Representatives”.*

5 (6) *Section 8 of the Inspector General Act of*
6 *1978 (5 U.S.C. App.) is amended—*

7 (A) *in subsection (b)(3), by striking out*
8 *“Committees on Armed Services and Government*
9 *Operations” and inserting in lieu thereof “Com-*
10 *mittee on National Security and the Committee*
11 *on Government Reform and Oversight”;*

12 (B) *in subsection (b)(4), by striking out*
13 *“Committees on Armed Services and Govern-*
14 *mental Affairs of the Senate and the Committees*
15 *on Armed Services and Government Operations*
16 *of the House of Representatives” and inserting*
17 *in lieu thereof “congressional committees speci-*
18 *fied in paragraph (3)”;*

19 (C) *in subsection (f)(1), by striking out*
20 *“Committees on Armed Services and Government*
21 *Operations” and inserting in lieu thereof “Com-*
22 *mittee on National Security and the Committee*
23 *on Government Reform and Oversight”; and*

24 (D) *in subsection (f)(2), by striking out*
25 *“Committees on Armed Services and Govern-*

1 *mental Affairs of the Senate and the Committees*
2 *on Armed Services and Government Operations*
3 *of the House of Representatives” and inserting*
4 *in lieu thereof “congressional committees speci-*
5 *fied in paragraph (1)”.*

6 (7) *Section 204(h)(3) of the Federal Property*
7 *and Administrative Services Act of 1949 (40 U.S.C.*
8 *485(h)(3)) is amended by striking out “Committees*
9 *on Armed Services of the Senate and of the House of*
10 *Representatives” and inserting in lieu thereof “Com-*
11 *mittee on Armed Services of the Senate and the Com-*
12 *mittee on National Security of the House of Rep-*
13 *resentatives”.*

14 **SEC. 1503. MISCELLANEOUS AMENDMENTS TO TITLE 10,**
15 **UNITED STATES CODE.**

16 (a) *SUBTITLE A.—Subtitle A of title 10, United States*
17 *Code, is amended as follows:*

18 (1) *Section 113(i)(2)(B) is amended by striking*
19 *out “the five years covered” and all that follows*
20 *through “section 114(g)” and inserting in lieu thereof*
21 *“the period covered by the future-years defense pro-*
22 *gram submitted to Congress during that year pursu-*
23 *ant to section 221”.*

1 (2) *Section 136(c) is amended by striking out*
2 *“Comptroller” and inserting in lieu thereof “Under*
3 *Secretary of Defense (Comptroller)”.*

4 (3) *Section 526 is amended—*

5 (A) *in subsection (a), by striking out para-*
6 *graphs (1), (2), and (3) and inserting in lieu*
7 *thereof the following:*

8 (1) *For the Army, 302.*

9 (2) *For the Navy, 216.*

10 (3) *For the Air Force, 279.”;*

11 (B) *by striking out subsection (b);*

12 (C) *by redesignating subsections (c), (d),*
13 *and (e) as subsections (b), (c), and (d);*

14 (D) *in subsection (b), as so redesignated, by*
15 *striking out “that are applicable on and after*
16 *October 1, 1995”;* and

17 (E) *in paragraph (2)(B) of subsection (c),*
18 *as redesignated by subparagraph (C), is amend-*
19 *ed—*

20 (i) *by striking out “the” after “in the”;*

21 (ii) *by inserting “to” after “reserve*
22 *component, or”;* and

23 (iii) *by inserting “than” after “in a*
24 *grade other”.*

1 (4) *Section 528(a) is amended by striking out*
2 *“after September 30, 1995,”.*

3 (5) *Section 573(a)(2) is amended by striking out*
4 *“active duty list” and inserting in lieu thereof “ac-*
5 *tive-duty list”.*

6 (6) *Section 661(d)(2) is amended—*

7 (A) *in subparagraph (B), by striking out*
8 *“Until January 1, 1994” and all that follows*
9 *through “each position so designated” and in-*
10 *serting in lieu thereof “Each position designated*
11 *by the Secretary under subparagraph (A)”;*

12 (B) *in subparagraph (C), by striking out*
13 *“the second sentence of”; and*

14 (C) *by striking out subparagraph (D).*

15 (7) *Section 706(c)(1) is amended by striking out*
16 *“section 4301 of title 38” and inserting in lieu thereof*
17 *“chapter 43 of title 38”.*

18 (8) *Section 1059 is amended by striking out*
19 *“subsection (j)” in subsections (c)(2) and (g)(3) and*
20 *inserting in lieu thereof “subsection (k)”.*

21 (9) *Section 1060a(f)(2)(B) is amended by strik-*
22 *ing out “(as defined in section 101(a)(22) of the Im-*
23 *migration and Nationality Act (8 U.S.C.*
24 *1101(a)(22)))” and inserting in lieu thereof “, as de-*

1 *terminated in accordance with the Immigration and*
2 *Nationality Act (8 U.S.C. 1101 et seq.)”.*

3 *(10) Section 1151 is amended—*

4 *(A) in subsection (b), by striking out “(20*
5 *U.S.C. 2701 et seq.)” in paragraphs (2)(A) and*
6 *(3)(A) and inserting in lieu thereof “(20 U.S.C.*
7 *6301 et seq.)”; and*

8 *(B) in subsection (e)(1)(B), by striking out*
9 *“not later than one year after the date of the en-*
10 *actment of the National Defense Authorization*
11 *Act for Fiscal Year 1995” and inserting in lieu*
12 *thereof “not later than October 5, 1995”.*

13 *(11) Section 1152(g)(2) is amended by striking*
14 *out “not later than 180 days after the date of the en-*
15 *actment of the National Defense Authorization Act for*
16 *Fiscal Year 1995” and inserting in lieu thereof “not*
17 *later than April 3, 1994,”.*

18 *(12) Section 1177(b)(2) is amended by striking*
19 *out “provison of law” and inserting in lieu thereof*
20 *“provision of law”.*

21 *(13) The heading for chapter 67 is amended by*
22 *striking out “**NONREGULAR**” and inserting in*
23 *lieu thereof “**NON-REGULAR**”.*

24 *(14) Section 1598(a)(2)(A) is amended by strik-*
25 *ing out “2701” and inserting in lieu thereof “6301”.*

1 (15) *Section 1745(a) is amended by striking out*
2 *“section 4107(d)” both places it appears and insert-*
3 *ing in lieu thereof “section 4107(b)”.*

4 (16) *Section 1746(a) is amended—*

5 (A) *by striking out “(1)” before “The Sec-*
6 *retary of Defense”;* and

7 (B) *by redesignating subparagraphs (A)*
8 *and (B) as paragraphs (1) and (2), respectively.*

9 (17) *Section 2006(b)(2)(B)(ii) is amended by*
10 *striking out “section 1412 of such title” and inserting*
11 *in lieu thereof “section 3012 of such title”.*

12 (18) *Section 2011(a) is amended by striking out*
13 *“TO” and inserting in lieu thereof “TO”.*

14 (19) *Section 2194(e) is amended by striking out*
15 *“(20 U.S.C. 2891(12))” and inserting in lieu thereof*
16 *“(20 U.S.C. 8801)”.*

17 (20) *Sections 2217(b) and 2220(a)(2) are*
18 *amended by striking out “Comptroller of the Depart-*
19 *ment of Defense” and inserting in lieu thereof “Under*
20 *Secretary of Defense (Comptroller)”.*

21 (21) *Section 2401(c)(2) is amended by striking*
22 *out “pursuant to” and all that follows through “Sep-*
23 *tember 24, 1983,”.*

24 (22) *Section 2410f(b) is amended by striking out*
25 *“For purposes of” and inserting in lieu thereof “In”.*

1 (23) Section 2410j(a)(2)(A) is amended by strik-
2 ing out “2701” and inserting in lieu thereof “6301”.

3 (24) Section 2457(e) is amended by striking out
4 “title III of the Act of March 3, 1933 (41 U.S.C.
5 10a),” and inserting in lieu thereof “the Buy Amer-
6 ican Act (41 U.S.C. 10a)”.

7 (25) Section 2465(b)(3) is amended by striking
8 out “under contract” and all that follows through the
9 period and inserting in lieu thereof “under contract
10 on September 24, 1983.”.

11 (26) Section 2471(b) is amended—

12 (A) in paragraph (2), by inserting “by”
13 after “as determined”; and

14 (B) in paragraph (3), by inserting “of”
15 after “arising out”.

16 (27) Section 2524(e)(4)(B) is amended by insert-
17 ing a comma before “with respect to”.

18 (28) The heading of section 2525 is amended by
19 capitalizing the initial letter of the second, fourth,
20 and fifth words.

21 (29) Chapter 152 is amended by striking out the
22 table of subchapters at the beginning and the headings
23 for subchapters I and II.

1 (30) *Section 2534(c) is amended by capitalizing*
2 *the initial letter of the third and fourth words of the*
3 *subsection heading.*

4 (31) *The table of sections at the beginning of sub-*
5 *chapter I of chapter 169 is amended by adding a pe-*
6 *riod at the end of the item relating to section 2811.*

7 (b) *OTHER SUBTITLES.—Subtitles B, C, and D of title*
8 *10, United States Code, are amended as follows:*

9 (1) *Sections 3022(a)(1), 5025(a)(1), and*
10 *8022(a)(1) are amended by striking out “Comptroller*
11 *of the Department of Defense” and inserting in lieu*
12 *thereof “Under Secretary of Defense (Comptroller)”.*

13 (2) *Section 6241 is amended by inserting “or”*
14 *at the end of paragraph (2).*

15 (3) *Section 6333(a) is amended by striking out*
16 *the first period after “section 1405” in formula C in*
17 *the table under the column designated “Column 2”.*

18 (4) *The item relating to section 7428 in the table*
19 *of sections at the beginning of chapter 641 is amended*
20 *by striking out “Agreement” and inserting in lieu*
21 *thereof “Agreements”.*

22 (5) *The item relating to section 7577 in the table*
23 *of sections at the beginning of chapter 649 is amended*
24 *by striking out “Officers” and inserting in lieu there-*
25 *of “officers”.*

1 (6) *The center heading for part IV in the table*
2 *of chapters at the beginning of subtitle D is amended*
3 *by inserting a comma after “SUPPLY”.*

4 **SEC. 1504. MISCELLANEOUS AMENDMENTS TO ANNUAL DE-**
5 **FENSE AUTHORIZATION ACTS.**

6 (a) *PUBLIC LAW 103–337.—Effective as of October 5,*
7 *1994, and as if included therein as enacted, the National*
8 *Defense Authorization Act for Fiscal Year 1995 (Public*
9 *Law 103–337) is amended as follows:*

10 (1) *Section 322(1) (108 Stat. 2711) is amended*
11 *by striking out “SERVICE” in both sets of quoted mat-*
12 *ter and inserting in lieu thereof “SERVICES”.*

13 (2) *Section 531(g)(2) (108 Stat. 2758) is amend-*
14 *ed by inserting “item relating to section 1034 in the”*
15 *after “The”.*

16 (3) *Section 541(c)(1) is amended—*

17 (A) *in subparagraph (B), by inserting a*
18 *comma after “chief warrant officer”; and*

19 (B) *in the matter after subparagraph (C),*
20 *by striking out “this”.*

21 (4) *Section 721(f)(2) (108 Stat. 2806) is amend-*
22 *ed by striking out “revaluated” and inserting in lieu*
23 *thereof “reevaluated”.*

24 (5) *Section 722(d)(2) (108 Stat. 2808) is amend-*
25 *ed by striking out “National Academy of Science”*

1 *and inserting in lieu thereof “National Academy of*
2 *Sciences”.*

3 (6) *Section 904(d) (108 Stat. 2827) is amended*
4 *by striking out “subsection (c)” the first place it ap-*
5 *pears and inserting in lieu thereof “subsection (b)”.*

6 (7) *Section 1202 (108 Stat. 2882) is amended—*

7 (A) *by striking out “(title XII of Public*
8 *Law 103–60” and inserting in lieu thereof*
9 *“(title XII of Public Law 103–160”;* and

10 (B) *in paragraph (2), by inserting “in the*
11 *first sentence” before “and inserting in lieu*
12 *thereof”.*

13 (8) *Section 1312(a)(2) (108 Stat. 2894) is*
14 *amended by striking out “adding at the end” and in-*
15 *serting in lieu thereof “inserting after the item relat-*
16 *ing to section 123a”.*

17 (9) *Section 2813(c) (108 Stat. 3055) is amended*
18 *by striking out “above paragraph (1)” both places it*
19 *appears and inserting in lieu thereof “preceding sub-*
20 *paragraph (A)”.*

21 (b) *PUBLIC LAW 103–160.—The National Defense Au-*
22 *thorization Act for Fiscal Year 1994 (Public Law 103–160)*
23 *is amended in section 1603(d) (22 U.S.C. 2751 note)—*

1 (1) *in the matter preceding paragraph (1), by*
2 *striking out the second comma after “Not later than*
3 *April 30 of each year”;*

4 (2) *in paragraph (4), by striking out “contrib-*
5 *utes” and inserting in lieu thereof “contribute”; and*

6 (3) *in paragraph (5), by striking out “is” and*
7 *inserting in lieu thereof “are”.*

8 (c) *PUBLIC LAW 102–484.—The National Defense Au-*
9 *thorization Act for Fiscal Year 1993 (Public Law 102–484)*
10 *is amended as follows:*

11 (1) *Section 326(a)(5) (106 Stat. 2370; 10 U.S.C.*
12 *2301 note) is amended by inserting “report” after*
13 *“each”.*

14 (2) *Section 3163(1)(E) is amended by striking*
15 *out “paragraphs (1) through (4)” and inserting in*
16 *lieu thereof “subparagraphs (A) through (D)”.*

17 (3) *Section 4403(a) (10 U.S.C. 1293 note) is*
18 *amended by striking out “through 1995” and insert-*
19 *ing in lieu thereof “through fiscal year 1999”.*

20 (d) *PUBLIC LAW 102–190.—Section 1097(d) of the Na-*
21 *tional Defense Authorization Act for Fiscal Years 1992 and*
22 *1993 (Public Law 102–190; 105 Stat. 1490) is amended*
23 *by striking out “the Federal Republic of Germany, France”*
24 *and inserting in lieu thereof “France, Germany”.*

1 **SEC. 1505. MISCELLANEOUS AMENDMENTS TO OTHER**
2 **LAWS.**

3 (a) *OFFICER PERSONNEL ACT OF 1947.*—Section 437
4 *of the Officer Personnel Act of 1947 is repealed.*

5 (b) *TITLE 5, UNITED STATES CODE.*—Title 5, *United*
6 *States Code, is amended—*

7 (1) *in section 8171—*

8 (A) *in subsection (a), by striking out*
9 *“903(3)” and inserting in lieu thereof “903(a)”;*

10 (B) *in subsection (c)(1), by inserting “sec-*
11 *tion” before “39(b)”;* and

12 (C) *in subsection (d), by striking out “(33*
13 *U.S.C. 18 and 21, respectively)” and inserting*
14 *in lieu thereof “(33 U.S.C. 918 and 921)”;*

15 (2) *in sections 8172 and 8173, by striking out*
16 *“(33 U.S.C. 2(2))” and inserting in lieu thereof “(33*
17 *U.S.C. 902(2))”;* and

18 (3) *in section 8339(d)(7), by striking out “Court*
19 *of Military Appeals” and inserting in lieu thereof*
20 *“Court of Appeals for the Armed Forces”.*

21 (c) *PUBLIC LAW 90-485.*—*Effective as of August 13,*
22 *1968, and as if included therein as originally enacted, sec-*
23 *tion 1(6) of Public Law 90-485 (82 Stat. 753) is amend-*
24 *ed—*

1 (1) *by striking out the close quotation marks*
2 *after the end of clause (4) of the matter inserted by*
3 *the amendment made by that section; and*

4 (2) *by adding close quotation marks at the end.*

5 (d) *TITLE 37, UNITED STATES CODE.—Section*
6 *406(b)(1)(E) of title 37, United States Code, is amended*
7 *by striking out “of this paragraph”.*

8 (e) *BASE CLOSURE LAWS.—(1) The Defense Base Clo-*
9 *sure and Realignment Act of 1990 (part A of title XXIX*
10 *of Public Law 101–510; 10 U.S.C. 2687 note) is amended—*

11 (A) *in section 2905(b)(1)(C), by striking out “of*
12 *the Administrator to grant approvals and make deter-*
13 *minations under section 13(g) of the Surplus Prop-*
14 *erty Act of 1944 (50 U.S.C. App. 1622(g))” and in-*
15 *serting in lieu thereof “to dispose of surplus property*
16 *for public airports under sections 47151 through*
17 *47153 of title 49, United States Code”;*

18 (B) *in section 2906(d)(1), by striking out “sec-*
19 *tion 204(b)(4)(C)” and inserting in lieu thereof “sec-*
20 *tion 204(b)(7)(C)”;* and

21 (C) *in section 2910—*

22 (i) *by designating the second paragraph*
23 *(10), as added by section 2(b) of the Base Clo-*
24 *sure Community Redevelopment and Homeless*

1 *Assistance Act of 1994 (Public Law 103–421;*
2 *108 Stat. 4352), as paragraph (11); and*

3 *(ii) in such paragraph, as so designated, by*
4 *striking out “section 501(h)(4) of the Stewart B.*
5 *McKinney Homeless Assistance Act (42 U.S.C.*
6 *11411(h)(4))” and inserting in lieu thereof “sec-*
7 *tion 501(i)(4) of the Stewart B. McKinney*
8 *Homeless Assistance Act (42 U.S.C.*
9 *11411(i)(4))”.*

10 *(2) Section 2921(d)(1) of the National Defense Author-*
11 *ization Act for Fiscal Year 1991 (Public Law 101–510; 10*
12 *U.S.C. 2687 note) is amended by striking out “section*
13 *204(b)(4)(C)” and inserting in lieu thereof “section*
14 *204(b)(7)(C)”.*

15 *(3) Section 204 of the Defense Authorization Amend-*
16 *ments and Base Closure and Realignment Act (Public Law*
17 *100–526; 10 U.S.C. 2687 note) is amended—*

18 *(A) in subsection (b)(1)(C), by striking out “of*
19 *the Administrator to grant approvals and make deter-*
20 *minations under section 13(g) of the Surplus Prop-*
21 *erty Act of 1944 (50 U.S.C. App. 1622(g))” and in-*
22 *serting in lieu thereof “to dispose of surplus property*
23 *for public airports under sections 47151 through*
24 *47153 of title 49, United States Code”; and*

1 (B) in subsection (b)(7)(A)(i), by striking out
2 “paragraph (3)” and inserting in lieu thereof “para-
3 graphs (3) through (6)”.

4 (f) *PUBLIC LAW 103-421*.—Section 2(e)(5) of Public
5 *Law 103-421 (108 Stat. 4354)* is amended—

6 (1) by striking out “(A)” after “(5)”; and

7 (2) by striking out “clause” in subparagraph
8 (B)(iv) and inserting in lieu thereof “clauses”.

9 (g) *ATOMIC ENERGY ACT*.—Section 123a. of the Atom-
10 *ic Energy Act (42 U.S.C. 2153a.)* is amended by striking
11 out “144b., or 144d.” and inserting “, 144b., or 144d.”.

12 **SEC. 1506. COORDINATION WITH OTHER AMENDMENTS.**

13 For purposes of applying amendments made by provi-
14 sions of this Act other than provisions of this title, this title
15 shall be treated as having been enacted immediately before
16 the other provisions of this Act.

17 **TITLE XVI—CORPORATION FOR**
18 **THE PROMOTION OF RIFLE**
19 **PRACTICE AND FIREARMS**
20 **SAFETY**

21 **SEC. 1601. SHORT TITLE.**

22 This title may be cited as the “Corporation for the Pro-
23 motion of Rifle Practice and Firearms Safety Act”.

1 ***Subtitle A—Establishment and***
2 ***Operation of Corporation***

3 ***SEC. 1611. ESTABLISHMENT OF THE CORPORATION.***

4 (a) *ESTABLISHMENT.*—*There is established a private,*
5 *nonprofit corporation to be known as the “Corporation for*
6 *the Promotion of Rifle Practice and Firearms Safety” (in*
7 *this title referred to as the “Corporation”).*

8 (b) *PRIVATE, NONPROFIT STATUS.*—(1) *The Corpora-*
9 *tion shall not be considered to be a department, agency, or*
10 *instrumentality of the Federal Government. An officer or*
11 *employee of the Corporation shall not be considered to be*
12 *an officer or employee of the Federal Government.*

13 (2) *The Corporation shall be operated in a manner*
14 *and for purposes that qualify the Corporation for exemption*
15 *from taxation under section 501(a) of the Internal Revenue*
16 *Code of 1986 as an organization described in section*
17 *501(c)(3) of such Code.*

18 (c) *BOARD OF DIRECTORS.*—(1) *The Corporation shall*
19 *have a Board of Directors consisting of not less than nine*
20 *members.*

21 (2) *The Board of Directors may adopt bylaws, policies,*
22 *and procedures for the Corporation and may take any other*
23 *action that the Board of Directors considers necessary for*
24 *the management and operation of the Corporation.*

1 (3) *Each member of the Board of Directors shall serve*
2 *for a term of two years. Members of the Board of Directors*
3 *are eligible for reappointment.*

4 (4) *A vacancy on the Board of Directors shall be filled*
5 *by a majority vote of the remaining members of the Board.*

6 (5) *The Secretary of the Army shall appoint the initial*
7 *Board of Directors. Four of the members of the initial*
8 *Board of Directors, to be designated by the Secretary at*
9 *the time of appointment, shall (notwithstanding paragraph*
10 *(3)) serve for a term of one year.*

11 (d) *DIRECTOR OF CIVILIAN MARKSMANSHIP.—(1) The*
12 *Board of Directors shall appoint an individual to serve as*
13 *the Director of Civilian Marksmanship.*

14 (2) *The Director shall be responsible for the perform-*
15 *ance of the daily operations of the Corporation and the*
16 *functions described in section 1612.*

17 **SEC. 1612. CONDUCT OF CIVILIAN MARKSMANSHIP PRO-**
18 **GRAM.**

19 (a) *FUNCTIONS.—The Corporation shall have respon-*
20 *sibility for the overall supervision, oversight, and control*
21 *of the Civilian Marksmanship Program, pursuant to the*
22 *transfer of the program under subsection (d), including the*
23 *performance of the following:*

24 (1) *The instruction of citizens of the United*
25 *States in marksmanship.*

1 (2) *The promotion of practice and safety in the*
2 *use of firearms, including the conduct of matches and*
3 *competitions in the use of those firearms.*

4 (3) *The award to competitors of trophies, prizes,*
5 *badges, and other insignia.*

6 (4) *The provision of security and accountability*
7 *for all firearms, ammunition, and other equipment*
8 *under the custody and control of the Corporation.*

9 (5) *The issue, loan, or sale of firearms, ammuni-*
10 *tion, supplies, and appliances under section 1614.*

11 (6) *The procurement of necessary supplies, ap-*
12 *pliances, clerical services, other related services, and*
13 *labor to carry out the Civilian Marksmanship Pro-*
14 *gram.*

15 (b) *PRIORITY FOR YOUTH ACTIVITIES.—In carrying*
16 *out the Civilian Marksmanship Program, the Corporation*
17 *shall give priority to activities that benefit firearms safety,*
18 *training, and competition for youth and that reach as*
19 *many youth participants as possible.*

20 (c) *ACCESS TO SURPLUS PROPERTY.—(1) The Cor-*
21 *poration may obtain surplus property and supplies from*
22 *the Defense Reutilization Marketing Service to carry out*
23 *the Civilian Marksmanship Program.*

1 (2) *Any transfer of property and supplies to the Cor-*
2 *poration under paragraph (1) shall be made without cost*
3 *to the Corporation.*

4 (d) *TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM*
5 *TO CORPORATION.*—(1) *The Secretary of the Army shall*
6 *provide for the transition of the Civilian Marksmanship*
7 *Program, as defined in section 4308(e) of title 10, United*
8 *States Code (as such section was in effect on the day before*
9 *the date of the enactment of this Act), from conduct by the*
10 *Department of the Army to conduct by the Corporation. The*
11 *transition shall be completed not later than September 30,*
12 *1996.*

13 (2) *To carry out paragraph (1), the Secretary shall*
14 *provide such assistance and take such action as is necessary*
15 *to maintain the viability of the program and to maintain*
16 *the security of firearms, ammunition, and other property*
17 *that are transferred or reserved for transfer to the Corpora-*
18 *tion under section 1615, 1616, or 1621.*

19 ***SEC. 1613. ELIGIBILITY FOR PARTICIPATION IN CIVILIAN***
20 ***MARKSMANSHIP PROGRAM.***

21 (a) *CERTIFICATION REQUIREMENT.*—(1) *Before a per-*
22 *son may participate in any activity sponsored or supported*
23 *by the Corporation, the person shall be required to certify*
24 *by affidavit the following:*

1 (A) *The person has not been convicted of any*
2 *Federal or State felony or violation of section 922 of*
3 *title 18, United States Code.*

4 (B) *The person is not a member of any organiza-*
5 *tion that advocates the violent overthrow of the Unit-*
6 *ed States Government.*

7 (2) *The Director of Civilian Marksmanship may re-*
8 *quire any person to attach to the person's affidavit a certifi-*
9 *cation from the appropriate State or Federal law enforce-*
10 *ment agency for purposes of paragraph (1)(A).*

11 (b) *INELIGIBILITY RESULTING FROM CERTAIN CON-*
12 *VICTIONS.—A person who has been convicted of a Federal*
13 *or State felony or a violation of section 922 of title 18,*
14 *United States Code, shall not be eligible to participate in*
15 *any activity sponsored or supported by the Corporation*
16 *through the Civilian Marksmanship Program.*

17 (c) *AUTHORITY TO LIMIT PARTICIPATION.—The Di-*
18 *rector of Civilian Marksmanship may limit participation*
19 *as necessary to ensure—*

20 (1) *quality instruction in the use of firearms;*

21 (2) *the safety of participants; and*

22 (3) *the security of firearms, ammunition, and*
23 *equipment.*

1 **SEC. 1614. ISSUANCE, LOAN, AND SALE OF FIREARMS AND**
2 **AMMUNITION BY THE CORPORATION.**

3 (a) *ISSUANCE AND LOAN.*—For purposes of training
4 and competition, the Corporation may issue or loan, with
5 or without charges to recover administrative costs, caliber
6 .22 rimfire and caliber .30 surplus rifles, caliber .22 and
7 .30 ammunition, air rifles, targets, and other supplies and
8 appliances necessary for activities related to the Civilian
9 Marksmanship Program to the following:

10 (1) *Organizations affiliated with the Corporation*
11 *that provide training in the use of firearms to youth.*

12 (2) *The Boy Scouts of America.*

13 (3) *4-H Clubs.*

14 (4) *Future Farmers of America.*

15 (5) *Other youth-oriented organizations.*

16 (b) *SALES.*—(1) *The Corporation may sell at fair mar-*
17 *ket value caliber .22 rimfire and caliber .30 surplus rifles,*
18 *caliber .22 and .30 ammunition, air rifles, repair parts,*
19 *and accouterments to organizations affiliated with the Cor-*
20 *poration that provide training in the use of firearms.*

21 (2) *Subject to subsection (e), the Corporation may sell*
22 *at fair market value caliber .22 rimfire and caliber .30 sur-*
23 *plus rifles, ammunition, targets, repair parts and*
24 *accouterments, and other supplies and appliances necessary*
25 *for target practice to citizens of the United States over 18*
26 *years of age who are members of a gun club affiliated with*

1 *the Corporation. In addition to any other requirement, the*
2 *Corporation shall establish procedures to obtain a criminal*
3 *records check of the person with appropriate Federal and*
4 *State law enforcement agencies.*

5 (c) *LIMITATIONS ON SALES.—(1) The Corporation*
6 *may not offer for sale any repair part designed to convert*
7 *any firearm to fire in a fully automatic mode.*

8 (2) *The Corporation may not sell rifles, ammunition,*
9 *or any other item available for sale to individuals under*
10 *the Civilian Marksmanship Program to a person who has*
11 *been convicted of a felony or a violation of section 922 of*
12 *title 18, United States Code.*

13 (d) *OVERSIGHT AND ACCOUNTABILITY.—The Corpora-*
14 *tion shall be responsible for ensuring adequate oversight and*
15 *accountability of all firearms issued or loaned under this*
16 *section. The Corporation shall prescribe procedures for the*
17 *security of issued or loaned firearms in accordance with*
18 *Federal, State, and local laws.*

19 (e) *APPLICABILITY OF OTHER LAW.—(1) Subject to*
20 *paragraph (2), sales under subsection (b)(2) are subject to*
21 *applicable Federal, State, and local laws.*

22 (2) *Paragraphs (1), (2), (3), and (5) of section 922(a)*
23 *of title 18, United States Code, do not apply to the ship-*
24 *ment, transportation, receipt, transfer, sale, issuance, loan,*
25 *or delivery by the Corporation of any item that the Cor-*

1 *poration is authorized to issue, loan, sell, or receive under*
2 *this title.*

3 **SEC. 1615. TRANSFER OF FIREARMS AND AMMUNITION**
4 **FROM THE ARMY TO THE CORPORATION.**

5 (a) *TRANSFERS REQUIRED.*—*The Secretary of the*
6 *Army shall, in accordance with subsection (b), transfer to*
7 *the Corporation all firearms and ammunition that on the*
8 *day before the date of the enactment of this Act are under*
9 *the control of the Director of the Civilian Marksmanship*
10 *Program, including—*

11 (1) *all firearms on loan to affiliated clubs and*
12 *State associations;*

13 (2) *all firearms in the possession of the Civilian*
14 *Marksmanship Support Detachment; and*

15 (3) *all M–1 Garand and caliber .22 rimfire rifles*
16 *stored at Anniston Army Depot, Anniston, Alabama.*

17 (b) *TIME FOR TRANSFER.*—*The Secretary shall trans-*
18 *fer firearms and ammunition under subsection (a) as and*
19 *when necessary to enable the Corporation—*

20 (1) *to issue or loan such items in accordance*
21 *with section 1614(a); or*

22 (2) *to sell such items to purchasers in accordance*
23 *with section 1614(b).*

1 (c) *PARTS.*—*The Secretary may make available to the*
 2 *Corporation any part from a rifle designated to be demili-*
 3 *tarized in the inventory of the Department of the Army.*

4 (d) *VESTING OF TITLE IN TRANSFERRED ITEMS.*—
 5 *Title to an item transferred to the Corporation under this*
 6 *section shall vest in the Corporation—*

7 (1) *upon the issuance of the item to a recipient*
 8 *eligible under section 1614(a) to receive the item; or*

9 (2) *immediately before the Corporation delivers*
 10 *the item to a purchaser of the item in accordance*
 11 *with a contract for a sale of the item that is author-*
 12 *ized under section 1614(b).*

13 (e) *COSTS OF TRANSFERS.*—*Any transfer of firearms,*
 14 *ammunition, or parts to the Corporation under this section*
 15 *shall be made without cost to the Corporation, except that*
 16 *the Corporation shall assume the cost of preparation and*
 17 *transportation of firearms and ammunition transferred*
 18 *under this section.*

19 ***SEC. 1616. RESERVATION BY THE ARMY OF FIREARMS AND***
 20 ***AMMUNITION FOR THE CORPORATION.***

21 (a) *RESERVATION OF FIREARMS AND AMMUNITION.*—
 22 *The Secretary of the Army shall reserve for the Corporation*
 23 *the following:*

24 (1) *All firearms referred to in section 1615(a).*

25 (2) *Ammunition for such firearms.*

1 (3) *All M–16 rifles used to support the small*
2 *arms firing school that are held by the Department of*
3 *the Army on the date of the enactment of this Act.*

4 (4) *Any parts from, and accessories and*
5 *accouterments for, surplus caliber .30 and caliber .22*
6 *rimfire rifles.*

7 (b) *STORAGE OF FIREARMS AND AMMUNITION.—Fire-*
8 *arms stored at Anniston Army Depot, Anniston, Alabama,*
9 *before the date of the enactment of this Act and used for*
10 *the Civilian Marksmanship Program shall remain at that*
11 *facility, or another storage facility designated by the Sec-*
12 *retary of the Army, without cost to the Corporation, until*
13 *the firearms are issued, loaned, or sold by, or otherwise*
14 *transferred to, the Corporation.*

15 (c) *LIMITATION ON DEMILITARIZATION OF M–1 RI-*
16 *FLES.—After the date of the enactment of this Act, the Sec-*
17 *retary may not demilitarize any M–1 Garand rifle in the*
18 *inventory of the Army unless that rifle is determined by*
19 *the Defense Logistics Agency to be unserviceable.*

20 (d) *EXCEPTION FOR TRANSFERS TO FEDERAL AND*
21 *STATE AGENCIES FOR COUNTERDRUG PURPOSES.—The re-*
22 *quirement specified in subsection (a) does not supersede the*
23 *authority provided in section 1208 of the National Defense*
24 *Authorization Act for Fiscal Years 1990 and 1991 (Public*
25 *Law 101–189; 10 U.S.C. 372 note).*

1 **SEC. 1617. ARMY LOGISTICAL SUPPORT FOR THE PROGRAM.**

2 (a) *LOGISTICAL SUPPORT.*—The Secretary of the
3 Army shall provide logistical support to the Civilian
4 Marksmanship Program and for competitions and other ac-
5 tivities conducted by the Corporation. The Corporation
6 shall reimburse the Secretary for incremental direct costs
7 incurred in providing such support. Such reimbursements
8 shall be credited to the appropriations account of the De-
9 partment of the Army that is charged to provide such sup-
10 port.

11 (b) *RESERVE COMPONENT PERSONNEL.*—The Sec-
12 retary shall provide, without cost to the Corporation, for
13 the use of members of the National Guard and Army Re-
14 serve to support the National Matches as part of the per-
15 formance of annual training pursuant to titles 10 and 32,
16 United States Code.

17 (c) *USE OF DEPARTMENT OF DEFENSE FACILITIES*
18 *FOR NATIONAL MATCHES.*—The National Matches may
19 continue to be held at those Department of Defense facilities
20 at which the National Matches were held before the date
21 of the enactment of this Act.

22 (d) *REGULATIONS.*—The Secretary shall prescribe reg-
23 ulations to carry out this section.

24 **SEC. 1618. GENERAL AUTHORITIES OF THE CORPORATION.**

25 (a) *DONATIONS AND FEES.*—(1) The Corporation may
26 solicit, accept, hold, use, and dispose of donations of money,

1 *property, and services received by gift, devise, bequest, or*
2 *otherwise.*

3 (2) *The Corporation may impose, collect, and retain*
4 *such fees as are reasonably necessary to cover the direct and*
5 *indirect costs of the Corporation to carry out the Civilian*
6 *Marksmanship Program.*

7 (3) *Amounts collected by the Corporation under the*
8 *authority of this subsection, including the proceeds from the*
9 *sale of firearms, ammunition, targets, and other supplies*
10 *and appliances, may be used only to support the Civilian*
11 *Marksmanship Program.*

12 (b) *CORPORATE SEAL.*—*The Corporation may adopt,*
13 *alter, and use a corporate seal, which shall be judicially*
14 *noticed.*

15 (c) *CONTRACTS.*—*The Corporation may enter into con-*
16 *tracts, leases, agreements, or other transactions.*

17 (d) *OBLIGATIONS AND EXPENDITURES.*—*The Corpora-*
18 *tion may determine the character of, and necessity for, its*
19 *obligations and expenditures and the manner in which they*
20 *shall be incurred, allowed, and paid and may incur, allow,*
21 *and pay such obligations and expenditures.*

22 (e) *RELATED AUTHORITY.*—*The Corporation may take*
23 *such other actions as are necessary or appropriate to carry*
24 *out the authority provided in this section.*

1 **SEC. 1619. DISTRIBUTION OF CORPORATE ASSETS IN**
2 **EVENT OF DISSOLUTION.**

3 (a) *DISTRIBUTION.*—If the Corporation dissolves,
4 then—

5 (1) upon the dissolution of the Corporation, title
6 to all firearms stored at Anniston Army Depot, An-
7 niston, Alabama, on the date of the dissolution, all
8 M-16 rifles that are transferred to the Corporation
9 under section 1615(a)(2), that are referred to in sec-
10 tion 1616(a)(3), or that are otherwise under the con-
11 trol of the Corporation, and all trophies received by
12 the Corporation from the National Board for the Pro-
13 motion of Rifle Practice as of such date, shall vest in
14 the Secretary of the Army, and the Secretary shall
15 have the immediate right to the possession of such
16 items;

17 (2) assets of the Corporation, other than assets
18 described in paragraph (1), may be distributed by the
19 Corporation to an organization that—

20 (A) is exempt from taxation under section
21 501(a) of the Internal Revenue Code of 1986 as
22 an organization described in section 501(c)(3) of
23 such Code; and

24 (B) performs functions similar to the func-
25 tions described in section 1612(a); and

1 (3) *all assets of the Corporation that are not dis-*
2 *tributed pursuant to paragraphs (1) and (2) shall be*
3 *sold, and the proceeds from the sale of such assets*
4 *shall be deposited in the Treasury.*

5 (b) *PROHIBITION.—Assets of the Corporation that are*
6 *distributed pursuant to the authority of subsection (a) may*
7 *not be distributed to an individual.*

8 ***Subtitle B—Transitional Provisions***

9 ***SEC. 1621. TRANSFER OF FUNDS AND PROPERTY TO THE*** 10 ***CORPORATION.***

11 (a) *FUNDS.—(1) On the date of the submission of a*
12 *certification in accordance with section 1623 or, if earlier,*
13 *October 1, 1996, the Secretary of the Army shall transfer*
14 *to the Corporation—*

15 (A) *the amounts that are available to the Na-*
16 *tional Board for the Promotion of Rifle Practice from*
17 *sales programs and fees collected in connection with*
18 *competitions sponsored by the Board; and*

19 (B) *all funds that are in the nonappropriated*
20 *fund account known as the National Match Fund.*

21 (2) *The funds transferred under paragraph (1)(A)*
22 *shall be used to carry out the Civilian Marksmanship Pro-*
23 *gram.*

24 (3) *Transfers under paragraph (1)(B) shall be made*
25 *without cost to the Corporation.*

1 (b) *PROPERTY.*—*The Secretary of the Army shall, as*
2 *soon as practicable, transfer to the Corporation the follow-*
3 *ing:*

4 (1) *All automated data equipment, all other of-*
5 *fice equipment, targets, target frames, vehicles, and*
6 *all other property under the control of the Director of*
7 *Civilian Marksmanship and the Civilian Marksmanship*
8 *Support Detachment on the day before the date*
9 *of the enactment of this Act (other than property to*
10 *which section 1615(a) applies).*

11 (2) *Title to property under the control of the Na-*
12 *tional Match Fund on such day.*

13 (3) *All supplies and appliances under the control*
14 *of the Director of the Civilian Marksmanship Pro-*
15 *gram on such day.*

16 (c) *OFFICES.*—*The Corporation may use the office*
17 *space of the Office of the Director of Civilian Marksmanship*
18 *until the date on which the Secretary of the Army completes*
19 *the transfer of the Civilian Marksmanship Program to the*
20 *Corporation. The Corporation shall assume control of the*
21 *leased property occupied as of the date of the enactment*
22 *of this Act by the Civilian Marksmanship Support Detach-*
23 *ment, located at the Erie Industrial Park, Port Clinton,*
24 *Ohio.*

1 (d) *COSTS OF TRANSFERS.*—Any transfer of items to
2 the Corporation under this section shall be made without
3 cost to the Corporation.

4 ***SEC. 1622. CONTINUATION OF ELIGIBILITY FOR CERTAIN***
5 ***CIVIL SERVICE BENEFITS FOR FORMER FED-***
6 ***ERAL EMPLOYEES OF CIVILIAN MARKSMAN-***
7 ***SHIP PROGRAM.***

8 (a) *CONTINUATION OF ELIGIBILITY.*—Notwithstanding
9 any other provision of law, a Federal employee who is em-
10 ployed by the Department of Defense to support the Civilian
11 Marksmanship Program as of the day before the date of the
12 transfer of the Program to the Corporation and is offered
13 employment by the Corporation as part of the transition
14 described in section 1612(d) may, if the employee becomes
15 employed by the Corporation, continue to be eligible during
16 continuous employment with the Corporation for the Fed-
17 eral health, retirement, and similar benefits (including life
18 insurance) for which the employee would have been eligible
19 had the employee continued to be employed by the Depart-
20 ment of Defense. The employer's contribution for such bene-
21 fits shall be paid by the Corporation.

22 (b) *REGULATIONS.*—The Director of the Office of Per-
23 sonnel Management shall prescribe regulations to carry out
24 subsection (a).

1 **SEC. 1623. CERTIFICATION OF COMPLETION OF TRANSI-**
2 **TION.**

3 (a) *CERTIFICATION REQUIREMENT.*—Upon completion
4 of the appointment of the Board of Directors for the Cor-
5 poration under section 1611(c)(5) and of the transition re-
6 quired under section 1612(d), the Secretary of the Army
7 shall submit to the Committee on Armed Services of the
8 Senate and the Committee on National Security of the
9 House of Representatives a certification of the completion
10 of such actions.

11 (b) *PUBLICATION OF CERTIFICATION.*—The Secretary
12 shall take such actions as are necessary to ensure that the
13 certification is published in the Federal Register promptly
14 after the submission of the certification under subsection
15 (a).

16 **SEC. 1624. REPEAL OF AUTHORITY FOR CONDUCT OF CI-**
17 **VILIAN MARKSMANSHIP PROGRAM BY THE**
18 **ARMY.**

19 (a) *REPEALS.*—(1) Sections 4307, 4308, 4310, and
20 4311 of title 10, United States Code, are repealed.

21 (2) The table of sections at the beginning of chapter
22 401 of such title is amended by striking out the items relat-
23 ing to sections 4307, 4308, 4310, and 4311.

24 (b) *CONFORMING AMENDMENTS.*—(1) Section 4313 of
25 title 10, United States Code, is amended—

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

1 (B) in subsection (a)—

2 (i) by striking out “(a) JUNIOR COMPETI-
3 TORS.—” and inserting in lieu thereof “(a) AL-
4 LOWANCES FOR PARTICIPATION OF JUNIOR COM-
5 PETITORS.—”; and

6 (ii) in paragraph (3), by striking out “(3)
7 For the purposes of this subsection” and insert-
8 ing in lieu thereof “(b) JUNIOR COMPETITOR
9 DEFINED.—For the purposes of subsection (a)”.

10 (2) Section 4316 of such title is amended by striking
11 out “, including fees charged and amounts collected pursu-
12 ant to subsections (b) and (c) of section 4308,”.

13 (3) Section 925(a)(2)(A) of title 18, United States
14 Code, is amended by inserting after “section 4308 of title
15 10” the following: “before the repeal of such section by sec-
16 tion 1624(a) of the Corporation for the Promotion of Rifle
17 Practice and Firearms Safety Act”.

18 (c) *EFFECTIVE DATE.*—The amendments made by this
19 section shall take effect on the earlier of—

20 (1) the date on which the Secretary of the Army
21 submits a certification in accordance with section
22 1623; or

23 (2) October 1, 1996.

1 ***DIVISION B—MILITARY CON-***
 2 ***STRUCTION AUTHORIZA-***
 3 ***TIONS***

4 ***SEC. 2001. SHORT TITLE.***

5 *This division may be cited as the “Military Construc-*
 6 *tion Authorization Act for Fiscal Year 1996”.*

7 ***TITLE XXI—ARMY***

8 ***SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND***
 9 ***ACQUISITION PROJECTS.***

10 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 11 *propriated pursuant to the authorization of appropriations*
 12 *in section 2104(a)(1), the Secretary of the Army may ac-*
 13 *quire real property and carry out military construction*
 14 *projects for the installations and locations inside the United*
 15 *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>Amount</i> |
|---------------------------------|--|--|
| <i>Alabama</i> | <i>Fort Rucker</i> | \$5,900,000 |
| | <i>Redstone Arsenal</i> | \$5,000,000 |
| <i>Arizona</i> | <i>Fort Huachuca</i> | \$16,000,000 |
| | <i>California</i> | <i>Fort Irwin</i> |
| | | <i>Presidio of San Francisco</i> |
| <i>Colorado</i> | <i>Fort Carson</i> | \$30,850,000 |
| <i>District of Columbia</i> ... | <i>Fort McNair</i> | \$13,500,000 |
| <i>Georgia</i> | <i>Fort Benning</i> | \$37,900,000 |
| | <i>Fort Gordon</i> | \$5,750,000 |
| | <i>Fort Stewart</i> | \$8,400,000 |
| <i>Hawaii</i> | <i>Schofield Barracks</i> | \$30,000,000 |
| <i>Kansas</i> | <i>Fort Riley</i> | \$7,000,000 |
| <i>Kentucky</i> | <i>Fort Campbell</i> | \$10,000,000 |
| | <i>Fort Knox</i> | \$5,600,000 |
| <i>New Jersey</i> | <i>Picatinny Arsenal</i> | \$5,500,000 |
| <i>New Mexico</i> | <i>White Sands Missile Range</i> | \$2,050,000 |
| <i>New York</i> | <i>Fort Drum</i> | \$8,800,000 |
| | <i>United States Military Academy</i> | \$8,300,000 |
| | <i>Watervliet Arsenal</i> | \$680,000 |
| <i>North Carolina</i> | <i>Fort Bragg</i> | \$29,700,000 |
| <i>Oklahoma</i> | <i>Fort Sill</i> | \$14,300,000 |
| <i>South Carolina</i> | <i>Naval Weapons Station, Charleston</i> | \$25,700,000 |
| | <i>Fort Jackson</i> | \$32,000,000 |

Army: Inside the United States—Continued

| State | Installation or location | Amount |
|------------------------|---------------------------------|---------------|
| Texas | Fort Hood | \$32,500,000 |
| | Fort Bliss | \$56,900,000 |
| | Fort Sam Houston | \$7,000,000 |
| Virginia | Fort Eustis | \$16,400,000 |
| Washington | Fort Lewis | \$32,100,000 |
| CONUS Classified | Classified Location | \$1,900,000 |
| | <i>Total:</i> | \$478,230,000 |

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and in
6 the amounts, set forth in the following table:

Army: Outside the United States

| Country | Installation or location | Amount |
|---------------------------|---------------------------------|---------------|
| Korea | Camp Casey | \$4,150,000 |
| | Camp Hovey | \$13,500,000 |
| | Camp Pelham | \$5,600,000 |
| | Camp Stanley | \$6,800,000 |
| | Yongsan | \$4,500,000 |
| Overseas Classified | Classified Location | \$48,000,000 |
| Worldwide | Host Nation Support | \$20,000,000 |
| | <i>Total:</i> | \$102,550,000 |

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:

Army: Family Housing

| State | Installation | Purpose | Amount |
|------------------|--|-----------------|---------------|
| Kentucky | Fort Knox | 150 units | \$19,000,000 |
| New York | United States Military Academy, West Point | 119 units | \$16,500,000 |
| Virginia | Fort Lee | 135 units | \$19,500,000 |
| Washington | Fort Lewis | 84 units | \$10,800,000 |
| | | Total: | \$65,800,000 |

1 (b) *PLANNING AND DESIGN.*—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104(a)(5)(A), the Secretary of the Army may carry
4 out architectural and engineering services and construction
5 design activities with respect to the construction or im-
6 provement of family housing units in an amount not to
7 exceed \$2,000,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**

9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code,
11 and using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2104(a)(5)(A), the Sec-
13 retary of the Army may improve existing military family
14 housing in an amount not to exceed \$48,856,000.

15 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

16 (a) *IN GENERAL.*—Subject to subsection (c), funds are
17 hereby authorized to be appropriated for fiscal years begin-
18 ning after September 30, 1995, for military construction,
19 land acquisition, and military family housing functions of

1 *the Department of the Army in the total amount of*
2 *\$2,147,427,000 as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2101(a),*
5 *\$478,230,000.*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2101(b),*
8 *\$102,550,000.*

9 *(3) For unspecified minor military construction*
10 *projects authorized by section 2805 of title 10, United*
11 *States Code, \$9,000,000.*

12 *(4) For architectural and engineering services*
13 *and construction design under section 2807 of title*
14 *10, United States Code, \$34,194,000.*

15 *(5) For military family housing functions:*

16 *(A) For construction and acquisition, plan-*
17 *ning and design, and improvements of military*
18 *family housing and facilities, \$116,656,000.*

19 *(B) For support of military family housing*
20 *(including the functions described in section*
21 *2833 of title 10, United States Code),*
22 *\$1,337,596,000.*

23 *(6) For the Homeowners Assistance Program, as*
24 *authorized by section 2832 of title 10, United States*

1 Code, \$75,586,000, to remain available until ex-
2 pended.

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 2101 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 (c) *ADJUSTMENT.*—The total amount authorized to be
11 appropriated pursuant to paragraphs (1) through (6) of
12 subsection (a) is the sum of the amounts authorized to be
13 appropriated in such paragraphs, reduced by \$6,385,000,
14 which represents the combination of project savings result-
15 ing from favorable bids, reduced overhead costs, and can-
16 cellations due to force structure changes.

17 **TITLE XXII—NAVY**

18 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 19 **ACQUISITION PROJECTS.**

20 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
21 propriated pursuant to the authorization of appropriations
22 in section 2204(a)(1), and, in the case of the project de-
23 scribed in section 2204(b)(2), other amounts appropriated
24 pursuant to authorizations enacted after this Act for that
25 project, the Secretary of the Navy may acquire real prop-

- 1 erty and carry out military construction projects for the
 2 installations and locations inside the United States, and
 3 in the amounts, set forth in the following table:

Navy: Inside the United States

| State | Installation or location | Amount |
|---|--|---------------|
| California | Marine Corps Air-Ground Combat Center, Twentynine Palms | \$2,490,000 |
| | Marine Corps Base, Camp Pendleton | \$27,584,000 |
| | Naval Command, Control, and Ocean Surveil- lance Center, San Diego | \$3,170,000 |
| | Naval Air Station, Lemoore | \$7,600,000 |
| | Naval Air Station, North Island | \$99,150,000 |
| | Naval Air Warfare Center Weapons Division, China Lake | \$3,700,000 |
| | Naval Air Warfare Center Weapons Division, Point Mugu | \$1,300,000 |
| | Naval Construction Battalion Center, Port Hueneme | \$9,000,000 |
| | Naval Station, San Diego | \$19,960,000 |
| Florida | Naval School Explosive Ordinance Disposal, Eglin Air Force Base | \$16,150,000 |
| | Naval Technical Training Center, Corry Sta- tion, Pensacola | \$2,565,000 |
| Georgia | Strategic Weapons Facility, Atlantic, Kings Bay | \$2,450,000 |
| Hawaii | Honolulu Naval Computer and Telecommuni- cations Area, Master Station Eastern Pacific | \$1,980,000 |
| | Intelligence Center Pacific, Pearl Harbor | \$2,200,000 |
| | Naval Submarine Base, Pearl Harbor | \$22,500,000 |
| Illinois | Naval Training Center, Great Lakes | \$12,440,000 |
| Indiana | Crane Naval Surface Warfare Center | \$3,300,000 |
| Maryland | Naval Academy, Annapolis | \$3,600,000 |
| New Jersey | Naval Air Warfare Center Aircraft Division, Lakehurst | \$1,700,000 |
| North Carolina | Marine Corps Air Station, Cherry Point | \$11,430,000 |
| | Marine Corps Air Station, New River | \$14,650,000 |
| | Marine Corps Base, Camp LeJeune | \$59,300,000 |
| Pennsylvania | Philadelphia Naval Shipyard | \$6,000,000 |
| South Carolina | Marine Corps Air Station, Beaufort | \$15,000,000 |
| Texas | Naval Air Station, Corpus Christi | \$4,400,000 |
| | Naval Air Station, Kingsville | \$2,710,000 |
| | Naval Station, Ingleside | \$2,640,000 |
| Virginia | Fleet and Industrial Supply Center, Williams- burg | \$8,390,000 |
| | Henderson Hall, Arlington | \$1,900,000 |
| | Marine Corps Combat Development Command, Quantico | \$3,500,000 |
| | Naval Hospital, Portsmouth | \$9,500,000 |
| | Naval Station, Norfolk | \$10,580,000 |
| | Naval Weapons Station, Yorktown | \$1,300,000 |
| | Naval Undersea Warfare Center Division, Keyport | \$5,300,000 |
| Puget Sound Naval Shipyard, Bremerton | \$19,870,000 | |
| West Virginia | Naval Security Group Detachment | \$7,200,000 |
| CONUS Classified | Classified Locations | \$1,200,000 |
| | <i>Total:</i> | \$427,709,000 |

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2204(a)(2), the Secretary of the Navy may
 4 acquire real property and carry out military construction
 5 projects for the installations and locations outside the Unit-
 6 ed States, and in the amounts, set forth in the following
 7 table:

Navy: Outside the United States

| Country | Installation or location | Amount |
|-------------------|---|---------------|
| Guam | Naval Computer and Telecommunications Area, Master Station Western Pacific | \$2,250,000 |
| | Navy Public Works Center, Guam | \$16,180,000 |
| Italy | Naval Air Station, Sigonella | \$12,170,000 |
| | Naval Support Activity, Naples | \$24,950,000 |
| Puerto Rico | Naval Security Group Activity, Sabana Seca ... | \$2,200,000 |
| | Naval Station, Roosevelt Roads | \$11,500,000 |
| | <i>Total</i> | \$69,250,000 |

8 **SEC. 2202. FAMILY HOUSING.**

9 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 10 amounts appropriated pursuant to the authorization of ap-
 11 propriations in section 2204(a)(5)(A), the Secretary of the
 12 Navy may construct or acquire family housing units (in-
 13 cluding land acquisition) at the installations, for the pur-
 14 poses, and in the amounts set forth in the following table:

Navy: Family Housing

| State | Installation | Purpose | Amount |
|------------------|--|----------------------|---------------|
| California | Marine Corps Base, Camp Pendleton | 138 units | \$20,000,000 |
| | Marine Corps Base, Camp Pendleton | Community Center | \$1,438,000 |
| | Marine Corps Base, Camp Pendleton | Housing Office | \$707,000 |
| | Naval Air Station, Lemoore . | 240 units | \$34,900,000 |
| | Pacific Missile Test Center, Point Mugu | Housing Office | \$1,020,000 |

Navy: Family Housing—Continued

| State | Installation | Purpose | Amount |
|----------------------|--|----------------------|---------------|
| | Public Works Center, San Diego | 346 units | \$49,310,000 |
| Hawaii | Naval Complex, Oahu | 252 units | \$48,400,000 |
| Maryland | Naval Air Test Center, Patuxent River | Warehouse | \$890,000 |
| | US Naval Academy, Annapolis | Housing Office | \$800,000 |
| North Carolina | Marine Corps Air Station, Cherry Point | Community Center | \$1,003,000 |
| Pennsylvania | Navy Ships Parts Control Center, Mechanicsburg | Housing Office | \$300,000 |
| Puerto Rico | Naval Station, Roosevelt Roads | Housing Office | \$710,000 |
| Virginia | Naval Surface Warfare Center, Dahlgren | Housing Office | \$520,000 |
| | Public Works Center, Norfolk | 320 units | \$42,500,000 |
| | Public Works Center, Norfolk | Housing Office | \$1,390,000 |
| West Virginia | Security Group Naval Detachment, Sugar Grove | 23 units | \$3,590,000 |
| | | Total: | \$207,478,000 |

1 (b) *PLANNING AND DESIGN.*—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2204(a)(5)(A), the Secretary of the Navy may carry
4 out architectural and engineering services and construction
5 design activities with respect to the construction or im-
6 provement of military family housing units in an amount
7 not to exceed \$24,390,000.

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code,
11 and using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2204(a)(5)(A), the Sec-
13 retary of the Navy may improve existing military family
14 housing units in an amount not to exceed \$290,831,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) *IN GENERAL.*—Subject to subsection (c), funds are
3 hereby authorized to be appropriated for fiscal years begin-
4 ning after September 30, 1995, for military construction,
5 land acquisition, and military family housing functions of
6 the Department of the Navy in the total amount of
7 \$2,119,317,000 as follows:

8 (1) *For military construction projects inside the*
9 *United States authorized by section 2201(a),*
10 *\$427,709,000.*

11 (2) *For military construction projects outside the*
12 *United States authorized by section 2201(b),*
13 *\$69,250,000.*

14 (3) *For unspecified minor construction projects*
15 *authorized by section 2805 of title 10, United States*
16 *Code, \$7,200,000.*

17 (4) *For architectural and engineering services*
18 *and construction design under section 2807 of title*
19 *10, United States Code, \$50,515,000.*

20 (5) *For military family housing functions:*

21 (A) *For construction and acquisition, plan-*
22 *ning and design, and improvement of military*
23 *family housing and facilities, \$522,699,000.*

24 (B) *For support of military housing (in-*
25 *cluding functions described in section 2833 of*
26 *title 10, United States Code), \$1,048,329,000.*

1 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
2 *PROJECTS.*—*Notwithstanding the cost variations author-*
3 *ized by section 2853 of title 10, United States Code, and*
4 *any other cost variation authorized by law, the total cost*
5 *of all projects carried out under section 2201 of this Act*
6 *may not exceed—*

7 (1) *the total amount authorized to be appro-*
8 *priated under paragraphs (1) and (2) of subsection*
9 *(a); and*

10 (2) *\$7,700,000 (the balance of the amount au-*
11 *thorized under section 2201(a) for the construction of*
12 *a bachelor enlisted quarters at the Naval Construction*
13 *Battalion Center, Port Hueneme, California).*

14 (c) *ADJUSTMENT.*—*The total amount authorized to be*
15 *appropriated pursuant to paragraphs (1) through (5) of*
16 *subsection (a) is the sum of the amounts authorized to be*
17 *appropriated in such paragraphs, reduced by \$6,385,000,*
18 *which represents the combination of project savings result-*
19 *ing from favorable bids, reduced overhead costs, and can-*
20 *cellations due to force structure changes.*

1 **SEC. 2205. REVISION OF FISCAL YEAR 1995 AUTHORIZA-**
 2 **TION OF APPROPRIATIONS TO CLARIFY**
 3 **AVAILABILITY OF FUNDS FOR LARGE AN-**
 4 **ECHOIC CHAMBER FACILITY, PATUXENT**
 5 **RIVER NAVAL WARFARE CENTER, MARYLAND.**

6 *Section 2204(a) of the Military Construction Author-*
 7 *ization Act for Fiscal Year 1995 (division B of Public Law*
 8 *103-337; 108 Stat. 3033) is amended—*

9 *(1) in the matter preceding paragraph (1), by*
 10 *striking out “\$1,591,824,000” and inserting in lieu*
 11 *thereof “\$1,601,824,000”; and*

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

13 *“(6) For the construction of the large anechoic*
 14 *chamber facility at the Patuxent River Naval Warfare*
 15 *Center, Aircraft Division, Maryland, authorized by*
 16 *section 2201(a) of the Military Construction Author-*
 17 *ization Act for Fiscal Year 1993 (division B of Public*
 18 *Law 102-484; 106 Stat. 2590), \$10,000,000.”.*

19 **SEC. 2206. AUTHORITY TO CARRY OUT LAND ACQUISITION**
 20 **PROJECT, HAMPTON ROADS, VIRGINIA.**

21 *The table in section 2201(a) of the Military Construc-*
 22 *tion Authorization Act for Fiscal Year 1993 (division B*
 23 *of Public Law 102-484; 106 Stat. 2589) is amended—*

24 *(1) in the item relating to Damneck, Fleet Com-*
 25 *bat Training Center, Virginia, by striking out*

1 “\$19,427,000” in the amount column and inserting
 2 in lieu thereof “\$14,927,000”; and

3 (2) by inserting after the item relating to
 4 Damneck, Fleet Combat Training Center, Virginia,
 5 the following new item:

| | | |
|--|---------------------|-------------|
| | Hampton Roads | \$4,500,000 |
|--|---------------------|-------------|

6 **SEC. 2207. ACQUISITION OF LAND, HENDERSON HALL, AR-**
 7 **LINGTON, VIRGINIA.**

8 (a) *AUTHORITY TO ACQUIRE.*—Using amounts appro-
 9 priated pursuant to the authorization of appropriations in
 10 section 2204(a)(1), the Secretary of the Navy may acquire
 11 all right, title, and interest of any party in and to a parcel
 12 of real property, including an abandoned mausoleum, con-
 13 sisting of approximately 0.75 acres and located in Arling-
 14 ton, Virginia, the site of Henderson Hall.

15 (b) *DEMOLITION OF MAUSOLEUM.*—Using amounts
 16 appropriated pursuant to the authorization of appropria-
 17 tions in section 2204(a)(1), the Secretary may—

18 (1) demolish the mausoleum located on the parcel
 19 acquired under subsection (a); and

20 (2) provide for the removal and disposition in
 21 an appropriate manner of the remains contained in
 22 the mausoleum.

23 (c) *AUTHORITY TO DESIGN PUBLIC WORKS FACIL-*
 24 *ITY.*—Using amounts appropriated pursuant to the author-

1 ization of appropriations in section 2204(a)(1), the Sec-
 2 retary may obtain architectural and engineering services
 3 and construction design for a warehouse and office facility
 4 for the Marine Corps to be constructed on the property ac-
 5 quired under subsection (a).

6 (d) *DESCRIPTION OF PROPERTY.*—The exact acreage
 7 and legal description of the real property authorized to be
 8 acquired under subsection (a) shall be determined by a sur-
 9 vey that is satisfactory to the Secretary. The cost of the sur-
 10 vey shall be borne by the Secretary.

11 (e) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
 12 retary may require such additional terms and conditions
 13 in connection with the acquisition under subsection (a) as
 14 the Secretary considers appropriate to protect the interests
 15 of the United States.

16 **SEC. 2208. ACQUISITION OR CONSTRUCTION OF MILITARY**
 17 **FAMILY HOUSING IN VICINITY OF SAN DIEGO,**
 18 **CALIFORNIA.**

19 (a) *AUTHORITY TO USE LITIGATION PROCEEDS.*—
 20 Upon final settlement in the case of Rossmoor Liquidating
 21 Trust against United States, in the United States District
 22 Court for the Central District of California (Case No. CV
 23 82–0956 LEW (Px)), the Secretary of the Treasury shall
 24 deposit in a separate account any funds paid to the United
 25 States in settlement of such case. At the request of the Sec-

1 *retary of the Navy, the Secretary of the Treasury shall make*
2 *available amounts in the account to the Secretary of the*
3 *Navy solely for the acquisition or construction of military*
4 *family housing, including the acquisition of land necessary*
5 *for such acquisition or construction, for members of the*
6 *Armed Forces and their dependents stationed in, or in the*
7 *vicinity of, San Diego, California. In using amounts in the*
8 *account, the Secretary of the Navy may use the authorities*
9 *provided in subchapter IV of chapter 169 of title 10, United*
10 *States Code, as added by section 2801 of this Act.*

11 *(b) UNITS AUTHORIZED.—Not more than 150 military*
12 *family housing units may be acquired or constructed with*
13 *funds referred to in subsection (a). The units authorized by*
14 *this subsection are in addition to any other units of mili-*
15 *tary family housing authorized to be acquired or con-*
16 *structed in, or in the vicinity of, San Diego, California.*

17 *(c) PAYMENT OF EXCESS INTO TREASURY.—The Sec-*
18 *retary of the Treasury shall deposit into the Treasury as*
19 *miscellaneous receipts funds referred to in subsection (a)*
20 *that have not been obligated for construction under this sec-*
21 *tion within four years after receipt thereof.*

22 *(d) LIMITATION.—The Secretary may not enter into*
23 *any contract for the acquisition or construction of military*
24 *family housing under this section until after the expiration*
25 *of the 21-day period beginning on the day after the day*

1 on which the Secretary transmits to the congressional de-
 2 fense committees a report containing the details of such con-
 3 tract.

4 (e) *REPEAL OF EXISTING AUTHORITY.*—Section 2848
 5 of the Military Construction Authorization Act for Fiscal
 6 Years 1990 and 1991 (division B of Public Law 101–189;
 7 103 Stat. 1666) is repealed.

8 **TITLE XXIII—AIR FORCE**

9 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 10 **LAND ACQUISITION PROJECTS.**

11 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 12 propriated pursuant to the authorization of appropriations
 13 in section 2304(a)(1), and, in the case of the project de-
 14 scribed in section 2304(b)(2), other amounts appropriated
 15 pursuant to authorizations enacted after this Act for that
 16 project, the Secretary of the Air Force may acquire real
 17 property and carry out military construction projects for
 18 the installations and locations inside the United States, and
 19 in the amounts, set forth in the following table:

Air Force: Inside the United States

| State | Installation or location | Amount |
|------------------|---------------------------------------|---------------|
| Alabama | Maxwell Air Force Base | \$5,200,000 |
| Alaska | Eielson Air Force Base | \$7,850,000 |
| | Elmendorf Air Force Base | \$9,100,000 |
| | Tin City Long Range RADAR Site | \$2,500,000 |
| Arizona | Davis-Monthan Air Force Base | \$4,800,000 |
| | Luke Air Force Base | \$5,200,000 |
| Arkansas | Little Rock Air Force Base | \$2,500,000 |
| California | Beale Air Force Base | \$7,500,000 |
| | Edwards Air Force Base | \$33,800,000 |
| | Travis Air Force Base | \$26,700,000 |
| | Vandenberg Air Force Base | \$6,000,000 |
| Colorado | Buckley Air National Guard Base | \$5,500,000 |

Air Force: Inside the United States—Continued

| State | Installation or location | Amount |
|----------------------------------|---|---------------|
| | <i>Peterson Air Force Base</i> | \$4,390,000 |
| | <i>US Air Force Academy</i> | \$12,874,000 |
| <i>Delaware</i> | <i>Dover Air Force Base</i> | \$5,500,000 |
| <i>District of Columbia</i> | <i>Bolling Air Force Base</i> | \$12,100,000 |
| <i>Florida</i> | <i>Cape Canaveral Air Force Station</i> | \$1,600,000 |
| | <i>Eglin Air Force Base</i> | \$13,500,000 |
| | <i>Tyndall Air Force Base</i> | \$1,200,000 |
| <i>Georgia</i> | <i>Moody Air Force Base</i> | \$25,190,000 |
| | <i>Robins Air Force Base</i> | \$12,400,000 |
| <i>Hawaii</i> | <i>Hickam Air Force Base</i> | \$10,700,000 |
| <i>Idaho</i> | <i>Mountain Home Air Force Base</i> | \$18,650,000 |
| <i>Illinois</i> | <i>Scott Air Force Base</i> | \$12,700,000 |
| <i>Kansas</i> | <i>McConnell Air Force Base</i> | \$9,450,000 |
| <i>Louisiana</i> | <i>Barksdale Air Force Base</i> | \$2,500,000 |
| <i>Maryland</i> | <i>Andrews Air Force Base</i> | \$12,886,000 |
| <i>Mississippi</i> | <i>Columbus Air Force Base</i> | \$1,150,000 |
| | <i>Keesler Air Force Base</i> | \$6,500,000 |
| <i>Missouri</i> | <i>Whiteman Air Force Base</i> | \$24,600,000 |
| <i>Nevada</i> | <i>Nellis Air Force Base</i> | \$17,500,000 |
| <i>New Jersey</i> | <i>McGuire Air Force Base</i> | \$16,500,000 |
| <i>New Mexico</i> | <i>Cannon Air Force Base</i> | \$13,420,000 |
| | <i>Holloman Air Force Base</i> | \$6,000,000 |
| | <i>Kirtland Air Force Base</i> | \$9,156,000 |
| <i>North Carolina</i> | <i>Pope Air Force Base</i> | \$8,250,000 |
| | <i>Seymour Johnson Air Force Base</i> | \$5,530,000 |
| <i>North Dakota</i> | <i>Grand Forks Air Force Base</i> | \$14,800,000 |
| | <i>Minot Air Force Base</i> | \$1,550,000 |
| <i>Ohio</i> | <i>Wright Patterson Air Force Base</i> | \$4,100,000 |
| <i>Oklahoma</i> | <i>Altus Air Force Base</i> | \$4,800,000 |
| | <i>Tinker Air Force Base</i> | \$11,100,000 |
| <i>South Carolina</i> | <i>Charleston Air Force Base</i> | \$12,500,000 |
| | <i>Shaw Air Force Base</i> | \$1,300,000 |
| <i>South Dakota</i> | <i>Ellsworth Air Force Base</i> | \$7,800,000 |
| <i>Tennessee</i> | <i>Arnold Air Force Base</i> | \$5,000,000 |
| <i>Texas</i> | <i>Dyess Air Force Base</i> | \$5,400,000 |
| | <i>Goodfellow Air Force Base</i> | \$1,000,000 |
| | <i>Kelly Air Force Base</i> | \$3,244,000 |
| | <i>Laughlin Air Force Base</i> | \$1,400,000 |
| | <i>Randolph Air Force Base</i> | \$3,100,000 |
| | <i>Sheppard Air Force Base</i> | \$1,500,000 |
| <i>Utah</i> | <i>Hill Air Force Base</i> | \$8,900,000 |
| <i>Virginia</i> | <i>Langley Air Force Base</i> | \$1,000,000 |
| <i>Washington</i> | <i>Fairchild Air Force Base</i> | \$15,700,000 |
| | <i>McChord Air Force Base</i> | \$9,900,000 |
| <i>Wyoming</i> | <i>F.E. Warren Air Force Base</i> | \$9,000,000 |
| <i>CONUS Classified</i> | <i>Classified Location</i> | \$700,000 |
| | <i>Total:</i> | \$504,690,000 |

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and may carry out military con-
5 struction projects for the installations and locations outside

1 the United States, and in the amounts, set forth in the fol-
 2 lowing table:

Air Force: Outside the United States

| Country | Installation or location | Amount |
|---------------------------|---------------------------------------|---------------|
| Germany | Spangdahlem Air Base | \$8,380,000 |
| | Vogelweh Annex | \$2,600,000 |
| Greece | Araxos Radio Relay Site | \$1,950,000 |
| Italy | Aviano Air Base | \$2,350,000 |
| | Ghedi Radio Relay Site | \$1,450,000 |
| Turkey | Ankara Air Station | \$7,000,000 |
| | Incirluk Air Base | \$4,500,000 |
| United Kingdom | Lakenheath Royal Air Force Base | \$1,820,000 |
| | Mildenhall Royal Air Force Base | \$2,250,000 |
| Overseas Classified | Classified Location | \$17,100,000 |
| | <i>Total:</i> | \$49,400,000 |

3 **SEC. 2302. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using
 5 amounts appropriated pursuant to the authorization of ap-
 6 propriations in section 2304(a)(5)(A), the Secretary of the
 7 Air Force may construct or acquire family housing units
 8 (including land acquisition) at the installations, for the
 9 purposes, and in the amounts set forth in the following
 10 table:

Air Force: Family Housing

| State/Country | Installation | Purpose | Amount |
|---------------------------------|---------------------------------------|--|---------------|
| Alaska | Elmendorf Air Force Base ... | Housing Office/ Maintenance Fa- cility | \$3,000,000 |
| Arizona | Davis-Monthan Air Force Base | 80 units | \$9,498,000 |
| Arkansas | Little Rock Air Force Base ... | Replace 1 General Officer Quarters | \$210,000 |
| California | Beale Air Force Base | Family Housing Office | \$842,000 |
| | Edwards Air Force Base | 127 units | \$20,750,000 |
| Colorado | Vandenberg Air Force Base .. | Family Housing Office | \$900,000 |
| | Vandenberg Air Force Base .. | 143 units | \$20,200,000 |
| District of Colum- bia | Peterson Air Force Base | Family Housing Office | \$570,000 |
| | Bolling Air Force Base | 32 units | \$4,100,000 |

Air Force: Family Housing—Continued

| State/Country | Installation | Purpose | Amount |
|----------------------|--------------------------------------|---|---------------|
| Florida | Eglin Air Force Base | Family Housing Office | \$500,000 |
| | Eglin Auxiliary Field 9 | Family Housing Office | \$880,000 |
| | MacDill Air Force Base | Family Housing Office | \$646,000 |
| | Patrick Air Force Base | 70 units | \$7,947,000 |
| | Tyndall Air Force Base | 82 units | \$9,800,000 |
| Georgia | Moody Air Force Base | 1 Officer & 1 General Officer Quarter | \$513,000 |
| | Robins Air Force Base | 83 units | \$9,800,000 |
| Guam | Andersen Air Force Base | Housing Maintenance Facility ... | \$1,700,000 |
| Idaho | Mountain Home Air Force Base | Housing Management Facility ... | \$844,000 |
| Kansas | McConnell Air Force Base ... | 39 units | \$5,193,000 |
| Louisiana | Barksdale Air Force Base ... | 62 units | \$10,299,000 |
| Massachusetts | Hanscom Air Force Base | 32 units | \$4,900,000 |
| Mississippi | Keesler Air Force Base | 98 units | \$9,300,000 |
| Missouri | Whiteman Air Force Base ... | 72 units | \$9,948,000 |
| Nevada | Nellis Air Force Base | 102 units | \$16,357,000 |
| New Mexico | Holloman Air Force Base ... | 1 General Officer Quarters | \$225,000 |
| | Kirtland Air Force Base | 105 units | \$11,000,000 |
| | Pope Air Force Base | 104 units | \$9,984,000 |
| North Carolina | Seymour Johnson Air Force Base | 1 General Officer Quarters | \$204,000 |
| | Shaw Air Force Base | Housing Maintenance Facility ... | \$715,000 |
| Texas | Dyess Air Force Base | Housing Maintenance Facility ... | \$580,000 |
| | Lackland Air Force Base | 67 units | \$6,200,000 |
| | Sheppard Air Force Base | Management Office | \$500,000 |
| | Sheppard Air Force Base | Housing Maintenance Facility ... | \$600,000 |
| Turkey | Incirlik Air Base | 150 units | \$10,146,000 |
| Washington | McChord Air Force Base | 50 units | \$9,504,000 |
| | | Total: | \$198,355,000 |

1 (b) *PLANNING AND DESIGN.*—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(5)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$8,989,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**

2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2304(a)(5)(A), the Sec-*
6 *retary of the Air Force may improve existing military fam-*
7 *ily housing units in an amount not to exceed \$90,959,000.*

8 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**

9 **FORCE.**

10 *(a) IN GENERAL.—Subject to subsection (c), funds are*
11 *hereby authorized to be appropriated for fiscal years begin-*
12 *ning after September 30, 1995, for military construction,*
13 *land acquisition, and military family housing functions of*
14 *the Department of the Air Force in the total amount of*
15 *\$1,735,086,000 as follows:*

16 *(1) For military construction projects inside the*
17 *United States authorized by section 2301(a),*
18 *\$504,690,000.*

19 *(2) For military construction projects outside the*
20 *United States authorized by section 2301(b),*
21 *\$49,400,000.*

22 *(3) For unspecified minor construction projects*
23 *authorized by section 2805 of title 10, United States*
24 *Code, \$9,030,000.*

1 (4) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$30,835,000.*

4 (5) *For military housing functions:*

5 (A) *For construction and acquisition, plan-*
6 *ning and design and improvement of military*
7 *family housing and facilities, \$298,303,000.*

8 (B) *For support of military family housing*
9 *(including the functions described in section*
10 *2833 of title 10, United States Code),*
11 *\$849,213,000.*

12 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
13 *PROJECTS.—Notwithstanding the cost variations author-*
14 *ized by section 2853 of title 10, United States Code, and*
15 *any other cost variation authorized by law, the total cost*
16 *of all projects carried out under section 2301 of this Act*
17 *may not exceed—*

18 (1) *the total amount authorized to be appro-*
19 *priated under paragraphs (1) and (2) of subsection*
20 *(a); and*

21 (2) *\$5,400,000 (the balance of the amount au-*
22 *thorized under section 2301(a) for the construction of*
23 *a corrosion control facility at Tinker Air Force Base,*
24 *Oklahoma).*

1 (c) *ADJUSTMENT.*—*The total amount authorized to be*
 2 *appropriated pursuant to paragraphs (1) through (5) of*
 3 *subsection (a) is the sum of the amounts authorized to be*
 4 *appropriated in such paragraphs, reduced by \$6,385,000,*
 5 *which represents the combination of project savings result-*
 6 *ing from favorable bids, reduced overhead costs, and can-*
 7 *cellations due to force structure changes.*

8 ***SEC. 2305. RETENTION OF ACCRUED INTEREST ON FUNDS***
 9 ***DEPOSITED FOR CONSTRUCTION OF FAMILY***
 10 ***HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.***

11 (a) *RETENTION OF INTEREST.*—*Section 2310 of the*
 12 *Military Construction Authorization Act for Fiscal Year*
 13 *1994 (division B of Public Law 103–160; 107 Stat. 1874)*
 14 *is amended—*

15 (1) *by redesignating subsection (b) as subsection*
 16 *(c); and*

17 (2) *by inserting after subsection (a) the following*
 18 *new subsection:*

19 “(b) *RETENTION OF INTEREST.*—*Interest accrued on*
 20 *the funds transferred to the County pursuant to subsection*
 21 *(a) shall be retained in the same account as the transferred*
 22 *funds and shall be available to the County for the same pur-*
 23 *pose as the transferred funds.”.*

24 (b) *LIMITATION ON UNITS CONSTRUCTED.*—*Subsection*
 25 *(c) of such section, as redesignated by subsection (a)(1), is*

1 *amended by adding at the end the following new sentence:*
2 *“The number of units constructed using the transferred*
3 *funds (and interest accrued on such funds) may not exceed*
4 *the number of units of military family housing authorized*
5 *for Scott Air Force Base in section 2302(a) of the Military*
6 *Construction Authorization Act for Fiscal Year 1993.”.*

7 (c) *EFFECT OF COMPLETION OF CONSTRUCTION.—*
8 *Such section is further amended by adding at the end the*
9 *following new subsection:*

10 “(d) *COMPLETION OF CONSTRUCTION.—Upon the com-*
11 *pletion of the construction authorized by this section, all*
12 *funds remaining from the funds transferred pursuant to*
13 *subsection (a), and the remaining interest accrued on such*
14 *funds, shall be deposited in the general fund of the Treasury*
15 *of the United States.”.*

16 (d) *REPORTS ON ACCRUED INTEREST.—Such section*
17 *is further amended by adding at the end the following new*
18 *subsection:*

19 “(e) *REPORTS ON ACCRUED INTEREST.—Not later*
20 *than March 1 of each year following a year in which funds*
21 *available to the County under this section are used by the*
22 *County for the purpose referred to in subsection (c), the Sec-*
23 *retary shall submit to the congressional defense committees*
24 *a report setting forth the amount of interest that accrued*
25 *on such funds during the preceding year.”.*

**TITLE XXIV—DEFENSE
AGENCIES**

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

| <i>Agency/State</i> | <i>Installation or location</i> | <i>Amount</i> |
|---|---|---------------|
| Ballistic Missile Defense Organization | | |
| Texas | Fort Bliss | \$13,600,000 |
| Defense Finance & Accounting Service | | |
| Ohio | Columbus Center | \$72,403,000 |
| Defense Intelligence Agency | | |
| District of Columbia | Bolling Air Force Base | \$498,000 |
| Defense Logistics Agency | | |
| Alabama | Defense Distribution Anniston | \$3,550,000 |
| California | Defense Distribution Stockton | \$15,000,000 |
| | DFSC, Point Mugu | \$750,000 |
| Delaware | DFSC, Dover Air Force Base | \$15,554,000 |
| Florida | DFSC, Eglin Air Force Base | \$2,400,000 |
| Louisiana | DFSC, Barksdale Air Force Base | \$13,100,000 |
| New Jersey | DFSC, McGuire Air Force Base | \$12,000,000 |
| Pennsylvania | Defense Distribution New Cumberland—DDSP | \$4,600,000 |
| Virginia | Defense Distribution Depot—DDNV | \$10,400,000 |
| Defense Mapping Agency | | |
| Missouri | Defense Mapping Agency Aerospace Center | \$40,300,000 |
| Defense Medical Facility Office | | |

Defense Agencies: Inside the United States—Continued

| Agency/State | Installation or location | Amount |
|---|---|----------------------|
| Alabama | Maxwell Air Force Base | \$10,000,000 |
| Arizona | Luke Air Force Base | \$8,100,000 |
| California | Fort Irwin | \$6,900,000 |
| | Marine Corps Base, Camp Pendleton | \$1,700,000 |
| | Vandenberg Air Force Base | \$5,700,000 |
| Delaware | Dover Air Force Base | \$4,400,000 |
| Georgia | Fort Benning | \$5,600,000 |
| Louisiana | Barksdale Air Force Base | \$4,100,000 |
| Maryland | Bethesda Naval Hospital | \$1,300,000 |
| | Walter Reed Army Institute of Research | \$1,550,000 |
| Texas | Fort Hood | \$5,500,000 |
| | Lackland Air Force Base | \$6,100,000 |
| Virginia | Northwest Naval Security Group Activity | \$4,300,000 |
| National Security Agency | | |
| Maryland | Fort Meade | \$18,733,000 |
| Office of the Secretary of Defense | | |
| Inside the United States | | |
| | Classified location | \$11,500,000 |
| Department of Defense Dependents Schools | | |
| Alabama | Maxwell Air Force Base | \$5,479,000 |
| Georgia | Fort Benning | \$1,116,000 |
| South Carolina | Fort Jackson | \$576,000 |
| Special Operations Command | | |
| California | Camp Pendleton | \$5,200,000 |
| Florida | Eglin Air Force Base (Duke Field) | \$2,400,000 |
| | Eglin Auxiliary Field 9 | \$14,150,000 |
| North Carolina | Fort Bragg | \$23,800,000 |
| Pennsylvania | Olmstead Field, Harrisburg IAP | \$1,643,000 |
| Virginia | Dam Neck | \$4,500,000 |
| | Naval Amphibious Base, Little Creek | \$6,100,000 |
| | Total: | \$364,602,000 |

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2405(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-
6 ed States, and in the amounts, set forth in the following
7 table:

Defense Agencies: Outside the United States

| Agency/Country | Installation name | Amount |
|---|---|---------------|
| Defense Logistics Agency | | |
| Puerto Rico | Defense Fuel Support Point, Roosevelt Roads ... | \$6,200,000 |
| Spain | DFSC Rota | \$7,400,000 |
| Defense Medical Facility Office | | |
| Italy | Naval Support Activity, Naples | \$5,000,000 |
| Department of Defense Dependents Schools | | |
| Germany | Ramstein Air Force Base | \$19,205,000 |
| Italy | Naval Air Station, Sigonella | \$7,595,000 |
| National Security Agency | | |
| United Kingdom | Menwith Hill Station | \$677,000 |
| Special Operations Command | | |
| Guam | Naval Station, Guam | \$8,800,000 |
| <i>Total:</i> | | \$54,877,000 |

1 **SEC. 2402. MILITARY FAMILY HOUSING PRIVATE INVEST-**
2 **MENT.**

3 (a) *AVAILABILITY OF FUNDS FOR INVESTMENT.*—Of
4 the amount authorized to be appropriated pursuant to sec-
5 tion 2405(a)(11)(A), \$22,000,000 shall be available for cred-
6 iting to the Department of Defense Family Housing Im-
7 provement Fund established by section 2883(a)(1) of title
8 10, United States Code (as added by section 2801 of this
9 Act).

10 (b) *USE OF FUNDS.*—The Secretary of Defense may
11 use funds credited to the Department of Defense Family
12 Housing Improvement Fund under subsection (a) to carry
13 out any activities authorized by subchapter IV of chapter
14 169 of such title (as added by such section) with respect
15 to military family housing.

1 **SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2405(a)(11)(A), the*
6 *Secretary of Defense may improve existing military family*
7 *housing units in an amount not to exceed \$3,772,000.*

8 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

9 *Using amounts appropriated pursuant to the author-*
10 *ization of appropriations in section 2405(a)(9), the Sec-*
11 *retary of Defense may carry out energy conservation*
12 *projects under section 2865 of title 10, United States Code.*

13 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
14 **AGENCIES.**

15 *(a) IN GENERAL.—Funds are hereby authorized to be*
16 *appropriated for fiscal years beginning after September 30,*
17 *1995, for military construction, land acquisition, and mili-*
18 *tary family housing functions of the Department of Defense*
19 *(other than the military departments), in the total amount*
20 *of \$4,629,491,000 as follows:*

21 *(1) For military construction projects inside the*
22 *United States authorized by section 2401(a),*
23 *\$329,599,000.*

24 *(2) For military construction projects outside the*
25 *United States authorized by section 2401(b),*
26 *\$54,877,000.*

1 (3) *For military construction projects at Ports-*
2 *mouth Naval Hospital, Virginia, authorized by sec-*
3 *tion 2401(a) of the Military Construction Authoriza-*
4 *tion Act for Fiscal Years 1990 and 1991 (division B*
5 *of Public Law 101-189; 103 Stat. 1640), \$47,900,000.*

6 (4) *For military construction projects at Elmen-*
7 *dorf Air Force Base, Alaska, hospital replacement,*
8 *authorized by section 2401(a) of the Military Con-*
9 *struction Authorization Act for Fiscal Year 1993 (di-*
10 *vision B of Public Law 102-484; 106 Stat. 2599),*
11 *\$28,100,000.*

12 (5) *For military construction projects at Walter*
13 *Reed Army Institute of Research, Maryland, hospital*
14 *replacement, authorized by section 2401(a) of the*
15 *Military Construction Authorization Act for Fiscal*
16 *Year 1993 (division B of Public Law 102-484; 106*
17 *Stat. 2599), \$27,000,000.*

18 (6) *For unspecified minor construction projects*
19 *under section 2805 of title 10, United States Code,*
20 *\$23,007,000.*

21 (7) *For contingency construction projects of the*
22 *Secretary of Defense under section 2804 of title 10,*
23 *United States Code, \$11,037,000.*

1 (8) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$68,837,000.*

4 (9) *For energy conservation projects authorized*
5 *by section 2404, \$40,000,000.*

6 (10) *For base closure and realignment activities*
7 *as authorized by the Defense Base Closure and Re-*
8 *alignment Act of 1990 (part A of title XXIX of Public*
9 *Law 101–510; 10 U.S.C. 2687 note), \$3,897,892,000.*

10 (11) *For military family housing functions:*

11 (A) *For construction and acquisition and*
12 *improvement of military family housing and fa-*
13 *cilities, \$25,772,000.*

14 (B) *For support of military housing (in-*
15 *cluding functions described in section 2833 of*
16 *title 10, United States Code), \$40,467,000, of*
17 *which not more than \$24,874,000 may be obli-*
18 *gated or expended for the leasing of military*
19 *family housing units worldwide.*

20 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
21 *PROJECTS.—Notwithstanding the cost variation authorized*
22 *by section 2853 of title 10, United States Code, and any*
23 *other cost variations authorized by law, the total cost of*
24 *all projects carried out under section 2401 of this Act may*
25 *not exceed—*

1 (1) *the total amount authorized to be appro-*
2 *priated under paragraphs (1) and (2) of subsection*
3 *(a); and*

4 (2) *\$35,003,000 (the balance of the amount au-*
5 *thorized under section 2401(a) for the construction of*
6 *a center of the Defense Finance and Accounting Serv-*
7 *ice at Columbus, Ohio).*

8 **SEC. 2406. LIMITATIONS ON USE OF DEPARTMENT OF DE-**
9 **ENSE BASE CLOSURE ACCOUNT 1990.**

10 (a) *SET ASIDE FOR 1995 ROUND.*—*Of the amounts*
11 *appropriated pursuant to the authorization of appropria-*
12 *tions in section 2405(a)(10), \$784,569,000 shall be avail-*
13 *able only for the purposes described in section 2905 of the*
14 *Defense Base Closure and Realignment Act of 1990 (part*
15 *A of title XXIX of Public Law 101–510; 10 U.S.C. 2687*
16 *note) with respect to military installations approved for clo-*
17 *sure or realignment in 1995.*

18 (b) *CONSTRUCTION.*—*Amounts appropriated pursuant*
19 *to the authorization of appropriations in section*
20 *2405(a)(10) may not be obligated to carry out a construc-*
21 *tion project with respect to military installations approved*
22 *for closure or realignment in 1995 until after the date on*
23 *which the Secretary of Defense submits to Congress a five-*
24 *year program for executing the 1995 base realignment and*
25 *closure plan. The limitation contained in this subsection*

1 *shall not prohibit site surveys, environmental baseline sur-*
2 *veys, environmental analysis under the National Environ-*
3 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and*
4 *planning and design work conducted in anticipation of*
5 *such construction.*

6 **SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT**
7 **FISCAL YEAR 1995 PROJECTS.**

8 *The table in section 2401 of the Military Construction*
9 *Authorization Act for Fiscal Year 1995 (division B of Pub-*
10 *lic Law 103-337; 108 Stat. 3040), under the agency head-*
11 *ing relating to Chemical Weapons and Munitions Destruc-*
12 *tion, is amended—*

13 *(1) in the item relating to Pine Bluff Arsenal,*
14 *Arkansas, by striking out “\$3,000,000” in the amount*
15 *column and inserting in lieu thereof “\$115,000,000”;*
16 *and*

17 *(2) in the item relating to Umatilla Army*
18 *Depot, Oregon, by striking out “\$12,000,000” in the*
19 *amount column and inserting in lieu thereof*
20 *“\$186,000,000”.*

1 **SEC. 2408. REDUCTION IN AMOUNTS AUTHORIZED TO BE**
 2 **APPROPRIATED FOR FISCAL YEAR 1994 CON-**
 3 **TINGENCY CONSTRUCTION PROJECTS.**

4 *Section 2403(a) of the Military Construction Author-*
 5 *ization Act for Fiscal Year 1994 (division B of Public Law*
 6 *103–160; 107 Stat. 1876) is amended—*

7 *(1) in the matter preceding paragraph (1), by*
 8 *striking out “\$3,268,394,000” and inserting in lieu*
 9 *thereof “\$3,260,263,000”; and*

10 *(2) in paragraph (10), by striking out*
 11 *“\$12,200,000” and inserting in lieu thereof*
 12 *“\$4,069,000”.*

13 **TITLE XXV—NORTH ATLANTIC**
 14 **TREATY ORGANIZATION IN-**
 15 **FRAStructure**

16 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
 17 **ACQUISITION PROJECTS.**

18 *The Secretary of Defense may make contributions for*
 19 *the North Atlantic Treaty Organization Infrastructure pro-*
 20 *gram as provided in section 2806 of title 10, United States*
 21 *Code, in an amount not to exceed the sum of the amount*
 22 *authorized to be appropriated for this purpose in section*
 23 *2502 and the amount collected from the North Atlantic*
 24 *Treaty Organization as a result of construction previously*
 25 *financed by the United States.*

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 *Funds are hereby authorized to be appropriated for fis-*
 3 *cal years beginning after September 30, 1995, for contribu-*
 4 *tions by the Secretary of Defense under section 2806 of title*
 5 *10, United States Code, for the share of the United States*
 6 *of the cost of projects for the North Atlantic Treaty Organi-*
 7 *zation Infrastructure program, as authorized by section*
 8 *2501, in the amount of \$161,000,000.*

9 **TITLE XXVI—GUARD AND**
 10 **RESERVE FORCES FACILITIES**

11 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 12 **TION AND LAND ACQUISITION PROJECTS.**

13 *There are authorized to be appropriated for fiscal*
 14 *years beginning after September 30, 1995, for the costs of*
 15 *acquisition, architectural and engineering services, and*
 16 *construction of facilities for the Guard and Reserve Forces,*
 17 *and for contributions therefor, under chapter 133 of title*
 18 *10, United States Code (including the cost of acquisition*
 19 *of land for those facilities), the following amounts:*

20 (1) *For the Department of the Army—*

21 (A) *for the Army National Guard of the*
 22 *United States, \$134,802,000; and*

23 (B) *for the Army Reserve, \$73,516,000.*

24 (2) *For the Department of the Navy, for the*
 25 *Naval and Marine Corps Reserve, \$19,055,000.*

26 (3) *For the Department of the Air Force—*

1 (A) for the Air National Guard of the Unit-
2 ed States, \$170,917,000; and

3 (B) for the Air Force Reserve, \$36,232,000.

4 **SEC. 2602. REDUCTION IN AMOUNT AUTHORIZED TO BE AP-**
5 **PROPRIATED FOR FISCAL YEAR 1994 AIR NA-**
6 **TIONAL GUARD PROJECTS.**

7 Section 2601(3)(A) of the Military Construction Au-
8 thorization Act for Fiscal Year 1994 (division B of Public
9 Law 103–160; 107 Stat. 1878) is amended by striking out
10 “\$236,341,000” and inserting in lieu thereof
11 “\$229,641,000”.

12 **SEC. 2603. CORRECTION IN AUTHORIZED USES OF FUNDS**
13 **FOR ARMY NATIONAL GUARD PROJECTS IN**
14 **MISSISSIPPI.**

15 (a) *IN GENERAL.*—Subject to subsection (b), amounts
16 appropriated pursuant to the authorization of appropria-
17 tions in section 2601(1)(A) of the Military Construction
18 Authorization Act for Fiscal Year 1994 (division B of Pub-
19 lic Law 103–160; 107 Stat. 1878) for the addition or alter-
20 ation of Army National Guard Armories at various loca-
21 tions in the State of Mississippi shall be available for the
22 addition, alteration, or new construction of armory facili-
23 ties and an operation and maintenance shop facility (in-
24 cluding the acquisition of land for such facilities) at various
25 locations in the State of Mississippi.

1 (b) *NOTICE AND WAIT.*—*The amounts referred to in*
 2 *subsection (a) shall not be available for construction with*
 3 *respect to a facility referred to in that subsection until 21*
 4 *days after the date on which the Secretary of the Army sub-*
 5 *mits to Congress a report describing the construction (in-*
 6 *cluding any land acquisition) to be carried out with respect*
 7 *to the facility.*

8 ***TITLE XXVII—EXPIRATION AND***
 9 ***EXTENSION OF AUTHORIZA-***
 10 ***TIONS***

11 ***SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND***
 12 ***AMOUNTS REQUIRED TO BE SPECIFIED BY***
 13 ***LAW.***

14 (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*
 15 *YEARS.*—*Except as provided in subsection (b), all author-*
 16 *izations contained in titles XXI through XXVI for military*
 17 *construction projects, land acquisition, family housing*
 18 *projects and facilities, and contributions to the North At-*
 19 *lantic Treaty Organization Infrastructure program (and*
 20 *authorizations of appropriations therefor) shall expire on*
 21 *the later of—*

22 (1) *October 1, 1998; or*

23 (2) *the date of the enactment of an Act authoriz-*
 24 *ing funds for military construction for fiscal year*
 25 *1999.*

1 (b) *EXCEPTION.*—Subsection (a) shall not apply to au-
 2 thorizations for military construction projects, land acqui-
 3 sition, family housing projects and facilities, and contribu-
 4 tions to the North Atlantic Treaty Organization Infrastruc-
 5 ture program (and authorizations of appropriations there-
 6 for), for which appropriated funds have been obligated be-
 7 fore the later of—

8 (1) October 1, 1998; or

9 (2) the date of the enactment of an Act authoriz-
 10 ing funds for fiscal year 1999 for military construc-
 11 tion projects, land acquisition, family housing
 12 projects and facilities, or contributions to the North
 13 Atlantic Treaty Organization Infrastructure program.

14 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 15 **FISCAL YEAR 1993 PROJECTS.**

16 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
 17 the Military Construction Authorization Act for Fiscal Year
 18 1993 (division B of Public Law 102–484; 106 Stat. 2602),
 19 authorizations for the projects set forth in the tables in sub-
 20 section (b), as provided in section 2101, 2301, or 2601 of
 21 that Act or in section 2201 of that Act (as amended by sec-
 22 tion 2206 of this Act), shall remain in effect until October
 23 1, 1996, or the date of the enactment of an Act authorizing
 24 funds for military construction for fiscal year 1997, which-
 25 ever is later.

- 1 (b) TABLES.—The tables referred to in subsection (a)
 2 are as follows:

Army: Extension of 1993 Project Authorizations

| State | Installation or Location | Project | Amount |
|----------------|---------------------------------|--|---------------|
| Arkansas | Pine Bluff Arsenal | Ammunition Demilitarization Support Facility | \$15,000,000 |
| Hawaii | Schofield Barracks | Add/Alter Sewage Treatment Plant ... | \$17,500,000 |

Navy: Extension of 1993 Project Authorizations

| State | Installation or Location | Project | Amount |
|-------------------|---|---------------------------------------|---------------|
| California | Camp Pendleton Marine Corps Base | Sewage Treatment Plant Modifications | \$19,740,000 |
| Maryland | Patuxent River Naval Warfare Center | Large Anechoic Chamber, Phase I | \$60,990,000 |
| Mississippi | Meridian Naval Air Station | Child Development Center . | \$1,100,000 |
| Virginia | Hampton Roads | Land Acquisition | \$4,500,000 |

Air Force: Extension of 1993 Project Authorizations

| State | Installation or Location | Project | Amount |
|----------------------------|----------------------------------|-------------------------------------|---------------|
| Arkansas | Little Rock Air Force Base | Fire Training Facility | \$710,000 |
| District of Columbia | Bolling Air Force Base .. | Civil Engineer Complex | \$9,400,000 |
| Mississippi | Keesler Air Force Base .. | Alter Student Dormitory | \$3,100,000 |
| North Carolina | Pope Air Force Base | Construct Bridge Road and Utilities | \$4,000,000 |
| | Pope Air Force Base | Munitions Storage Complex . | \$4,300,000 |
| Virginia | Langley Air Force Base . | Base Engineer Complex | \$5,300,000 |
| Guam | Andersen Air Base | Landfill | \$10,000,000 |
| Portugal | Lajes Field | Water Wells | \$865,000 |
| | Lajes Field | Fire Training Facility | \$950,000 |

Army National Guard: Extension of 1993 Project Authorizations

| State | Installation or Location | Project | Amount |
|---------------|---------------------------------|----------------|---------------|
| Alabama | Tuscaloosa | Armory | \$2,273,000 |
| | Union Springs | Armory | \$813,000 |

**Army National Guard: Extension of 1993 Project
Authorizations—Continued**

| State | Installation or Location | Project | Amount |
|--------------------|---------------------------------|---|---------------|
| Oregon | La Grande | Organizational Maintenance Shop | \$1,220,000 |
| | La Grande | Armory Addi- tion | \$3,049,000 |
| Pennsylvania | Indiana | Armory | \$1,700,000 |
| Rhode Island | North Kingston | Add/Alter Ar- mory | \$3,330,000 |

Army Reserve: Extension of 1993 Project Authorizations

| State | Installation or Location | Project | Amount |
|---------------------|---------------------------------|---|---------------|
| West Virginia | Bluefield | United States Army Reserve Center | \$1,921,000 |
| | Clarksburg | United States Army Reserve Center | \$1,566,000 |
| | Grantville | United States Army Reserve Center | \$2,785,000 |
| | Lewisburg | United States Army Reserve Center | \$1,631,000 |
| | Weirton | United States Army Reserve Center | \$3,481,000 |

1 SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN
2 FISCAL YEAR 1992 PROJECTS.

3 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal Year
5 1992 (division B of Public Law 102–190; 105 Stat. 1535),
6 authorizations for the projects set forth in the tables in sub-
7 section (b), as provided in section 2101 or 2601 of that Act,
8 and extended by section 2702 of the Military Construction
9 Authorization Act for Fiscal Year 1995 (division B of Pub-
10 lic Law 103–337; 108 Stat. 3047), shall remain in effect
11 until October 1, 1996, or the date of the enactment of an

1 Act authorizing funds for military construction for fiscal
2 year 1997, whichever is later.

3 (b) TABLES.—The tables referred to in subsection (a)
4 are as follows:

Army: Extension of 1992 Project Authorizations

| State | Installation or Location | Project | Amount |
|--------------|---------------------------------|--|---------------|
| Oregon | Umatilla Army Depot ... | Ammunition Demilitarization Support Facility | \$3,600,000 |
| | Umatilla Army Depot ... | Ammunition Demilitarization Utilities | \$7,500,000 |

Army National Guard: Extension of 1992 Project Authorization

| State | Installation or Location | Project | Amount |
|--------------|---------------------------------|----------------|---------------|
| Ohio | Toledo | Armory | \$3,183,000 |

Army Reserve: Extension of 1992 Project Authorization

| State | Installation or Location | Project | Amount |
|-----------------|---------------------------------|-------------------------------|---------------|
| Tennessee | Jackson | Joint Training Facility | \$1,537,000 |

5 **TITLE XXVIII—GENERAL**
6 **PROVISIONS**
7 **Subtitle A—Military Housing**
8 **Privatization Initiative**

9 **SEC. 2801. ALTERNATIVE AUTHORITY FOR CONSTRUCTION**
10 **AND IMPROVEMENT OF MILITARY HOUSING.**

11 (a) ALTERNATIVE AUTHORITY TO CONSTRUCT AND IM-
12 PROVE MILITARY HOUSING.—(1) Chapter 169 of title 10,
13 United States Code, is amended by adding at the end the
14 following new subchapter:

1 “SUBCHAPTER IV—ALTERNATIVE AUTHORITY
 2 FOR ACQUISITION AND IMPROVEMENT OF
 3 MILITARY HOUSING

“Sec.

“2871. *Definitions.*

“2872. *General authority.*

“2873. *Direct loans and loan guarantees.*

“2874. *Leasing of housing to be constructed.*

“2875. *Investments in nongovernmental entities.*

“2876. *Rental guarantees.*

“2877. *Differential lease payments.*

“2878. *Conveyance or lease of existing property and facilities.*

“2879. *Interim leases.*

“2880. *Unit size and type.*

“2881. *Ancillary supporting facilities.*

“2882. *Assignment of members of the armed forces to housing units.*

“2883. *Department of Defense Housing Funds.*

“2884. *Reports.*

“2885. *Expiration of authority.*

4 “§ 2871. **Definitions**

5 “In this subchapter:

6 “(1) The term ‘ancillary supporting facilities’
 7 means facilities related to military housing units, in-
 8 cluding child care centers, day care centers, tot lots,
 9 community centers, housing offices, dining facilities,
 10 unit offices, and other similar facilities for the sup-
 11 port of military housing.

12 “(2) The term ‘base closure law’ means the fol-
 13 lowing:

14 “(A) Section 2687 of this title.

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

1 “(C) *The Defense Base Closure and Realign-*
2 *ment Act of 1990 (part A of title XXIX of Public*
3 *Law 101–510; 10 U.S.C. 2687 note).*

4 “(3) *The term ‘construction’ means the construc-*
5 *tion of military housing units and ancillary support-*
6 *ing facilities or the improvement or rehabilitation of*
7 *existing units or ancillary supporting facilities.*

8 “(4) *The term ‘contract’ includes any contract,*
9 *lease, or other agreement entered into under the au-*
10 *thority of this subchapter.*

11 “(5) *The term ‘Fund’ means the Department of*
12 *Defense Family Housing Improvement Fund or the*
13 *Department of Defense Military Unaccompanied*
14 *Housing Improvement Fund established under section*
15 *2883(a) of this title.*

16 “(6) *The term ‘military unaccompanied housing’*
17 *means military housing intended to be occupied by*
18 *members of the armed forces serving a tour of duty*
19 *unaccompanied by dependents.*

20 “(7) *The term ‘United States’ includes the Com-*
21 *monwealth of Puerto Rico.*

22 **“§ 2872. General authority**

23 *“In addition to any other authority provided under*
24 *this chapter for the acquisition or construction of military*
25 *family housing or military unaccompanied housing, the*

1 *Secretary concerned may exercise any authority or any*
2 *combination of authorities provided under this subchapter*
3 *in order to provide for the acquisition or construction by*
4 *private persons of the following:*

5 “(1) *Family housing units on or near military*
6 *installations within the United States and its terri-*
7 *tories and possessions.*

8 “(2) *Military unaccompanied housing units on*
9 *or near such military installations.*

10 **“§ 2873. Direct loans and loan guarantees**

11 “(a) *DIRECT LOANS.—(1) Subject to subsection (c), the*
12 *Secretary concerned may make direct loans to persons in*
13 *the private sector in order to provide funds to such persons*
14 *for the acquisition or construction of housing units that the*
15 *Secretary determines are suitable for use as military family*
16 *housing or as military unaccompanied housing.*

17 “(2) *The Secretary concerned shall establish such terms*
18 *and conditions with respect to loans made under this sub-*
19 *section as the Secretary considers appropriate to protect the*
20 *interests of the United States, including the period and fre-*
21 *quency for repayment of such loans and the obligations of*
22 *the obligors on such loans upon default.*

23 “(b) *LOAN GUARANTEES.—(1) Subject to subsection*
24 *(c), the Secretary concerned may guarantee a loan made*
25 *to any person in the private sector if the proceeds of the*

1 *loan are to be used by the person to acquire, or construct*
2 *housing units that the Secretary determines are suitable for*
3 *use as military family housing or as military unaccom-*
4 *panied housing.*

5 “(2) *The amount of a guarantee on a loan that may*
6 *be provided under paragraph (1) may not exceed the*
7 *amount equal to the lesser of—*

8 “(A) *the amount equal to 80 percent of the value*
9 *of the project; or*

10 “(B) *the amount of the outstanding principal of*
11 *the loan.*

12 “(3) *The Secretary concerned shall establish such terms*
13 *and conditions with respect to guarantees of loans under*
14 *this subsection as the Secretary considers appropriate to*
15 *protect the interests of the United States, including the*
16 *rights and obligations of obligors of such loans and the*
17 *rights and obligations of the United States with respect to*
18 *such guarantees.*

19 “(c) *LIMITATION ON DIRECT LOAN AND GUARANTEE*
20 *AUTHORITY.—Direct loans and loan guarantees may be*
21 *made under this section only to the extent that appropria-*
22 *tions of budget authority to cover their cost (as defined in*
23 *section 502(5) of the Federal Credit Reform Act of 1990*
24 *(2 U.S.C. 661a(5))) are made in advance, or authority is*
25 *otherwise provided in appropriation Acts. If such appro-*

1 priation or other authority is provided, there may be estab-
2 lished a financing account (as defined in section 502(7) of
3 such Act (2 U.S.C. 661a(7))), which shall be available for
4 the disbursement of direct loans or payment of claims for
5 payment on loan guarantees under this section and for all
6 other cash flows to and from the Government as a result
7 of direct loans and guarantees made under this section.

8 **“§2874. Leasing of housing to be constructed**

9 “(a) *BUILD AND LEASE AUTHORIZED.*—The Secretary
10 concerned may enter into contracts for the lease of military
11 family housing units or military unaccompanied housing
12 units to be constructed under this subchapter.

13 “(b) *LEASE TERMS.*—A contract under this section
14 may be for any period that the Secretary concerned deter-
15 mines appropriate and may provide for the owner of the
16 leased property to operate and maintain the property.

17 **“§2875. Investments in nongovernmental entities**

18 “(a) *INVESTMENTS AUTHORIZED.*—The Secretary con-
19 cerned may make investments in nongovernmental entities
20 carrying out projects for the acquisition or construction of
21 housing units suitable for use as military family housing
22 or as military unaccompanied housing.

23 “(b) *FORMS OF INVESTMENT.*—An investment under
24 this section may take the form of an acquisition of a limited
25 partnership interest by the United States, a purchase of

1 *stock or other equity instruments by the United States, a*
2 *purchase of bonds or other debt instruments by the United*
3 *States, or any combination of such forms of investment.*

4 “(c) *LIMITATION ON VALUE OF INVESTMENT.*—(1) *The*
5 *cash amount of an investment under this section in a non-*
6 *governmental entity may not exceed an amount equal to*
7 *33¹/₃ percent of the capital cost (as determined by the Sec-*
8 *retary concerned) of the project or projects that the entity*
9 *proposes to carry out under this section with the invest-*
10 *ment.*

11 “(2) *If the Secretary concerned conveys land or facili-*
12 *ties to a nongovernmental entity as all or part of an invest-*
13 *ment in the entity under this section, the total value of the*
14 *investment by the Secretary under this section may not ex-*
15 *ceed an amount equal to 45 percent of the capital cost (as*
16 *determined by the Secretary) of the project or projects that*
17 *the entity proposes to carry out under this section with the*
18 *investment.*

19 “(3) *In this subsection, the term ‘capital cost’, with*
20 *respect to a project for the acquisition or construction of*
21 *housing, means the total amount of the costs included in*
22 *the basis of the housing for Federal income tax purposes.*

23 “(d) *COLLATERAL INCENTIVE AGREEMENTS.*—*The*
24 *Secretary concerned shall enter into collateral incentive*
25 *agreements with nongovernmental entities in which the Sec-*

1 *retary makes an investment under this section to ensure*
2 *that a suitable preference will be afforded members of the*
3 *armed forces and their dependents in the lease or purchase,*
4 *as the case may be, of a reasonable number of the housing*
5 *units covered by the investment.*

6 **“§ 2876. Rental guarantees**

7 *“The Secretary concerned may enter into agreements*
8 *with private persons that acquire or construct military*
9 *family housing units or military unaccompanied housing*
10 *units under this subchapter in order to assure—*

11 *“(1) the occupancy of such units at levels speci-*
12 *fied in the agreements; or*

13 *“(2) rental income derived from rental of such*
14 *units at levels specified in the agreements.*

15 **“§ 2877. Differential lease payments**

16 *“Pursuant to an agreement entered into by the Sec-*
17 *retary concerned and a private lessor of military family*
18 *housing or military unaccompanied housing to members of*
19 *the armed forces, the Secretary may pay the lessor an*
20 *amount in addition to the rental payments for the housing*
21 *made by the members as the Secretary determines appro-*
22 *priate to encourage the lessor to make the housing available*
23 *to members of the armed forces as military family housing*
24 *or as military unaccompanied housing.*

1 **“§2878. Conveyance or lease of existing property and**
2 **facilities**

3 “(a) *CONVEYANCE OR LEASE AUTHORIZED.*—*The Sec-*
4 *retary concerned may convey or lease property or facilities*
5 *(including ancillary supporting facilities) to private per-*
6 *sons for purposes of using the proceeds of such conveyance*
7 *or lease to carry out activities under this subchapter.*

8 “(b) *INAPPLICABILITY TO PROPERTY AT INSTALLATION*
9 *APPROVED FOR CLOSURE.*—*The authority of this section*
10 *does not apply to property or facilities located on or near*
11 *a military installation approved for closure under a base*
12 *closure law.*

13 “(c) *TERMS AND CONDITIONS.*—(1) *The conveyance or*
14 *lease of property or facilities under this section shall be for*
15 *such consideration and upon such terms and conditions as*
16 *the Secretary concerned considers appropriate for the pur-*
17 *poses of this subchapter and to protect the interests of the*
18 *United States.*

19 “(2) *As part or all of the consideration for a convey-*
20 *ance or lease under this section, the purchaser or lessor (as*
21 *the case may be) shall enter into an agreement with the*
22 *Secretary to ensure that a suitable preference will be af-*
23 *forded members of the armed forces and their dependents*
24 *in the lease or sublease of a reasonable number of the hous-*
25 *ing units covered by the conveyance or lease, as the case*

1 *may be, or in the lease of other suitable housing units made*
 2 *available by the purchaser or lessee.*

3 “(d) *INAPPLICABILITY OF CERTAIN PROPERTY MAN-*
 4 *AGEMENT LAWS.—The conveyance or lease of property or*
 5 *facilities under this section shall not be subject to the follow-*
 6 *ing provisions of law:*

7 “(1) *Section 2667 of this title.*

8 “(2) *The Federal Property and Administrative*
 9 *Services Act of 1949 (40 U.S.C. 471 et seq.).*

10 “(3) *Section 321 of the Act of June 30, 1932*
 11 *(commonly known as the Economy Act) (40 U.S.C.*
 12 *303b).*

13 “(4) *Section 501 of the Stewart B. McKinney*
 14 *Homeless Assistance Act (42 U.S.C. 11401).*

15 **“§ 2879. Interim leases**

16 “*Pending completion of a project to acquire or con-*
 17 *struct military family housing units or military unaccom-*
 18 *panied housing units under this subchapter, the Secretary*
 19 *concerned may provide for the interim lease of such units*
 20 *of the project as are complete. The term of a lease under*
 21 *this section may not extend beyond the date of the comple-*
 22 *tion of the project concerned.*

23 **“§ 2880. Unit size and type**

24 “(a) *CONFORMITY WITH SIMILAR HOUSING UNITS IN*
 25 *LOCALE.—The Secretary concerned shall ensure that the*

1 *room patterns and floor areas of military family housing*
2 *units and military unaccompanied housing units acquired*
3 *or constructed under this subchapter are generally com-*
4 *parable to the room patterns and floor areas of similar*
5 *housing units in the locality concerned.*

6 “(b) *INAPPLICABILITY OF LIMITATIONS ON SPACE BY*
7 *PAY GRADE.—(1) Section 2826 of this title shall not apply*
8 *to military family housing units acquired or constructed*
9 *under this subchapter.*

10 “(2) *The regulations prescribed under section 2856 of*
11 *this title shall not apply to any military unaccompanied*
12 *housing unit acquired or constructed under this subchapter*
13 *unless the unit is located on a military installation.*

14 “**§ 2881. Ancillary supporting facilities**

15 “*Any project for the acquisition or construction of*
16 *military family housing units or military unaccompanied*
17 *housing units under this subchapter may include the acqui-*
18 *sition or construction of ancillary supporting facilities for*
19 *the housing units concerned.*

20 “**§ 2882. Assignment of members of the armed forces to**
21 ***housing units***

22 “(a) *IN GENERAL.—The Secretary concerned may as-*
23 *sign members of the armed forces to housing units acquired*
24 *or constructed under this subchapter.*

1 “(b) *EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLE-*
 2 *MENT TO HOUSING ALLOWANCES.*—(1) *Except as provided*
 3 *in paragraph (2), housing referred to in subsection (a) shall*
 4 *be considered as quarters of the United States or a housing*
 5 *facility under the jurisdiction of a uniformed service for*
 6 *purposes of section 403(b) of title 37.*

7 “(2) *A member of the armed forces who is assigned*
 8 *in accordance with subsection (a) to a housing unit not*
 9 *owned or leased by the United States shall be entitled to*
 10 *a basic allowance for quarters under section 403 of title*
 11 *37 and, if in a high housing cost area, a variable housing*
 12 *allowance under section 403a of that title.*

13 “(c) *LEASE PAYMENTS THROUGH PAY ALLOT-*
 14 *MENTS.*—*The Secretary concerned may require members of*
 15 *the armed forces who lease housing in housing units ac-*
 16 *quired or constructed under this subchapter to make lease*
 17 *payments for such housing pursuant to allotments of the*
 18 *pay of such members under section 701 of title 37.*

19 “**§ 2883. Department of Defense Housing Funds**

20 “(a) *ESTABLISHMENT.*—*There are hereby established*
 21 *on the books of the Treasury the following accounts:*

22 “(1) *The Department of Defense Family Housing*
 23 *Improvement Fund.*

24 “(2) *The Department of Defense Military Unac-*
 25 *companied Housing Improvement Fund.*

1 “(b) *COMMINGLING OF FUNDS PROHIBITED.*—(1) *The*
2 *Secretary of Defense shall administer each Fund separately.*

3 “(2) *Amounts in the Department of Defense Family*
4 *Housing Improvement Fund may be used only to carry out*
5 *activities under this subchapter with respect to military*
6 *family housing.*

7 “(3) *Amounts in the Department of Defense Military*
8 *Unaccompanied Housing Improvement Fund may be used*
9 *only to carry out activities under this subchapter with re-*
10 *spect to military unaccompanied housing.*

11 “(c) *CREDITS TO FUNDS.*—(1) *There shall be credited*
12 *to the Department of Defense Family Housing Improvement*
13 *Fund the following:*

14 “(A) *Amounts authorized for and appropriated*
15 *to that Fund.*

16 “(B) *Subject to subsection (f), any amounts that*
17 *the Secretary of Defense transfers, in such amounts as*
18 *provided in appropriation Acts, to that Fund from*
19 *amounts authorized and appropriated to the Depart-*
20 *ment of Defense for the acquisition or construction of*
21 *military family housing.*

22 “(C) *Proceeds from the conveyance or lease of*
23 *property or facilities under section 2878 of this title*
24 *for the purpose of carrying out activities under this*
25 *subchapter with respect to military family housing.*

1 “(D) *Income derived from any activities under*
2 *this subchapter with respect to military family hous-*
3 *ing, including interest on loans made under section*
4 *2873 of this title, income and gains realized from in-*
5 *vestments under section 2875 of this title, and any re-*
6 *turn of capital invested as part of such investments.*

7 “(2) *There shall be credited to the Department of De-*
8 *fense Military Unaccompanied Housing Improvement*
9 *Fund the following:*

10 “(A) *Amounts authorized for and appropriated*
11 *to that Fund.*

12 “(B) *Subject to subsection (f), any amounts that*
13 *the Secretary of Defense transfers, in such amounts as*
14 *provided in appropriation Acts, to that Fund from*
15 *amounts authorized and appropriated to the Depart-*
16 *ment of Defense for the acquisition or construction of*
17 *military unaccompanied housing.*

18 “(C) *Proceeds from the conveyance or lease of*
19 *property or facilities under section 2878 of this title*
20 *for the purpose of carrying out activities under this*
21 *subchapter with respect to military unaccompanied*
22 *housing.*

23 “(D) *Income derived from any activities under*
24 *this subchapter with respect to military unaccom-*
25 *panied housing, including interest on loans made*

1 *under section 2873 of this title, income and gains re-*
2 *alized from investments under section 2875 of this*
3 *title, and any return of capital invested as part of*
4 *such investments.*

5 *“(d) USE OF AMOUNTS IN FUNDS.—(1) In such*
6 *amounts as provided in appropriation Acts and except as*
7 *provided in subsection (e), the Secretary of Defense may*
8 *use amounts in the Department of Defense Family Housing*
9 *Improvement Fund to carry out activities under this sub-*
10 *chapter with respect to military family housing, including*
11 *activities required in connection with the planning, execu-*
12 *tion, and administration of contracts entered into under*
13 *the authority of this subchapter.*

14 *“(2) In such amounts as provided in appropriation*
15 *Acts and except as provided in subsection (e), the Secretary*
16 *of Defense may use amounts in the Department of Defense*
17 *Military Unaccompanied Housing Improvement Fund to*
18 *carry out activities under this subchapter with respect to*
19 *military unaccompanied housing, including activities re-*
20 *quired in connection with the planning, execution, and ad-*
21 *ministration of contracts entered into under the authority*
22 *of this subchapter.*

23 *“(3) Amounts made available under this subsection*
24 *shall remain available until expended. The Secretary of De-*
25 *fense may transfer amounts made available under this sub-*

1 *section to the Secretaries of the military departments to per-*
2 *mit such Secretaries to carry out the activities for which*
3 *such amounts may be used.*

4 “(e) *LIMITATION ON OBLIGATIONS.—The Secretary*
5 *may not incur an obligation under a contract or other*
6 *agreement entered into under this subchapter in excess of*
7 *the unobligated balance, at the time the contract is entered*
8 *into, of the Fund required to be used to satisfy the obliga-*
9 *tion.*

10 “(f) *NOTIFICATION REQUIRED FOR TRANSFERS.—A*
11 *transfer of appropriated amounts to a Fund under para-*
12 *graph (1)(B) or (2)(B) of subsection (c) may be made only*
13 *after the end of the 30-day period beginning on the date*
14 *the Secretary of Defense submits written notice of, and jus-*
15 *tification for, the transfer to the appropriate committees of*
16 *Congress.*

17 “(g) *LIMITATION ON AMOUNT OF BUDGET AUTHOR-*
18 *ITY.—The total value in budget authority of all contracts*
19 *and investments undertaken using the authorities provided*
20 *in this subchapter shall not exceed—*

21 “(1) *\$850,000,000 for the acquisition or con-*
22 *struction of military family housing; and*

23 “(2) *\$150,000,000 for the acquisition or con-*
24 *struction of military unaccompanied housing.*

1 **“§ 2884. Reports**

2 “(a) *PROJECT REPORTS.*—(1) *The Secretary of De-*
3 *fense shall transmit to the appropriate committees of Con-*
4 *gress a report describing—*

5 “(A) *each contract for the acquisition or con-*
6 *struction of family housing units or unaccompanied*
7 *housing units that the Secretary proposes to solicit*
8 *under this subchapter; and*

9 “(B) *each conveyance or lease proposed under*
10 *section 2878 of this title.*

11 “(2) *The report shall describe the proposed contract,*
12 *conveyance, or lease and the intended method of participa-*
13 *tion of the United States in the contract, conveyance, or*
14 *lease and provide a justification of such method of partici-*
15 *pation. The report shall be submitted not later than 30 days*
16 *before the date on which the Secretary issues the contract*
17 *solicitation or offers the conveyance or lease.*

18 “(b) *ANNUAL REPORTS.*—*The Secretary of Defense*
19 *shall include each year in the materials that the Secretary*
20 *submits to Congress in support of the budget submitted by*
21 *the President pursuant to section 1105 of title 31 the follow-*
22 *ing:*

23 “(1) *A report on the expenditures and receipts*
24 *during the preceding fiscal year covering the Funds*
25 *established under section 2883 of this title.*

1 “(2) *A methodology for evaluating the extent and*
 2 *effectiveness of the use of the authorities under this*
 3 *subchapter during such preceding fiscal year.*

4 “(3) *A description of the objectives of the Depart-*
 5 *ment of Defense for providing military family hous-*
 6 *ing and military unaccompanied housing for mem-*
 7 *bers of the armed forces.*

8 **“§ 2885. Expiration of authority**

9 *“The authority to enter into a contract under this sub-*
 10 *chapter shall expire five years after the date of the enact-*
 11 *ment of the National Defense Authorization Act for Fiscal*
 12 *Year 1996.”.*

13 (2) *The table of subchapters at the beginning of such*
 14 *chapter is amended by inserting after the item relating to*
 15 *subchapter III the following new item:*

“IV. Alternative Authority for Acquisition and Improvement of Military
Housing 2871”.

16 (b) *FINAL REPORT.—Not later than March 1, 2000,*
 17 *the Secretary of Defense shall submit to the congressional*
 18 *defense committees a report on the use by the Secretary of*
 19 *Defense and the Secretaries of the military departments of*
 20 *the authorities provided by subchapter IV of chapter 169*
 21 *of title 10, United States Code, as added by subsection (a).*
 22 *The report shall assess the effectiveness of such authority*
 23 *in providing for the construction and improvement of mili-*
 24 *tary family housing and military unaccompanied housing.*

1 **SEC. 2802. EXPANSION OF AUTHORITY FOR LIMITED PART-**
2 **NEERSHIPS FOR DEVELOPMENT OF MILITARY**
3 **FAMILY HOUSING.**

4 (a) *PARTICIPATION OF OTHER MILITARY DEPART-*
5 *MENTS.—(1) Subsection (a)(1) of section 2837 of title 10,*
6 *United States Code, is amended by striking out “of the*
7 *naval service” and inserting in lieu thereof “of the armed*
8 *forces”.*

9 (2) *Subsection (b)(1) of such section is amended by*
10 *striking out “of the naval service” and inserting in lieu*
11 *thereof “of the armed forces”.*

12 (b) *ADMINISTRATION.—(1) Subsection (a)(1) of such*
13 *section is further amended by striking out “the Secretary*
14 *of the Navy” in the first sentence and inserting in lieu*
15 *thereof “the Secretary of a military department”.*

16 (2) *Subsections (a)(2), (b), (c), (g), and (h) of such*
17 *section are amended by striking out “Secretary” each place*
18 *it appears and inserting in lieu thereof “Secretary con-*
19 *cerned”.*

20 (c) *ACCOUNT.—Subsection (d) of such section is*
21 *amended to read as follows:*

22 “(d) *ACCOUNT.—(1) There is hereby established on the*
23 *books of the Treasury an account to be known as the ‘De-*
24 *fense Housing Investment Account’.*

25 “(2) *There shall be deposited into the Account—*

1 “(A) such funds as may be authorized for and
2 appropriated to the Account;

3 “(B) any proceeds received by the Secretary con-
4 cerned from the repayment of investments or profits
5 on investments of the Secretary under subsection (a);
6 and

7 “(C) any unobligated balances which remain in
8 the Navy Housing Investment Account as of the date
9 of the enactment of the National Defense Authoriza-
10 tion Act for Fiscal Year 1996.

11 “(3) From such amounts as are provided in advance
12 in appropriation Acts, funds in the Account shall be avail-
13 able to the Secretaries concerned in amounts determined by
14 the Secretary of Defense for contracts, investments, and ex-
15 penses necessary for the implementation of this section.

16 “(4) The Secretary concerned may not enter into a
17 contract in connection with a limited partnership under
18 subsection (a) or a collateral incentive agreement under
19 subsection (b) unless a sufficient amount of the unobligated
20 balance of the funds in the Account is available to the Sec-
21 retary, as of the time the contract is entered into, to satisfy
22 the total obligations to be incurred by the United States
23 under the contract.”.

24 (d) *TERMINATION OF NAVY HOUSING INVESTMENT*
25 *BOARD.—Such section is further amended—*

1 (1) *by striking out subsection (e); and*

2 (2) *in subsection (h)—*

3 (A) *by striking out “AUTHORITIES” in the*
4 *subsection heading and inserting in lieu thereof*
5 *“AUTHORITY”;*

6 (B) *by striking out “(1)”;* and

7 (C) *by striking out paragraph (2).*

8 (e) *REPORT.—Subsection (f) of such section is amend-*
9 *ed—*

10 (1) *by striking out “the Secretary carries out ac-*
11 *tivities” and inserting in lieu thereof “activities are*
12 *carried out”;* and

13 (2) *by striking out “the Secretary shall” and in-*
14 *serting in lieu thereof “the Secretaries concerned shall*
15 *jointly”.*

16 (f) *EXTENSION OF AUTHORITY.—Subsection (h) of*
17 *such section is further amended by striking out “September*
18 *30, 1999” and inserting in lieu thereof “September 30,*
19 *2000”.*

20 (g) *CONFORMING AMENDMENT.—Subsection (g) of such*
21 *section is further amended by striking out “NAVY” in the*
22 *subsection heading.*

1 **Subtitle B—Other Military Con-**
2 **struction Program and Military**
3 **Family Housing Changes**

4 **SEC. 2811. SPECIAL THRESHOLD FOR UNSPECIFIED MINOR**
5 **CONSTRUCTION PROJECTS TO CORRECT**
6 **LIFE, HEALTH, OR SAFETY DEFICIENCIES.**

7 (a) *SPECIAL THRESHOLD.*—Section 2805 of title 10,
8 *United States Code*, is amended—

9 (1) *in subsection (a)(1), by adding at the end the*
10 *following new sentence: “However, if the military con-*
11 *struction project is intended solely to correct a defi-*
12 *ciency that is life-threatening, health-threatening, or*
13 *safety-threatening, a minor military construction*
14 *project may have an approved cost equal to or less*
15 *than \$3,000,000.”; and*

16 (2) *in subsection (c)(1), by striking out “not*
17 *more than \$300,000.” and inserting in lieu thereof*
18 *“not more than—*

19 *“(A) \$1,000,000, in the case of an unspecified*
20 *military construction project intended solely to cor-*
21 *rect a deficiency that is life-threatening, health-threat-*
22 *ening, or safety-threatening; or*

23 *“(B) \$300,000, in the case of any other unspec-*
24 *ified military construction project.”.*

1 (b) *TECHNICAL AMENDMENT.*—Section 2861(b)(6) of
2 such title is amended by striking out “section 2805(a)(2)”
3 and inserting in lieu thereof “section 2805(a)(1)”.

4 **SEC. 2812. CLARIFICATION OF SCOPE OF UNSPECIFIED**
5 **MINOR CONSTRUCTION AUTHORITY.**

6 Section 2805(a)(1) of title 10, United States Code, as
7 amended by section 2811 of this Act, is further amended
8 by striking out “(1) that is for a single undertaking at a
9 military installation, and (2)” in the second sentence.

10 **SEC. 2813. TEMPORARY AUTHORITY TO WAIVE NET FLOOR**
11 **AREA LIMITATION FOR FAMILY HOUSING AC-**
12 **QUIRED IN LIEU OF CONSTRUCTION.**

13 Section 2824(c) of title 10, United States Code, is
14 amended by adding at the end the following new sentence:
15 “The Secretary concerned may waive the limitation set
16 forth in the preceding sentence to family housing units ac-
17 quired under this section during the five-year period begin-
18 ning on the date of the enactment of the National Defense
19 Authorization Act for Fiscal Year 1996.”.

20 **SEC. 2814. REESTABLISHMENT OF AUTHORITY TO WAIVE**
21 **NET FLOOR AREA LIMITATION ON ACQUI-**
22 **SION BY PURCHASE OF CERTAIN MILITARY**
23 **FAMILY HOUSING.**

24 Section 2826(e) of title 10, United States Code, is
25 amended by striking out the second sentence.

1 **SEC. 2815. TEMPORARY AUTHORITY TO WAIVE LIMITA-**
 2 **TIONS ON SPACE BY PAY GRADE FOR MILI-**
 3 **TARY FAMILY HOUSING UNITS.**

4 *Section 2826 of title 10, United States Code, is amend-*
 5 *ed by adding at the end the following new subsection:*

6 *“(i)(1) The Secretary concerned may waive the provi-*
 7 *sions of subsection (a) with respect to military family hous-*
 8 *ing units constructed, acquired, or improved during the*
 9 *five-year period beginning on the date of the enactment of*
 10 *the National Defense Authorization Act for Fiscal Year*
 11 *1996.*

12 *“(2) The total number of military family housing*
 13 *units constructed, acquired, or improved during any fiscal*
 14 *year in the period referred to in paragraph (1) shall be*
 15 *the total number of such units authorized by law for that*
 16 *fiscal year.”.*

17 **SEC. 2816. RENTAL OF FAMILY HOUSING IN FOREIGN COUN-**
 18 **TRIES.**

19 *Section 2828(e) of title 10, United States Code, is*
 20 *amended—*

21 *(1) in paragraph (1)—*

22 *(A) by striking out “300 units” in the first*
 23 *sentence and inserting in lieu thereof “450*
 24 *units”; and*

1 (B) by striking out “220 such units” in the
 2 second sentence and inserting in lieu thereof
 3 “350 such units”; and
 4 (2) in paragraph (2), by striking out “300
 5 units” and inserting in lieu thereof “450 units”.

6 **SEC. 2817. CLARIFICATION OF SCOPE OF REPORT RE-**
 7 **QUIREMENT ON COST INCREASES UNDER**
 8 **CONTRACTS FOR MILITARY FAMILY HOUSING**
 9 **CONSTRUCTION.**

10 Subsection (d) of section 2853 of title 10, United States
 11 Code, is amended to read as follows:

12 “(d) The limitation on cost increases in subsection (a)
 13 does not apply to the settlement of a contractor claim under
 14 a contract.”.

15 **SEC. 2818. AUTHORITY TO CONVEY DAMAGED OR DETERIO-**
 16 **RATED MILITARY FAMILY HOUSING.**

17 (a) *AUTHORITY.*—(1) Subchapter III of chapter 169
 18 of title 10, United States Code, is amended by inserting
 19 after section 2854 the following new section:

20 **“§2854a. Conveyance of damaged or deteriorated**
 21 **military family housing; use of proceeds**

22 “(a) *AUTHORITY TO CONVEY.*—(1) The Secretary con-
 23 cerned may convey any family housing facility that, due
 24 to damage or deterioration, is in a condition that is uneco-
 25 nomical to repair. Any conveyance of a family housing fa-

1 *cility under this section may include a conveyance of the*
2 *real property associated with the facility conveyed.*

3 “(2) *The authority of this section does not apply to*
4 *family housing facilities located at military installations*
5 *approved for closure under a base closure law or family*
6 *housing facilities located at an installation outside the*
7 *United States at which the Secretary of Defense terminates*
8 *operations.*

9 “(3) *The aggregate total value of the family housing*
10 *facilities conveyed by the Department of Defense under the*
11 *authority in this subsection in any fiscal year may not ex-*
12 *ceed \$5,000,000.*

13 “(4) *For purposes of this subsection, a family housing*
14 *facility is in a condition that is uneconomical to repair*
15 *if the cost of the necessary repairs for the facility would*
16 *exceed the amount equal to 70 percent of the cost of con-*
17 *structing a family housing facility to replace such facility.*

18 “(b) *CONSIDERATION.—(1) As consideration for the*
19 *conveyance of a family housing facility under subsection*
20 *(a), the person to whom the facility is conveyed shall pay*
21 *the United States an amount equal to the fair market value*
22 *of the facility conveyed, including any real property con-*
23 *veyed along with the facility.*

24 “(2) *The Secretary concerned shall determine the fair*
25 *market value of any family housing facility and associated*

1 *real property that is conveyed under subsection (a). Such*
2 *determination shall be final.*

3 “(c) *NOTICE AND WAIT REQUIREMENTS.—The Sec-*
4 *retary concerned may not enter into an agreement to convey*
5 *a family housing facility under this section until—*

6 “(1) *the Secretary submits to the appropriate*
7 *committees of Congress, in writing, a justification for*
8 *the conveyance under the agreement, including—*

9 “(A) *an estimate of the consideration to be*
10 *provided the United States under the agreement;*

11 “(B) *an estimate of the cost of repairing the*
12 *family housing facility to be conveyed; and*

13 “(C) *an estimate of the cost of replacing the*
14 *family housing facility to be conveyed; and*

15 “(2) *a period of 21 calendar days has elapsed*
16 *after the date on which the justification is received by*
17 *the committees.*

18 “(d) *INAPPLICABILITY OF CERTAIN PROPERTY DIS-*
19 *POSAL LAWS.—The following provisions of law do not*
20 *apply to the conveyance of a family housing facility under*
21 *this section:*

22 “(1) *The Federal Property and Administrative*
23 *Services Act of 1949 (40 U.S.C. 471 et seq.).*

24 “(2) *Title V of the Stewart B. McKinney Home-*
25 *less Assistance Act (42 U.S.C. 11411 et seq.).*

1 “(e) *USE OF PROCEEDS.*—(1) *The proceeds of any con-*
2 *veyance of a family housing facility under this section shall*
3 *be credited to the appropriate fund established under section*
4 *2883 of this title and shall be available—*

5 “(A) *to construct family housing units to replace*
6 *the family housing facility conveyed under this sec-*
7 *tion, but only to the extent that the number of units*
8 *constructed with such proceeds does not exceed the*
9 *number of units of military family housing of the fa-*
10 *ility conveyed;*

11 “(B) *to repair or restore existing military family*
12 *housing; and*

13 “(C) *to reimburse the Secretary concerned for the*
14 *costs incurred by the Secretary in conveying the fam-*
15 *ily housing facility.*

16 “(2) *Notwithstanding section 2883(d) of this title, pro-*
17 *ceeds derived from a conveyance of a family housing facility*
18 *under this section shall be available under paragraph (1)*
19 *without any further appropriation.*

20 “(f) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
21 *and legal description of any family housing facility con-*
22 *veyed under this section, including any real property asso-*
23 *ciated with such facility, shall be determined by such means*
24 *as the Secretary concerned considers satisfactory, including*
25 *by survey in the case of real property.*

1 “(g) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 2 *retary concerned may require such additional terms and*
 3 *conditions in connection with the conveyance of family*
 4 *housing facilities under this section as the Secretary consid-*
 5 *ers appropriate to protect the interests of the United*
 6 *States.”.*

7 (2) *The table of sections at the beginning of such sub-*
 8 *chapter is amended by inserting after the item relating to*
 9 *section 2854 the following new item:*

*“2854a. Conveyance of damaged or deteriorated military family housing; use of
 proceeds.”.*

10 (b) *CONFORMING AMENDMENT.*—*Section 204(h) of the*
 11 *Federal Property and Administrative Services Act of 1949*
 12 *(40 U.S.C. 485(h)) is amended—*

13 (1) *by redesignating paragraph (4) as para-*
 14 *graph (5); and*

15 (2) *by inserting after paragraph (3) the follow-*
 16 *ing new paragraph (4):*

17 “(4) *This subsection does not apply to damaged or de-*
 18 *teriorated military family housing facilities conveyed under*
 19 *section 2854a of title 10, United States Code.”.*

20 **SEC. 2819. ENERGY AND WATER CONSERVATION SAVINGS**

21 **FOR THE DEPARTMENT OF DEFENSE.**

22 (a) *INCLUSION OF WATER EFFICIENT MAINTENANCE*
 23 *IN ENERGY PERFORMANCE PLAN.*—*Paragraph (3) of sec-*
 24 *tion 2865(a) of title 10, United States Code, is amended*

1 by striking out “energy efficient maintenance” and insert-
2 ing in lieu thereof “energy efficient maintenance or water
3 efficient maintenance”.

4 (b) *SCOPE OF TERM.*—Paragraph (4) of such section
5 is amended—

6 (1) in the matter preceding subparagraph (A),
7 by striking out “‘energy efficient maintenance’” and
8 inserting in lieu thereof “‘energy efficient mainte-
9 nance or water efficient maintenance’”;

10 (2) in subparagraph (A), by striking out “sys-
11 tems or industrial processes,” in the matter preceding
12 clause (i) and inserting in lieu thereof “systems, in-
13 dustrial processes, or water efficiency applications,”;
14 and

15 (3) in subparagraph (B), by inserting “or water
16 cost savings” before the period at the end.

17 **SEC. 2820. EXTENSION OF AUTHORITY TO ENTER INTO**

18 **LEASES OF LAND FOR SPECIAL OPERATIONS**

19 **ACTIVITIES.**

20 (a) *EXTENSION OF AUTHORITY.*—Subsection (d) of sec-
21 tion 2680 of title 10, United States Code, is amended in
22 the first sentence by striking out “September 30, 1995” and
23 inserting in lieu thereof “September 30, 2000”.

1 (b) *REPORTING REQUIREMENT.*—Such section is fur-
 2 ther amended by adding at the end the following new sub-
 3 section:

4 “(e) *REPORTS.*—Not later than March 1 of each year,
 5 the Secretary of Defense shall submit to the Committee on
 6 the Armed Services of the Senate and the Committee on Na-
 7 tional Security of the House of Representatives a report
 8 that—

9 “(1) identifies each leasehold interest acquired
 10 during the previous fiscal year under subsection (a);
 11 and

12 “(2) contains a discussion of each project for the
 13 construction or modification of facilities carried out
 14 pursuant to subsection (c) during such fiscal year.”.

15 (c) *CONFORMING REPEAL.*—Section 2863 of the Na-
 16 tional Defense Authorization Act for Fiscal Years 1992 and
 17 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amend-
 18 ed by striking out subsection (b).

19 **SEC. 2821. DISPOSITION OF AMOUNTS RECOVERED AS A**
 20 **RESULT OF DAMAGE TO REAL PROPERTY.**

21 (a) *IN GENERAL.*—Chapter 165 of title 10, United
 22 States Code, is amended by inserting after section 2781 the
 23 following new section:

1 **“§2782. Damage to real property: disposition of**
 2 **amounts recovered**

3 *“Except as provided in section 2775 of this title,*
 4 *amounts recovered for damage caused to real property*
 5 *under the jurisdiction of the Secretary of a military depart-*
 6 *ment or, with respect to the Defense Agencies, under the*
 7 *jurisdiction of the Secretary of Defense shall be credited to*
 8 *the account available for the repair or replacement of the*
 9 *real property at the time of recovery. In such amounts as*
 10 *are provided in advance in appropriation Acts, amounts*
 11 *so credited shall be available for use for the same purposes*
 12 *and under the same circumstances as other funds in the*
 13 *account.”.*

14 (b) *CLERICAL AMENDMENT.—The table of sections at*
 15 *the beginning of such chapter is amended by inserting after*
 16 *the item relating to section 2781 the following new item:*
 “2782. *Damage to real property: disposition of amounts recovered.”.*

17 **SEC. 2822. PILOT PROGRAM TO PROVIDE INTEREST RATE**
 18 **BUY DOWN AUTHORITY ON LOANS FOR HOUS-**
 19 **ING WITHIN HOUSING SHORTAGE AREAS AT**
 20 **MILITARY INSTALLATIONS.**

21 (a) *SHORT TITLE.—This section may be cited as the*
 22 *“Military Housing Assistance Act of 1995”.*

23 (b) *MORTGAGE ASSISTANCE PAYMENT AUTHORITY OF*
 24 *THE SECRETARY OF VETERANS AFFAIRS.—(1) Chapter 37*

1 of title 38, United States Code, is amended by inserting
2 after section 3707 the following:

3 **“§ 3708. Authority to buy down interest rates: pilot**
4 **program**

5 “(a) In order to enable the purchase of housing in
6 areas where the supply of suitable military housing is inad-
7 equate, the Secretary may conduct a pilot program under
8 which the Secretary may make periodic or lump sum assist-
9 ance payments on behalf of an eligible veteran for the pur-
10 pose of buying down the interest rate on a loan to that vet-
11 eran that is guaranteed under this chapter for a purpose
12 described in paragraph (1), (6), or (10) of section 3710(a)
13 of this title.

14 “(b) An individual is an eligible veteran for the pur-
15 poses of this section if—

16 “(1) the individual is a veteran, as defined in
17 section 3701(b)(4) of this title;

18 “(2) the individual submits an application for a
19 loan guaranteed under this chapter within one year
20 of an assignment of the individual to duty at a mili-
21 tary installation in the United States designated by
22 the Secretary of Defense as a housing shortage area;

23 “(3) at the time the loan referred to in subsection
24 (a) is made, the individual is an enlisted member,

1 *warrant officer, or an officer (other than a warrant*
2 *officer) at a pay grade of O-3 or below;*

3 *“(4) the individual has not previously used any*
4 *of the individual’s entitlement to housing loan bene-*
5 *fits under this chapter; and*

6 *“(5) the individual receives comprehensive*
7 *prepurchase counseling from the Secretary (or the des-*
8 *ignee of the Secretary) before making application for*
9 *a loan guaranteed under this chapter.*

10 *“(c) Loans with respect to which the Secretary may*
11 *exercise the buy down authority under subsection (a)*
12 *shall—*

13 *“(1) provide for a buy down period of not more*
14 *than three years in duration;*

15 *“(2) specify the maximum and likely amounts of*
16 *increases in mortgage payments that the loans would*
17 *require; and*

18 *“(3) be subject to such other terms and condi-*
19 *tions as the Secretary may prescribe by regulation.*

20 *“(d) The Secretary shall promulgate underwriting*
21 *standards for loans for which the interest rate assistance*
22 *payments may be made under subsection (a). Such stand-*
23 *ards shall be based on the interest rate for the second year*
24 *of the loan.*

1 “(e) *The Secretary or lender shall provide comprehen-*
 2 *sive prepurchase counseling to eligible veterans explaining*
 3 *the features of interest rate buy downs under subsection (a),*
 4 *including a hypothetical payment schedule that displays the*
 5 *increases in monthly payments to the mortgagor over the*
 6 *first five years of the mortgage term. For the purposes of*
 7 *this subsection, the Secretary may assign personnel to mili-*
 8 *tary installations referred to in subsection (b)(2).*

9 “(f) *There is authorized to be appropriated \$3,000,000*
 10 *annually to carry out this section.*

11 “(g) *The Secretary may not guarantee a loan under*
 12 *this chapter after September 30, 1998, on which the Sec-*
 13 *retary is obligated to make payments under this section.”.*

14 (2) *The table of sections at the beginning of chapter*
 15 *37 of title 38, United States Code, is amended by inserting*
 16 *after the item relating to section 3707 to following new*
 17 *item:*

“3708. Authority to buy down interest rates: pilot program.”.

18 (c) *AUTHORITY OF SECRETARY OF DEFENSE.—*

19 (1) *REIMBURSEMENT FOR BUY DOWN COSTS.—*

20 *The Secretary of Defense shall reimburse the Sec-*
 21 *retary of Veterans Affairs for amounts paid by the*
 22 *Secretary of Veterans Affairs to mortgagees under sec-*
 23 *tion 3708 of title 38, United States Code, as added*
 24 *by subsection (b).*

1 (2) *DESIGNATION OF HOUSING SHORTAGE*
2 *AREAS.*—*For purposes of section 3708 of title 38,*
3 *United States Code, the Secretary of Defense may des-*
4 *ignate as a housing shortage area a military installa-*
5 *tion in the United States at which the Secretary de-*
6 *termines there is a shortage of suitable housing to*
7 *meet the military family needs of members of the*
8 *Armed Forces and the dependents of such members.*

9 (3) *REPORT.*—*Not later than March 30, 1998,*
10 *the Secretary shall submit to Congress a report re-*
11 *garding the effectiveness of the authority provided in*
12 *section 3708 of title 38, United States Code, in ensur-*
13 *ing that members of the Armed Forces and their de-*
14 *pendents have access to suitable housing. The report*
15 *shall include the recommendations of the Secretary re-*
16 *garding whether the authority provided in this sub-*
17 *section should be extended beyond the date specified in*
18 *paragraph (5).*

19 (4) *EARMARK.*—*Of the amount provided in sec-*
20 *tion 2405(a)(11)(B), \$10,000,000 for fiscal year 1996*
21 *shall be available to carry out this subsection.*

22 (5) *SUNSET.*—*This subsection shall not apply*
23 *with respect to housing loans guaranteed after Sep-*
24 *tember 30, 1998, for which assistance payments are*

1 *paid under section 3708 of title 38, United States*
 2 *Code.*

3 ***Subtitle C—Defense Base Closure***
 4 ***and Realignment***

5 ***SEC. 2831. DEPOSIT OF PROCEEDS FROM LEASES OF PROP-***
 6 ***ERTY LOCATED AT INSTALLATIONS BEING***
 7 ***CLOSED OR REALIGNED.***

8 (a) *EXCEPTION TO EXISTING REQUIREMENTS.*—*Sec-*
 9 *tion 2667(d) of title 10, United States Code, is amended—*

10 (1) *in paragraph (1)(A)(ii), by inserting “or*
 11 (5)” *after “paragraph (4)”*; and

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

14 “(5) *Money rentals received by the United States from*
 15 *a lease under subsection (f) shall be deposited into the ac-*
 16 *count established under section 2906(a) of the Defense Base*
 17 *Closure and Realignment Act of 1990 (part A of title XXIX*
 18 *of Public Law 101–510; 10 U.S.C. 2687 note).”*

19 (b) *CORRESPONDING AMENDMENTS TO BASE CLOSURE*
 20 *LAWS.*—(1) *Section 207(a)(7) of the Defense Authorization*
 21 *Amendments and Base Closure and Realignment Act (Pub-*
 22 *lic Law 100–526; 10 U.S.C. 2687 note) is amended by strik-*
 23 *ing out “transfer or disposal” and inserting in lieu thereof*
 24 *“lease, transfer, or disposal”.*

1 (2) *Section 2906(a)(2) of the Defense Base Closure and*
 2 *Realignment Act of 1990 (part A of title XXIX of Public*
 3 *Law 101–510; 10 U.S.C. 2867 note) is amended—*

4 (A) *in subparagraph (C), by striking out “trans-*
 5 *fer or disposal” and inserting in lieu thereof “lease,*
 6 *transfer, or disposal”; and*

7 (B) *in subparagraph (D), by striking out “trans-*
 8 *fer or disposal” and inserting in lieu thereof “lease,*
 9 *transfer, or disposal”.*

10 ***SEC. 2832. IN-KIND CONSIDERATION FOR LEASES AT IN-***
 11 ***STALLATIONS TO BE CLOSED OR REALIGNED.***

12 *Section 2667(f) of title 10, United States Code, is*
 13 *amended by adding at the end the following new paragraph:*

14 “(4) *The Secretary concerned may accept under sub-*
 15 *section (b)(5) services of a lessee for an entire installation*
 16 *to be closed or realigned under a base closure law, or for*
 17 *any part of such installation, without regard to the require-*
 18 *ment in subsection (b)(5) that a substantial part of the in-*
 19 *stallation be leased.”.*

20 ***SEC. 2833. INTERIM LEASES OF PROPERTY APPROVED FOR***
 21 ***CLOSURE OR REALIGNMENT.***

22 *Section 2667(f) of title 10, United States Code, is*
 23 *amended by adding after paragraph (4), as added by sec-*
 24 *tion 2832 of this Act, the following new paragraph:*

1 “(5)(A) *Notwithstanding the National Environmental*
2 *Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of*
3 *any environmental impact analysis necessary to support an*
4 *interim lease of property under this subsection shall be lim-*
5 *ited to the environmental consequences of activities author-*
6 *ized under the proposed lease and the cumulative impacts*
7 *of other past, present, and reasonably foreseeable future ac-*
8 *tions during the period of the proposed lease.*

9 “(B) *Interim leases entered into under this subsection*
10 *shall be deemed not to prejudice the final disposal decision*
11 *with respect to the property, even if final disposal of the*
12 *property is delayed until completion of the term of the in-*
13 *terim lease. An interim lease under this subsection shall not*
14 *be entered into without prior consultation with the redevel-*
15 *opment authority concerned.*

16 “(C) *Subparagraphs (A) and (B) shall not apply to*
17 *an interim lease under this subsection if authorized activi-*
18 *ties under the lease would—*

19 “(i) *significantly affect the quality of the human*
20 *environment; or*

21 “(ii) *irreversibly alter the environment in a way*
22 *that would preclude any reasonable disposal alter-*
23 *native of the property concerned.”.*

1 **SEC. 2834. AUTHORITY TO LEASE PROPERTY REQUIRING**
2 **ENVIRONMENTAL REMEDIATION AT INSTAL-**
3 **LATIONS APPROVED FOR CLOSURE OR RE-**
4 **ALIGNMENT.**

5 *Section 120(h)(3) of the Comprehensive Environ-*
6 *mental Response, Compensation, and Liability Act of 1980*
7 *(42 U.S.C. 9620(h)(3)) is amended in the matter following*
8 *subparagraph (C)—*

9 *(1) by striking out the first sentence; and*

10 *(2) by adding at the end, flush to the paragraph*
11 *margin, the following:*

12 *“The requirements of subparagraph (B) shall not*
13 *apply in any case in which the person or entity to*
14 *whom the real property is transferred is a potentially*
15 *responsible party with respect to such property. The*
16 *requirements of subparagraph (B) shall not apply in*
17 *any case in which the transfer of the property occurs*
18 *or has occurred by means of a lease, without regard*
19 *to whether the lessee has agreed to purchase the prop-*
20 *erty or whether the duration of the lease is longer*
21 *than 55 years. In the case of a lease entered into after*
22 *September 30, 1995, with respect to real property lo-*
23 *cated at an installation approved for closure or re-*
24 *alignment under a base closure law, the agency leas-*
25 *ing the property, in consultation with the Adminis-*
26 *trator, shall determine before leasing the property*

1 *that the property is suitable for lease, that the uses*
2 *contemplated for the lease are consistent with protec-*
3 *tion of human health and the environment, and that*
4 *there are adequate assurances that the United States*
5 *will take all remedial action referred to in subpara-*
6 *graph (B) that has not been taken on the date of the*
7 *lease.”.*

8 **SEC. 2835. FINAL FUNDING FOR DEFENSE BASE CLOSURE**
9 **AND REALIGNMENT COMMISSION.**

10 *Section 2902(k) of the Defense Base Closure and Re-*
11 *alignment Act of 1990 (part A of title XXIX of Public Law*
12 *101–510; 10 U.S.C. 2687 note) is amended by adding at*
13 *the end the following new paragraph:*

14 *“(3)(A) The Secretary may transfer not more than*
15 *\$300,000 from unobligated funds in the account referred to*
16 *in subparagraph (B) for the purpose of assisting the Com-*
17 *mission in carrying out its duties under this part during*
18 *October, November, and December 1995. Funds transferred*
19 *under the preceding sentence shall remain available until*
20 *December 31, 1995.*

21 *“(B) The account referred to in subparagraph (A) is*
22 *the Department of Defense Base Closure Account established*
23 *under section 207(a) of the Defense Authorization Amend-*
24 *ments and Base Closure and Realignment Act (Public Law*
25 *100–526; 10 U.S.C. 2687 note).”.*

1 **SEC. 2836. EXERCISE OF AUTHORITY DELEGATED BY THE**
2 **ADMINISTRATOR OF GENERAL SERVICES.**

3 *Section 2905(b)(2) of the Defense Base Closure and Re-*
4 *alignment Act of 1990 (part A of title XXIX of Public Law*
5 *101–510; 10 U.S.C. 2687 note) is amended—*

6 *(1) in subparagraph (A)—*

7 *(A) by striking out “Subject to subpara-*
8 *graph (C)” in the matter preceding clause (i)*
9 *and inserting in lieu thereof “Subject to sub-*
10 *paragraph (B)”;* and

11 *(B) by striking out “in effect on the date of*
12 *the enactment of this Act” each place it appears*
13 *in clauses (i) and (ii);*

14 *(2) by striking out subparagraphs (B) and (C)*
15 *and inserting in lieu thereof the following new sub-*
16 *paragraph (B):*

17 *“(B) The Secretary may, with the concurrence of the*
18 *Administrator of General Services—*

19 *“(i) prescribe general policies and methods for*
20 *utilizing excess property and disposing of surplus*
21 *property pursuant to the authority delegated under*
22 *paragraph (1); and*

23 *“(ii) issue regulations relating to such policies*
24 *and methods, which shall supersede the regulations re-*
25 *ferred to in subparagraph (A) with respect to that au-*
26 *thority.”;* and

1 (3) by redesignating subparagraphs (D) and (E)
2 as subparagraphs (C) and (D), respectively.

3 **SEC. 2837. LEASE BACK OF PROPERTY DISPOSED FROM IN-**
4 **STALLATIONS APPROVED FOR CLOSURE OR**
5 **REALIGNMENT.**

6 (a) *AUTHORITY.*—Section 2905(b)(4) of the Defense
7 *Base Closure and Realignment Act of 1990 (part A of title*
8 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is*
9 *amended—*

10 (1) by redesignating subparagraphs (C), (D),
11 and (E) as subparagraphs (D), (E), and (F), respec-
12 tively; and

13 (2) by inserting after subparagraph (B) the fol-
14 lowing new subparagraph (C):

15 “(C)(i) *The Secretary may transfer real property at*
16 *an installation approved for closure or realignment under*
17 *this part (including property at an installation approved*
18 *for realignment which will be retained by the Department*
19 *of Defense or another Federal agency after realignment) to*
20 *the redevelopment authority for the installation if the rede-*
21 *velopment authority agrees to lease, directly upon transfer,*
22 *one or more portions of the property transferred under this*
23 *subparagraph to the Secretary or to the head of another*
24 *department or agency of the Federal Government. Subpara-*

1 *graph (B) shall apply to a transfer under this subpara-*
2 *graph.*

3 “(ii) *A lease under clause (i) shall be for a term of*
4 *not to exceed 50 years, but may provide for options for re-*
5 *newal or extension of the term by the department or agency*
6 *concerned.*

7 “(iii) *A lease under clause (i) may not require rental*
8 *payments by the United States.*

9 “(iv) *A lease under clause (i) shall include a provision*
10 *specifying that if the department or agency concerned ceases*
11 *requiring the use of the leased property before the expiration*
12 *of the term of the lease, the remainder of the lease term*
13 *may be satisfied by the same or another department or*
14 *agency of the Federal Government using the property for*
15 *a use similar to the use under the lease. Exercise of the*
16 *authority provided by this clause shall be made in consulta-*
17 *tion with the redevelopment authority concerned.”.*

18 **(b) USE OF FUNDS TO IMPROVE LEASED PROP-**
19 *ERTY.—Notwithstanding any other provision of law, a de-*
20 *partment or agency of the Federal Government that enters*
21 *into a lease of property under section 2905(b)(4)(C) of the*
22 *Defense Base Closure and Realignment Act of 1990 (part*
23 *A of title XXIX of Public Law 101–510; 10 U.S.C. 2687*
24 *note), as amended by subsection (a), may improve the leased*

1 *property using funds appropriated or otherwise available*
 2 *to the department or agency for such purpose.*

3 **SEC. 2838. IMPROVEMENT OF BASE CLOSURE AND RE-**
 4 **ALIGNMENT PROCESS REGARDING DISPOSAL**
 5 **OF PROPERTY.**

6 (a) *APPLICABILITY.*—*Subparagraph (A) of section*
 7 *2905(b)(7) of the Defense Base Closure and Realignment*
 8 *Act of 1990 (part A of title XXIX of Public Law 101–510;*
 9 *10 U.S.C. 2687 note) is amended to read as follows:*

10 “(A) *The disposal of buildings and property located*
 11 *at installations approved for closure or realignment under*
 12 *this part after October 25, 1994, shall be carried out in*
 13 *accordance with this paragraph rather than paragraph*
 14 *(6).”.*

15 (b) *AGREEMENTS UNDER REDEVELOPMENT PLANS.*—
 16 *Subparagraph (F)(ii)(I) of such section is amended in the*
 17 *second sentence by striking out “the approval of the redevel-*
 18 *opment plan by the Secretary of Housing and Urban Devel-*
 19 *opment under subparagraph (H) or (J)” and inserting in*
 20 *lieu thereof “the decision regarding the disposal of the build-*
 21 *ings and property covered by the agreements by the Sec-*
 22 *retary of Defense under subparagraph (K) or (L).”.*

23 (c) *REVISION OF REDEVELOPMENT PLANS.*—*Subpara-*
 24 *graph (I) of such section is amended—*

1 (1) in clause (i)(II), by inserting “the Secretary
2 of Defense and” before “the Secretary of Housing and
3 Urban Development”; and

4 (2) in clause (ii), by striking out “the Secretary
5 of Housing and Urban Development” and inserting
6 in lieu thereof “such Secretaries”.

7 (d) DISPOSAL OF BUILDINGS AND PROPERTY.—(1)
8 Subparagraph (K) of such section is amended to read as
9 follows:

10 “(K)(i) Upon receipt of a notice under subparagraph
11 (H)(iv) or (J)(ii) of the determination of the Secretary of
12 Housing and Urban Development that a redevelopment
13 plan for an installation meets the requirements set forth
14 in subparagraph (H)(i), the Secretary of Defense shall dis-
15 pose of the buildings and property at the installation.

16 “(ii) For purposes of carrying out an environmental
17 assessment of the closure or realignment of an installation,
18 the Secretary of Defense shall treat the redevelopment plan
19 for the installation (including the aspects of the plan pro-
20 viding for disposal to State or local governments, represent-
21 atives of the homeless, and other interested parties) as part
22 of the proposed Federal action for the installation.

23 “(iii) The Secretary of Defense shall dispose of build-
24 ings and property under clause (i) in accordance with the
25 record of decision or other decision document prepared by

1 *the Secretary in accordance with the National Environ-*
2 *mental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In pre-*
3 *paring the record of decision or other decision document,*
4 *the Secretary shall give substantial deference to the redevel-*
5 *opment plan concerned.*

6 “(iv) *The disposal under clause (i) of buildings and*
7 *property to assist the homeless shall be without consider-*
8 *ation.*”

9 “(v) *In the case of a request for a conveyance under*
10 *clause (i) of buildings and property for public benefit under*
11 *section 203(k) of the Federal Property and Administrative*
12 *Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151*
13 *through 47153 of title 49, United States Code, the sponsor-*
14 *ing Federal agency shall use the eligibility criteria set forth*
15 *in such section or such subchapter (as the case may be) to*
16 *determine the eligibility of the applicant and use proposed*
17 *in the request for the public benefit conveyance. The deter-*
18 *mination of such eligibility should be made before submis-*
19 *sion of the redevelopment plan concerned under subpara-*
20 *graph (G).”.*

21 (2) *Subparagraph (L) of such section is amended by*
22 *striking out clauses (iii) and (iv) and inserting in lieu*
23 *thereof the following new clauses (iii) and (iv):*

24 “(iii) *Not later than 90 days after the date of the re-*
25 *ceipt of a revised plan for an installation under subpara-*

1 *graph (J), the Secretary of Housing and Urban Develop-*
2 *ment shall—*

3 *“(I) notify the Secretary of Defense and the rede-*
4 *velopment authority concerned of the buildings and*
5 *property at an installation under clause (i)(IV) that*
6 *the Secretary of Housing and Urban Development de-*
7 *termines are suitable for use to assist the homeless;*
8 *and*

9 *“(II) notify the Secretary of Defense of the extent*
10 *to which the revised plan meets the criteria set forth*
11 *in subparagraph (H)(i).*

12 *“(iv)(I) Upon notice from the Secretary of Housing*
13 *and Urban Development with respect to an installation*
14 *under clause (iii), the Secretary of Defense shall dispose of*
15 *buildings and property at the installation in consultation*
16 *with the Secretary of Housing and Urban Development and*
17 *the redevelopment authority concerned.*

18 *“(II) For purposes of carrying out an environmental*
19 *assessment of the closure or realignment of an installation,*
20 *the Secretary of Defense shall treat the redevelopment plan*
21 *submitted by the redevelopment authority for the installa-*
22 *tion (including the aspects of the plan providing for dis-*
23 *posal to State or local governments, representatives of the*
24 *homeless, and other interested parties) as part of the pro-*
25 *posed Federal action for the installation. The Secretary of*

1 *Defense shall incorporate the notification of the Secretary*
2 *of Housing and Urban Development under clause (iii)(I)*
3 *as part of the proposed Federal action for the installation*
4 *only to the extent, if any, that the Secretary of Defense con-*
5 *siders such incorporation to be appropriate and consistent*
6 *with the best and highest use of the installation as a whole,*
7 *taking into consideration the redevelopment plan submitted*
8 *by the redevelopment authority.*

9 *“(III) The Secretary of Defense shall dispose of build-*
10 *ings and property under subclause (I) in accordance with*
11 *the record of decision or other decision document prepared*
12 *by the Secretary in accordance with the National Environ-*
13 *mental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In pre-*
14 *paring the record of decision or other decision document,*
15 *the Secretary shall give deference to the redevelopment plan*
16 *submitted by the redevelopment authority for the installa-*
17 *tion.*

18 *“(IV) The disposal under subclause (I) of buildings*
19 *and property to assist the homeless shall be without consid-*
20 *eration.*

21 *“(V) In the case of a request for a conveyance under*
22 *subclause (I) of buildings and property for public benefit*
23 *under section 203(k) of the Federal Property and Adminis-*
24 *trative Services Act of 1949 (40 U.S.C. 484(k)) or sections*
25 *47151 through 47153 of title 49, United States Code, the*

1 *sponsoring Federal agency shall use the eligibility criteria*
2 *set forth in such section or such subchapter (as the case may*
3 *be) to determine the eligibility of the applicant and use pro-*
4 *posed in the request for the public benefit conveyance. The*
5 *determination of such eligibility should be made before sub-*
6 *mission of the redevelopment plan concerned under sub-*
7 *paragraph (G).”.*

8 *(e) CONFORMING AMENDMENT.—Subparagraph (M)(i)*
9 *of such section is amended by inserting “or (L)” after “sub-*
10 *paragraph (K).”.*

11 *(f) CLARIFICATION OF PARTICIPANTS IN PROCESS.—*
12 *Such section is further amended by adding at the end the*
13 *following new subparagraph:*

14 *“(P) For purposes of this paragraph, the term ‘other*
15 *interested parties’, in the case of an installation, includes*
16 *any parties eligible for the conveyance of property of the*
17 *installation under section 203(k) of the Federal Property*
18 *and Administrative Services Act of 1949 (40 U.S.C. 484(k))*
19 *or sections 47151 through 47153 of title 49, United States*
20 *Code, whether or not the parties assist the homeless.”.*

21 **SEC. 2839. AGREEMENTS FOR CERTAIN SERVICES AT IN-**
22 **STALLATIONS BEING CLOSED.**

23 *(a) 1988 LAW.—Section 204(b)(8) of the Defense Au-*
24 *thorization Amendments and Base Closure and Realign-*
25 *ment Act (Public Law 100–526; 10 U.S.C. 2687 note) is*

1 *amended by striking out subparagraph (A) and inserting*
2 *in lieu thereof the following new subparagraph:*

3 “(A) Subject to subparagraph (C), the Secretary may
4 *enter into agreements (including contracts, cooperative*
5 *agreements, or other arrangements for reimbursement) with*
6 *local governments for the provision of police or security*
7 *services, fire protection services, airfield operation services,*
8 *or other community services by such governments at mili-*
9 *tary installations to be closed under this title if the Sec-*
10 *retary determines that the provision of such services under*
11 *such agreements is in the best interests of the Department*
12 *of Defense.”.*

13 (b) 1990 LAW.—Section 2905(b)(8) of the *Defense Base*
14 *Closure and Realignment Act of 1990 (part A of title XXIX*
15 *of Public Law 101–510; 10 U.S.C. 2867 note) is amended*
16 *by striking out subparagraph (A) and inserting in lieu*
17 *thereof the following new subparagraph:*

18 “(A) Subject to subparagraph (C), the Secretary may
19 *enter into agreements (including contracts, cooperative*
20 *agreements, or other arrangements for reimbursement) with*
21 *local governments for the provision of police or security*
22 *services, fire protection services, airfield operation services,*
23 *or other community services by such governments at mili-*
24 *tary installations to be closed under this part if the Sec-*
25 *retary determines that the provision of such services under*

1 *such agreements is in the best interests of the Department*
2 *of Defense.”.*

3 **SEC. 2840. AUTHORITY TO TRANSFER PROPERTY AT MILI-**
4 **TARY INSTALLATIONS TO BE CLOSED TO PER-**
5 **SONS WHO CONSTRUCT OR PROVIDE MILI-**
6 **TARY FAMILY HOUSING.**

7 *(a) 1988 LAW.—Section 204 of the Defense Authoriza-*
8 *tion Amendments and Base Closure and Realignment Act*
9 *(Public Law 100–526; 10 U.S.C. 2687 note) is amended by*
10 *adding at the end the following new subsection:*

11 *“(e) TRANSFER AUTHORITY IN CONNECTION WITH*
12 *CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUS-*
13 *ING.—(1) Subject to paragraph (2), the Secretary may*
14 *enter into an agreement to transfer by deed real property*
15 *or facilities located at or near an installation closed or to*
16 *be closed under this title with any person who agrees, in*
17 *exchange for the real property or facilities, to transfer to*
18 *the Secretary housing units that are constructed or provided*
19 *by the person and located at or near a military installation*
20 *at which there is a shortage of suitable housing to meet the*
21 *requirements of members of the Armed Forces and their de-*
22 *pendents. The Secretary may not select real property for*
23 *transfer under this paragraph if the property is identified*
24 *in the redevelopment plan for the installation as items es-*
25 *sential to the reuse or redevelopment of the installation.*

1 “(2) *A transfer of real property or facilities may be*
2 *made under paragraph (1) only if—*

3 “(A) *the fair market value of the housing units*
4 *to be received by the Secretary in exchange for the*
5 *property or facilities to be transferred is equal to or*
6 *greater than the fair market value of such property*
7 *or facilities, as determined by the Secretary; or*

8 “(B) *in the event the fair market value of the*
9 *housing units is less than the fair market value of*
10 *property or facilities to be transferred, the recipient*
11 *of the property or facilities agrees to pay to the Sec-*
12 *retary the amount equal to the excess of the fair mar-*
13 *ket value of the property or facilities over the fair*
14 *market value of the housing units.*

15 “(3) *Notwithstanding section 207(a)(7), the Secretary*
16 *may deposit funds received under paragraph (2)(B) in the*
17 *Department of Defense Family Housing Improvement Fund*
18 *established under section 2873(a) of title 10, United States*
19 *Code.*

20 “(4) *The Secretary shall submit to the appropriate*
21 *committees of Congress a report describing each agreement*
22 *proposed to be entered into under paragraph (1), including*
23 *the consideration to be received by the United States under*
24 *the agreement. The Secretary may not enter into the agree-*
25 *ment until the end of the 21-day period beginning on the*

1 *date the appropriate committees of Congress receive the re-*
2 *port regarding the agreement.*

3 “(5) *The Secretary may require any additional terms*
4 *and conditions in connection with an agreement authorized*
5 *by this subsection as the Secretary considers appropriate*
6 *to protect the interests of the United States.”.*

7 **(b) 1990 LAW.**—*Section 2905 of the Defense Base Clo-*
8 *sure and Realignment Act of 1990 (part A of title XXIX*
9 *of Public Law 101–510; 10 U.S.C. 2687 note) is amended*
10 *by adding at the end the following new subsection:*

11 **“(f) TRANSFER AUTHORITY IN CONNECTION WITH**
12 **CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUS-**
13 **ING.**—*(1) Subject to paragraph (2), the Secretary may*
14 *enter into an agreement to transfer by deed real property*
15 *or facilities located at or near an installation closed or to*
16 *be closed under this part with any person who agrees, in*
17 *exchange for the real property or facilities, to transfer to*
18 *the Secretary housing units that are constructed or provided*
19 *by the person and located at or near a military installation*
20 *at which there is a shortage of suitable housing to meet the*
21 *requirements of members of the Armed Forces and their de-*
22 *pendents. The Secretary may not select real property for*
23 *transfer under this paragraph if the property is identified*
24 *in the redevelopment plan for the installation as property*
25 *essential to the reuse or redevelopment of the installation.*

1 “(2) *A transfer of real property or facilities may be*
2 *made under paragraph (1) only if—*

3 “(A) *the fair market value of the housing units*
4 *to be received by the Secretary in exchange for the*
5 *property or facilities to be transferred is equal to or*
6 *greater than the fair market value of such property*
7 *or facilities, as determined by the Secretary; or*

8 “(B) *in the event the fair market value of the*
9 *housing units is less than the fair market value of*
10 *property or facilities to be transferred, the recipient*
11 *of the property or facilities agrees to pay to the Sec-*
12 *retary the amount equal to the excess of the fair mar-*
13 *ket value of the property or facilities over the fair*
14 *market value of the housing units.*

15 “(3) *Notwithstanding paragraph (2) of section*
16 *2906(a), the Secretary may deposit funds received under*
17 *paragraph (2)(B) in the Department of Defense Family*
18 *Housing Improvement Fund established under section*
19 *2873(a) of title 10, United States Code.*

20 “(4) *The Secretary shall submit to the congressional*
21 *defense committees a report describing each agreement pro-*
22 *posed to be entered into under paragraph (1), including the*
23 *consideration to be received by the United States under the*
24 *agreement. The Secretary may not enter into the agreement*
25 *until the end of the 30-day period beginning on the date*

1 *the congressional defense committees receive the report re-*
2 *garding the agreement.*

3 “(5) *The Secretary may require any additional terms*
4 *and conditions in connection with an agreement authorized*
5 *by this subsection as the Secretary considers appropriate*
6 *to protect the interests of the United States.”.*

7 (c) *REGULATIONS.—Not later than nine months after*
8 *the date of the enactment of this Act, the Secretary of De-*
9 *fense shall prescribe any regulations necessary to carry out*
10 *subsection (e) of section 204 of the Defense Authorization*
11 *Amendments and Base Closure and Realignment Act (Pub-*
12 *lic Law 100–526; 10 U.S.C. 2687 note), as added by sub-*
13 *section (a), and subsection (f) of section 2905 of the Defense*
14 *Base Closure and Realignment Act of 1990 (part A of title*
15 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as*
16 *added by subsection (b).*

17 **SEC. 2841. USE OF SINGLE BASE CLOSURE AUTHORITIES**

18 **FOR DISPOSAL OF PROPERTY AND FACILI-**

19 **TIES AT FORT HOLABIRD, MARYLAND.**

20 (a) *CONSOLIDATION OF BASE CLOSURE AUTHORI-*
21 *TIES.—In the case of the property and facilities at Fort*
22 *Holabird, Maryland, described in subsection (b), the Sec-*
23 *retary of Defense shall dispose of such property and facili-*
24 *ties in accordance with section 2905(b)(7) of the Defense*
25 *Base Closure and Realignment Act of 1990 (part A of title*

1 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as*
2 *amended by section 2838 of this Act.*

3 (b) *COVERED PROPERTY AND FACILITIES.*—Subsection
4 (a) *applies to the following property and facilities at Fort*
5 *Holabird, Maryland:*

6 (1) *Property and facilities that were approved*
7 *for closure or realignment under title II of the Defense*
8 *Authorization Amendments and Base Closure and Re-*
9 *alignment Act (Public Law 100–526; 10 U.S.C. 2687*
10 *note), but have not been disposed of as of the date of*
11 *the enactment of this Act, including buildings 305*
12 *and 306 and the parking lots and other property as-*
13 *sociated with such buildings.*

14 (2) *Property and facilities that were approved in*
15 *1995 for closure or realignment under the Defense*
16 *Base Closure and Realignment Act of 1990 (part A*
17 *of title XXIX of Public Law 101–510; 10 U.S.C. 2687*
18 *note).*

19 (c) *USE OF SURVEYS AND OTHER EVALUATIONS OF*
20 *PROPERTY.*—*In carrying out the disposal of the property*
21 *and facilities referred to in subsection (b)(1), the Secretary*
22 *shall utilize any surveys and other evaluations of such prop-*
23 *erty and facilities that were prepared by the Corps of Engi-*
24 *neers before the date of the enactment of this Act as part*
25 *of the process for the disposal of such property and facilities.*

1 **Subtitle D—Land Conveyances**
2 **Generally**

3 **PART I—ARMY CONVEYANCES**

4 **SEC. 2851. TRANSFER OF JURISDICTION, FORT SAM HOUS-**
5 **TON, TEXAS.**

6 (a) *TRANSFER OF LAND FOR NATIONAL CEMETERY.—*

7 *The Secretary of the Army may transfer, without reim-*
8 *bursement, to the administrative jurisdiction of the Sec-*
9 *retary of Veterans Affairs a parcel of real property (includ-*
10 *ing any improvements thereon) consisting of approximately*
11 *53 acres and comprising a portion of Fort Sam Houston,*
12 *Texas.*

13 (b) *USE OF LAND.—The Secretary of Veterans Affairs*

14 *shall use the real property transferred under subsection (a)*
15 *as a national cemetery under chapter 24 of title 38, United*
16 *States Code.*

17 (c) *LEGAL DESCRIPTION.—The exact acreage and legal*

18 *description of the real property to be transferred under this*
19 *section shall be determined by a survey satisfactory to the*
20 *Secretary of the Army. The cost of the survey shall be borne*
21 *by the Secretary of Veterans Affairs.*

22 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*

23 *retary of the Army may require such additional terms and*
24 *conditions in connection with the transfer under this section*

1 *as the Secretary of the Army considers appropriate to pro-*
2 *tect the interests of the United States.*

3 **SEC. 2852. TRANSFER OF JURISDICTION, FORT BLISS,**
4 **TEXAS.**

5 (a) *TRANSFER OF LAND FOR NATIONAL CEMETERY.—*
6 *The Secretary of the Army may transfer, without reim-*
7 *bursement, to the administrative jurisdiction of the Sec-*
8 *retary of Veterans Affairs a parcel of real property (includ-*
9 *ing any improvements thereon) consisting of approximately*
10 *22 acres and comprising a portion of Fort Bliss, Texas.*

11 (b) *USE OF LAND.—The Secretary of Veterans Affairs*
12 *shall use the real property transferred under subsection (a)*
13 *as an addition to the Fort Bliss National Cemetery and*
14 *administer such real property pursuant to chapter 24 of*
15 *title 38, United States Code.*

16 (c) *LEGAL DESCRIPTION.—The exact acreage and legal*
17 *description of the real property to be transferred under this*
18 *section shall be determined by a survey satisfactory to the*
19 *Secretary of the Army. The cost of the survey shall be borne*
20 *by the Secretary of Veterans Affairs.*

21 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
22 *retary of the Army may require such additional terms and*
23 *conditions in connection with the transfer under this section*
24 *as the Secretary of the Army considers appropriate to pro-*
25 *tect the interests of the United States.*

1 **SEC. 2853. TRANSFER OF JURISDICTION AND LAND CON-**
2 **VEYANCE, FORT DEVENS MILITARY RESERVA-**
3 **TION, MASSACHUSETTS.**

4 (a) *TRANSFER OF LAND FOR WILDLIFE REFUGE.*—
5 *Subject to subsections (b) and (c), the Secretary of the Army*
6 *shall transfer, without reimbursement, to the administrative*
7 *jurisdiction of the Secretary of the Interior that portion of*
8 *Fort Devens Military Reservation, Massachusetts, that is*
9 *situated south of Massachusetts State Route 2, for inclusion*
10 *in the Oxbow National Wildlife Refuge.*

11 (b) *LAND CONVEYANCE.*—*Subject to subsection (c), the*
12 *Secretary of the Army shall convey to the Town of Lan-*
13 *caster, Massachusetts (in this section referred to as the*
14 *“Town”), all right, title, and interest of the United States*
15 *in and to a parcel of real property consisting of approxi-*
16 *mately 100 acres of the parcel available for transfer under*
17 *subsection (a) and located adjacent to Massachusetts State*
18 *Highway 70.*

19 (c) *REQUIREMENTS RELATING TO TRANSFER AND*
20 *CONVEYANCE.*—(1) *The transfer under subsection (a) and*
21 *the conveyance under subsection (b) may not be made unless*
22 *the property to be transferred and conveyed is determined*
23 *to be excess to the needs of the Department of Defense.*

24 (2) *The transfer and conveyance shall be made as soon*
25 *as practicable after the date on which the property is deter-*
26 *mined to be excess to the needs of the Department of Defense.*

1 (d) *LEGAL DESCRIPTION.*—(1) *The exact acreage and*
 2 *legal description of the real property to be transferred under*
 3 *subsection (a) shall be determined by a survey mutually sat-*
 4 *isfactory to the Secretary of the Army and the Secretary*
 5 *of the Interior. The cost of the survey shall be borne by the*
 6 *Secretary of the Interior.*

7 (2) *The exact acreage and legal description of the real*
 8 *property to be conveyed under subsection (b) shall be deter-*
 9 *mined by a survey mutually satisfactory to the Secretary*
 10 *of the Army, the Secretary of the Interior, and the Board*
 11 *of Selectmen of the Town. The cost of the survey shall be*
 12 *borne by the Town.*

13 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 14 *retary of the Army may require such additional terms and*
 15 *conditions in connection with the transfer under subsection*
 16 *(a) and the conveyance under subsection (b) as the Sec-*
 17 *retary of the Army considers appropriate to protect the in-*
 18 *terests of the United States.*

19 **SEC. 2854. MODIFICATION OF LAND CONVEYANCE, FORT**
 20 **BELVOIR, VIRGINIA.**

21 (a) *DESIGNATION OF RECIPIENT.*—*Subsection (a) of*
 22 *section 2821 of the Military Construction Authorization Act*
 23 *for Fiscal Years 1990 and 1991 (division B of Public Law*
 24 *101–189; 103 Stat. 1658) is amended by striking out “any*
 25 *grantee selected in accordance with subsection (e)” and in-*

1 *serting in lieu thereof “the County of Fairfax, Virginia (in*
2 *this section referred to as the ‘grantee’),”.*

3 **(b) CONSIDERATION.**—*Subsection (b)(1) of such section*
4 *is amended by striking out subparagraph (B) and inserting*
5 *in lieu thereof the following new subparagraph:*

6 *“(B) grant title, free of liens and other en-*
7 *cumbrances, to the Department to such facilities*
8 *and, if not already owned by the Department, to*
9 *the underlying land; and”.*

10 **(c) CONTENT OF AGREEMENT.**—*Subsection (c) of such*
11 *section is amended to read as follows:*

12 **“(c) CONTENT OF AGREEMENT.**—*An agreement en-*
13 *tered into under this section shall include the following:*

14 *“(1) A requirement that the grantee construct fa-*
15 *cilities and make infrastructure improvements for the*
16 *Department of the Army that the Secretary deter-*
17 *mines are necessary for the Department at Fort*
18 *Belvoir and at other sites at which activities will be*
19 *relocated as a result of the conveyance made under*
20 *this section.*

21 *“(2) A requirement that the construction of fa-*
22 *cilities and infrastructure improvements referred to*
23 *in paragraph (1) be carried out in accordance with*
24 *plans and specifications approved by the Secretary.*

1 “(3) A requirement that the Secretary retain a
2 lien or other security interest against the property
3 conveyed to the grantee in the amount of the fair
4 market value of the property, as determined under
5 subsection (b)(2). The agreement will specify the
6 terms for releasing the lien or other security interest,
7 in whole or in part. In the event of default by the
8 County on its obligations under the terms of the
9 agreement, the Secretary shall enforce the lien or secu-
10 rity interest. The proceeds obtained through enforcing
11 the lien or security interest may be used by the Sec-
12 retary to construct facilities and make infrastructure
13 improvements in lieu of those provided for in the
14 agreement.”.

15 (d) *SURVEYS*.—Subsection (g) of such section is
16 amended by striking out the last sentence and inserting in
17 lieu thereof the following: “The grantee shall be responsible
18 for completing any such survey without cost to the United
19 States.”.

20 (e) *CONFORMING AMENDMENTS*.—Such section is fur-
21 ther amended—

22 (1) in subsection (a), by striking out “Subject to
23 subsections (b) through (h), the” and inserting in lieu
24 thereof “The”;

1 (2) *in subsection (b)(1), by striking out “sub-*
2 *section (c)(1)(D)” both places it appears and insert-*
3 *ing in lieu thereof “subsection (c)(1)(A)”;*

4 (3) *by striking out subsections (e) and (f); and*

5 (4) *by redesignating subsections (g) and (h) as*
6 *subsections (e) and (f), respectively.*

7 **SEC. 2855. LAND EXCHANGE, FORT LEWIS, WASHINGTON.**

8 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
9 *Army may convey to Weyerhaeuser Real Estate Company,*
10 *Tacoma, Washington (in this section referred to as*
11 *“WRECO”), all right, title, and interest of the United*
12 *States in and to a parcel of real property at Fort Lewis,*
13 *Washington, known as an unimproved portion of Tract*
14 *1000 (formerly being in the DuPont Steilacoom Road, con-*
15 *sisting of approximately 1.23 acres), and Tract 26E (con-*
16 *sisting of 0.03 acre).*

17 (b) *CONSIDERATION.*—*As consideration for the convey-*
18 *ance authorized by subsection (a), WRECO shall convey or*
19 *cause to be conveyed to the United States, by warranty deed*
20 *acceptable to the Secretary, a 0.39 acre parcel of real prop-*
21 *erty located adjacent to Fort Lewis, Washington, together*
22 *with other consideration acceptable to the Secretary. The*
23 *total consideration conveyed to the United States shall not*
24 *be less than the fair market value of the land conveyed*
25 *under subsection (a).*

1 (c) *DETERMINATION OF FAIR MARKET VALUE.*—The
2 *determinations of the Secretary regarding the fair market*
3 *values of the parcels of real property and improvements to*
4 *be conveyed pursuant to subsections (a) and (b) shall be*
5 *final.*

6 (d) *DESCRIPTION OF PROPERTY.*—The exact acreage
7 *and legal description of the parcels of real property to be*
8 *conveyed pursuant to subsections (a) and (b) shall be deter-*
9 *mined by a survey satisfactory to the Secretary. The cost*
10 *of the survey shall be borne by WRECO.*

11 (e) *EFFECT ON EXISTING REVERSIONARY INTEREST.*—
12 *The Secretary may enter into an agreement with the appro-*
13 *priate officials of Pierce County, Washington, under*
14 *which—*

15 (1) *the existing reversionary interest of Pierce*
16 *County in the lands to be conveyed by the United*
17 *States under subsection (a) is extinguished; and*

18 (2) *the conveyance to the United States under*
19 *subsection (b) is made subject to a similar reversion-*
20 *ary interest in favor of Pierce County in the lands*
21 *conveyed under such subsection.*

22 (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
23 *retary may require such additional terms and conditions*
24 *in connection with the conveyances under this section as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2856. LAND EXCHANGE, ARMY RESERVE CENTER,**
4 **GAINESVILLE, GEORGIA.**

5 (a) *LAND EXCHANGE AUTHORIZED.*—*The Secretary of*
6 *the Army may convey to the City of Gainesville, Georgia*
7 *(in this section referred to as the “City”), all right, title,*
8 *and interest of the United States in and to a parcel of real*
9 *property, together with any improvements thereon, consist-*
10 *ing of approximately 4.2 acres and located on Shallowford*
11 *Road in Gainesville, Georgia, the site of the Army Reserve*
12 *Center, Gainesville, Georgia.*

13 (b) *CONSIDERATION.*—*As consideration for the convey-*
14 *ance authorized by subsection (a), the City shall—*

15 (1) *convey to the United States all right, title,*
16 *and interest in and to a parcel of real property con-*
17 *sisting of approximately 8 acres located in the Atlas*
18 *Industrial Park, Gainesville, Georgia, that is accept-*
19 *able to the Secretary;*

20 (2) *design and construct on such real property*
21 *suitable facilities (as determined by the Secretary) for*
22 *training activities of the Army Reserve to replace fa-*
23 *cilities conveyed under subsection (a);*

24 (3) *carry out, at cost to the City, any environ-*
25 *mental assessments and any other studies, analyses,*

1 *and assessments that may be required under Federal*
2 *law in connection with the land conveyances under*
3 *subsection (a) and paragraph (1) and the construc-*
4 *tion under paragraph (2);*

5 *(4) pay the Secretary the amount (as determined*
6 *by the Secretary) equal to the cost of relocating Army*
7 *Reserve units from the real property to be conveyed*
8 *under subsection (a) to the replacement facilities to be*
9 *constructed under paragraph (2); and*

10 *(5) if the fair market value of the real property*
11 *conveyed by the Secretary under subsection (a) ex-*
12 *ceeds the fair market value of the consideration pro-*
13 *vided by the City under paragraphs (1) through (4),*
14 *pay the United States the amount equal to the*
15 *amount of such excess.*

16 *(c) DETERMINATION OF FAIR MARKET VALUE.—The*
17 *Secretary shall determine the fair market value of the real*
18 *property to be conveyed under subsection (a) and of the con-*
19 *sideration to be furnished by the City under subsection (b).*
20 *Such determination shall be final.*

21 *(d) DESCRIPTION OF PROPERTY.—The exact acreage*
22 *and legal description of the parcels of real property to be*
23 *conveyed under subsections (a) and (b) shall be determined*
24 *by a survey satisfactory to the Secretary. The cost of the*
25 *survey shall be borne by the City.*

1 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the conveyances authorized by this sec-*
4 *tion as the Secretary considers appropriate to protect the*
5 *interests of the United States.*

6 **SEC. 2857. LAND CONVEYANCE, HOLSTON ARMY AMMUNI-**
7 **TION PLANT, MOUNT CARMEL, TENNESSEE.**

8 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
9 *Army may convey, without reimbursement, to the City of*
10 *Mount Carmel, Tennessee (in this section referred to as the*
11 *“City”), all right, title, and interest of the United States*
12 *in and to a parcel of real property, including improvements*
13 *thereon, consisting of approximately 6.5 acres located at*
14 *Holston Army Ammunition Plant, Tennessee. The property*
15 *is located adjacent to the Mount Carmel Cemetery and is*
16 *intended for expansion of the cemetery.*

17 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
18 *and legal description of the real property to be conveyed*
19 *under subsection (a) shall be determined by a survey satis-*
20 *factory to the Secretary. The cost of the survey shall be borne*
21 *by the City.*

22 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
23 *retary may require such additional terms and conditions*
24 *in connection with the conveyance under subsection (a) as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2858. LAND CONVEYANCE, INDIANA ARMY AMMUNI-**
4 **TION PLANT, CHARLESTOWN, INDIANA.**

5 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
6 *Army may convey, without consideration, to the State of*
7 *Indiana (in this section referred to as the “State”), all*
8 *right, title, and interest of the United States in and to a*
9 *parcel of real property, including any improvements there-*
10 *on, that consists of approximately 1125 acres at the inac-*
11 *tivated Indiana Army Ammunition Plant in Charlestown,*
12 *Indiana, and is the subject of a 25-year lease between the*
13 *Secretary and the State.*

14 (b) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
15 *thorized under subsection (a) shall be subject to the condi-*
16 *tion that the State use the conveyed property for rec-*
17 *reational purposes.*

18 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
19 *and legal description of the real property to be conveyed*
20 *under subsection (a) shall be determined by a survey satis-*
21 *factory to the Secretary. The cost of the survey shall be borne*
22 *by the State.*

23 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyance under subsection (a) as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2859. LAND CONVEYANCE, FORT ORD, CALIFORNIA.**

4 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
5 *Army may convey to the City of Seaside, California (in*
6 *this section referred to as the “City”), 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 477 acres located in Monterey County, Califor-*
10 *nia, and comprising a portion of the former Fort Ord Mili-*
11 *tary Complex. The real property to be conveyed to the City*
12 *includes the two Fort Ord Golf Courses, Black Horse and*
13 *Bayonet, and a portion of the Hayes Housing Facilities.*

14 (b) *CONSIDERATION.*—*As consideration for the convey-*
15 *ance of the real property and improvements under sub-*
16 *section (a), the City shall pay to the United States an*
17 *amount equal to the fair market value of the property to*
18 *be conveyed, as determined by the Secretary.*

19 (c) *USE AND DEPOSIT OF PROCEEDS.*—(1) *From the*
20 *funds paid by the City under subsection (b), the Secretary*
21 *shall deposit in the Morale, Welfare, and Recreation Fund*
22 *Account of the Department of the Army such amounts as*
23 *may be necessary to cover morale, welfare, and recreation*
24 *activities at Army installations in the general vicinity of*
25 *Fort Ord during fiscal years 1996 through 2000. The*

1 amount deposited by the Secretary into the Account shall
2 not exceed the fair market value, as established under sub-
3 section (b), of the two Fort Ord Golf Courses conveyed under
4 subsection (a). The Secretary shall notify Congress of the
5 amount to be deposited not later than 90 days after the
6 date of the conveyance.

7 (2) The Secretary shall deposit the balance of any
8 funds paid by the City under subsection (b), after deducting
9 the amount deposited under paragraph (1), in the Depart-
10 ment of Defense Base Closure Account 1990.

11 (d) DESCRIPTION OF PROPERTY.—The exact acreage
12 and legal description of the real property to be conveyed
13 under subsection (a) shall be determined by a survey mutu-
14 ally satisfactory to the Secretary and the City. The cost of
15 the survey shall be borne by the City.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
17 retary may require such additional terms and conditions
18 in connection with the conveyance under this section as the
19 Secretary considers appropriate to protect the interests of
20 the United States.

21 **SEC. 2860. LAND CONVEYANCE, PARKS RESERVE FORCES**
22 **TRAINING AREA, DUBLIN, CALIFORNIA.**

23 (a) CONVEYANCE AUTHORIZED.—(1) Except as pro-
24 vided in paragraph (2), the Secretary of the Army may
25 convey to the County of Alameda, California (in this section

1 referred to as the “County”), all right, title, and interest
2 of the United States in and to a parcel of real property,
3 including improvements thereon, consisting of approxi-
4 mately 31 acres located at Parks Reserve Forces Training
5 Area, Dublin, California.

6 (2) The conveyance authorized by this section shall not
7 include any oil, gas, or mineral interest of the United States
8 in the real property to be conveyed.

9 (b) CONSIDERATION.—(1) As consideration for the con-
10 veyance under subsection (a)(1), the County shall provide
11 the Army with the following services at the portion of Parks
12 Reserve Forces Training Area retained by the Army:

13 (A) Relocation of the main gate of the retained
14 Training Area from Dougherty Road to Dublin Bou-
15 levard across from the Bay Area Rapid Transit Dis-
16 trict East Dublin station, including the closure of the
17 existing main gate on Dougherty Road, construction
18 of a security facility, and construction of a roadway
19 from the new entrance to Fifth Street.

20 (B) Enclosing and landscaping of the southern
21 boundary of the retained Training Area installation
22 located northerly of Dublin Boulevard.

23 (C) Enclosing and landscaping of the eastern
24 boundary of the retained Training Area from Dublin
25 Boulevard to Gleason Drive.

1 (D) *Resurfacing of roadways within the retained*
2 *Training Area.*

3 (E) *Provision of such other services in connec-*
4 *tion with the retained Training Area, including relo-*
5 *cation or reconstruction of water lines, relocation or*
6 *reconstruction of sewer lines, construction of drainage*
7 *improvements, and construction of buildings, as the*
8 *Secretary and the County may determine to be appro-*
9 *priate.*

10 (F) *Provision for and funding of any environ-*
11 *mental mitigation that is necessary as a result of a*
12 *change in use of the conveyed property by the County.*

13 (2) *The detailed specifications for the services to be*
14 *provided under paragraph (1) may be determined and ap-*
15 *proved on behalf of the Secretary by the Commander of*
16 *Parks Reserve Forces Training Area. The preparation costs*
17 *of such specifications shall be borne by the County.*

18 (3) *The fair market value of improvements and serv-*
19 *ices received by the United States from the County under*
20 *paragraph (1) must be equal to or exceed the appraised fair*
21 *market value of the real property to be conveyed under sub-*
22 *section (a)(1). The appraisal of the fair market value of*
23 *the property shall be subject to the Secretary's review and*
24 *approval.*

1 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 2 *and legal description of the real property to be conveyed*
 3 *under subsection (a)(1) shall be determined by a survey sat-*
 4 *isfactory to the Secretary. The cost of the survey shall be*
 5 *borne by the County.*

6 (d) *TIME FOR TRANSFER OF TITLE.*—*The transfer of*
 7 *title to the County under subsection (a)(1) may be executed*
 8 *by the Secretary only upon the satisfactory guarantee by*
 9 *the County of completion of the services to be provided*
 10 *under subsection (b).*

11 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 12 *retary may require such additional terms and conditions*
 13 *in connection with the conveyance under subsection (a)(1)*
 14 *as the Secretary considers appropriate to protect the inter-*
 15 *ests of the United States.*

16 **SEC. 2861. LAND CONVEYANCE, ARMY RESERVE CENTER,**
 17 **YOUNGSTOWN, OHIO.**

18 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 19 *Army may convey, without consideration, to the City of*
 20 *Youngstown, Ohio (in this section referred to as the “City”),*
 21 *all right, title, and interest of the United States in and to*
 22 *a parcel of excess real property, including improvements*
 23 *thereon, that is located at 399 Miller Street in Youngstown,*
 24 *Ohio, and contains the Kefurt Army Reserve Center.*

1 (b) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
2 *thorized under subsection (a) shall be subject to the condi-*
3 *tion that the City retain the conveyed property for the use*
4 *and benefit of the Youngstown Fire Department.*

5 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
6 *and legal description of the real property to be conveyed*
7 *under subsection (a) shall be determined by a survey satis-*
8 *factory to the Secretary. The cost of the survey shall be borne*
9 *by the City.*

10 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
11 *retary may require such additional terms and conditions*
12 *in connection with the conveyance under subsection (a) as*
13 *the Secretary considers appropriate to protect the interests*
14 *of the United States.*

15 **SEC. 2862. LAND CONVEYANCE, ARMY RESERVE PROPERTY,**
16 **FORT SHERIDAN, ILLINOIS.**

17 (a) *CONVEYANCE AUTHORIZED.*—*Subject to subsection*
18 *(b), the Secretary of the Army may convey to any transferee*
19 *selected under subsection (g) all right, title, and interest of*
20 *the United States in and to a parcel of real property (in-*
21 *cluding improvements thereon) at Fort Sheridan, Illinois,*
22 *consisting of approximately 114 acres and comprising an*
23 *Army Reserve area.*

24 (b) *REQUIREMENT FOR FEDERAL SCREENING OF*
25 *PROPERTY.*—*The Secretary may not carry out the convey-*

1 *ance of property authorized by subsection (a) unless the Sec-*
2 *retary determines that no department or agency of the Fed-*
3 *eral Government will accept the transfer of the property.*

4 *(c) CONSIDERATION.—(1) As consideration for the con-*
5 *veyance under subsection (a), the transferee selected under*
6 *subsection (g) shall—*

7 *(A) convey to the United States a parcel of real*
8 *property that meets the requirements of subsection*
9 *(d);*

10 *(B) design for and construct on the property*
11 *conveyed under subparagraph (A) such facilities (in-*
12 *cluding support facilities and infrastructure) to re-*
13 *place the facilities conveyed pursuant to the authority*
14 *in subsection (a) as the Secretary considers appro-*
15 *priate; and*

16 *(C) pay the cost of relocating Army personnel in*
17 *the facilities located on the real property conveyed*
18 *pursuant to the authority in subsection (a) to the fa-*
19 *cilities constructed under subparagraph (B).*

20 *(2) The Secretary shall ensure that the fair market*
21 *value of the consideration provided by the transferee under*
22 *paragraph (1) is not less than the fair market value of the*
23 *real property conveyed by the Secretary under subsection*
24 *(a).*

1 (d) *REQUIREMENTS RELATING TO PROPERTY TO BE*
2 *CONVEYED TO UNITED STATES.*—*The real property con-*
3 *veyed to the United States under subsection (c)(1)(A) by*
4 *the transferee selected under subsection (g) shall—*

5 (1) *be located not more than 25 miles from Fort*
6 *Sheridan;*

7 (2) *be located in a neighborhood or area having*
8 *social and economic conditions similar to the social*
9 *and economic conditions of the area in which Fort*
10 *Sheridan is located; and*

11 (3) *be acceptable to the Secretary.*

12 (e) *INTERIM RELOCATION OF ARMY PERSONNEL.*—
13 *Pending completion of the construction of all the facilities*
14 *proposed to be constructed under subsection (c)(1)(B) by the*
15 *transferee selected under subsection (g), the Secretary may*
16 *relocate Army personnel in the facilities located on the*
17 *property to be conveyed pursuant to the authority in sub-*
18 *section (a) to the facilities that have been constructed by*
19 *the transferee under such subsection (c)(1)(B).*

20 (f) *DETERMINATION OF FAIR MARKET VALUE.*—*The*
21 *Secretary shall determine the fair market value of the real*
22 *property to be conveyed under subsection (a) and of the con-*
23 *sideration to be provided under subsection (c)(1). Such de-*
24 *termination shall be final.*

1 (g) *SELECTION OF TRANSFEREE.*—(1) *The Secretary*
2 *shall use competitive procedures for the selection of a trans-*
3 *ferree under subsection (a).*

4 (2) *In evaluating the offers of prospective transferees,*
5 *the Secretary shall—*

6 (A) *consider such criteria as the Secretary con-*
7 *siders to be appropriate to determine whether prospec-*
8 *tive transferees will be able to satisfy the consider-*
9 *ation requirements specified in subsection (c)(1); and*

10 (B) *consult with the communities and jurisdic-*
11 *tions in the vicinity of Fort Sheridan (including the*
12 *City of Lake Forest, the City of Highwood, and the*
13 *City of Highland Park and the County of Lake, Illi-*
14 *nois) in order to determine the most appropriate use*
15 *of the property to be conveyed.*

16 (h) *DESCRIPTIONS OF PROPERTY.*—*The exact acreage*
17 *and legal descriptions of the real property to be conveyed*
18 *by the Secretary under subsection (a) and the real property*
19 *to be conveyed under subsection (c)(1)(A) shall be deter-*
20 *mined by a survey satisfactory to the Secretary. The cost*
21 *of the survey shall be borne by the transferee selected under*
22 *subsection (g).*

23 (i) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyances under this section as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2863. LAND CONVEYANCE, PROPERTY UNDERLYING**
4 **CUMMINS APARTMENT COMPLEX, FORT**
5 **HOLABIRD, MARYLAND.**

6 (a) *CONVEYANCE AUTHORIZED.*—*Notwithstanding*
7 *any other provision of law, the Secretary of the Army may*
8 *convey to the existing owner of the improvements thereon*
9 *all right, title, and interest of the United States in and to*
10 *a parcel of real property underlying the Cummins Apart-*
11 *ment Complex at Fort Holabird, Maryland, that consists*
12 *of approximately 6 acres, and any interest the United*
13 *States may have in the improvements thereon.*

14 (b) *CONSIDERATION.*—*As consideration for the convey-*
15 *ance under subsection (a), the owner of the improvements*
16 *referred to in that subsection shall provide compensation*
17 *to the United States in an amount equal to the fair market*
18 *value (as determined by the Secretary) of the property in-*
19 *terest to be conveyed.*

20 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
21 *and legal description of the real property to be conveyed*
22 *under subsection (a) shall be determined by a survey that*
23 *is satisfactory to the Secretary.*

24 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
25 *retary may require such additional terms and conditions*

1 *in connection with the conveyance under subsection (a) as*
2 *the Secretary considers appropriate to protect the interests*
3 *of the United States.*

4 **SEC. 2864. MODIFICATION OF EXISTING LAND CONVEY-**
5 **ANCE, ARMY PROPERTY, HAMILTON AIR**
6 **FORCE BASE, CALIFORNIA.**

7 (a) *APPLICATION OF SECTION.*—*The authority pro-*
8 *vided in subsection (b) shall apply only in the event that*
9 *the purchaser purchases only a portion of the Sale Parcel*
10 *referred to in section 9099 of the Department of Defense*
11 *Appropriations Act, 1993 (Public Law 102–396; 106 Stat.*
12 *1924) and exercises the purchaser’s option to withdraw*
13 *from the sale as to the rest of the Sale Parcel.*

14 (b) *CONVEYANCE AUTHORITY IN EVENT OF PARTIAL*
15 *SALE.*—*The Secretary of the Army may convey to the City*
16 *of Novato, California (in this section referred to as the*
17 *“City”)*—

18 (1) *that portion of the Sale Parcel (other than*
19 *Landfill 26 and an appropriate buffer area around it*
20 *and the groundwater treatment facility site) that is*
21 *not purchased as provided in subsection (a); and*

22 (2) *any of the land referred to in subsection (e)*
23 *of such section 9099 that is not purchased by the pur-*
24 *chaser.*

1 (c) *CONSIDERATION AND CONDITIONS ON CONVEY-*
2 *ANCE.—The conveyance under subsection (b) shall be made*
3 *as a public benefit transfer to the City for the sum of One*
4 *Dollar, subject to the condition that the conveyed property*
5 *be used for school, classroom, or other educational purposes*
6 *or as a public park or recreation area.*

7 (d) *SUBSEQUENT CONVEYANCE BY THE CITY.—(1) If,*
8 *within 10 years after the conveyance under subsection (b),*
9 *the City conveys all or any part of the conveyed property*
10 *to a third party without the use restrictions specified in*
11 *subsection (c), the City shall pay to the Secretary of the*
12 *Army an amount equal to the proceeds received by the City*
13 *from the conveyance, minus the demonstrated reasonable*
14 *costs of making the conveyance and of any improvements*
15 *made by the City to the property following its acquisition*
16 *of the land (but only to the extent such improvements in-*
17 *crease the value of the property conveyed). The Secretary*
18 *of the Army shall deliver into the applicable closing escrow*
19 *an acknowledgement of receipt of the proceeds and a release*
20 *of the reverter right under subsection (e) as to the affected*
21 *land, effective upon such receipt.*

22 (2) *Until one year after the completion of the cleanup*
23 *of contaminated soil in the Landfill located on the Sale*
24 *Parcel and completion of the groundwater treatment facili-*
25 *ties, any conveyance by the City must be at a per-acre price*

1 *for the portion sold that is at least equal to the per-acre*
2 *contract price paid by the purchaser for the portion of the*
3 *Sale Parcel purchased under the Agreement and Modifica-*
4 *tion for the purchase of the Sale Parcel by the purchaser.*
5 *Thereafter, any conveyance by the City must be at a price*
6 *at least equal to the fair market value of the portion sold.*

7 (3) *This subsection shall not apply to a conveyance*
8 *by the City to another public or quasi-public agency for*
9 *public uses of the kind described in subsection (c).*

10 (e) *REVERSION.—If the Secretary of the Army deter-*
11 *mines that the City has failed to make a payment as re-*
12 *quired by subsection (d)(1) or that any portion of the con-*
13 *veyed property retained by the City or conveyed under sub-*
14 *section (d)(3) is not being utilized in accordance with sub-*
15 *section (c), title to the applicable portion of such property*
16 *shall revert to the United States at the election of the Ad-*
17 *ministrator of the General Services Administration.*

18 (f) *SPECIAL CONVEYANCE REGARDING BUILDING 138*
19 *PARCEL.—The Secretary of the Army may convey to the*
20 *purchaser of the Sale Parcel the Building 138 parcel, which*
21 *has been designated by the parties as Parcel A4. The per-*
22 *acre price for the portion conveyed under this subsection*
23 *shall be at least equal to the per-acre contract price paid*
24 *by the purchaser for the portion of the Sale Parcel pur-*

1 *chased under the Agreement and Modification, dated Sep-*
 2 *tember 25, 1990, as amended.*

3 **PART II—NAVY CONVEYANCES**

4 **SEC. 2865. TRANSFER OF JURISDICTION, NAVAL WEAPONS**
 5 **INDUSTRIAL RESERVE PLANT, CALVERTON,**
 6 **NEW YORK.**

7 (a) *TRANSFER AUTHORIZED.*—*Notwithstanding sec-*
 8 *tion 2854 of the Military Construction Authorization Act*
 9 *for Fiscal Year 1993 (division B of Public Law 102–484;*
 10 *106 Stat. 2626), as amended by section 2823 of the Military*
 11 *Construction Authorization Act for Fiscal Year 1995 (divi-*
 12 *sion B of Public Law 103–337; 108 Stat. 3058), the Sec-*
 13 *retary of the Navy may transfer, without reimbursement,*
 14 *to the administrative jurisdiction of the Secretary of Veter-*
 15 *ans Affairs a parcel of real property consisting of approxi-*
 16 *mately 150 acres located adjacent to the Calverton National*
 17 *Cemetery, Calverton, New York, and comprising a portion*
 18 *of the buffer zone of the Naval Weapons Industrial Reserve*
 19 *Plant, Calverton, New York.*

20 (b) *USE OF PROPERTY.*—*The Secretary of Veterans Af-*
 21 *fairs shall use the real property transferred under sub-*
 22 *section (a) as an addition to the Calverton National Ceme-*
 23 *tery and administer such real property pursuant to chapter*
 24 *24 of title 38, United States Code.*

1 (c) *SURVEY.*—*The cost of any survey necessary for the*
 2 *transfer of jurisdiction of the real property described in sub-*
 3 *section (a) from the Secretary of the Navy to the Secretary*
 4 *of Veterans Affairs shall be borne by the Secretary of Veter-*
 5 *ans Affairs.*

6 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 7 *retary of the Navy may require such additional terms and*
 8 *conditions in connection with the transfer under this section*
 9 *as the Secretary of the Navy considers appropriate to pro-*
 10 *tect the interests of the United States.*

11 **SEC. 2866. MODIFICATION OF LAND CONVEYANCE, NAVAL**
 12 **WEAPONS INDUSTRIAL RESERVE PLANT,**
 13 **CALVERTON, NEW YORK.**

14 (a) *REMOVAL OF REVERSIONARY INTEREST; ADDITION*
 15 *OF LEASE AUTHORITY.*—*Subsection (c) of section 2833 of*
 16 *the Military Construction Authorization Act for Fiscal Year*
 17 *1995 (division B of Public Law 103–337; 108 Stat. 3061)*
 18 *is amended to read as follows:*

19 “(c) *LEASE AUTHORITY.*—*Until such time as the real*
 20 *property described in subsection (a) is conveyed by deed,*
 21 *the Secretary may lease the property, along with improve-*
 22 *ments thereon, to the Community Development Agency in*
 23 *exchange for security services, fire protection services, and*
 24 *maintenance services provided by the Community Develop-*
 25 *ment Agency for the property.”*

1 (b) *CONFORMING AMENDMENT.*—*Subsection (e) of such*
 2 *section is amended by striking out “subsection (a)” and in-*
 3 *serting in lieu thereof “subsection (a) or a lease under sub-*
 4 *section (c)”.*

5 **SEC. 2867. LAND CONVEYANCE ALTERNATIVE TO EXISTING**
 6 **LEASE AUTHORITY, NAVAL SUPPLY CENTER,**
 7 **OAKLAND, CALIFORNIA.**

8 *Section 2834(b) of the Military Construction Author-*
 9 *ization Act for Fiscal Year 1993 (division B of Public Law*
 10 *102–484; 106 Stat. 2614), as amended by section 2833 of*
 11 *the Military Construction Authorization Act for Fiscal Year*
 12 *1994 (division B of Public Law 103–160; 107 Stat. 1896)*
 13 *and section 2821 of the Military Construction Authoriza-*
 14 *tion Act for Fiscal Year 1995 (division B of Public Law*
 15 *103–337; 108 Stat. 3057), is further amended by adding*
 16 *at the end the following new paragraphs:*

17 “(4) *In lieu of entering into a lease under paragraph*
 18 *(1), or in place of an existing lease under that paragraph,*
 19 *the Secretary may convey, without consideration, the prop-*
 20 *erty described in that paragraph to the City of Oakland,*
 21 *California, the Port of Oakland, California, the City of Ala-*
 22 *meda, California, or the City of Richmond, California,*
 23 *under such terms and conditions as the Secretary considers*
 24 *appropriate.*

1 “(5) *The exact acreage and legal description of any*
2 *property conveyed under paragraph (4) shall be determined*
3 *by a survey satisfactory to the Secretary. The cost of each*
4 *survey shall be borne by the recipient of the property.*”.

5 **SEC. 2868. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**
6 **TRIAL RESERVE PLANT, MCGREGOR, TEXAS.**

7 (a) *CONVEYANCE AUTHORIZED.—(1) The Secretary of*
8 *the Navy may convey, without consideration, to the City*
9 *of McGregor, Texas (in this section referred to as the*
10 *“City”), all right, title, and interest of the United States*
11 *in and to a parcel of real property, including any improve-*
12 *ments thereon, containing the Naval Weapons Industrial*
13 *Reserve Plant, McGregor, Texas.*

14 (2) *After screening the facilities, equipment, and fix-*
15 *tures (including special tooling and special test equipment)*
16 *located on the parcel for other uses by the Department of*
17 *the Navy, the Secretary may include in the conveyance*
18 *under paragraph (1) any facilities, equipment, and fixtures*
19 *on the parcel not to be so used if the Secretary determines*
20 *that manufacturing activities requiring the use of such fa-*
21 *cilities, equipment, and fixtures are likely to continue or*
22 *be reinstated on the parcel after conveyance under para-*
23 *graph (1).*

24 (b) *LEASE AUTHORITY.—Until such time as the real*
25 *property described in subsection (a)(1) is conveyed by deed,*

1 *the Secretary may lease the property, along with improve-*
 2 *ments thereon, to the City in exchange for security services,*
 3 *fire protection services, and maintenance services provided*
 4 *by the City for the property.*

5 *(c) CONDITION OF CONVEYANCE.—The conveyance au-*
 6 *thorized under subsection (a) shall be subject to the condi-*
 7 *tion that the City, directly or through an agreement with*
 8 *a public or private entity, use the conveyed property (or*
 9 *offer the conveyed property for use) for economic redevelop-*
 10 *ment to replace all or a part of the economic activity being*
 11 *lost at the parcel.*

12 *(d) DESCRIPTION OF PROPERTY.—The exact acreage*
 13 *and legal description of the real property to be conveyed*
 14 *under subsection (a)(1) shall be determined by a survey sat-*
 15 *isfactory to the Secretary. The cost of the survey shall be*
 16 *borne by the City.*

17 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 18 *retary may require such additional terms and conditions*
 19 *in connection with the conveyance under subsection (a) or*
 20 *a lease under subsection (b) as the Secretary considers ap-*
 21 *propriate to protect the interests of the United States.*

22 **SEC. 2869. LAND CONVEYANCE, NAVAL SURFACE WARFARE**
 23 **CENTER, MEMPHIS, TENNESSEE.**

24 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
 25 *Navy may convey to the Memphis and Shelby County Port*

1 *Commission, Memphis, Tennessee (in this section referred*
2 *to as the “Port”), all right, title, and interest of the United*
3 *States in and to a parcel of real property (including any*
4 *improvements thereon) consisting of approximately 26 acres*
5 *that is located at the Carderock Division, Naval Surface*
6 *Warfare Center, Memphis Detachment, Presidents Island,*
7 *Memphis, Tennessee.*

8 (b) *CONSIDERATION.*—*As consideration for the convey-*
9 *ance of real property under subsection (a), the Port shall—*

10 (1) *grant to the United States a restrictive ease-*
11 *ment in and to a parcel of real property consisting*
12 *of approximately 100 acres that is adjacent to the*
13 *Memphis Detachment, Presidents Island, Memphis,*
14 *Tennessee; and*

15 (2) *if the fair market value of the easement*
16 *granted under paragraph (1) is less than the fair*
17 *market value of the real property conveyed under sub-*
18 *section (a), provide the United States such additional*
19 *consideration as the Secretary and the Port jointly*
20 *determine appropriate so that the value of the consid-*
21 *eration received by the United States under this sub-*
22 *section is equal to or greater than the fair market*
23 *value of the real property conveyed under subsection*
24 *(a).*

1 (c) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
2 *thorized by subsection (a) shall be carried out in accordance*
3 *with the provisions of the Land Exchange Agreement be-*
4 *tween the United States and the Memphis and Shelby Coun-*
5 *ty Port Commission, Memphis, Tennessee.*

6 (d) *DETERMINATION OF FAIR MARKET VALUE.*—*The*
7 *Secretary shall determine the fair market value of the real*
8 *property to be conveyed under subsection (a) and of the*
9 *easement to be granted under subsection (b)(1). Such deter-*
10 *minations shall be final.*

11 (e) *USE OF PROCEEDS.*—*The Secretary shall deposit*
12 *any proceeds received under subsection (b)(2) as consider-*
13 *ation for the conveyance of real property authorized under*
14 *subsection (a) in the special account established pursuant*
15 *to section 204(h)(2) of the Federal Property and Adminis-*
16 *trative Services Act of 1949 (40 U.S.C. 485(h)(2)).*

17 (f) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
18 *and legal description of the real property to be conveyed*
19 *under subsection (a) and the easement to be granted under*
20 *subsection (b)(1) shall be determined by a survey satisfac-*
21 *tory to the Secretary. The cost of the survey shall be borne*
22 *by the Port.*

23 (g) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyance authorized by subsection*

1 *(a) and the easement granted under subsection (b)(1) as the*
 2 *Secretary considers appropriate to protect the interests of*
 3 *the United States.*

4 **SEC. 2870. LAND CONVEYANCE, NAVY PROPERTY, FORT**
 5 **SHERIDAN, ILLINOIS.**

6 *(a) CONVEYANCE AUTHORIZED.—Subject to subsection*
 7 *(b), the Secretary of the Navy may convey to any transferee*
 8 *selected under subsection (i) all right, title, and interest of*
 9 *the United States in and to a parcel of real property (in-*
 10 *cluding any improvements thereon) at Fort Sheridan, Illi-*
 11 *nois, consisting of approximately 182 acres and comprising*
 12 *the Navy housing areas at Fort Sheridan.*

13 *(b) REQUIREMENT FOR FEDERAL SCREENING OF*
 14 *PROPERTY.—The Secretary may not carry out the convey-*
 15 *ance of property authorized by subsection (a) unless the Sec-*
 16 *retary determines that no department or agency of the Fed-*
 17 *eral Government will accept the transfer of the property.*

18 *(c) CONSIDERATION.—(1) As consideration for the con-*
 19 *veyance under subsection (a), the transferee selected under*
 20 *subsection (i) shall—*

21 *(A) convey to the United States a parcel of real*
 22 *property that meets the requirements of subsection*
 23 *(d);*

24 *(B) design for and construct on the property*
 25 *conveyed under subparagraph (A) such housing facili-*

1 *ties (including support facilities and infrastructure)*
2 *to replace the housing facilities conveyed pursuant to*
3 *the authority in subsection (a) as the Secretary con-*
4 *siders appropriate;*

5 *(C) pay the cost of relocating members of the*
6 *Armed Forces residing in the housing facilities lo-*
7 *cated on the real property conveyed pursuant to the*
8 *authority in subsection (a) to the housing facilities*
9 *constructed under subparagraph (B);*

10 *(D) provide for the education of dependents of*
11 *such members under subsection (e); and*

12 *(E) carry out such activities for the operation,*
13 *maintenance, and improvement of the facilities con-*
14 *structed under subparagraph (B) as the Secretary*
15 *and the transferee jointly determine appropriate.*

16 *(2) The Secretary shall ensure that the fair market*
17 *value of the consideration provided by the transferee under*
18 *paragraph (1) is not less than the fair market value of the*
19 *property interest conveyed by the Secretary under sub-*
20 *section (a).*

21 *(d) REQUIREMENTS RELATING TO PROPERTY TO BE*
22 *CONVEYED TO UNITED STATES.—The property interest*
23 *conveyed to the United States under subsection (c)(1)(A)*
24 *by the transferee selected under subsection (i) shall—*

1 (1) *be located not more than 25 miles from the*
2 *Great Lakes Naval Training Center, Illinois;*

3 (2) *be located in a neighborhood or area having*
4 *social and economic conditions similar to the social*
5 *and economic conditions of the area in which Fort*
6 *Sheridan is located; and*

7 (3) *be acceptable to the Secretary.*

8 (e) *EDUCATION OF DEPENDENTS OF MEMBERS OF THE*
9 *ARMED FORCES.—In providing for the education of de-*
10 *pendents of members of the Armed Forces under subsection*
11 *(c)(1)(D), the transferee selected under subsection (i) shall*
12 *ensure that such dependents may enroll at the schools of*
13 *one or more school districts in the vicinity of the real prop-*
14 *erty conveyed to the United States under subsection*
15 *(c)(1)(A) which schools and districts—*

16 (1) *meet such standards for schools and schools*
17 *districts as the Secretary shall establish; and*

18 (2) *will continue to meet such standards after*
19 *the enrollment of such dependents regardless of the re-*
20 *ceipt by such school districts of Federal impact aid.*

21 (f) *INTERIM RELOCATION OF MEMBERS OF THE*
22 *ARMED FORCES.—Pending completion of the construction*
23 *of all the housing facilities proposed to be constructed under*
24 *subsection (c)(1)(B) by the transferee selected under sub-*
25 *section (i), the Secretary may relocate—*

1 (1) *members of the Armed Forces residing in*
2 *housing facilities located on the property to be con-*
3 *veyed pursuant to the authority in subsection (a) to*
4 *the housing facilities that have been constructed by*
5 *the transferee under such subsection (c)(1)(B); and*

6 (2) *other Government tenants located on such*
7 *property to other facilities.*

8 (g) *APPLICABILITY OF CERTAIN AGREEMENTS.—The*
9 *property conveyed by the Secretary pursuant to the author-*
10 *ity in subsection (a) shall be subject to the Memorandum*
11 *of Understanding concerning the Transfer of Certain Prop-*
12 *erties at Fort Sheridan, Illinois, dated August 8, 1991, be-*
13 *tween the Department of the Army and the Department of*
14 *the Navy.*

15 (h) *DETERMINATION OF FAIR MARKET VALUE.—The*
16 *Secretary shall determine the fair market value of the real*
17 *property interest to be conveyed under subsection (a) and*
18 *of the consideration to be provided under subsection (c)(1).*
19 *Such determination shall be final.*

20 (i) *SELECTION OF TRANSFEREE.—(1) The Secretary*
21 *shall use competitive procedures for the selection of a trans-*
22 *feree under subsection (a).*

23 (2) *In evaluating the offers of prospective transferees,*
24 *the Secretary shall—*

1 (A) consider such criteria as the Secretary con-
2 siders to be appropriate to determine whether prospec-
3 tive transferees will be able to satisfy the consider-
4 ation requirements specified in subsection (c)(1); and

5 (B) consult with the communities and jurisdic-
6 tions in the vicinity of Fort Sheridan (including the
7 City of Lake Forest, the City of Highwood, and the
8 City of Highland Park and the County of Lake, Illi-
9 nois) in order to determine the most appropriate use
10 of the property to be conveyed.

11 (j) *DESCRIPTIONS OF PROPERTY.*—The exact acreage
12 and legal descriptions of the real property to be conveyed
13 by the Secretary under subsection (a) and the real property
14 to be conveyed under subsection (c)(1)(A) shall be deter-
15 mined by a survey satisfactory to the Secretary. The cost
16 of the survey shall be borne by the transferee selected under
17 subsection (i).

18 (k) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
19 retary may require such additional terms and conditions
20 in connection with the conveyances under this section as
21 the Secretary considers appropriate to protect the interests
22 of the United States.

1 **SEC. 2871. LAND CONVEYANCE, NAVAL COMMUNICATIONS**

2 **STATION, STOCKTON, CALIFORNIA.**

3 (a) *CONVEYANCE AUTHORIZED.*—Subject to subsection
4 (b), the Secretary of the Navy may convey to the Port of
5 Stockton, California (in this section referred to as the
6 “Port”), all right, title, and interest of the United States
7 in and to a parcel of real property, including any improve-
8 ments thereon, consisting of approximately 1,450 acres at
9 the Naval Communication Station, Stockton, California.

10 (b) *REQUIREMENT FOR FEDERAL SCREENING OF*
11 *PROPERTY.*—The Secretary may not carry out the convey-
12 ance of property authorized by subsection (a) unless the Sec-
13 retary determines that no department or agency of the Fed-
14 eral Government will accept the transfer of the property.

15 (c) *INTERIM LEASE.*—Until such time as the real
16 property described in subsection (a) is conveyed by deed,
17 the Secretary may lease the property, along with improve-
18 ments thereon, to the Port under terms and conditions satis-
19 factory to the Secretary.

20 (d) *CONSIDERATION.*—The conveyance may be made
21 as a public benefit conveyance for port development as de-
22 fined in section 203 of the Federal Property and Adminis-
23 trative Services Act of 1949 (40 U.S.C. 484) if the Port
24 satisfies the criteria in such section and the regulations pre-
25 scribed to implement such section. If the Port fails to qual-
26 ify for a public benefit conveyance and still desires to ac-

1 *quire the property, the Port shall pay to the United States*
2 *an amount equal to the fair market value of the property*
3 *to be conveyed, as determined by the Secretary.*

4 *(e) FEDERAL LEASE OF CONVEYED PROPERTY.—As a*
5 *condition for transfer of this property under subparagraph*
6 *(a), the Secretary may require that the Port lease to the*
7 *Department of Defense or any other Federal agency all or*
8 *any part of the property being used by the Federal Govern-*
9 *ment at the time of conveyance. Any such lease shall be*
10 *made under the same terms and conditions as in force at*
11 *the time of the conveyance. Such terms and conditions will*
12 *continue to include payment to the Port for maintenance*
13 *of facilities leased to the Federal Government. Such mainte-*
14 *nance of the Federal premises shall be to the reasonable sat-*
15 *isfaction of the United States, or as required by all applica-*
16 *ble Federal, State, and local laws and ordinances.*

17 *(f) DESCRIPTION OF PROPERTY.—The exact acreage*
18 *and legal description of the property to be conveyed under*
19 *subsection (a) shall be determined by a survey satisfactory*
20 *to the Secretary. The cost of the survey shall be borne by*
21 *the Port.*

22 *(g) ADDITIONAL TERMS.—The Secretary may require*
23 *such additional terms and conditions in connection with*
24 *the conveyance under subsection (a) or the lease under sub-*

1 *section (c) as the Secretary considers appropriate to protect*
2 *the interests of the United States.*

3 **SEC. 2872. LEASE OF PROPERTY, NAVAL AIR STATION AND**
4 **MARINE CORPS AIR STATION, MIRAMAR, CALI-**
5 **FORNIA.**

6 (a) *LEASE AUTHORIZED.*—*Notwithstanding section*
7 *2692(a)(1) of title 10, United States Code, the Secretary*
8 *of the Navy may lease to the City of San Diego, California*
9 *(in this subsection referred to as the “City”), the parcel of*
10 *real property, including improvements thereon, described in*
11 *subsection (b) in order to permit the City to carry out ac-*
12 *tivities on the parcel relating to solid waste management,*
13 *including the operation and maintenance of one or more*
14 *solid waste landfills. Pursuant to the lease, the Secretary*
15 *may authorize the City to construct and operate on the par-*
16 *cel facilities related to solid waste management, including*
17 *a sludge processing facility.*

18 (b) *COVERED PROPERTY.*—*The parcel of property to*
19 *be leased under subsection (a) is a parcel of real property*
20 *consisting of approximately 1,400 acres that is located at*
21 *Naval Air Station, Miramar, California, or Marine Corps*
22 *Air Station, Miramar, Cali- fornia.*

23 (c) *LEASE TERM.*—*The lease authorized under sub-*
24 *section (a) shall be for an initial term of not more than*
25 *50 years. Under the lease, the Secretary may provide the*

1 *City with an option to extend the lease for such number*
2 *of additional periods of such length as the Secretary consid-*
3 *ers appropriate.*

4 (d) *FORM OF CONSIDERATION.*—*The Secretary may*
5 *provide in the lease under subsection (a) for the provision*
6 *by the City of in-kind consideration under the lease.*

7 (e) *USE OF MONEY RENTALS.*—*In such amounts as*
8 *are provided in advance in appropriation Acts, the Sec-*
9 *retary may use money rentals received by the Secretary*
10 *under the lease authorized under subsection (a) to carry out*
11 *the following programs at Department of the Navy installa-*
12 *tions that utilize the solid waste landfill or landfills located*
13 *on the leased property:*

14 (1) *Environmental programs, including natural*
15 *resource management programs, recycling programs,*
16 *and pollution prevention programs.*

17 (2) *Programs to improve the quality of military*
18 *life, including programs to improve military unac-*
19 *companied housing and military family housing.*

20 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the lease under subsection (a) as the Sec-*
23 *retary considers appropriate to protect the interests of the*
24 *United States.*

1 (g) *DEFINITIONS.*—*In this section, the terms “sludge”,*
 2 *“solid waste”, and “solid waste management” have the*
 3 *meanings given such terms in paragraphs (26A), (27), and*
 4 *(28), respectively, of section 1004 of the Solid Waste Dis-*
 5 *posal Act (42 U.S.C. 6903).*

6 **PART III—AIR FORCE CONVEYANCES**

7 **SEC. 2874. LAND ACQUISITION OR EXCHANGE, SHAW AIR**
 8 **FORCE BASE, SOUTH CAROLINA.**

9 (a) *LAND ACQUISITION.*—*By means of an exchange of*
 10 *property, acceptance as a gift, or other means that do not*
 11 *require the use of appropriated funds, the Secretary of the*
 12 *Air Force may acquire all right, title, and interest in and*
 13 *to a parcel of real property (together with any improve-*
 14 *ments thereon) consisting of approximately 1,100 acres and*
 15 *located adjacent to the eastern end of Shaw Air Force Base,*
 16 *South Carolina, and extending to Stamey Livestock Road*
 17 *in Sumter County, South Carolina.*

18 (b) *LAND EXCHANGE AUTHORIZED.*—*For purposes of*
 19 *acquiring the real property described in subsection (a), the*
 20 *Secretary may participate in a land exchange and convey*
 21 *all right, title, and interest of the United States in and to*
 22 *a parcel of real property in the possession of the Air Force*
 23 *if—*

24 (1) *the Secretary determines that the land ex-*
 25 *change is in the best interests of the Air Force; and*

1 (2) *the fair market value of the parcel to be con-*
2 *veyed by the Secretary does not exceed the fair market*
3 *value of the parcel to be acquired by the Secretary.*

4 (c) *DETERMINATIONS OF FAIR MARKET VALUE.—The*
5 *Secretary shall determine the fair market value of the par-*
6 *cels of real property to be exchanged, accepted, or otherwise*
7 *acquired pursuant to subsection (a) and exchanged pursu-*
8 *ant to subsection (b). Such determinations shall be final.*

9 (d) *REVERSION OF GIFT CONVEYANCE.—If the Sec-*
10 *retary acquires the real property described in subsection (a)*
11 *by way of gift, the Secretary may accept in the deed of con-*
12 *veyance terms or conditions that require that the land be*
13 *reconveyed to the donor, or the heirs of the donor, if Shaw*
14 *Air Force Base ceases operations and is closed.*

15 (e) *DESCRIPTIONS OF PROPERTY.—The exact acreage*
16 *and legal descriptions of the parcels of real property to be*
17 *to be exchanged, accepted, or otherwise acquired pursuant*
18 *to subsection (a) and exchanged pursuant to subsection (b)*
19 *shall be determined by a survey satisfactory to the Sec-*
20 *retary.*

21 (f) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
22 *retary may require such additional terms and conditions*
23 *in connection with the acquisition under subsection (a) or*
24 *conveyance under subsection (b) as the Secretary considers*
25 *appropriate to protect the interests of the United States.*

1 **SEC. 2875. LAND CONVEYANCE, ELMENDORF AIR FORCE**
2 **BASE, ALASKA.**

3 (a) *CONVEYANCE TO PRIVATE PERSON AUTHOR-*
4 *IZED.—The Secretary of the Air Force may convey to such*
5 *private person as the Secretary considers appropriate, all*
6 *right, title, and interest of the United States in and to a*
7 *parcel of real property consisting of approximately 31.69*
8 *acres that is located at Elmendorf Air Force Base, Alaska,*
9 *and identified in land lease W-95-507-ENG-58.*

10 (b) *CONSIDERATION.—As consideration for the convey-*
11 *ance under subsection (a), the purchaser shall pay to the*
12 *United States an amount equal to the fair market value*
13 *of the real property to be conveyed, as determined by the*
14 *Secretary. In determining the fair market value of the real*
15 *property, the Secretary shall consider the property as en-*
16 *cumbered by land lease W-95-507-ENG-58, with an expi-*
17 *ration date of June 13, 2024.*

18 (c) *CONDITION OF CONVEYANCE.—The conveyance au-*
19 *thorized by subsection (a) shall be subject to the condition*
20 *that the purchaser of the property—*

21 (1) *permit the lease of the apartment complex lo-*
22 *cated on the property by members of the Armed*
23 *Forces stationed at Elmendorf Air Force Base and*
24 *their dependents; and*

25 (2) *maintain the apartment complex in a condi-*
26 *tion suitable for such leases.*

1 (d) *DEPOSIT OF PROCEEDS.*—*The Secretary shall de-*
2 *posit the amount received from the purchaser under sub-*
3 *section (b) in the special account established under section*
4 *204(h)(2) of the Federal Property and Administrative Serv-*
5 *ices Act of 1949 (40 U.S.C. 485(h)(2)).*

6 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
7 *and legal description of the real property to be conveyed*
8 *under subsection (a) shall be determined by a survey satis-*
9 *factory to the Secretary. The cost of the survey shall be borne*
10 *by the purchaser of the real property.*

11 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
12 *retary may require such additional terms and conditions*
13 *in connection with the conveyance under this section as the*
14 *Secretary considers appropriate to protect the interests of*
15 *the United States.*

16 **SEC. 2876. LAND CONVEYANCE, RADAR BOMB SCORING**
17 **SITE, FORSYTH, MONTANA.**

18 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
19 *Air Force may convey, without consideration, to the City*
20 *of Forsyth, Montana (in this section referred to as the*
21 *“City”), all right, title, and interest of the United States*
22 *in and to the parcel of property (including any improve-*
23 *ments thereon) consisting of approximately 58 acres located*
24 *in Forsyth, Montana, which has served as a support com-*

1 *plex and recreational facilities for the Radar Bomb Scoring*
2 *Site, Forsyth, Montana.*

3 (b) *CONDITION OF CONVEYANCE.*—*The conveyance*
4 *under subsection (a) shall be subject to the condition that*
5 *the City—*

6 (1) *utilize the property and recreational facili-*
7 *ties conveyed under that subsection for housing and*
8 *recreation purposes; or*

9 (2) *enter into an agreement with an appropriate*
10 *public or private entity to lease such property and fa-*
11 *cilities to that entity for such purposes.*

12 (c) *REVERSION.*—*If the Secretary determines at any*
13 *time that the property conveyed under subsection (a) is not*
14 *being utilized in accordance with paragraph (1) or para-*
15 *graph (2) of subsection (b), all right, title, and interest in*
16 *and to the conveyed property, including any improvements*
17 *thereon, shall revert to the United States and the United*
18 *States shall have the right of immediate entry onto the*
19 *property.*

20 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
21 *and legal description of the property conveyed under this*
22 *section shall be determined by a survey satisfactory to the*
23 *Secretary. The cost of the survey shall be borne by the City.*

24 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
25 *retary may require such additional terms and conditions*

1 *in connection with the conveyance under this section as the*
2 *Secretary determines appropriate to protect the interests of*
3 *the United States.*

4 **SEC. 2877. LAND CONVEYANCE, RADAR BOMB SCORING**
5 **SITE, POWELL, WYOMING.**

6 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
7 *Air Force may convey, without consideration, to the North-*
8 *west College Board of Trustees (in this section referred to*
9 *as the “Board”), all right, title, and interest of the United*
10 *States in and to a parcel of real property (including any*
11 *improvements thereon) consisting of approximately 24 acres*
12 *located in Powell, Wyoming, which has served as the loca-*
13 *tion of a support complex, recreational facilities, and hous-*
14 *ing facilities for the Radar Bomb Scoring Site, Powell, Wy-*
15 *oming.*

16 (b) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
17 *thorized under subsection (a) shall be subject to the condi-*
18 *tion that the Board use the property conveyed under that*
19 *subsection for housing and recreation purposes and for such*
20 *other purposes as the Secretary and the Board jointly deter-*
21 *mine appropriate.*

22 (c) *REVERSIONARY INTEREST.*—*During the five-year*
23 *period beginning on the date that the Secretary makes the*
24 *conveyance authorized under subsection (a), if the Secretary*
25 *determines that the conveyed property is not being used in*

1 *accordance with subsection (b), all right, title, and interest*
 2 *in and to the conveyed property, including any improve-*
 3 *ments thereon, shall revert to the United States and the*
 4 *United States shall have the right of immediate entry onto*
 5 *the property.*

6 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 7 *and legal description of the property conveyed under this*
 8 *section shall be determined by a survey satisfactory to the*
 9 *Secretary. The cost of the survey shall be borne by the*
 10 *Board.*

11 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 12 *retary may require such additional terms and conditions*
 13 *in connection with the conveyance under this section as the*
 14 *Secretary considers appropriate to protect the interests of*
 15 *the United States.*

16 **SEC. 2878. LAND CONVEYANCE, AVON PARK AIR FORCE**
 17 **RANGE, FLORIDA.**

18 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 19 *Air Force may convey, without consideration, to Highlands*
 20 *County, Florida (in this section referred to as the “Coun-*
 21 *ty”), all right, title, and interest of the United States in*
 22 *and to a parcel of real property, together with any improve-*
 23 *ments thereon, located within the boundaries of the Avon*
 24 *Park Air Force Range near Sebring, Florida, which has*

1 *previously served as the location of a support complex and*
2 *recreational facilities for the Avon Park Air Force Range.*

3 **(b) CONDITION OF CONVEYANCE.**—*The conveyance au-*
4 *thorized under subsection (a) shall be subject to the condi-*
5 *tion that the County, directly or through an agreement with*
6 *an appropriate public or private entity, use the conveyed*
7 *property, including the support complex and recreational*
8 *facilities, for operation of a juvenile or other correctional*
9 *facility.*

10 **(c) REVERSIONARY INTEREST.**—*If the Secretary deter-*
11 *mines at any time that the property conveyed under sub-*
12 *section (a) is not being used in accordance with subsection*
13 *(b), all right, title, and interest in the property, including*
14 *any improvements thereon, shall revert to the United States,*
15 *and the United States shall have the right of immediate*
16 *entry onto the property.*

17 **(d) DESCRIPTION OF PROPERTY.**—*The exact acreage*
18 *and legal description of the real property to be conveyed*
19 *under subsection (a) shall be determined by a survey satis-*
20 *factory to the Secretary. The cost of the survey shall be borne*
21 *by the County.*

22 **(e) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*
23 *retary may require such additional terms and conditions*
24 *in connection with the conveyance under this section as the*

1 *Secretary considers appropriate to protect the interests of*
2 *the United States.*

3 ***Subtitle E—Land Conveyances***
4 ***Involving Utilities***

5 ***SEC. 2881. CONVEYANCE OF RESOURCE RECOVERY FACIL-***
6 ***ITY, FORT DIX, NEW JERSEY.***

7 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
8 *Army may convey to Burlington County, New Jersey (in*
9 *this section referred to as the “County”), all right, title, and*
10 *interest of the United States in and to a parcel of real prop-*
11 *erty at Fort Dix, New Jersey, consisting of approximately*
12 *six acres and containing a resource recovery facility, known*
13 *as the Fort Dix resource recovery facility.*

14 (b) *RELATED EASEMENTS.*—*The Secretary may grant*
15 *to the County any easement that is necessary for access to*
16 *and operation of the resource recovery facility conveyed*
17 *under subsection (a).*

18 (c) *REQUIREMENT RELATING TO CONVEYANCE.*—*The*
19 *Secretary may not carry out the conveyance of the resource*
20 *recovery facility authorized by subsection (a) unless the*
21 *County agrees to accept the facility in its existing condition*
22 *at the time of the conveyance.*

23 (d) *CONDITIONS ON CONVEYANCE.*—*The conveyance of*
24 *the resource recovery facility authorized by subsection (a)*
25 *is subject to the following conditions:*

1 (1) *That the County provide refuse and steam*
2 *service to Fort Dix, New Jersey, at the rate estab-*
3 *lished by the appropriate Federal or State regulatory*
4 *authority.*

5 (2) *That the County comply with all applicable*
6 *environmental laws and regulations (including any*
7 *permit or license requirements) relating to the re-*
8 *source recovery facility.*

9 (3) *That the County assume full responsibility*
10 *for ownership, operation, maintenance, repair, and*
11 *all regulatory compliance requirements for the re-*
12 *source recovery facility.*

13 (4) *That the County not commence any expan-*
14 *sion of the resource recovery facility without approval*
15 *of such expansion by the Secretary.*

16 (e) *DESCRIPTION OF THE PROPERTY.*—*The exact acre-*
17 *age and legal description of the real property to be conveyed*
18 *under subsection (a), and of any easements to be granted*
19 *under subsection (b), shall be determined by a survey satis-*
20 *factory to the Secretary. The cost of such survey shall be*
21 *borne by the County.*

22 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
23 *retary may require such additional terms and conditions*
24 *in connection with the conveyance under subsection (a) and*
25 *the grant of any easement under subsection (b) as the Sec-*

1 *retary considers appropriate to protect the interests of the*
2 *United States.*

3 **SEC. 2882. CONVEYANCE OF WATER AND WASTEWATER**
4 **TREATMENT PLANTS, FORT GORDON, GEOR-**
5 **GIA.**

6 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
7 *Army may convey to the city of Augusta, Georgia (in this*
8 *section referred to as the “City”), all right, title, and inter-*
9 *est of the United States to several parcels of real property*
10 *located at Fort Gordon, Georgia, and consisting of approxi-*
11 *mately seven acres each. The parcels are improved with a*
12 *water filtration plant, water distribution system with stor-*
13 *age tanks, sewage treatment plant, and sewage collection*
14 *system.*

15 (b) *RELATED EASEMENTS.*—*The Secretary may grant*
16 *to the City any easement that is necessary for access to the*
17 *real property conveyed under subsection (a) and operation*
18 *of the water and wastewater treatment plants and distribu-*
19 *tion and collection systems conveyed under subsection (a).*

20 (c) *REQUIREMENT RELATING TO CONVEYANCE.*—*The*
21 *Secretary may not carry out the conveyance of the water*
22 *and wastewater treatment plants and distribution and col-*
23 *lection systems authorized by subsection (a) unless the City*
24 *agrees to accept the water and wastewater treatment plants*

1 *and distribution and collection systems in their existing*
2 *condition at the time of the conveyance.*

3 (d) *CONDITIONS ON CONVEYANCE.*—*The conveyance*
4 *authorized by subsection (a) is subject to the following con-*
5 *ditions:*

6 (1) *That the City provide water and sewer serv-*
7 *ice to Fort Gordon, Georgia, at a rate established by*
8 *the appropriate Federal or State regulatory author-*
9 *ity.*

10 (2) *That the City comply with all applicable en-*
11 *vironmental laws and regulations (including any per-*
12 *mit or license requirements) regarding the real prop-*
13 *erty conveyed under subsec- tion (a).*

14 (3) *That the City assume full responsibility for*
15 *ownership, operation, maintenance, repair, and all*
16 *regulatory compliance requirements for the water and*
17 *wastewater treatment plants and distribution and*
18 *collection systems.*

19 (4) *That the City not commence any expansion*
20 *of the water and wastewater treatment plants and*
21 *distribution and collection systems without approval*
22 *of such expansion by the Secretary.*

23 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
24 *and legal description of the real property to be conveyed*
25 *under subsection (a), and of any easements granted under*

1 subsection (b), shall be determined by a survey satisfactory
2 to the Secretary. The cost of such survey shall be borne by
3 the City.

4 (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
5 retary may require such additional terms and conditions
6 in connection with the conveyance under subsection (a) and
7 the grant of any easement under subsection (b) as the Sec-
8 retary considers appropriate to protect the interests of the
9 United States.

10 **SEC. 2883. CONVEYANCE OF ELECTRICITY DISTRIBUTION**
11 **SYSTEM, FORT IRWIN, CALIFORNIA.**

12 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
13 Army may convey to the Southern California Edison Com-
14 pany, California (in this section referred to as the “Com-
15 pany”), all right, title, and interest of the United States
16 in and to the electricity distribution system located at Fort
17 Irwin, California.

18 (b) *DESCRIPTION OF SYSTEM AND CONVEYANCE.*—The
19 electricity distribution system authorized to be conveyed
20 under subsection (a) consists of approximately 115 miles
21 of electricity distribution lines (including poles, switches,
22 reclosers, transformers, regulators, switchgears, and service
23 lines) and includes the equipment, fixtures, structures, and
24 other improvements the Federal Government utilizes to pro-

1 *vide electricity services at Fort Irwin. The system does not*
2 *include any real property.*

3 (c) *RELATED EASEMENTS.—The Secretary may grant*
4 *to the Company any easement that is necessary for access*
5 *to and operation of the electricity distribution system con-*
6 *veyed under subsection (a).*

7 (d) *REQUIREMENT RELATING TO CONVEYANCE.—The*
8 *Secretary may not carry out the electricity distribution sys-*
9 *tem authorized by subsection (a) unless the Company agrees*
10 *to accept the electricity distribution system in its existing*
11 *condition at the time of the conveyance.*

12 (e) *CONDITIONS ON CONVEYANCE.—The conveyance*
13 *authorized by subsection (a) is subject to the following con-*
14 *ditions:*

15 (1) *That the Company provide electricity service*
16 *to Fort Irwin, California, at a rate established by the*
17 *appropriate Federal or State regulatory authority.*

18 (2) *That the Company comply with all applica-*
19 *ble environmental laws and regulations (including*
20 *any permit or license requirements) regarding the*
21 *electricity distribution system.*

22 (3) *That the Company assume full responsibility*
23 *for ownership, operation, maintenance, repair, and*
24 *all regulatory compliance requirements for the elec-*
25 *tricity distribution system.*

1 *provements thereon, the site of the Fort Pickett water*
2 *treatment plant.*

3 *(B) Any equipment, fixtures, structures, or other*
4 *improvements (including any water transmission*
5 *lines, water distribution and service lines, fire hy-*
6 *dants, water pumping stations, and other improve-*
7 *ments) not located on the parcel described in subpara-*
8 *graph (A) that are jointly identified by the Secretary*
9 *and the Town as owned and utilized by the Federal*
10 *Government in order to provide water to and distrib-*
11 *ute water at Fort Pickett.*

12 *(b) RELATED EASEMENTS.—The Secretary may grant*
13 *to the Town the following easements relating to the convey-*
14 *ance of the property authorized by subsection (a):*

15 *(1) Such easements, if any, as the Secretary and*
16 *the Town jointly determine are necessary in order to*
17 *provide access to the water distribution system re-*
18 *ferred to in paragraph (2) of such subsection for*
19 *maintenance, safety, and other purposes.*

20 *(2) Such easements, if any, as the Secretary and*
21 *the Town jointly determine are necessary in order to*
22 *provide access to the finished water lines from the sys-*
23 *tem to the Town.*

24 *(3) Such rights of way appurtenant, if any, as*
25 *the Secretary and the Town jointly determine are nec-*

1 *essary in order to satisfy requirements imposed by*
2 *any Federal, State, or municipal agency relating to*
3 *the maintenance of a buffer zone around the water*
4 *distribution system.*

5 *(c) WATER RIGHTS.—The Secretary shall grant to the*
6 *Town as part of the conveyance under subsection (a) all*
7 *right, title, and interest of the United States in and to any*
8 *water of the Nottoway River, Virginia, that is connected*
9 *with the reservoir referred to in paragraph (2)(A) of such*
10 *subsection. The grant of such water rights shall not impair*
11 *the right that any other local jurisdiction may have to*
12 *withdraw water from the Nottoway River, on or after the*
13 *date of the enactment of this Act, pursuant to the law of*
14 *the Commonwealth of Virginia.*

15 *(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1)*
16 *The Secretary may not carry out the conveyance of the*
17 *water distribution system authorized under subsection (a)*
18 *unless the Town agrees to accept the system in its existing*
19 *condition at the time of the conveyance.*

20 *(2) The Secretary shall complete any environmental*
21 *removal or remediation required under the Comprehensive*
22 *Environmental Response, Compensation, and Liability Act*
23 *of 1980 (42 U.S.C. 9601 et seq.) with respect to the system*
24 *to be conveyed under this section before carrying out the*
25 *conveyance.*

1 (e) *CONDITIONS ON CONVEYANCE.*—*The conveyance*
2 *authorized in subsection (a) shall be subject to the following*
3 *conditions:*

4 (1) *That the Town reserve for provision to Fort*
5 *Pickett, and provide to Fort Pickett on demand, not*
6 *less than 1,500,000 million gallons per day of treated*
7 *water from the water distribution system.*

8 (2) *That the Town provide water to and distrib-*
9 *ute water at Fort Pickett at a rate established by the*
10 *appropriate Federal or State regulatory authority.*

11 (3) *That the Town maintain and operate the*
12 *water distribution system in compliance with all ap-*
13 *plicable Federal and State environmental laws and*
14 *regulations (including any permit and license re-*
15 *quirements).*

16 (f) *DESCRIPTION OF PROPERTY.*—*The exact legal de-*
17 *scription of the property to be conveyed under subsection*
18 *(a), of any easements granted under subsection (b), and of*
19 *any water rights granted under subsection (c) shall be deter-*
20 *mined by a survey and other means satisfactory to the Sec-*
21 *retary. The cost of any survey or other services performed*
22 *at the direction of the Secretary under the authority in the*
23 *preceding sentence shall be borne by the Town.*

24 (g) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
25 *retary may require such additional terms and conditions*

1 *in connection with the conveyance authorized under sub-*
 2 *section (a), the easements granted under subsection (b), and*
 3 *the water rights granted under subsection (c) that the Sec-*
 4 *retary considers appropriate to protect the interests of the*
 5 *United States.*

6 ***Subtitle F—Other Matters***

7 ***SEC. 2891. AUTHORITY TO USE FUNDS FOR CERTAIN EDU-***
 8 ***CATIONAL PURPOSES.***

9 *Section 2008 of title 10, United States Code, is amend-*
 10 *ed by striking out “section 10” and all that follows through*
 11 *the period at the end and inserting in lieu thereof “con-*
 12 *struction, as defined in section 8013(3) of the Elementary*
 13 *and Secondary Education Act of 1965 (20 U.S.C. 7713(3)),*
 14 *or to carry out section 8008 of such Act (20 U.S.C. 7708),*
 15 *relating to the provision of assistance to certain school fa-*
 16 *cilities under the impact aid program.”.*

17 ***SEC. 2892. DEPARTMENT OF DEFENSE LABORATORY REVI-***
 18 ***TALIZATION DEMONSTRATION PROGRAM.***

19 *(a) PROGRAM AUTHORIZED.—The Secretary of De-*
 20 *fense may carry out a program (to be known as the “De-*
 21 *partment of Defense Laboratory Revitalization Demonstra-*
 22 *tion Program”)* for the revitalization of Department of De-
 23 *fense laboratories. Under the program, the Secretary may*
 24 *carry out minor military construction projects in accord-*
 25 *ance with subsection (b) and other applicable law to im-*

1 *prove Department of Defense laboratories covered by the*
2 *program.*

3 **(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO**
4 **MINOR CONSTRUCTION PROJECTS.**—*For purpose of any*
5 *military construction project carried out under the pro-*
6 *gram—*

7 (1) *the amount provided in the second sentence*
8 *of subsection (a)(1) of section 2805 of title 10, United*
9 *States Code, shall be deemed to be \$3,000,000;*

10 (2) *the amount provided in subsection (b)(1) of*
11 *such section shall be deemed to be \$1,500,000; and*

12 (3) *the amount provided in subsection (c)(1)(B)*
13 *of such section shall be deemed to be \$1,000,000.*

14 **(c) PROGRAM REQUIREMENTS.**—(1) *Not later than 30*
15 *days before commencing the program, the Secretary shall—*

16 (A) *designate the Department of Defense labora-*
17 *tories at which construction may be carried out under*
18 *the program; and*

19 (B) *establish procedures for the review and ap-*
20 *proval of requests from such laboratories to carry out*
21 *such construction.*

22 (2) *The laboratories designated under paragraph*
23 *(1)(A) may not include Department of Defense laboratories*
24 *that are contractor owned.*

1 (3) *The Secretary shall notify Congress of the labora-*
2 *ories designated under paragraph (1)(A).*

3 (d) *REPORT.*—*Not later than February 1, 1998, the*
4 *Secretary shall submit to Congress a report on the program.*
5 *The report shall include the Secretary’s conclusions and rec-*
6 *ommendations regarding the desirability of extending the*
7 *authority set forth in subsection (b) to cover all Department*
8 *of Defense laboratories.*

9 (e) *EXCLUSIVITY OF PROGRAM.*—*Nothing in this sec-*
10 *tion may be construed to limit any other authority provided*
11 *by law for any military construction project at a Depart-*
12 *ment of Defense laboratory covered by the program.*

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

14 (1) *The term “laboratory” includes—*

15 (A) *a research, engineering, and develop-*
16 *ment center;*

17 (B) *a test and evaluation activity owned,*
18 *funded, and operated by the Federal Government*
19 *through the Department of Defense; and*

20 (C) *a supporting facility of a laboratory.*

21 (2) *The term “supporting facility”, with respect*
22 *to a laboratory, means any building or structure that*
23 *is used in support of research, development, test, and*
24 *evaluation at the laboratory.*

1 (g) *EXPIRATION OF AUTHORITY.*—*The Secretary may*
2 *not commence a construction project under the program*
3 *after September 30, 1998.*

4 ***SEC. 2893. AUTHORITY FOR PORT AUTHORITY OF STATE***
5 ***OF MISSISSIPPI TO USE NAVY PROPERTY AT***
6 ***NAVAL CONSTRUCTION BATTALION CENTER,***
7 ***GULFPORT, MISSISSIPPI.***

8 (a) *JOINT USE AGREEMENT AUTHORIZED.*—*The Sec-*
9 *retary of the Navy may enter into an agreement with the*
10 *Port Authority of the State of Mississippi (in this section*
11 *referred to as the “Port Authority”), under which the Port*
12 *Authority may use real property comprising up to 50 acres*
13 *located at the Naval Construction Battalion Center, Gulf-*
14 *port, Mississippi (in this section referred to as the “Cen-*
15 *ter”).*

16 (b) *TERM OF AGREEMENT.*—*The agreement authorized*
17 *under subsection (a) may be for an initial period of not*
18 *more than 15 years. Under the agreement, the Secretary*
19 *shall provide the Port Authority with an option to extend*
20 *the agreement for at least three additional periods of five*
21 *years each.*

22 (c) *CONDITIONS ON USE.*—*The agreement authorized*
23 *under subsection (a) shall require the Port Authority—*

1 (1) *to suspend operations under the agreement in*
2 *the event Navy contingency operations are conducted*
3 *at the Center; and*

4 (2) *to use the property covered by the agreement*
5 *in a manner consistent with Navy operations con-*
6 *ducted at the Center.*

7 (d) *CONSIDERATION.—(1) As consideration for the use*
8 *of the property covered by the agreement under subsection*
9 *(a), the Port Authority shall pay to the Navy an amount*
10 *equal to the fair market rental value of the property, as*
11 *determined by the Secretary taking into consideration the*
12 *Port Authority’s use of the property.*

13 (2) *The Secretary may include a provision in the*
14 *agreement requiring the Port Authority—*

15 (A) *to pay the Navy an amount (as determined*
16 *by the Secretary) to cover the costs of replacing at the*
17 *Center any facilities vacated by the Navy on account*
18 *of the agreement or to construct suitable replacement*
19 *facilities for the Navy; and*

20 (B) *to pay the Navy an amount (as determined*
21 *by the Secretary) for the costs of relocating Navy op-*
22 *erations from the vacated facilities to the replacement*
23 *facilities.*

24 (e) *CONGRESSIONAL NOTIFICATION.—The Secretary*
25 *may not enter into the agreement authorized by subsection*

1 (a) until the end of the 21-day period beginning on the date
2 on which the Secretary submits to Congress a report con-
3 taining an explanation of the terms of the proposed agree-
4 ment and a description of the consideration that the Sec-
5 retary expects to receive under the agreement.

6 (f) *USE OF PAYMENT.*—(1) In such amounts as are
7 provided in advance in appropriation Acts, the Secretary
8 may use amounts paid under subsection (d)(1) to pay for
9 general supervision, administration, and overhead expenses
10 and for improvement, maintenance, repair, construction, or
11 restoration of the roads, railways, and facilities serving the
12 Center.

13 (2) In such amounts as are provided in advance in
14 appropriation Acts, the Secretary may use amounts paid
15 under subsection (d)(2) to pay for constructing new facili-
16 ties, or making modifications to existing facilities, that are
17 necessary to replace facilities vacated by the Navy on ac-
18 count of the agreement under subsection (a) and for relocat-
19 ing operations of the Navy from the vacated facilities to
20 replacement facilities.

21 (g) *CONSTRUCTION BY PORT AUTHORITY.*—The Sec-
22 retary may authorize the Port Authority to demolish exist-
23 ing facilities located on the property covered by the agree-
24 ment under subsection (a) and, consistent with the restric-
25 tion specified in subsection (c)(2), construct new facilities

1 *on the property for joint use by the Port Authority and*
2 *the Navy.*

3 *(h) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
4 *retary may require such additional terms and conditions*
5 *in connection with the agreement authorized under sub-*
6 *section (a) as the Secretary considers appropriate to protect*
7 *the interests of the United States.*

8 **SEC. 2894. PROHIBITION ON JOINT USE OF NAVAL AIR STA-**
9 **TION AND MARINE CORPS AIR STATION,**
10 **MIRAMAR, CALIFORNIA.**

11 *The Secretary of the Navy may not enter into any*
12 *agreement that provides for or permits civil aircraft to reg-*
13 *ularly use Naval Air Station or Marine Corps Air Station,*
14 *Miramar, California.*

15 **SEC. 2895. REPORT REGARDING ARMY WATER CRAFT SUP-**
16 **PORT FACILITIES AND ACTIVITIES.**

17 *Not later than February 15, 1996, the Secretary of the*
18 *Army shall submit to Congress a report setting forth—*

19 *(1) the location, assets, and mission of each*
20 *Army facility, active or reserve component, that sup-*
21 *ports water transportation operations;*

22 *(2) an infrastructure inventory and utilization*
23 *rate of each Army facility supporting water transpor-*
24 *tation operations;*

1 (3) options for consolidating these operations to
2 *reduce overhead; and*

3 (4) actions that can be taken to respond affirma-
4 *tively to requests from the residents of Marcus Hook,*
5 *Pennsylvania, to close the Army Reserve facility lo-*
6 *cated in Marcus Hook and make the facility available*
7 *for use by the community.*

8 **SEC. 2896. RESIDUAL VALUE REPORTS.**

9 (a) *REPORTS REQUIRED.*—*The Secretary of Defense,*
10 *in coordination with the Director of the Office of Manage-*
11 *ment and Budget, shall submit to the congressional defense*
12 *committees status reports on the results of residual value*
13 *negotiations between the United States and Germany. Such*
14 *status reports shall be submitted within 30 days after the*
15 *receipt of such reports by the Office of Management and*
16 *Budget.*

17 (b) *CONTENT OF STATUS REPORTS.*—*The status re-*
18 *ports required by subsection (a) shall include the following*
19 *information:*

20 (1) *The estimated residual value of United States*
21 *capital value and improvements to facilities in Ger-*
22 *many that the United States has turned over to Ger-*
23 *many.*

1 (2) *The actual value obtained by the United*
2 *States for each facility or installation turned over to*
3 *Germany.*

4 (3) *The reasons for any difference between the es-*
5 *timated and actual value obtained.*

6 **SEC. 2897. SENSE OF CONGRESS AND REPORT REGARDING**

7 ***FITZSIMONS ARMY MEDICAL CENTER, COLO-***

8 ***RADO.***

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

10 (1) *Fitzsimons Army Medical Center in Aurora,*
11 *Colorado, was approved for closure in 1995 under the*
12 *Defense Base Closure and Realignment Act of 1990*
13 *(part A of title XXIX of Public Law 101–510; 10*
14 *U.S.C. 2687 note).*

15 (2) *The University of Colorado Health Sciences*
16 *Center and the University of Colorado Hospital Au-*
17 *thority are in urgent need of space to maintain their*
18 *ability to deliver health care to meet the growing de-*
19 *mand for their services.*

20 (3) *Reuse of the Fitzsimons Army Medical Cen-*
21 *ter at the earliest opportunity would provide signifi-*
22 *cant benefit to the cities of Aurora, Colorado, and*
23 *Denver, Colorado.*

24 (4) *Reuse of the Fitzsimons Army Medical Cen-*
25 *ter by the communities in the vicinity of the center*

1 *will ensure that the center is fully utilized, thereby*
2 *providing a benefit to such communities.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
4 *that—*

5 *(1) determinations as to the use by other depart-*
6 *ments and agencies of the Federal Government of*
7 *buildings and property at military installations ap-*
8 *proved for closure under the Defense Base Closure and*
9 *Realignment Act of 1990, including Fitzsimons Army*
10 *Medical Center, Colorado, should be completed as soon*
11 *as practicable;*

12 *(2) the Secretary of Defense should consider the*
13 *expedited transfer of appropriate facilities (including*
14 *facilities that remain operational) at such installa-*
15 *tions to the redevelopment authorities for such instal-*
16 *lations in order to ensure continuity of use of such fa-*
17 *ilities after the closure of such installations, in par-*
18 *ticular, the Secretary should consider the expedited*
19 *transfer of the Fitzsimons Army Medical Center be-*
20 *cause of the significant preparation underway by the*
21 *redevelopment authority concerned;*

22 *(3) the Secretary should not enter into leases*
23 *with redevelopment authorities for facilities at such*
24 *installations until the Secretary determines that such*
25 *leases fall within the categorical exclusions established*

1 *by the Secretary pursuant to the National Environ-*
2 *mental Policy Act (42 U.S.C. 4321 et seq.).*

3 (c) *REPORT.—(1) Not later than 180 days after the*
4 *date of the enactment of this Act, the Secretary of Defense*
5 *shall submit to the congressional defense committees a re-*
6 *port on the closure and redevelopment of Fitzsimons Army*
7 *Medical Center.*

8 (2) *The report shall include the following:*

9 (A) *The results of the determinations as to the*
10 *use of buildings and property at Fitzsimons Army*
11 *Medical Center by other departments and agencies of*
12 *the Federal Government under section 2905(b)(1) of*
13 *the Defense Base Closure and Realignment Act of*
14 *1990.*

15 (B) *A description of any actions taken to expedite such determinations.*

17 (C) *A discussion of any impediments raised as a result of such determinations to the transfer or lease of Fitzsimons Army Medical Center.*

20 (D) *A description of any actions taken by the Secretary to lease Fitzsimons Army Medical Center to the redevelopment authority.*

23 (E) *The results of any environmental reviews under the National Environmental Policy Act in*
24

1 *which such a lease would fall into the categorical ex-*
 2 *clusions established by the Secretary of the Army.*

3 *(F) The results of the environmental baseline*
 4 *survey regarding Fitzsimons Army Medical Center*
 5 *and a finding of suitability or nonsuitability.*

6 **TITLE XXIX—LAND CONVEY-**
 7 **ANCES INVOLVING JOLIET**
 8 **ARMY AMMUNITION PLANT,**
 9 **ILLINOIS**

10 **SEC. 2901. SHORT TITLE.**

11 *This title may be cited as the “Illinois Land Conserva-*
 12 *tion Act of 1995”.*

13 **SEC. 2902. DEFINITIONS.**

14 *For purposes of this title, the following definitions*
 15 *apply:*

16 (1) *ADMINISTRATOR.*—*The term “Adminis-*
 17 *trator” means the Administrator of the United States*
 18 *Environmental Protection Agency.*

19 (2) *AGRICULTURAL PURPOSES.*—*The term “agri-*
 20 *cultural purposes” means the use of land for row*
 21 *crops, pasture, hay, and grazing.*

22 (3) *ARSENAL.*—*The term “Arsenal” means the*
 23 *Joliet Army Ammunition Plant located in the State*
 24 *of Illinois.*

1 (4) *ARSENAL LAND USE CONCEPT.*—*The term*
2 *“Arsenal land use concept” means the land use pro-*
3 *posals that were developed and unanimously ap-*
4 *proved on May 30, 1995, by the Joliet Arsenal Citizen*
5 *Planning Commission.*

6 (5) *CERCLA.*—*The term “CERCLA” means the*
7 *Comprehensive Environmental Response, Compensa-*
8 *tion, and Liability Act of 1980 (42 U.S.C. 9601 et*
9 *seq.).*

10 (6) *ENVIRONMENTAL LAW.*—*The term “environ-*
11 *mental law” means all applicable Federal, State, and*
12 *local laws, regulations, and requirements related to*
13 *protection of human health, natural and cultural re-*
14 *sources, or the environment. Such term includes*
15 *CERCLA, the Solid Waste Disposal Act (42 U.S.C.*
16 *6901 et seq.), the Federal Water Pollution Control Act*
17 *(33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C.*
18 *7401 et seq.), the Federal Insecticide, Fungicide, and*
19 *Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Sub-*
20 *stances Control Act (15 U.S.C. 2601 et seq.), and the*
21 *Safe Drinking Water Act (42 U.S.C. 300f et seq.).*

22 (7) *HAZARDOUS SUBSTANCE.*—*The term “haz-*
23 *ardous substance” has the meaning given such term*
24 *by section 101(14) of CERCLA (42 U.S.C. 9601(14)).*

1 (8) *MNP*.—*The term “MNP” means the*
 2 *Midewin National Tallgrass Prairie established pur-*
 3 *suant to section 2914 and managed as a part of the*
 4 *National Forest System.*

5 (9) *PERSON*.—*The term “person” has the mean-*
 6 *ing given such term by section 101(21) of CERCLA*
 7 *(42 U.S.C. 9601(21)).*

8 (10) *POLLUTANT OR CONTAMINANT*.—*The term*
 9 *“pollutant or contaminant” has the meaning given*
 10 *such term by section 101(33) of CERCLA (42 U.S.C.*
 11 *9601(33)).*

12 (11) *RELEASE*.—*The term “release” has the*
 13 *meaning given such term by section 101(22) of*
 14 *CERCLA (42 U.S.C. 9601(22)).*

15 (12) *RESPONSE ACTION*.—*The term “response*
 16 *action” has the meaning given the term “response” by*
 17 *section 101(25) of CERCLA (42 U.S.C. 9601(25)).*

18 ***Subtitle A—Conversion of Joliet***
 19 ***Army Ammunition Plant to***
 20 ***Midewin National Tallgrass***
 21 ***Prairie***

22 ***SEC. 2911. PRINCIPLES OF TRANSFER.***

23 (a) *LAND USE PLAN*.—*The Congress ratifies in prin-*
 24 *ciple the proposals generally identified by the land use plan*

1 *which was developed by the Joliet Arsenal Citizen Planning*
2 *Commission and unanimously approved on May 30, 1995.*

3 (b) *TRANSFER WITHOUT REIMBURSEMENT.*—*The area*
4 *constituting the Midewin National Tallgrass Prairie shall*
5 *be transferred, without reimbursement, to the Secretary of*
6 *Agriculture.*

7 (c) *MANAGEMENT OF MNP.*—*Management by the Sec-*
8 *retary of Agriculture of those portions of the Arsenal trans-*
9 *ferred to the Secretary under this title shall be in accord-*
10 *ance with sections 2914 and 2915 regarding the Midewin*
11 *National Tallgrass Prairie.*

12 (d) *SECURITY MEASURES.*—*The Secretary of the Army*
13 *and the Secretary of Agriculture shall each provide and*
14 *maintain physical and other security measures on such por-*
15 *tion of the Arsenal as is under the administrative jurisdic-*
16 *tion of such Secretary, unless the Secretary of the Army*
17 *and the Secretary of Agriculture agree otherwise. Such secu-*
18 *rity measures (which may include fences and natural bar-*
19 *riers) shall include measures to prevent members of the pub-*
20 *lic from gaining unauthorized access to such portions of the*
21 *Arsenal as are under the administrative jurisdiction of such*
22 *Secretary and that may endanger health or safety.*

23 (e) *COOPERATIVE AGREEMENTS.*—*The Secretary of the*
24 *Army, the Secretary of Agriculture, and the Administrator*
25 *are individually and collectively authorized to enter into*

1 *cooperative agreements and memoranda of understanding*
2 *among each other and with other affected Federal agencies,*
3 *State and local governments, private organizations, and*
4 *corporations to carry out the purposes for which the*
5 *Midewin National Tallgrass Prairie is established.*

6 (f) *INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.*—Prior to transfer and subject to such reasonable
7 terms and conditions as the Secretary of the Army may
8 prescribe, the Secretary of Agriculture may enter upon the
9 Arsenal property for purposes related to planning, resource
10 inventory, fish and wildlife habitat manipulation (which
11 may include prescribed burning), and other such activities
12 consistent with the purposes for which the Midewin Na-
13 tional Tallgrass Prairie is established.

15 **SEC. 2912. TRANSFER OF MANAGEMENT RESPONSIBILITIES**
16 **AND JURISDICTION OVER ARSENAL.**

17 (a) *GENERAL RULE FOR TRANSFER OF JURISDICTION.*—
18

19 (1) *TRANSFER REQUIRED SUBJECT TO RESPONSE*
20 *ACTIONS.*—Subject to subsection (d), not later than
21 270 days after the date of the enactment of this title,
22 the Secretary of the Army shall transfer, without re-
23 imbursement, to the Secretary of Agriculture those
24 portions of the Arsenal that—

1 (A) are identified on the map described in
2 subsection (e)(1) as appropriate for transfer
3 under this subsection to the Secretary of Agri-
4 culture; and

5 (B) the Secretary of the Army and the Ad-
6 ministrator concur in finding that all response
7 actions have been taken under CERCLA nec-
8 essary to protect human health and the environ-
9 ment with respect to any hazardous substance re-
10 maining on the property.

11 (2) *EFFECT OF LESS THAN COMPLETE TRANS-*
12 *FER.—If the concurrence requirement in paragraph*
13 *(1)(B) results in the transfer, within such 270-day pe-*
14 *riod, of less than all of the Arsenal property covered*
15 *by paragraph (1)(A), the Secretary of the Army and*
16 *the Secretary of Agriculture shall enter into a memo-*
17 *randum of understanding providing for the perform-*
18 *ance by the Secretary of the Army of the additional*
19 *response actions necessary to allow fulfillment of the*
20 *concurrence requirement with respect to such Arsenal*
21 *property. The memorandum of understanding shall be*
22 *entered into within 60 days of the end of such 270-*
23 *day period and shall include a schedule for the com-*
24 *pletion of the additional response actions as soon as*
25 *practicable. Subject to subsection (d), the Secretary of*

1 *the Army shall transfer Arsenal property covered by*
2 *this paragraph to the Secretary of Agriculture as soon*
3 *as possible after the Secretary of the Army and the*
4 *Administrator concur that all additional response ac-*
5 *tions have been taken under CERCLA necessary to*
6 *protect human health and the environment with re-*
7 *spect to any hazardous substance remaining on the*
8 *property. The Secretary of the Army may make*
9 *transfers under this paragraph on a parcel-by-parcel*
10 *basis.*

11 (3) *RULE OF CONSTRUCTION REGARDING CON-*
12 *CURRENCES.—For the purpose of reaching the concur-*
13 *rences required by this subsection and subsection (b),*
14 *if a response action requires construction and instal-*
15 *lation of an approved remedial design, the response*
16 *action shall be considered to have been taken when the*
17 *construction and installation of the approved reme-*
18 *dial design is completed and the remedy is dem-*
19 *onstrated to the satisfaction of the Administrator to*
20 *be operating properly and successfully.*

21 (b) *SPECIAL TRANSFER REQUIREMENTS FOR CERTAIN*
22 *PARCELS.—Subject to subsection (d), the Secretary of the*
23 *Army shall transfer, without reimbursement, to the Sec-*
24 *retary of Agriculture the Arsenal property known as LAP*
25 *Area Sites L2, L3, and L5 and Manufacturing Area Site*

1 1. *The transfer shall occur as soon as possible after the Sec-*
2 *retary of the Army and the Administrator concur that all*
3 *response actions have been taken under CERCLA necessary*
4 *to protect human health and the environment with respect*
5 *to any hazardous substance remaining on the property. The*
6 *Secretary of the Army may make transfers under this sub-*
7 *section on a parcel-by-parcel basis.*

8 (c) *DOCUMENTATION OF ENVIRONMENTAL CONDITION*
9 *OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER*
10 *OTHER ENVIRONMENTAL LAWS.—*

11 (1) *DOCUMENTATION.—The Secretary of the*
12 *Army and the Administrator shall provide to the Sec-*
13 *retary of Agriculture all documentation and informa-*
14 *tion that exists on the date the documentation and in-*
15 *formation is provided relating to the environmental*
16 *condition of the Arsenal property proposed for trans-*
17 *fer under subsection (a) or (b), including documenta-*
18 *tion that supports the finding that all response ac-*
19 *tions have been taken under CERCLA necessary to*
20 *protect human health and the environment with re-*
21 *spect to any hazardous substance remaining on the*
22 *property.*

23 (2) *ASSESSMENT.—The Secretary of the Army*
24 *shall provide to the Secretary of Agriculture an as-*
25 *essment, based on information in existence at the*

1 *time the assessment is provided, indicating what fur-*
2 *ther action, if any, is required under any environ-*
3 *mental law (other than CERCLA) on the Arsenal*
4 *property proposed for transfer under subsection (a) or*
5 *(b).*

6 (3) *TIME FOR SUBMISSION OF DOCUMENTATION*
7 *AND ASSESSMENT.*—*The documentation and assess-*
8 *ments required to be submitted to the Secretary of Ag-*
9 *riculture under this subsection shall be submitted—*

10 (A) *in the case of the transfers required by*
11 *subsection (a), not later than 210 days after the*
12 *date of the enactment of this title; and*

13 (B) *in the case of the transfers required by*
14 *subsection (b), not later than 60 days before the*
15 *earliest date on which the property could be*
16 *transferred.*

17 (4) *SUBMISSION OF ADDITIONAL INFORMA-*
18 *TION.*—*The Secretary of the Army and the Adminis-*
19 *trator shall have a continuing obligation to provide*
20 *to the Secretary of Agriculture any additional infor-*
21 *mation regarding the environmental condition of*
22 *property to be transferred under subsection (a) or (b)*
23 *as such information becomes available.*

24 (d) *EFFECT OF ENVIRONMENTAL ASSESSMENT.*—

1 (1) *AUTHORITY OF SECRETARY OF AGRICULTURE*
2 *TO DECLINE IMMEDIATE TRANSFER.*—If a parcel of
3 *Arsenal property to be transferred under subsection*
4 *(a) or (b) includes property for which the assessment*
5 *under subsection (c)(2) concludes further action is re-*
6 *quired under any environmental law (other than*
7 *CERCLA), the Secretary of Agriculture may decline*
8 *immediate transfer of the parcel. With respect to such*
9 *a parcel, the Secretary of the Army and the Secretary*
10 *of Agriculture shall enter into a memorandum of un-*
11 *derstanding providing for the performance by the Sec-*
12 *retary of the Army of the required actions identified*
13 *in the Army assessment. The memorandum of under-*
14 *standing shall be entered into within 90 days after*
15 *the date on which the Secretary of Agriculture de-*
16 *clines immediate transfer of the parcel and shall in-*
17 *clude a schedule for the completion of the required ac-*
18 *tions as soon as practicable.*

19 (2) *EVENTUAL TRANSFER.*—In the case of a par-
20 *cel of Arsenal property that the Secretary of Agri-*
21 *culture declines immediate transfer under paragraph*
22 *(1), the Secretary may accept transfer of the parcel*
23 *at any time after the original finding with respect to*
24 *the parcel that all response actions have been taken*
25 *under CERCLA necessary to protect human health*

1 *and the environment with respect to any hazardous*
2 *substance remaining on the property. The Secretary*
3 *of Agriculture shall accept transfer of the parcel as*
4 *soon as possible after the date on which all required*
5 *further actions identified in the assessment have been*
6 *taken and the terms of any memorandum of under-*
7 *standing have been satisfied.*

8 *(e) IDENTIFICATION OF ARSENAL PROPERTY FOR*
9 *TRANSFER.—*

10 *(1) MAP OF PROPOSED TRANSFERS.—The lands*
11 *subject to transfer to the Secretary of Agriculture*
12 *under subsections (a) and (b) and section 2916 are*
13 *depicted on the map dated September 22, 1995, which*
14 *is on file and available for public inspection at the*
15 *Office of the Chief of the Forest Service and the Office*
16 *of the Assistant Secretary of the Army for Installa-*
17 *tions, Logistics and the Environment.*

18 *(2) METHOD OF EFFECTING TRANSFER.—The*
19 *Secretary of the Army shall effect the transfer of juris-*
20 *isdiction of Arsenal property under subsections (a) and*
21 *(b) and section 2916 by publication of notices in the*
22 *Federal Register. The Secretary of Agriculture shall*
23 *give prior concurrence to the publication of such no-*
24 *tices. Each notice published in the Federal Register*
25 *shall refer to the parcel being transferred by legal de-*

1 *scription, references to maps or surveys, or other*
2 *forms of description mutually acceptable to the Sec-*
3 *retary of the Army and the Secretary of Agriculture.*
4 *The Secretary of the Army shall provide, without re-*
5 *imbursement, to the Secretary of Agriculture copies of*
6 *all surveys and land title information on lands trans-*
7 *ferred under this section or section 2916.*

8 *(f) SURVEYS.—All costs of necessary surveys for the*
9 *transfer of jurisdiction of Arsenal property from the Sec-*
10 *retary of the Army to the Secretary of Agriculture shall be*
11 *borne by the Secretary of Agriculture.*

12 **SEC. 2913. RESPONSIBILITY AND LIABILITY.**

13 *(a) CONTINUED LIABILITY OF SECRETARY OF THE*
14 *ARMY.—The transfers of Arsenal property under sections*
15 *2912 and 2916, and the requirements of such sections, shall*
16 *not in any way affect the responsibilities and liabilities of*
17 *the Secretary of the Army specified in this section. The Sec-*
18 *retary of the Army shall retain any obligation or other li-*
19 *ability at the Arsenal that the Secretary of the Army has*
20 *under CERCLA or other environmental laws. Following*
21 *transfer of a portion of the Arsenal under this subtitle, the*
22 *Secretary of the Army shall be accorded any easement or*
23 *access to the property that may be reasonably required by*
24 *the Secretary to carry out the obligation or satisfy the li-*
25 *ability.*

1 **(b) SPECIAL PROTECTIONS FOR SECRETARY OF AGRICULTURE.**—*The Secretary of Agriculture shall not be liable*
2 *under any environmental law for matters which are related*
3 *directly or indirectly to activities of the Secretary of the*
4 *Army at the Arsenal or any party acting under the author-*
5 *ity of the Secretary of the Army at the Arsenal, including*
6 *any of the following:*

8 (1) *Costs or performance of response actions re-*
9 *quired under CERCLA at or related to the Arsenal.*

10 (2) *Costs, penalties, fines, or performance of ac-*
11 *tions related to noncompliance with any environ-*
12 *mental law at or related to the Arsenal or related to*
13 *the presence, release, or threat of release of any haz-*
14 *ardous substance, pollutant or contaminant, hazard-*
15 *ous waste, or hazardous material of any kind at or*
16 *related to the Arsenal, including contamination re-*
17 *sulting from migration of a hazardous substance, pol-*
18 *lutant or contaminant, hazardous waste, hazardous*
19 *material, or petroleum products or their derivatives.*

20 (3) *Costs or performance of actions necessary to*
21 *remedy noncompliance or another problem specified*
22 *in paragraph (2).*

23 **(c) LIABILITY OF OTHER PERSONS.**—*Nothing in this*
24 *title shall be construed to effect, modify, amend, repeal,*
25 *alter, limit or otherwise change, directly or indirectly, the*

1 *responsibilities or liabilities under any environmental law*
2 *of any person (including the Secretary of Agriculture), ex-*
3 *cept as provided in subsection (b) with respect to the Sec-*
4 *retary of Agriculture.*

5 *(d) PAYMENT OF RESPONSE ACTION COSTS.—A Fed-*
6 *eral agency that had or has operations at the Arsenal result-*
7 *ing in the release or threatened release of a hazardous sub-*
8 *stance or pollutant or contaminant for which that agency*
9 *would be liable under any environmental law, subject to*
10 *the provisions of this subtitle, shall pay the costs of related*
11 *response actions and shall pay the costs of related actions*
12 *to remediate petroleum products or the derivatives of the*
13 *products, including motor oil and aviation fuel.*

14 *(e) CONSULTATION.—*

15 *(1) RESPONSIBILITY OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall consult*
16 *with the Secretary of the Army with respect to the*
17 *management by the Secretary of Agriculture of real*
18 *property included in the Midewin National Tallgrass*
19 *Prairie subject to any response action or other action*
20 *at the Arsenal being carried out by or under the au-*
21 *thority of the Secretary of the Army under any envi-*
22 *ronmental law. The Secretary of Agriculture shall*
23 *consult with the Secretary of the Army prior to un-*
24 *dertaking any activities on the Midewin National*
25

1 *Tallgrass Prairie that may disturb the property to*
2 *ensure that such activities will not exacerbate con-*
3 *tamination problems or interfere with performance by*
4 *the Secretary of the Army of response actions at the*
5 *property.*

6 (2) *RESPONSIBILITY OF SECRETARY OF THE*
7 *ARMY.—In carrying out response actions at the Arse-*
8 *nal, the Secretary of the Army shall consult with the*
9 *Secretary of Agriculture to ensure that such actions*
10 *are carried out in a manner consistent with the pur-*
11 *poses for which the Midewin National Tallgrass Prai-*
12 *rie is established, as specified in section 2914(c), and*
13 *the other provisions of sections 2914 and 2915.*

14 **SEC. 2914. ESTABLISHMENT AND ADMINISTRATION OF**
15 **MIDEWIN NATIONAL TALLGRASS PRAIRIE.**

16 (a) *ESTABLISHMENT.—On the effective date of the ini-*
17 *tial transfer of jurisdiction of portions of the Arsenal to*
18 *the Secretary of Agriculture under section 2912(a), the Sec-*
19 *retary of Agriculture shall establish the Midewin National*
20 *Tallgrass Prairie. The MNP shall—*

21 (1) *be administered by the Secretary of Agri-*
22 *culture; and*

23 (2) *consist of the real property so transferred*
24 *and such other portions of the Arsenal subsequently*

1 *transferred under section 2912(b) or 2916 or acquired*
2 *under section 2914(d).*

3 **(b) ADMINISTRATION.—**

4 **(1) IN GENERAL.—***The Secretary of Agriculture*
5 *shall manage the Midewin National Tallgrass Prairie*
6 *as a part of the National Forest System in accord-*
7 *ance with this title and the laws, rules, and regula-*
8 *tions pertaining to the National Forest System, except*
9 *that the Bankhead-Jones Farm Tenant Act of 1937 (7*
10 *U.S.C. 1010–1012) shall not apply to the MNP.*

11 **(2) INITIAL MANAGEMENT ACTIVITIES.—***In order*
12 *to expedite the administration and public use of the*
13 *Midewin National Tallgrass Prairie, the Secretary of*
14 *Agriculture may conduct management activities at*
15 *the MNP to effectuate the purposes for which the MNP*
16 *is established, as set forth in subsection (c), in ad-*
17 *vance of the development of a land and resource man-*
18 *agement plan for the MNP.*

19 **(3) LAND AND RESOURCE MANAGEMENT PLAN.—**
20 *In developing a land and resource management plan*
21 *for the Midewin National Tallgrass Prairie, the Sec-*
22 *retary of Agriculture shall consult with the Illinois*
23 *Department of Natural Resources and local govern-*
24 *ments adjacent to the MNP and provide an oppor-*
25 *tunity for public comment. Any parcel transferred to*

1 *the Secretary of Agriculture under this title after the*
2 *development of a land and resource management plan*
3 *for the MNP may be managed in accordance with*
4 *such plan without need for an amendment to the*
5 *plan.*

6 (c) *PURPOSES OF THE MIDEWIN NATIONAL*
7 *TALLGRASS PRAIRIE.—The Midewin National Tallgrass*
8 *Prairie is established to be managed for National Forest*
9 *System purposes, including the following:*

10 (1) *To manage the land and water resources of*
11 *the MNP in a manner that will conserve and enhance*
12 *the native populations and habitats of fish, wildlife,*
13 *and plants.*

14 (2) *To provide opportunities for scientific, envi-*
15 *ronmental, and land use education and research.*

16 (3) *To allow the continuation of agricultural*
17 *uses of lands within the MNP consistent with section*
18 *2915(b).*

19 (4) *To provide a variety of recreation opportuni-*
20 *ties that are not inconsistent with the preceding pur-*
21 *poses.*

22 (d) *OTHER LAND ACQUISITION FOR MNP.—*

23 (1) *AVAILABILITY OF LAND ACQUISITION*
24 *FUNDS.—Notwithstanding section 7 of the Land and*
25 *Water Conservation Fund Act of 1965 (16 U.S.C.*

1 460l–9), the Secretary of Agriculture may use monies
2 appropriated from the Land and Water Conservation
3 Fund established under section 2 of such Act (16
4 U.S.C. 460l–5) for the acquisition of lands and inter-
5 ests in land for inclusion in the Midewin National
6 Tallgrass Prairie.

7 (2) ACQUISITION OF LANDS.—The Secretary of
8 Agriculture may acquire lands or interests therein for
9 inclusion in the Midewin National Tallgrass Prairie
10 by donation, purchase, or exchange, except that the
11 acquisition of private lands for inclusion in the MNP
12 shall be on a willing seller basis only.

13 (e) COOPERATION WITH STATES, LOCAL GOVERN-
14 MENTS AND OTHER ENTITIES.—In the management of the
15 Midewin National Tallgrass Prairie, the Secretary of Agri-
16 culture is authorized and encouraged to cooperate with ap-
17 propriate Federal, State and local governmental agencies,
18 private organizations and corporations. Such cooperation
19 may include cooperative agreements as well as the exercise
20 of the existing authorities of the Secretary under the Coop-
21 erative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et
22 seq.) and the Forest and Rangeland Renewable Resources
23 Research Act of 1978 (16 U.S.C. 1641 et seq.). The objects
24 of such cooperation may include public education, land and
25 resource protection, and cooperative management among

1 *government, corporate, and private landowners in a man-*
2 *ner which furthers the purposes for which the Midewin Na-*
3 *tional Tallgrass Prairie is established.*

4 **SEC. 2915. SPECIAL MANAGEMENT REQUIREMENTS FOR**
5 **MIDEWIN NATIONAL TALLGRASS PRAIRIE.**

6 (a) *PROHIBITION AGAINST THE CONSTRUCTION OF*
7 *NEW THROUGH ROADS.*—*No new construction of any high-*
8 *way, public road, or any part of the interstate system,*
9 *whether Federal, State, or local, shall be permitted through*
10 *or across any portion of the Midewin National Tallgrass*
11 *Prairie. Nothing in this title shall preclude construction*
12 *and maintenance of roads for use within the MNP, the*
13 *granting of authorizations for utility rights-of-way under*
14 *applicable Federal law, or such access as is necessary. Noth-*
15 *ing in this title shall preclude necessary access by the Sec-*
16 *retary of the Army for purposes of restoration and cleanup*
17 *as provided in this title.*

18 (b) *AGRICULTURAL LEASES AND SPECIAL USE AU-*
19 *THORIZATIONS.*—*Within the Midewin National Tallgrass*
20 *Prairie, use of the lands for agricultural purposes shall be*
21 *permitted subject to the following terms and conditions:*

22 (1) *If at the time of transfer of jurisdiction*
23 *under section 2912 or 2916 there exists any lease is-*
24 *sued by the Secretary of the Army or the Secretary*
25 *of Defense for agricultural purposes upon the parcel*

1 *transferred, the Secretary of Agriculture shall issue a*
2 *special use authorization to supersede the lease. The*
3 *terms of the special use authorization shall be iden-*
4 *tical in substance to the lease that the special use au-*
5 *thorization is superseding, including the expiration*
6 *date and any payments owed the United States. On*
7 *issuance of the special use authorization, the lease*
8 *shall become void.*

9 *(2) In addition to the authority provided in*
10 *paragraph (1), the Secretary of Agriculture may issue*
11 *special use authorizations to persons for use of the*
12 *Midewin National Tallgrass Prairie for agricultural*
13 *purposes. Special use authorizations issued pursuant*
14 *to this paragraph shall include terms and conditions*
15 *as the Secretary of Agriculture may deem appro-*
16 *priate.*

17 *(3) No agricultural special use authorization*
18 *shall be issued for agricultural purposes which has a*
19 *term extending beyond the date 20 years from the*
20 *date of the enactment of this title, except that nothing*
21 *in this title shall preclude the Secretary of Agri-*
22 *culture from issuing agricultural special use author-*
23 *izations or grazing permits which are effective after*
24 *twenty years from the date of enactment of this title*
25 *for purposes primarily related to erosion control, pro-*

1 *vision for food and habitat for fish and wildlife, or*
2 *other resource management activities consistent with*
3 *the purposes of the Midewin National Tallgrass Prai-*
4 *rie.*

5 *(c) TREATMENT OF RENTAL FEES.—Monies received*
6 *under a special use authorization issued under subsection*
7 *(b) shall be subject to distribution to the State of Illinois*
8 *and affected counties pursuant to the Act of May 23, 1908,*
9 *and section 13 of the Act of March 1, 1911 (16 U.S.C. 500).*
10 *All monies not distributed pursuant to such Acts shall be*
11 *covered into the Treasury and shall constitute a special*
12 *fund (to be known as the “MNP Rental Fee Account”). The*
13 *Secretary of Agriculture may use amounts in the fund,*
14 *until expended and without fiscal year limitation, to cover*
15 *the cost to the United States of prairie improvement work*
16 *at the Midewin National Tallgrass Prairie. Any amounts*
17 *in the fund that the Secretary of Agriculture determines to*
18 *be in excess of the cost of doing such work shall be trans-*
19 *ferred, upon such determination, to miscellaneous receipts,*
20 *Forest Service Fund, as a National Forest receipt of the*
21 *fiscal year in which the transfer is made.*

22 *(d) USER FEES.—The Secretary of Agriculture is au-*
23 *thorized to charge reasonable fees for the admission, occu-*
24 *pancy, and use of the Midewin National Tallgrass Prairie*
25 *and may prescribe a fee schedule providing for reduced or*

1 *a waiver of fees for persons or groups engaged in authorized*
2 *activities including those providing volunteer services, re-*
3 *search, or education. The Secretary shall permit admission,*
4 *occupancy, and use at no additional charge for persons pos-*
5 *sessing a valid Golden Eagle Passport or Golden Age Pass-*
6 *port.*

7 *(e) SALVAGE OF IMPROVEMENTS.—The Secretary of*
8 *Agriculture may sell for salvage value any facilities and*
9 *improvements which have been transferred to the Secretary*
10 *pursuant to this title.*

11 *(f) TREATMENT OF USER FEES AND SALVAGE RE-*
12 *CEIPTS.—Monies collected pursuant to subsections (d) and*
13 *(e) shall be covered into the Treasury and constitute a spe-*
14 *cial fund (to be known as the “Midewin National Tallgrass*
15 *Prairie Restoration Fund”). The Secretary of Agriculture*
16 *may use amounts in the fund, in such amounts as are pro-*
17 *vided in advance in appropriation Acts, for restoration and*
18 *administration of the Midewin National Tallgrass Prairie,*
19 *including construction of a visitor and education center,*
20 *restoration of ecosystems, construction of recreational facili-*
21 *ties (such as trails), construction of administrative offices,*
22 *and operation and maintenance of the MNP. The Secretary*
23 *of Agriculture shall include the MNP among the areas*
24 *under the jurisdiction of the Secretary selected for inclusion*

1 *in any cost recovery or any pilot program of the Secretary*
2 *for the collection, use, and distribution of user fees.*

3 **SEC. 2916. SPECIAL TRANSFER RULES FOR CERTAIN ARSE-**
4 **NAL PARCELS INTENDED FOR MNP.**

5 (a) *DESCRIPTION OF PARCELS.—The following areas*
6 *of the Arsenal may be transferred under this section:*

- 7 (1) *Study Area 2, explosive burning ground.*
8 (2) *Study Area 3, flashing ground.*
9 (3) *Study Area 4, lead azide area.*
10 (4) *Study Area 10, toluene tank farms.*
11 (5) *Study Area 11, landfill.*
12 (6) *Study Area 12, sellite manufacturing area.*
13 (7) *Study Area 14, former pond area.*
14 (8) *Study Area 15, sewage treatment plan.*
15 (9) *Study Area L1, load assemble packing area,*
16 *group 61.*
17 (10) *Study Area L4, landfill area.*
18 (11) *Study Area L7, group 1.*
19 (12) *Study Area L8, group 2.*
20 (13) *Study Area L9, group 3.*
21 (14) *Study Area L10, group 3A.*
22 (15) *Study Area L14, group 4.*
23 (16) *Study Area L15, group 5.*
24 (17) *Study Area L18, group 8.*
25 (18) *Study Area L19, group 9.*

1 (19) *Study Area L33, PVC area.*

2 (20) *Any other lands proposed for transfer as de-*
3 *scribed on the map described in section 2912(e)(1) and*
4 *not otherwise specifically identified for transfer under*
5 *this subtitle.*

6 (b) *INFORMATION REGARDING ENVIRONMENTAL CON-*
7 *DITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS*
8 *UNDER OTHER ENVIRONMENTAL LAWS.—*

9 (1) *INFORMATION.—Not later than 180 days*
10 *after the date on which the Secretary of the Army and*
11 *the Administrator concur in finding that, with re-*
12 *spect to a parcel of Arsenal property described in sub-*
13 *section (a), all response actions have been taken under*
14 *CERCLA necessary to protect human health and the*
15 *environment with respect to any hazardous substance*
16 *remaining on the parcel, the Secretary of the Army*
17 *and the Administrator shall provide to the Secretary*
18 *of Agriculture all information that exists on such date*
19 *regarding the environmental condition of the parcel*
20 *and the implementation of any response action, in-*
21 *cluding information regarding the effectiveness of the*
22 *response action.*

23 (2) *ASSESSMENT.—At the same time as informa-*
24 *tion is provided under paragraph (1) with regard to*
25 *a parcel of Arsenal property described in subsection*

1 (a), the Secretary of the Army shall provide to the
2 Secretary of Agriculture an assessment, based on in-
3 formation in existence at the time the assessment is
4 provided, indicating what further action, if any, is
5 required under any environmental law (other than
6 CERCLA) with respect to the parcel.

7 (3) SUBMISSION OF ADDITIONAL INFORMA-
8 TION.—The Secretary of the Army and the Adminis-
9 trator shall have a continuing obligation to provide
10 to the Secretary of Agriculture any additional infor-
11 mation regarding the environmental condition of a
12 parcel of the Arsenal property described in subsection
13 (a) as such information becomes available.

14 (c) OFFER OF TRANSFER.—Not later than 180 days
15 after the date on which information is provided under sub-
16 section (b)(1) with regard to a parcel of the Arsenal prop-
17 erty described in subsection (a), the Secretary of the Army
18 shall offer the Secretary of Agriculture the option of accept-
19 ing a transfer of the parcel, without reimbursement, to be
20 added to the Midewin National Tallgrass Prairie. The
21 transfer shall be subject to the terms and conditions of this
22 subtitle, including the liability provisions contained in sec-
23 tion 2913. The Secretary of Agriculture has the option to
24 accept or decline the offered transfer. The transfer of prop-

1 erty under this section may be made on a parcel-by-parcel
2 basis.

3 (d) *EFFECT OF ENVIRONMENTAL ASSESSMENT.*—

4 (1) *AUTHORITY OF SECRETARY OF AGRICULTURE*
5 *TO DECLINE TRANSFER.*—If a parcel of Arsenal prop-
6 erty described in subsection (a) includes property for
7 which the assessment under subsection (b)(2) con-
8 cludes further action is required under any other en-
9 vironmental law, the Secretary of Agriculture may
10 decline any transfer of the parcel. Alternatively, the
11 Secretary of Agriculture may decline immediate
12 transfer of the parcel and enter into a memorandum
13 of understanding with the Secretary of the Army pro-
14 viding for the performance by the Secretary of the
15 Army of the required actions identified in the Army
16 assessment with respect to the parcel. The memoran-
17 dum of understanding shall be entered into within 90
18 days, or such later date as the Secretaries may estab-
19 lish, after the date on which the Secretary of Agri-
20 culture declines immediate transfer of the parcel and
21 shall include a schedule for the completion of the re-
22 quired actions as soon as practicable.

23 (2) *EVENTUAL TRANSFER.*—The Secretary of Ag-
24 riculture may accept or decline at any time for any
25 reason the transfer of a parcel covered by this section.

1 *However, if the Secretary of Agriculture and the Sec-*
2 *retary of the Army enter into a memorandum of un-*
3 *derstanding under paragraph (1) providing for trans-*
4 *fer of the parcel, the Secretary of Agriculture shall*
5 *accept transfer of the parcel as soon as possible after*
6 *the date on which all required further actions identi-*
7 *fied in the assessment have been taken and the re-*
8 *quirements of the memorandum of understanding*
9 *have been satisfied.*

10 *(e) RULE OF CONSTRUCTION REGARDING CONCUR-*
11 *RENCES.—For the purpose of the reaching the concurrence*
12 *required by subsection (b)(1), if a response action requires*
13 *construction and installation of an approved remedial de-*
14 *sign, the response action shall be considered to have been*
15 *taken when the construction and installation of the ap-*
16 *proved remedial design is completed and the remedy is dem-*
17 *onstrated to the satisfaction of the Administrator to be oper-*
18 *ating properly and successfully.*

19 *(f) INCLUSIONS AND EXCEPTIONS.—*

20 *(1) INCLUSIONS.—The parcels of Arsenal prop-*
21 *erty described in subsection (a) shall include all asso-*
22 *ciated inventoried buildings and structures as identi-*
23 *fied in the Joliet Army Ammunition Plant Plantwide*
24 *Building and Structures Report and the contaminate*
25 *study sites for both the manufacturing and load as-*

1 *sembly and packing sites of the Arsenal as shown in*
 2 *the Dames and Moore Final Report, Phase 2 Reme-*
 3 *dial Investigation Manufacturing (MFG) Area Joliet*
 4 *Army Ammunition Plant, Joliet, Illinois (May 30,*
 5 *1993, Contract No. DAAA15-90-D-0015 task order*
 6 *No. 6 prepared for the United States Army Environ-*
 7 *mental Center).*

8 (2) *EXCEPTION.—The parcels described in sub-*
 9 *section (a) shall not include the property at the Arse-*
 10 *nal designated for transfer or conveyance under sub-*
 11 *title B.*

12 ***Subtitle B—Other Land Convey-***
 13 ***ances Involving Joliet Army Am-***
 14 ***munition Plant***

15 ***SEC. 2921. CONVEYANCE OF CERTAIN REAL PROPERTY AT***
 16 ***ARSENAL FOR A NATIONAL CEMETERY.***

17 (a) *CONVEYANCE AUTHORIZED.—Subject to section*
 18 *2931, the Secretary of the Army may transfer, without re-*
 19 *imbursement, to the Secretary of Veterans Affairs the parcel*
 20 *of real property at the Arsenal described in subsection (b)*
 21 *for use as a national cemetery operated as part of the Na-*
 22 *tional Cemetery System of the Department of Veterans Af-*
 23 *fairs under chapter 24 of title 38, United States Code.*

24 (b) *DESCRIPTION OF PROPERTY.—The real property*
 25 *authorized to be transferred under subsection (a) is a parcel*

1 of real property at the Arsenal consisting of approximately
2 982 acres, the approximate legal description of which in-
3 cludes part of sections 30 and 31, Jackson Township, Town-
4 ship 34 North, Range 10 East, and part of sections 25 and
5 36, Channahon Township, Township 34 North, Range 10
6 East, Will County, Illinois, as depicted in the Arsenal land
7 use concept.

8 (c) *SECURITY MEASURES.*—The Secretary of Veterans
9 Affairs shall provide and maintain physical and other secu-
10 rity measures on the real property transferred under sub-
11 section (a). Such security measures (which may include
12 fences and natural barriers) shall include measures to pre-
13 vent members of the public from gaining unauthorized ac-
14 cess to the portion of the Arsenal that is under the adminis-
15 trative jurisdiction of the Secretary of Veterans Affairs and
16 that may endanger health or safety.

17 (d) *SURVEYS.*—All costs of necessary surveys for the
18 transfer of jurisdiction of Arsenal properties from the Sec-
19 retary of the Army to the Secretary of Veterans Affairs shall
20 be borne solely by the Secretary of Veterans Affairs.

21 **SEC. 2922. CONVEYANCE OF CERTAIN REAL PROPERTY AT**
22 **ARSENAL FOR A COUNTY LANDFILL.**

23 (a) *CONVEYANCE AUTHORIZED.*—Subject to section
24 2931, the Secretary of the Army may convey, without com-
25 pensation, to Will County, Illinois, all right, title, and in-

1 *terest of the United States in and to the parcel of real prop-*
2 *erty at the Arsenal described in subsection (b), which shall*
3 *be operated as a landfill by the County.*

4 **(b) DESCRIPTION OF PROPERTY.**—*The real property*
5 *authorized to be conveyed under subsection (a) is a parcel*
6 *of real property at the Arsenal consisting of approximately*
7 *455 acres, the approximate legal description of which in-*
8 *cludes part of sections 8, 9, 16, and 17, Florence Township,*
9 *Township 33 North, Range 10 East, Will County, Illinois,*
10 *as depicted in the Arsenal land use concept.*

11 **(c) CONDITION ON CONVEYANCE.**—*The conveyance*
12 *shall be subject to the condition that the Department of the*
13 *Army, the Department of Veterans Affairs, and the Depart-*
14 *ment of Agriculture (or their agents or assigns) may use*
15 *the landfill established on the real property conveyed under*
16 *subsection (a) for the disposal of construction debris, refuse,*
17 *and other materials related to any restoration and cleanup*
18 *of Arsenal property. Such use shall be subject to applicable*
19 *environmental laws and at no cost to the Federal Govern-*
20 *ment.*

21 **(d) REVERSIONARY INTEREST.**—*If, at the end of the*
22 *five-year period beginning on the date of the conveyance*
23 *under subsection (a), the Secretary of Agriculture deter-*
24 *mines that the conveyed property is not opened for oper-*
25 *ation as a landfill, then, at the option of the Secretary of*

1 *Agriculture, all right, title, and interest in and to the prop-*
2 *erty, including improvements thereon, shall revert to the*
3 *United States. Upon any such reversion, the property shall*
4 *be included in the Midewin National Tallgrass Prairie. In*
5 *the event the United States exercises its option to cause the*
6 *property to revert, the United States shall have the right*
7 *of immediate entry onto the property.*

8 *(e) INFORMATION REGARDING ENVIRONMENTAL CON-*
9 *DITIONS.—At the request of the Secretary of Agriculture,*
10 *Will County, the Secretary of the Army, and the Adminis-*
11 *trator shall provide to the Secretary of Agriculture all infor-*
12 *mation in their possession at the time of the request regard-*
13 *ing the environmental condition of the real property to be*
14 *conveyed under this section. The liability and responsibility*
15 *of any person under any environmental law shall remain*
16 *unchanged with respect to the landfill, except as provided*
17 *in this title, including section 2913.*

18 *(f) SURVEYS.—All costs of necessary surveys for the*
19 *conveyance of real property under this section shall be borne*
20 *by Will County, Illinois.*

21 *(g) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
22 *retary of the Army may require such additional terms and*
23 *conditions in connection with the conveyance under this*
24 *section as the Secretary of the Army considers appropriate*
25 *to protect the interests of the United States.*

1 **SEC. 2923. CONVEYANCE OF CERTAIN REAL PROPERTY AT**
2 **ARSENAL FOR INDUSTRIAL PARKS.**

3 (a) *CONVEYANCE AUTHORIZED.*—Subject to section
4 2931, the Secretary of the Army may convey to the State
5 of Illinois, all right, title, and interest of the United States
6 in and to the parcels of real property at the Arsenal de-
7 scribed in subsection (b), which shall be used as industrial
8 parks to replace all or a part of the economic activity lost
9 at the Arsenal.

10 (b) *DESCRIPTION OF PROPERTY.*—The real property
11 at the Arsenal authorized to be transferred under subsection
12 (a) consists of the following parcels:

13 (1) A parcel of approximately 1,900 acres, the
14 approximate legal description of which includes part
15 of section 30, Jackson Township, Township 34 North,
16 Range 10 East, and sections or parts of sections 24,
17 25, 26, 35, and 36, Township 34 North, Range 9
18 East, in Channahon Township, an area of 9.77 acres
19 around the Des Plaines River Pump Station located
20 in the southeast quarter of section 15, Township 34
21 North, Range 9 East of the Third Principal Merid-
22 ian, in Channahon Township, and an area of 511 feet
23 by 596 feet around the Kankakee River Pump Station
24 in the Northwest Quarter of section 5, Township 33
25 North, Range 9 East, east of the Third Principal Me-
26 ridian in Wilmington Township, containing 6.99

1 *acres, located along the easterly side of the Kankakee*
2 *Cut-Off in Will County, Illinois, as depicted in the*
3 *Arsenal land use concept, and the connecting piping*
4 *to the northern industrial site, as described by the*
5 *United States Army Report of Availability, dated 13*
6 *December 1993.*

7 (2) *A parcel of approximately 1,100 acres, the*
8 *approximate legal description of which includes part*
9 *of sections 16, 17, and 18 in Florence Township,*
10 *Township 33 North, Range 10 East, Will County, Il-*
11 *linois, as depicted in the Arsenal land use concept.*

12 (c) *CONSIDERATION.—*

13 (1) *DELAY IN PAYMENT OF CONSIDERATION.—*
14 *After the end of the 20-year period beginning on the*
15 *date on which the conveyance under subsection (a) is*
16 *completed, the State of Illinois shall pay to the Unit-*
17 *ed States an amount equal to fair market value of the*
18 *conveyed property as of the time of the conveyance.*

19 (2) *EFFECT OF RECONVEYANCE BY STATE.—If*
20 *the State of Illinois reconveys all or any part of the*
21 *conveyed property during such 20-year period, the*
22 *State shall pay to the United States an amount equal*
23 *to the fair market value of the reconveyed property as*
24 *of the time of the reconveyance, excluding the value of*
25 *any improvements made to the property by the State.*

1 (3) *DETERMINATION OF FAIR MARKET VALUE.*—
2 *The Secretary of the Army shall determine fair mar-*
3 *ket value in accordance with Federal appraisal stand-*
4 *ards and procedures.*

5 (4) *TREATMENT OF LEASES.*—*The Secretary of*
6 *the Army may treat a lease of the property within*
7 *such 20-year period as a reconveyance if the Sec-*
8 *retary determines that the lease is being used to avoid*
9 *application of paragraph (2).*

10 (5) *DEPOSIT OF PROCEEDS.*—*The Secretary of*
11 *the Army shall deposit any proceeds received under*
12 *this subsection in the special account established pur-*
13 *suant to section 204(h)(2) of the Federal Property*
14 *and Administrative Services Act of 1949 (40 U.S.C.*
15 *485(h)(2)).*

16 (d) *CONDITIONS OF CONVEYANCE.*—

17 (1) *REDEVELOPMENT AUTHORITY.*—*The convey-*
18 *ance under subsection (a) shall be subject to the condi-*
19 *tion that the Governor of the State of Illinois, in con-*
20 *sultation with the Mayor of the Village of Elwood, Il-*
21 *linois, and the Mayor of the City of Wilmington, Illi-*
22 *nois, establish a redevelopment authority to be respon-*
23 *sible for overseeing the development of the industrial*
24 *parks on the conveyed property.*

1 (2) *TIME FOR ESTABLISHMENT.*—*To satisfy the*
2 *condition specified in paragraph (1), the redevelop-*
3 *ment authority shall be established within one year*
4 *after the date of the enactment of this title.*

5 (e) *SURVEYS.*—*All costs of necessary surveys for the*
6 *conveyance of real property under this section shall be borne*
7 *by the State of Illinois.*

8 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
9 *retary of the Army may require such additional terms and*
10 *conditions in connection with the conveyance under this*
11 *section as the Secretary considers appropriate to protect the*
12 *interests of the United States.*

13 ***Subtitle C—Miscellaneous***
14 ***Provisions***

15 ***SEC. 2931. DEGREE OF ENVIRONMENTAL CLEANUP.***

16 (a) *IN GENERAL.*—*Nothing in this title shall be con-*
17 *strued to restrict or lessen the degree of cleanup at the Arse-*
18 *nal required to be carried out under provisions of any envi-*
19 *ronmental law.*

20 (b) *RESPONSE ACTION.*—*The establishment of the*
21 *Midewin National Tallgrass Prairie under subtitle A and*
22 *the additional real property transfers or conveyances au-*
23 *thorized under subtitle B shall not restrict or lessen in any*
24 *way any response action or degree of cleanup under*
25 *CERCLA or other environmental law, or any action re-*

1 *quired under any environmental law to remediate petro-*
2 *leum products or their derivatives (including motor oil and*
3 *aviation fuel), required to be carried out under the author-*
4 *ity of the Secretary of the Army at the Arsenal and sur-*
5 *rounding areas.*

6 (c) *ENVIRONMENTAL QUALITY OF PROPERTY.—Any*
7 *contract for sale, deed, or other transfer of real property*
8 *under subtitle B shall be carried out in compliance with*
9 *all applicable provisions of section 120(h) of CERCLA and*
10 *other environmental laws.*

11 **SEC. 2932. RETENTION OF PROPERTY USED FOR ENVIRON-**
12 **MENTAL CLEANUP.**

13 (a) *RETENTION OF CERTAIN PROPERTY.—Unless and*
14 *until the Arsenal property described in this subsection is*
15 *actually transferred or conveyed under this title or other*
16 *applicable law, the Secretary of the Army may retain juris-*
17 *diction, authority, and control over real property at the Ar-*
18 *senal to be used for—*

19 (1) *water treatment;*

20 (2) *the treatment, storage, or disposal of any*
21 *hazardous substance, pollutant or contaminant, haz-*
22 *ardous material, or petroleum products or their de-*
23 *rivatives;*

24 (3) *other purposes related to any response action*
25 *at the Arsenal; and*

1 (4) *other actions required at the Arsenal under*
2 *any environmental law to remediate contamination*
3 *or conditions of noncompliance with any environ-*
4 *mental law.*

5 (b) *CONDITIONS.—The Secretary of the Army shall*
6 *consult with the Secretary of Agriculture regarding the*
7 *identification and management of the real property re-*
8 *tained under this section and ensure that activities carried*
9 *out on that property are consistent, to the extent prac-*
10 *ticable, with the purposes for which the Midewin National*
11 *Tallgrass Prairie is established, as specified in section*
12 *2914(c), and with the other provisions of sections 2914 and*
13 *2915.*

14 (c) *PRIORITY OF RESPONSE ACTIONS.—In the case of*
15 *any conflict between management of the property by the*
16 *Secretary of Agriculture and any response action required*
17 *under CERCLA, or any other action required under any*
18 *other environmental law, including actions to remediate pe-*
19 *troleum products or their derivatives, the response action*
20 *or other action shall take priority.*

1 ***DIVISION C—DEPARTMENT OF***
2 ***ENERGY NATIONAL SECURITY***
3 ***AUTHORIZATIONS AND***
4 ***OTHER AUTHORIZATIONS***
5 ***TITLE XXXI—DEPARTMENT OF***
6 ***ENERGY NATIONAL SECURITY***
7 ***PROGRAMS***
8 ***Subtitle A—National Security***
9 ***Programs Authorizations***

10 ***SEC. 3101. WEAPONS ACTIVITIES.***

11 *(a) STOCKPILE STEWARDSHIP.—Subject to subsection*
12 *(d), funds are hereby authorized to be appropriated to the*
13 *Department of Energy for fiscal year 1996 for stockpile*
14 *stewardship in carrying out weapons activities necessary*
15 *for national security programs in the amount of*
16 *\$1,567,175,000, to be allocated as follows:*

17 *(1) For core stockpile stewardship,*
18 *\$1,159,708,000, to be allocated as follows:*

19 *(A) For operation and maintenance,*
20 *\$1,078,403,000.*

21 *(B) For plant projects (including mainte-*
22 *nance, restoration, planning, construction, ac-*
23 *quisition, modification of facilities, and the con-*
24 *tinuation of projects authorized in prior years,*

1 *and land acquisition related thereto),*
2 *\$81,305,000, to be allocated as follows:*

3 *Project 96-D-102, stockpile steward-*
4 *ship facilities revitalization, Phase VI, var-*
5 *ious locations, \$2,520,000.*

6 *Project 96-D-103, ATLAS, Los Ala-*
7 *mos National Laboratory, Los Alamos, New*
8 *Mexico, \$8,400,000.*

9 *Project 96-D-104, processing and en-*
10 *vironmental technology laboratory (PETL),*
11 *Sandia National Laboratories, Albuquerque,*
12 *New Mexico, \$1,800,000.*

13 *Project 96-D-105, contained firing fa-*
14 *ility addition, Lawrence Livermore Na-*
15 *tional Laboratory, Livermore, California,*
16 *\$6,600,000.*

17 *Project 95-D-102, Chemical and Met-*
18 *allurgy Research Building upgrades project,*
19 *Los Alamos National Laboratory, Los Ala-*
20 *mos, New Mexico, \$9,940,000.*

21 *Project 94-D-102, nuclear weapons re-*
22 *search, development, and testing facilities*
23 *revitalization, Phase V, various locations,*
24 *\$12,200,000.*

1 *Project 93–D–102, Nevada support fa-*
2 *cility, North Las Vegas, Nevada,*
3 *\$15,650,000.*

4 *Project 90–D–102, nuclear weapons re-*
5 *search, development, and testing facilities*
6 *revitalization, Phase III, various locations,*
7 *\$6,200,000.*

8 *Project 88–D–106, nuclear weapons re-*
9 *search, development, and testing facilities*
10 *revitalization, Phase II, various locations,*
11 *\$17,995,000.*

12 *(2) For inertial fusion, \$240,667,000, to be allo-*
13 *cated as follows:*

14 *(A) For operation and maintenance,*
15 *\$203,267,000.*

16 *(B) For the following plant project (includ-*
17 *ing maintenance, restoration, planning, con-*
18 *struction, acquisition, and modification of facili-*
19 *ties, and land acquisition related thereto),*
20 *\$37,400,000:*

21 *Project 96–D–111, national ignition*
22 *facility, location to be determined,*
23 *\$37,400,000.*

24 *(3) For technology transfer and education,*
25 *\$160,000,000.*

1 (4) *For Marshall Islands, \$6,800,000.*

2 (b) *STOCKPILE MANAGEMENT.—Subject to subsection*
3 *(d), funds are hereby authorized to be appropriated to the*
4 *Department of Energy for fiscal year 1996 for stockpile*
5 *management in carrying out weapons activities necessary*
6 *for national security programs in the amount of*
7 *\$2,025,083,000, to be allocated as follows:*

8 (1) *For operation and maintenance,*
9 *\$1,911,458,000.*

10 (2) *For plant projects (including maintenance,*
11 *restoration, planning, construction, acquisition, modi-*
12 *fication of facilities, and the continuation of projects*
13 *authorized in prior years, and land acquisition relat-*
14 *ed thereto), \$113,625,000, to be allocated as follows:*

15 *Project 96–D–122, sewage treatment quality*
16 *upgrade (STQU), Pantex Plant, Amarillo,*
17 *Texas, \$600,000.*

18 *Project 96–D–123, retrofit heating, ventila-*
19 *tion, and air conditioning and chillers for ozone*
20 *protection, Y–12 Plant, Oak Ridge, Tennessee,*
21 *\$3,100,000.*

22 *Project 96–D–125, Washington measure-*
23 *ments operations facility, Andrews Air Force*
24 *Base, Camp Springs, Maryland, \$900,000.*

1 *Project 96-D-126, tritium loading line*
2 *modifications, Savannah River Site, South*
3 *Carolina, \$12,200,000.*

4 *Project 95-D-122, sanitary sewer upgrade,*
5 *Y-12 Plant, Oak Ridge, Tennessee, \$6,300,000.*

6 *Project 94-D-124, hydrogen fluoride supply*
7 *system, Y-12 Plant, Oak Ridge, Tennessee,*
8 *\$8,700,000.*

9 *Project 94-D-125, upgrade life safety, Kan-*
10 *sas City Plant, Kansas City, Missouri,*
11 *\$5,500,000.*

12 *Project 94-D-127, emergency notification*
13 *system, Pantex Plant, Amarillo, Texas,*
14 *\$2,000,000.*

15 *Project 94-D-128, environmental safety*
16 *and health analytical laboratory, Pantex Plant,*
17 *Amarillo, Texas, \$4,000,000.*

18 *Project 93-D-122, life safety upgrades, Y-*
19 *12 Plant, Oak Ridge, Tennessee, \$7,200,000.*

20 *Project 93-D-123, complex-21, various lo-*
21 *cations, \$41,065,000.*

22 *Project 88-D-122, facilities capability as-*
23 *surance program, various locations, \$8,660,000.*

24 *Project 88-D-123, security enhancement,*
25 *Pantex Plant, Amarillo, Texas, \$13,400,000.*

1 (c) *PROGRAM DIRECTION.*—Subject to subsection (d),
2 funds are hereby authorized to be appropriated to the De-
3 partment of Energy for fiscal year 1996 for program direc-
4 tion in carrying out weapons activities necessary for na-
5 tional security programs in the amount of \$115,000,000.

6 (d) *ADJUSTMENTS.*—The total amount authorized to
7 be appropriated pursuant to this section is the sum of the
8 amounts authorized to be appropriated in subsections (a)
9 through (c) reduced by the sum of—

10 (1) \$37,200,000, for savings resulting from pro-
11 curement reform; and

12 (2) \$209,744,000, for use of prior year balances.

13 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
14 **MANAGEMENT.**

15 (a) *ENVIRONMENTAL RESTORATION.*—Subject to sub-
16 section (h), funds are hereby authorized to be appropriated
17 to the Department of Energy for fiscal year 1996 for envi-
18 ronmental restoration in carrying out environmental res-
19 toration and waste management activities necessary for na-
20 tional security programs in the amount of \$1,635,973,000.

21 (b) *WASTE MANAGEMENT.*—Subject to subsection (h),
22 funds are hereby authorized to be appropriated to the De-
23 partment of Energy for fiscal year 1996 for waste manage-
24 ment in carrying out environmental restoration and waste
25 management activities necessary for national security pro-

1 *grams in the amount of \$2,470,598,000, to be allocated as*
2 *follows:*

3 (1) *For operation and maintenance,*
4 *\$2,295,994,000.*

5 (2) *For plant projects (including maintenance,*
6 *restoration, planning, construction, acquisition, modi-*
7 *fication of facilities, and the continuation of projects*
8 *authorized in prior years, and land acquisition relat-*
9 *ed thereto), \$174,604,000, to be allocated as follows:*

10 *Project 96-D-406, spent nuclear fuels can-*
11 *ister storage and stabilization facility, Richland,*
12 *Washington, \$42,000,000.*

13 *Project 96-D-407, mixed waste/low-level*
14 *waste treatment projects, Rocky Flats Plant,*
15 *Golden, Colorado, \$2,900,000.*

16 *Project 96-D-408, waste management up-*
17 *grades, various locations, \$5,615,000.*

18 *Project 95-D-402, install permanent elec-*
19 *trical service, Waste Isolation Pilot Plant, Carls-*
20 *bad, New Mexico, \$4,314,000.*

21 *Project 95-D-405, industrial landfill V and*
22 *construction/demolition landfill VII, Phase III,*
23 *Y-12 Plant, Oak Ridge, Tennessee, \$4,600,000.*

1 *Project 95-D-406, road 5-01 reconstruc-*
2 *tion, area 5, Nevada Test Site, Nevada,*
3 *\$1,023,000.*

4 *Project 95-D-407, 219-S secondary con-*
5 *tainment upgrade, Richland Washington,*
6 *\$1,000,000.*

7 *Project 94-D-400, high explosive*
8 *wastewater treatment system, Los Alamos Na-*
9 *tional Laboratory, Los Alamos, New Mexico,*
10 *\$4,445,000.*

11 *Project 94-D-402, liquid waste treatment*
12 *system, Nevada Test Site, Nevada, \$282,000.*

13 *Project 94-D-404, Melton Valley storage*
14 *tank capacity increase, Oak Ridge National Lab-*
15 *oratory, Oak Ridge, Tennessee, \$11,000,000.*

16 *Project 94-D-407, initial tank retrieval*
17 *systems, Richland, Washington, \$12,000,000.*

18 *Project 94-D-411, solid waste operation*
19 *complex, Richland, Washington, \$6,606,000.*

20 *Project 93-D-178, building 374 liquid*
21 *waste treatment facility, Rocky Flats Plant,*
22 *Golden, Colorado, \$3,900,000.*

23 *Project 93-D-181, radioactive liquid waste*
24 *line replacement, Richland, Washington,*
25 *\$5,000,000.*

1 *Project 93-D-182, replacement of cross-site*
2 *transfer system, Richland, Washington,*
3 *\$19,795,000.*

4 *Project 93-D-187, high-level waste removal*
5 *from filled waste tanks, Savannah River Site,*
6 *South Carolina, \$19,700,000.*

7 *Project 92-D-171, mixed waste receiving*
8 *and storage facility, Los Alamos National Lab-*
9 *oratory, Los Alamos, New Mexico, \$1,105,000.*

10 *Project 92-D-188, waste management envi-*
11 *ronmental, safety and health (ES&H) and com-*
12 *pliance activities, various locations, \$1,100,000.*

13 *Project 90-D-172, aging waste transfer*
14 *lines, Richland, Washington, \$2,000,000.*

15 *Project 90-D-177, RWMC transuranic*
16 *(TRU) waste characterization and storage facil-*
17 *ity, Idaho National Engineering Laboratory,*
18 *Idaho, \$1,428,000.*

19 *Project 90-D-178, TSA retrieval enclosure,*
20 *Idaho National Engineering Laboratory, Idaho,*
21 *\$2,606,000.*

22 *Project 89-D-173, tank farm ventilation*
23 *upgrade, Richland, Washington, \$800,000.*

1 *Project 89-D-174, replacement high-level*
2 *waste evaporator, Savannah River Site, Aiken,*
3 *South Carolina, \$11,500,000.*

4 *Project 86-D-103, decontamination and*
5 *waste treatment facility, Lawrence Livermore*
6 *National Laboratory, Livermore, California,*
7 *\$8,885,000.*

8 *Project 83-D-148, nonradioactive hazard-*
9 *ous waste management, Savannah River Site,*
10 *Aiken, South Carolina, \$1,000,000.*

11 *(c) TECHNOLOGY DEVELOPMENT.—Subject to sub-*
12 *section (h), funds are hereby authorized to be appropriated*
13 *to the Department of Energy for fiscal year 1996 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 \$440,510,000.*

17 *(d) TRANSPORTATION MANAGEMENT.—Subject to sub-*
18 *section (h), funds are hereby authorized to be appropriated*
19 *to the Department of Energy for fiscal year 1996 for trans-*
20 *portation management in carrying out environmental res-*
21 *toration and waste management activities necessary for na-*
22 *tional security programs in the amount of \$13,158,000.*

23 *(e) NUCLEAR MATERIALS AND FACILITIES STABILIZA-*
24 *TION.—Subject to subsection (h), funds are hereby author-*
25 *ized to be appropriated to the Department of Energy for*

1 *fiscal year 1996 for nuclear materials and facilities sta-*
2 *bilization in carrying out environmental restoration and*
3 *waste management activities necessary for national security*
4 *programs in the amount of \$1,561,854,000 to be allocated*
5 *as follows:*

6 (1) *For operation and maintenance,*
7 *\$1,447,108,000.*

8 (2) *For plant projects (including maintenance,*
9 *restoration, planning, construction, acquisition, modi-*
10 *fication of facilities, and the continuation of projects*
11 *authorized in prior years, and land acquisition relat-*
12 *ed thereto), \$114,746,000, to be allocated as follows:*

13 *Project 96-D-457, thermal treatment sys-*
14 *tem, Richland Washington, \$1,000,000.*

15 *Project 96-D-458, site drainage control,*
16 *Mound Plant, Miamisburg, Ohio, \$885,000.*

17 *Project 96-D-461, electrical distribution*
18 *upgrade, Idaho National Engineering Labora-*
19 *tory, Idaho, \$1,539,000.*

20 *Project 96-D-464, electrical and utility sys-*
21 *tems upgrade, Idaho Chemical Processing Plant,*
22 *Idaho National Engineering Laboratory, Idaho,*
23 *\$4,952,000.*

1 *Project 96-D-468, residue elimination*
2 *project, Rocky Flats Plant, Golden, Colorado,*
3 *\$33,100,000.*

4 *Project 96-D-471, chlorofluorocarbon heat-*
5 *ing, ventilation, and air conditioning and chiller*
6 *retrofit, Savannah River Site, Aiken, South*
7 *Carolina, \$1,500,000.*

8 *Project 95-D-155, upgrade site road infra-*
9 *structure, Savannah River Site, South Carolina,*
10 *\$2,900,000.*

11 *Project 95-D-156, radio trunking system,*
12 *Savannah River Site, South Carolina,*
13 *\$6,000,000.*

14 *Project 95-D-454, 324 facility compliance/*
15 *renovation, Richland, Washington, \$3,500,000.*

16 *Project 95-D-456, security facilities up-*
17 *grade, Idaho Chemical Processing Plant, Idaho*
18 *National Engineering Laboratory, Idaho,*
19 *\$8,382,000.*

20 *Project 94-D-122, underground storage*
21 *tanks, Rocky Flats Plant, Golden, Colorado,*
22 *\$5,000,000.*

23 *Project 94-D-401, emergency response facil-*
24 *ity, Idaho National Engineering Laboratory,*
25 *Idaho, \$5,074,000.*

1 *Project 94-D-412, 300 area process sewer*
2 *piping upgrade, Richland, Washington,*
3 *\$1,000,000.*

4 *Project 94-D-415, medical facilities, Idaho*
5 *National Engineering Laboratory, Idaho,*
6 *\$3,601,000.*

7 *Project 94-D-451, infrastructure replace-*
8 *ment, Rocky Flats Plant, Golden, Colorado,*
9 *\$2,940,000.*

10 *Project 93-D-147, domestic water system*
11 *upgrade, Phase I and II, Savannah River Site,*
12 *Aiken, South Carolina, \$7,130,000.*

13 *Project 92-D-123, plant fire/security alarm*
14 *systems replacement, Rocky Flats Plant, Golden,*
15 *Colorado, \$9,560,000.*

16 *Project 92-D-125, master safeguards and*
17 *security agreement/materials surveillance task*
18 *force security upgrades, Rocky Flats Plant, Gold-*
19 *en, Colorado, \$7,000,000.*

20 *Project 92-D-181, fire and life safety im-*
21 *provements, Idaho National Engineering Lab-*
22 *oratory, Idaho, \$6,883,000.*

23 *Project 91-D-127, criticality alarm and*
24 *plant annunciation utility replacement, Rocky*
25 *Flats Plant, Golden, Colorado, \$2,800,000.*

1 (f) *COMPLIANCE AND PROGRAM COORDINATION.*—Sub-
2 ject to subsection (h), funds are hereby authorized to be ap-
3 propriated to the Department of Energy for fiscal year 1996
4 for compliance and program coordination in carrying out
5 environmental restoration and waste management activities
6 necessary for national security programs in the amount of
7 \$46,251,000, to be allocated as follows:

8 (1) For operation and maintenance,
9 \$31,251,000.

10 (2) For the following plant project (including
11 maintenance, restoration, planning, construction, ac-
12 quisition, modification of facilities, and the continu-
13 ation of a project authorized in prior years, and land
14 acquisition related thereto):

15 Project 95-E-600, hazardous materials
16 training center, Richland, Washington,
17 \$15,000,000.

18 (g) *ANALYSIS, EDUCATION, AND RISK MANAGE-*
19 *MENT.*—Subject to subsection (h), funds are hereby author-
20 ized to be appropriated to the Department of Energy for
21 fiscal year 1996 for analysis, education, and risk manage-
22 ment in carrying out environmental restoration and waste
23 management activities necessary for national security pro-
24 grams in the amount of \$78,522,000.

1 (h) *ADJUSTMENTS.*—*The total amount authorized to*
2 *be appropriated pursuant to this section is the sum of the*
3 *amounts specified in subsections (a) through (g) reduced by*
4 *the sum of—*

5 (1) *\$652,334,000, for use of prior year balances;*

6 *and*

7 (2) *\$37,000,000, for Savannah River Pension*
8 *Refund.*

9 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

10 (a) *OTHER DEFENSE ACTIVITIES.*—*Subject to sub-*
11 *section (b), funds are hereby authorized to be appropriated*
12 *to the Department of Energy for fiscal year 1996 for other*
13 *defense activities in carrying out programs necessary for*
14 *national security in the amount of \$1,351,975,600, to be*
15 *allocated as follows:*

16 (1) *For verification and control technology,*
17 *\$428,205,600, to be allocated as follows:*

18 (A) *For nonproliferation and verification*
19 *research and development, \$224,905,000.*

20 (B) *For arms control, \$160,964,600.*

21 (C) *For intelligence, \$42,336,000.*

22 (2) *For nuclear safeguards and security,*
23 *\$83,395,000.*

24 (3) *For security investigations, \$20,000,000.*

25 (4) *For security evaluations, \$14,707,000.*

1 (5) *For the Office of Nuclear Safety,*
2 \$17,679,000.

3 (6) *For worker and community transition assist-*
4 *ance, \$82,500,000.*

5 (7) *For fissile materials disposition, \$70,000,000.*

6 (8) *For emergency management, \$23,321,000.*

7 (9) *For naval reactors development,*
8 *\$682,168,000, to be allocated as follows:*

9 (A) *For operation and infrastructure,*
10 \$652,568,000.

11 (B) *For plant projects (including mainte-*
12 *nance, restoration, planning, construction, ac-*
13 *quisition, modification of facilities, and the con-*
14 *tinuation of projects authorized in prior years,*
15 *and land acquisition related thereto),*
16 *\$29,600,000, to be allocated as follows:*

17 *Project GPN-101, general plant*
18 *projects, various locations, \$6,600,000.*

19 *Project 95-D-200, laboratory systems*
20 *and hot cell upgrades, various locations,*
21 *\$11,300,000.*

22 *Project 95-D-201, advanced test reac-*
23 *tor radioactive waste system upgrades,*
24 *Idaho National Engineering Laboratory,*
25 *Idaho, \$4,800,000.*

1 *Project 93–D–200, engineering services*
2 *facilities, Knolls Atomic Power Laboratory,*
3 *Niskayuna, New York, \$3,900,000.*

4 *Project 90–N–102, expended core facil-*
5 *ity dry cell project, Naval Reactors Facility,*
6 *Idaho, \$3,000,000.*

7 *(b) ADJUSTMENT.—The total amount authorized to be*
8 *appropriated pursuant to this section is the amount author-*
9 *ized to be appropriated in subsection (a) reduced by*
10 *\$70,000,000, for use of prior year balances.*

11 ***SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.***

12 *Funds are hereby authorized to be appropriated to the*
13 *Department of Energy for fiscal year 1996 for payment to*
14 *the Nuclear Waste Fund established in section 302(c) of the*
15 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in*
16 *the amount of \$248,400,000.*

17 ***Subtitle B—Recurring General***
18 ***Provisions***

19 ***SEC. 3121. REPROGRAMMING.***

20 *(a) IN GENERAL.—Until the Secretary of Energy sub-*
21 *mits to the congressional defense committees the report re-*
22 *ferred to in subsection (b) and a period of 30 days has*
23 *elapsed after the date on which such committees receive the*
24 *report, the Secretary may not use amounts appropriated*
25 *pursuant to this title for any program—*

1 (1) *in amounts that exceed, in a fiscal year—*

2 (A) *110 percent of the amount authorized*
3 *for that program by this title; or*

4 (B) *\$1,000,000 more than the amount au-*
5 *thorized for that program by this title; or*

6 (2) *which has not been presented to, or requested*
7 *of, Congress.*

8 (b) *REPORT.—(1) The report referred to in subsection*
9 *(a) is a report containing a full and complete statement*
10 *of the action proposed to be taken and the facts and cir-*
11 *cumstances relied upon in support of such proposed action.*

12 (2) *In the computation of the 30-day period under sub-*
13 *section (a), there shall be excluded any day on which either*
14 *House of Congress is not in session because of an adjourn-*
15 *ment of more than 3 days to a day certain.*

16 (c) *LIMITATIONS.—(1) In no event may the total*
17 *amount of funds obligated pursuant to this title exceed the*
18 *total amount authorized to be appropriated by this title.*

19 (2) *Funds appropriated pursuant to this title may not*
20 *be used for an item for which Congress has specifically de-*
21 *nied funds.*

22 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

23 (a) *IN GENERAL.—The Secretary of Energy may carry*
24 *out any construction project under the general plant*

1 projects authorized by this title if the total estimated cost
2 of the construction project does not exceed \$2,000,000.

3 (b) *REPORT TO CONGRESS.*—If, at any time during
4 the construction of any general plant project authorized by
5 this title, the estimated cost of the project is revised because
6 of unforeseen cost variations and the revised cost of the
7 project exceeds \$2,000,000, the Secretary shall immediately
8 furnish a complete report to the congressional defense com-
9 mittees explaining the reasons for the cost variation.

10 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

11 (a) *IN GENERAL.*—(1) Except as provided in para-
12 graph (2), construction on a construction project may not
13 be started or additional obligations incurred in connection
14 with the project above the total estimated cost, whenever the
15 current estimated cost of the construction project, which is
16 authorized by sections 3101, 3102, or 3103, or which is in
17 support of national security programs of the Department
18 of Energy and was authorized by any previous Act, exceeds
19 by more than 25 percent the higher of—

20 (A) the amount authorized for the project; or

21 (B) the amount of the total estimated cost for the
22 project as shown in the most recent budget justifica-
23 tion data submitted to Congress.

24 (2) An action described in paragraph (1) may be taken
25 if—

1 (A) *the Secretary of Energy has submitted to the*
2 *congressional defense committees a report on the ac-*
3 *tions and the circumstances making such action nec-*
4 *essary; and*

5 (B) *a period of 30 days has elapsed after the*
6 *date on which the report is received by the commit-*
7 *tees.*

8 (3) *In the computation of the 30-day period under*
9 *paragraph (2), there shall be excluded any day on which*
10 *either House of Congress is not in session because of an*
11 *adjournment of more than 3 days to a day certain.*

12 (b) *EXCEPTION.—Subsection (a) shall not apply to*
13 *any construction project which has a current estimated cost*
14 *of less than \$5,000,000.*

15 **SEC. 3124. FUND TRANSFER AUTHORITY.**

16 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.—The*
17 *Secretary of Energy may transfer funds authorized to be*
18 *appropriated to the Department of Energy pursuant to this*
19 *title to other Federal agencies for the performance of work*
20 *for which the funds were authorized. Funds so transferred*
21 *may be merged with and be available for the same purposes*
22 *and for the same period as the authorizations of the Federal*
23 *agency to which the amounts are transferred.*

24 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY;*
25 *LIMITATIONS.—(1) Subject to paragraph (2), the Secretary*

1 *of Energy may transfer funds authorized to be appropriated*
2 *to the Department of Energy pursuant to this title between*
3 *any such authorizations. Amounts of authorizations so*
4 *transferred may be merged with and be available for the*
5 *same purposes and for the same period as the authorization*
6 *to which the amounts are transferred.*

7 (2) *Not more than five percent of any such authoriza-*
8 *tion may be transferred between authorizations under para-*
9 *graph (1). No such authorization may be increased or de-*
10 *creased by more than five percent by a transfer under such*
11 *paragraph.*

12 (3) *The authority provided by this section to transfer*
13 *authorizations—*

14 (A) *may only be used to provide funds for items*
15 *relating to weapons activities necessary for national*
16 *security programs that have a higher priority than*
17 *the items from which the funds are transferred; and*

18 (B) *may not be used to provide authority for an*
19 *item that has been denied funds by Congress.*

20 (c) *NOTICE TO CONGRESS.—The Secretary of Energy*
21 *shall promptly notify the Committee on Armed Services of*
22 *the Senate and the Committee on National Security of the*
23 *House of Representatives of any transfer of funds to or from*
24 *authorizations under this title.*

1 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
2 **TION DESIGN.**

3 (a) *REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)*
4 *Subject to paragraph (2) and except as provided in para-*
5 *graph (3), before submitting to Congress a request for funds*
6 *for a construction project that is in support of a national*
7 *security program of the Department of Energy, the Sec-*
8 *retary of Energy shall complete a conceptual design for that*
9 *project.*

10 (2) *If the estimated cost of completing a conceptual*
11 *design for a construction project exceeds \$3,000,000, the*
12 *Secretary shall submit to Congress a request for funds for*
13 *the conceptual design before submitting a request for funds*
14 *for the construction project.*

15 (3) *The requirement in paragraph (1) does not apply*
16 *to a request for funds—*

17 (A) *for a construction project the total estimated*
18 *cost of which is less than \$2,000,000; or*

19 (B) *for emergency planning, design, and con-*
20 *struction activities under section 3126.*

21 (b) *AUTHORITY FOR CONSTRUCTION DESIGN.—(1)*
22 *Within the amounts authorized by this title, the Secretary*
23 *of Energy may carry out construction design (including ar-*
24 *chitectural and engineering services) in connection with*
25 *any proposed construction project if the total estimated cost*
26 *for such design does not exceed \$600,000.*

1 (2) *If the total estimated cost for construction design*
2 *in connection with any construction project exceeds*
3 *\$600,000, funds for such design must be specifically author-*
4 *ized by law.*

5 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
6 **SIGN, AND CONSTRUCTION ACTIVITIES.**

7 (a) *AUTHORITY.*—*The Secretary of Energy may use*
8 *any funds available to the Department of Energy pursuant*
9 *to an authorization in this title, including those funds au-*
10 *thorized to be appropriated for advance planning and con-*
11 *struction design under sections 3101, 3102, and 3103, to*
12 *perform planning, design, and construction activities for*
13 *any Department of Energy national security program con-*
14 *struction project that, as determined by the Secretary, must*
15 *proceed expeditiously in order to protect public health and*
16 *safety, to meet the needs of national defense, or to protect*
17 *property.*

18 (b) *LIMITATION.*—*The Secretary may not exercise the*
19 *authority under subsection (a) in the case of any construc-*
20 *tion project until the Secretary has submitted to the con-*
21 *gressional defense committees a report on the activities that*
22 *the Secretary intends to carry out under this section and*
23 *the circumstances making such activities necessary.*

1 (c) *SPECIFIC AUTHORITY.*—*The requirement of section*
2 *3125(b)(2) does not apply to emergency planning, design,*
3 *and construction activities conducted under this section.*

4 ***SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-***
5 ***RITY PROGRAMS OF THE DEPARTMENT OF***
6 ***ENERGY.***

7 *Subject to the provisions of appropriations Acts and*
8 *section 3121, amounts appropriated pursuant to this title*
9 *for management and support activities and for general*
10 *plant projects are available for use, when necessary, in con-*
11 *nection with all national security programs of the Depart-*
12 *ment of Energy.*

13 ***SEC. 3128. AVAILABILITY OF FUNDS.***

14 *When so specified in an appropriation Act, amounts*
15 *appropriated for operation and maintenance or for plant*
16 *projects may remain available until expended.*

17 ***Subtitle C—Program Authoriza-***
18 ***tions, Restrictions, and Limita-***
19 ***tions***

20 ***SEC. 3131. AUTHORITY TO CONDUCT PROGRAM RELATING***
21 ***TO FISSILE MATERIALS.***

22 (a) *AUTHORITY.*—*The Secretary of Energy may con-*
23 *duct programs designed to improve the protection, control,*
24 *and accountability of fissile materials in Russia.*

1 **(b) SEMI-ANNUAL REPORTS ON OBLIGATION OF**
2 *FUNDS.—(1) Not later than 30 days after the date of the*
3 *enactment of this Act, and thereafter not later than April*
4 *1 and October 1 of each year, the Secretary of Energy shall*
5 *submit to Congress a report on each obligation during the*
6 *preceding six months of funds appropriated for a program*
7 *described in subsection (a).*

8 **(2) Each such report shall specify—**

9 **(A) the activities and forms of assistance for**
10 *which the Secretary of Energy has obligated funds;*

11 **(B) the amount of the obligation;**

12 **(C) the activities and forms of assistance for**
13 *which the Secretary anticipates obligating funds dur-*
14 *ing the six months immediately following the report,*
15 *and the amount of each such anticipated obligation;*
16 *and*

17 **(D) the projected involvement (if any) of any de-**
18 *partment or agency of the United States (in addition*
19 *to the Department of Energy) and of the private sec-*
20 *tor of the United States in the activities and forms*
21 *of assistance for which the Secretary of Energy has*
22 *obligated funds referred to in subparagraph (A).*

1 **SEC. 3132. NATIONAL IGNITION FACILITY.**

2 *None of the funds authorized to be appropriated pursu-*
3 *ant to this title for construction of the National Ignition*
4 *Facility may be obligated until—*

5 *(1) the Secretary of Energy determines that the*
6 *construction of the National Ignition Facility will not*
7 *impede the nuclear nonproliferation objectives of the*
8 *United States; and*

9 *(2) the Secretary of Energy notifies the congres-*
10 *sional defense committees of that determination.*

11 **SEC. 3133. TRITIUM PRODUCTION PROGRAM.**

12 *(a) ESTABLISHMENT OF PROGRAM.—The Secretary of*
13 *Energy shall establish a tritium production program that*
14 *is capable of meeting the tritium requirements of the United*
15 *States for nuclear weapons. In carrying out the tritium*
16 *production program, the Secretary shall—*

17 *(1) complete the tritium supply and recycling*
18 *environmental impact statement in preparation by*
19 *the Secretary as of the date of the enactment of this*
20 *Act; and*

21 *(2) assess alternative means for tritium produc-*
22 *tion, including production through—*

23 *(A) types of new and existing reactors, in-*
24 *cluding multipurpose reactors (such as advanced*
25 *light water reactors and gas turbine gas-cooled*
26 *reactors) capable of meeting both the tritium*

1 *production requirements and the plutonium dis-*
2 *position requirements of the United States for*
3 *nuclear weapons;*

4 *(B) an accelerator; and*

5 *(C) multipurpose reactor projects carried*
6 *out by the private sector and the Government.*

7 *(b) FUNDING.—Of funds authorized to be appropriated*
8 *to the Department of Energy pursuant to section 3101, not*
9 *more than \$50,000,000 shall be available for the tritium*
10 *production program established pursuant to subsection (a).*

11 *(c) LOCATION OF TRITIUM PRODUCTION FACILITY.—*
12 *The Secretary shall locate any new tritium production fa-*
13 *cility of the Department of Energy at the Savannah River*
14 *Site, South Carolina.*

15 *(d) COST-BENEFIT ANALYSIS.—(1) The Secretary*
16 *shall include in the statements referred to in paragraph (2)*
17 *a comparison of the costs and benefits of carrying out two*
18 *projects for the separate performance of the tritium produc-*
19 *tion mission of the Department and the plutonium dispo-*
20 *sition mission of the Department with the costs and benefits*
21 *of carrying out one multipurpose project for the perform-*
22 *ance of both such missions.*

23 *(2) The statements referred to in paragraph (1) are—*

24 *(A) the environmental impact statement referred*
25 *to in subsection (a)(1);*

1 (B) the plutonium disposition environmental im-
2 pact statement in preparation by the Secretary as of
3 the date of the enactment of this Act; and

4 (C) assessments related to the environmental im-
5 pact statements referred to in subparagraphs (A) and
6 (B).

7 (e) *REPORT*.—Not later than 45 days after the date
8 of the enactment of this Act, the Secretary shall submit to
9 the Committee on Armed Services of the Senate and the
10 Committee on National Security of the House of Represent-
11 atives a report on the tritium production program estab-
12 lished pursuant to subsection (a). The report shall include
13 a specification of—

14 (1) the planned expenditures of the Department
15 during fiscal year 1996 for any of the alternative
16 means for tritium production assessed under sub-
17 section (a)(2);

18 (2) the amount of funds required to be expended
19 by the Department, and the program milestones (in-
20 cluding feasibility demonstrations) required to be met,
21 during fiscal years 1997 through 2001 to ensure trit-
22 ium production beginning not later than 2005 that is
23 adequate to meet the tritium requirements of the
24 United States for nuclear weapons; and

1 (3) *the amount of such funds to be expended and*
2 *such program milestones to be met during such fiscal*
3 *years to ensure such tritium production beginning not*
4 *later than 2011.*

5 (f) *TRITIUM TARGETS.*—*Of the funds made available*
6 *pursuant to subsection (b), not more than \$5,000,000 shall*
7 *be available for the Idaho National Engineering Laboratory*
8 *for the test and development of nuclear reactor tritium tar-*
9 *gets for the types of reactors assessed under subsection*
10 *(a)(2)(A).*

11 ***SEC. 3134. PAYMENT OF PENALTIES.***

12 *The Secretary of Energy may pay to the Hazardous*
13 *Substance Superfund established under section 9507 of the*
14 *Internal Revenue Code of 1986 (26 U.S.C. 9507), from*
15 *funds appropriated to the Department of Energy for envi-*
16 *ronmental restoration and waste management activities*
17 *pursuant to section 3102, stipulated civil penalties in the*
18 *amount of \$350,000 assessed under the Comprehensive En-*
19 *vironmental Response, Compensation, and Liability Act of*
20 *1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site,*
21 *Colorado.*

22 ***SEC. 3135. FISSILE MATERIALS DISPOSITION.***

23 (a) *IN GENERAL.*—*Of the funds authorized to be ap-*
24 *propriated to the Department of Energy for fiscal year 1996*
25 *pursuant to section 3103, \$70,000,000 shall be available*

1 *only for purposes of completing the evaluation of, and com-*
2 *mencing implementation of, the interim- and long-term*
3 *storage and disposition (including storage and disposition*
4 *through the use of advanced light water reactors and gas*
5 *turbine gas-cooled reactors) of fissile materials (including*
6 *plutonium, highly enriched uranium, and other fissile ma-*
7 *terials) that are excess to the national security needs of the*
8 *United States.*

9 **(b) AVAILABILITY OF FUNDS FOR MULTIPURPOSE RE-**
10 *ACTORS.—Of funds made available pursuant to subsection*
11 *(a), sufficient funds shall be made available for the complete*
12 *consideration of multipurpose reactors for the disposition*
13 *of fissile materials in the programmatic environmental im-*
14 *pact statement of the Department.*

15 **(c) LIMITATION.—Of funds made available pursuant**
16 *to subsection (a), \$10,000,000 shall be available only for*
17 *a plutonium resource assessment.*

18 **SEC. 3136. TRITIUM RECYCLING.**

19 **(a) IN GENERAL.—Except as provided in subsection**
20 *(b), the following activities shall be carried out at the Sa-*
21 *vannah River Site, South Carolina:*

22 **(1) All tritium recycling for weapons, including**
23 *tritium refitting.*

24 **(2) All activities regarding tritium formerly car-**
25 *ried out at the Mound Plant, Ohio.*

1 (b) *EXCEPTION.*—*The following activities may be car-*
2 *ried out at the Los Alamos National Laboratory, New Mex-*
3 *ico:*

4 (1) *Research on tritium.*

5 (2) *Work on tritium in support of the defense in-*
6 *ertial confinement fusion program.*

7 (3) *Provision of technical assistance to the Sa-*
8 *vannah River Site regarding the weapons surveillance*
9 *program.*

10 ***SEC. 3137. MANUFACTURING INFRASTRUCTURE FOR***
11 ***REFABRICATION AND CERTIFICATION OF NU-***
12 ***CLEAR WEAPONS STOCKPILE.***

13 (a) *MANUFACTURING PROGRAM.*—*The Secretary of*
14 *Energy shall carry out a program for purposes of establish-*
15 *ing within the Government a manufacturing infrastructure*
16 *that has the capabilities of meeting the following objectives*
17 *as specified in the Nuclear Posture Review:*

18 (1) *To provide a stockpile surveillance engineer-*
19 *ing base.*

20 (2) *To refabricate and certify weapon compo-*
21 *nents and types in the enduring nuclear weapons*
22 *stockpile, as necessary.*

23 (3) *To fabricate and certify new nuclear war-*
24 *heads, as necessary.*

25 (4) *To support nuclear weapons.*

1 (5) *To supply sufficient tritium in support of*
2 *nuclear weapons to ensure an upload hedge in the*
3 *event circumstances require.*

4 (b) *REQUIRED CAPABILITIES.—The manufacturing*
5 *infrastructure established under the program under sub-*
6 *section (a) shall include the following capabilities (modern-*
7 *ized to attain the objectives referred to in that subsection):*

8 (1) *The weapons assembly capabilities of the*
9 *Pantex Plant.*

10 (2) *The weapon secondary fabrication capabili-*
11 *ties of the Y-12 Plant, Oak Ridge, Tennessee.*

12 (3) *The tritium production, recycling, and other*
13 *weapons-related capabilities of the Savannah River*
14 *Site.*

15 (4) *The non-nuclear component capabilities of*
16 *the Kansas City Plant.*

17 (c) *NUCLEAR POSTURE REVIEW.—For purposes of*
18 *subsection (a), the term “Nuclear Posture Review” means*
19 *the Department of Defense Nuclear Posture Review as con-*
20 *tained in the Report of the Secretary of Defense to the Presi-*
21 *dent and the Congress dated February 19, 1995, or subse-*
22 *quent such reports.*

23 (d) *FUNDING.—Of the funds authorized to be appro-*
24 *riated under section 3101(b), \$143,000,000 shall be avail-*

1 able for carrying out the program required under this sec-
2 tion, of which—

3 (1) \$35,000,000 shall be available for activities
4 at the Pantex Plant;

5 (2) \$30,000,000 shall be available for activities
6 at the Y-12 Plant, Oak Ridge, Tennessee;

7 (3) \$35,000,000 shall be available for activities
8 at the Savannah River Site; and

9 (4) \$43,000,000 shall be available for activities
10 at the Kansas City Plant.

11 (e) *PLAN AND REPORT.*—The Secretary shall develop
12 a plan for the implementation of this section. Not later than
13 March 1, 1996, the Secretary shall submit to Congress a
14 report on the obligations the Secretary has incurred, and
15 plans to incur, during fiscal year 1996 for the program re-
16 ferred to in subsection (a).

17 **SEC. 3138. HYDRONUCLEAR EXPERIMENTS.**

18 Of the funds authorized to be appropriated to the De-
19 partment of Energy pursuant to section 3101, \$30,000,000
20 shall be available to prepare for the commencement of a pro-
21 gram of hydronuclear experiments at the nuclear weapons
22 design laboratories at the Nevada Test Site, Nevada. The
23 purpose of the program shall be to maintain confidence in
24 the reliability and safety of the nuclear weapons stockpile.

1 **SEC. 3139. LIMITATION ON AUTHORITY TO CONDUCT**
2 **HYDRONUCLEAR TESTS.**

3 *Nothing in this Act may be construed to authorize the*
4 *conduct of hydronuclear tests or to amend or repeal the re-*
5 *quirements of section 507 of the Energy and Water Develop-*
6 *ment Appropriations Act, 1993 (Public Law 102–377; 106*
7 *Stat. 1343; 42 U.S.C. 2121 note).*

8 **SEC. 3140. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
9 **SKILLS CRITICAL TO THE DEPARTMENT OF**
10 **ENERGY NUCLEAR WEAPONS COMPLEX.**

11 *(a) IN GENERAL.—The Secretary of Energy shall con-*
12 *duct a fellowship program for the development of skills criti-*
13 *cal to the ongoing mission of the Department of Energy*
14 *nuclear weapons complex. Under the fellowship program,*
15 *the Secretary shall—*

16 *(1) provide educational assistance and research*
17 *assistance to eligible individuals to facilitate the de-*
18 *velopment by such individuals of skills critical to*
19 *maintaining the ongoing mission of the Department*
20 *of Energy nuclear weapons complex;*

21 *(2) employ eligible individuals at the facilities*
22 *described in subsection (c) in order to facilitate the*
23 *development of such skills by these individuals; or*

24 *(3) provide eligible individuals with the assist-*
25 *ance and the employment.*

1 (b) *ELIGIBLE INDIVIDUALS.*—*Individuals eligible for*
2 *participation in the fellowship program are the following:*

3 (1) *Students pursuing graduate degrees in fields*
4 *of science or engineering that are related to nuclear*
5 *weapons engineering or to the science and technology*
6 *base of the Department of Energy.*

7 (2) *Individuals engaged in postdoctoral studies*
8 *in such fields.*

9 (c) *COVERED FACILITIES.*—*The Secretary shall carry*
10 *out the fellowship program at or in connection with the fol-*
11 *lowing facilities:*

12 (1) *The Kansas City Plant, Kansas City, Mis-*
13 *souri.*

14 (2) *The Pantex Plant, Amarillo, Texas.*

15 (3) *The Y-12 Plant, Oak Ridge, Tennessee.*

16 (4) *The Savannah River Site, Aiken, South*
17 *Carolina.*

18 (d) *ADMINISTRATION.*—*The Secretary shall carry out*
19 *the fellowship program at a facility referred to in subsection*
20 *(c) through the stockpile manager of the facility.*

21 (e) *ALLOCATION OF FUNDS.*—*The Secretary shall, in*
22 *consultation with the Assistant Secretary of Energy for De-*
23 *fense Programs, allocate funds available for the fellowship*
24 *program under subsection (f) among the facilities referred*
25 *to in subsection (c). The Secretary shall make the allocation*

1 *after evaluating an assessment by the weapons program di-*
2 *rector of each such facility of the personnel and critical*
3 *skills necessary at the facility for carrying out the ongoing*
4 *mission of the facility.*

5 (f) *FUNDING.—Of the funds authorized to be appro-*
6 *priated to the Department of Energy for fiscal year 1996*
7 *under section 3101(b), \$10,000,000 may be used for the pur-*
8 *pose of carrying out the fellowship program under this sec-*
9 *tion.*

10 **SEC. 3141. LIMITATION ON USE OF FUNDS FOR CERTAIN**
11 **RESEARCH AND DEVELOPMENT PURPOSES.**

12 *Funds appropriated or otherwise made available to the*
13 *Department of Energy for fiscal year 1996 under section*
14 *3101 may be obligated and expended for activities under*
15 *the Department of Energy Laboratory Directed Research*
16 *and Development Program or under Department of Energy*
17 *technology transfer programs only if such activities support*
18 *the national security mission of the Department.*

19 **SEC. 3142. PROCESSING AND TREATMENT OF HIGH-LEVEL**
20 **NUCLEAR WASTE AND SPENT NUCLEAR FUEL**
21 **RODS.**

22 (a) *PROCESSING OF SPENT NUCLEAR FUEL RODS.—*
23 *Of the amounts appropriated pursuant to section 3102,*
24 *there shall be available to the Secretary of Energy to re-*

1 *spond effectively to new requirements for managing spent*
2 *nuclear fuel—*

3 (1) *not more than \$30,000,000, for the Savannah*
4 *River Site for the development and implementation of*
5 *a program for the processing, reprocessing, separa-*
6 *tion, reduction, isolation, and interim storage of high-*
7 *level nuclear waste associated with aluminum clad*
8 *spent fuel rods and foreign spent fuel rods; and*

9 (2) *not more than \$15,000,000, for the Idaho Na-*
10 *tional Engineering Laboratory for the development*
11 *and implementation of a program for the treatment,*
12 *preparation, and conditioning of high-level nuclear*
13 *waste and spent nuclear fuel (including naval spent*
14 *nuclear fuel), nonaluminum clad fuel rods, and for-*
15 *foreign fuel rods for interim storage and final disposi-*
16 *tion.*

17 (b) *IMPLEMENTATION PLAN.—Not later than April 30,*
18 *1996, the Secretary shall submit to Congress a five-year*
19 *plan for the implementation of the programs referred to in*
20 *subsection (a). The plan shall include—*

21 (1) *an assessment of the facilities required to be*
22 *constructed or upgraded to carry out the processing,*
23 *separation, reduction, isolation and interim storage of*
24 *high-level nuclear waste;*

1 (2) a description of the technologies, including
2 stabilization technologies, that are required to be de-
3 veloped for the efficient conduct of the programs;

4 (3) a projection of the dates upon which activi-
5 ties under the programs are sufficiently completed to
6 provide for the transfers of such waste to permanent
7 repositories; and

8 (4) a projection of the total cost to complete the
9 programs.

10 (c) *ELECTROMETALLURGICAL WASTE TREATMENT*
11 *TECHNOLOGIES.*—Of the amount appropriated pursuant to
12 section 3102(c), not more than \$25,000,000 shall be avail-
13 able for development of electrometallurgical waste treatment
14 technologies at the Argonne National Laboratory.

15 (d) *USE OF FUNDS FOR SETTLEMENT AGREEMENT.*—
16 Funds made available pursuant to subsection (a)(2) for the
17 Idaho National Engineering Laboratory shall be considered
18 to be funds made available in partial fulfillment of the
19 terms and obligations set forth in the settlement agreement
20 entered into by the United States with the State of Idaho
21 in the actions captioned *Public Service Co. of Colorado v.*
22 *Batt*, Civil No. 91-0035-S-EJL, and *United States v.*
23 *Batt*, Civil No. 91-0054-S-EJL, in the United States Dis-
24 trict Court for the District of Idaho and the consent order
25 of the United States District Court for the District of Idaho,

1 *dated October 17, 1995, that effectuates the settlement agree-*
2 *ment.*

3 **SEC. 3143. PROTECTION OF WORKERS AT NUCLEAR WEAP-**
4 **ONS FACILITIES.**

5 *Of the funds authorized to be appropriated to the De-*
6 *partment of Energy under section 3102, \$10,000,000 shall*
7 *be available to carry out activities authorized under section*
8 *3131 of the National Defense Authorization Act for Fiscal*
9 *Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571;*
10 *42 U.S.C. 7274d), relating to worker protection at nuclear*
11 *weapons facilities.*

12 **SEC. 3144. DEPARTMENT OF ENERGY DECLASSIFICATION**
13 **PRODUCTIVITY INITIATIVE.**

14 *Of the funds authorized to be appropriated to the De-*
15 *partment of Energy under section 3103, \$3,000,000 shall*
16 *be available for the Declassification Productivity Initiative*
17 *of the Department of Energy.*

18 **Subtitle D—Other Matters**

19 **SEC. 3151. REPORT ON FOREIGN TRITIUM PURCHASES.**

20 *(a) REPORT.—Not later than May 1, 1996, the Presi-*
21 *dent shall submit to the congressional defense committees*
22 *a report on the feasibility of, the cost of, and the policy,*
23 *legal, and other issues associated with purchasing tritium*
24 *from various foreign suppliers in order to ensure an ade-*

1 *quate supply of tritium in the United States for nuclear*
 2 *weapons.*

3 (b) *FORM OF REPORT.*—*The report shall be submitted*
 4 *in unclassified form, but may contain a classified appen-*
 5 *dix.*

6 **SEC. 3152. STUDY ON NUCLEAR TEST READINESS POS-**
 7 **TURES.**

8 *Not later than February 15, 1996, the Secretary of En-*
 9 *ergy shall submit to Congress a report on the costs, pro-*
 10 *grammatic issues, and other issues associated with sustain-*
 11 *ing the capability of the Department of Energy—*

12 (1) *to conduct an underground nuclear test 6*
 13 *months after the date on which the President deter-*
 14 *mines that such a test is necessary to ensure the na-*
 15 *tional security of the United States;*

16 (2) *to conduct such a test 18 months after such*
 17 *date; and*

18 (3) *to conduct such a test 36 months after such*
 19 *date.*

20 **SEC. 3153. MASTER PLAN FOR THE CERTIFICATION, STEW-**
 21 **ARDSHIP, AND MANAGEMENT OF WARHEADS**
 22 **IN THE NUCLEAR WEAPONS STOCKPILE.**

23 (a) *MASTER PLAN REQUIREMENT.*—*Not later than*
 24 *March 15, 1996, the President shall submit to Congress a*
 25 *master plan for maintaining the nuclear weapons stockpile.*

1 *The President shall submit to Congress an update of the*
2 *master plan not later than March 15 of each year thereafter.*

3 (b) *PLAN ELEMENTS.—The master plan and each up-*
4 *date of the master plan shall set forth the following:*

5 (1) *The numbers of weapons (including active*
6 *and inactive weapons) for each type of weapon in the*
7 *nuclear weapons stockpile.*

8 (2) *The expected design lifetime of each weapon*
9 *type, the current age of each weapon type, and any*
10 *plans (including the analytical basis for such plans)*
11 *for lifetime extensions of a weapon type.*

12 (3) *An estimate of the lifetime of the nuclear and*
13 *nonnuclear components of the weapons (including ac-*
14 *tive weapons and inactive weapons) in the nuclear*
15 *weapons stockpile, and any plans (including the ana-*
16 *lytical basis for such plans) for lifetime extensions of*
17 *such components.*

18 (4) *A schedule of the modifications, if any, re-*
19 *quired for each weapon type (including active and in-*
20 *active weapons) in the nuclear weapons stockpile and*
21 *the cost of such modifications.*

22 (5) *The process to be used in recertifying the*
23 *safety, reliability, and performance of each weapon*
24 *type (including active weapons and inactive weap-*
25 *ons) in the nuclear weapons stockpile.*

1 (6) *The manufacturing infrastructure required to*
2 *maintain the nuclear weapons stockpile stewardship*
3 *and management programs, including a detailed*
4 *project plan that demonstrates the manner by which*
5 *the Government will develop by 2002 the capability to*
6 *refabricate and certify warheads in the nuclear weap-*
7 *ons stockpile and to design, fabricate, and certify new*
8 *warheads.*

9 (c) *FORM OF PLAN.—The master plan and each up-*
10 *date of the master plan shall be submitted in unclassified*
11 *form, but may contain a classified appendix.*

12 ***SEC. 3154. PROHIBITION ON INTERNATIONAL INSPEC-***
13 ***TIONS OF DEPARTMENT OF ENERGY FACILI-***
14 ***TIES UNLESS PROTECTION OF RESTRICTED***
15 ***DATA IS CERTIFIED.***

16 (a) *PROHIBITION ON INSPECTIONS.—(1) The Secretary*
17 *of Energy may not allow an inspection of a nuclear weap-*
18 *ons facility by the International Atomic Energy Agency*
19 *until the Secretary certifies to Congress that no restricted*
20 *data will be revealed during such inspection.*

21 (2) *For purposes of paragraph (1), the term “restricted*
22 *data” has the meaning provided by section 11 y. of the*
23 *Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).*

24 (b) *EXTENSION OF NOTICE-AND-WAIT REQUIREMENT*
25 *REGARDING PROPOSED COOPERATION AGREEMENTS.—Sec-*

1 *tion 3155(b) of the National Defense Authorization Act for*
 2 *Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3092)*
 3 *is amended by striking out “December 31, 1995” and in-*
 4 *serting in lieu thereof “October 1, 1996”.*

5 **SEC. 3155. REVIEW OF CERTAIN DOCUMENTS BEFORE DE-**
 6 **CLASSIFICATION AND RELEASE.**

7 (a) *IN GENERAL.*—*The Secretary of Energy shall en-*
 8 *sure that, before a document of the Department of Energy*
 9 *that contains national security information is released or*
 10 *declassified, such document is reviewed to determine wheth-*
 11 *er it contains restricted data.*

12 (b) *LIMITATION ON DECLASSIFICATION.*—*The Sec-*
 13 *retary may not implement the automatic declassification*
 14 *provisions of Executive Order 12958 if the Secretary deter-*
 15 *mines that such implementation could result in the auto-*
 16 *matic declassification and release of documents containing*
 17 *restricted data.*

18 (c) *RESTRICTED DATA DEFINED.*—*In this section, the*
 19 *term “restricted data” has the meaning provided by section*
 20 *11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).*

21 **SEC. 3156. ACCELERATED SCHEDULE FOR ENVIRON-**
 22 **MENTAL RESTORATION AND WASTE MANAGE-**
 23 **MENT ACTIVITIES.**

24 (a) *ACCELERATED CLEANUP.*—*The Secretary of En-*
 25 *ergy shall accelerate the schedule for environmental restora-*

1 *tion and waste management activities and projects for a*
2 *site at a Department of Energy defense nuclear facility if*
3 *the Secretary determines that such an accelerated schedule*
4 *will achieve meaningful, long-term cost savings to the Fed-*
5 *eral Government and could substantially accelerate the re-*
6 *lease of land for local reuse.*

7 **(b) CONSIDERATION OF FACTORS.**—*In making a deter-*
8 *mination under subsection (a), the Secretary shall consider*
9 *the following:*

10 (1) *The cost savings achievable by the Federal*
11 *Government.*

12 (2) *The amount of time for completion of envi-*
13 *ronmental restoration and waste management activi-*
14 *ties and projects at the site that can be reduced from*
15 *the time specified for completion of such activities*
16 *and projects in the baseline environmental manage-*
17 *ment report required to be submitted for 1995 under*
18 *section 3153 of the National Defense Authorization*
19 *Act for Fiscal Year 1994 (42 U.S.C. 7274k).*

20 (3) *The potential for reuse of the site.*

21 (4) *The risks that the site poses to local health*
22 *and safety.*

23 (5) *The proximity of the site to populated areas.*

24 **(c) REPORT.**—*Not later than May 1, 1996, the Sec-*
25 *retary shall submit to Congress a report on each site for*

1 *which the Secretary has accelerated the schedule for envi-*
2 *ronmental restoration and waste management activities*
3 *and projects under subsection (a). The report shall include*
4 *an explanation of the basis for the determination for that*
5 *site required by such subsection, including an explanation*
6 *of the consideration of the factors described in subsection*
7 *(b).*

8 (d) *SAVINGS PROVISION.*—*Nothing in this section may*
9 *be construed to affect a specific statutory requirement for*
10 *a specific environmental restoration or waste management*
11 *activity or project or to modify or otherwise affect applica-*
12 *ble statutory or regulatory environmental restoration and*
13 *waste management requirements, including substantive*
14 *standards intended to protect public health and the environ-*
15 *ment.*

16 ***SEC. 3157. SENSE OF CONGRESS REGARDING CERTAIN EN-***
17 ***VIRONMENTAL RESTORATION REQUIRE-***
18 ***MENTS.***

19 *It is the sense of Congress that—*

20 (1) *an individual acting within the scope of that*
21 *individual's employment with a Federal agency*
22 *should not be personally subject to civil or criminal*
23 *sanctions (to the extent such sanctions are provided*
24 *for by law) as a result of the failure to comply with*
25 *an environmental cleanup requirement under the*

1 *Solid Waste Disposal Act or the Comprehensive Envi-*
2 *ronmental Response, Compensation, and Liability*
3 *Act or an analogous requirement under a comparable*
4 *Federal, State, or local law, in any circumstance*
5 *under which such failure to comply is due to an in-*
6 *sufficiency of funds appropriated to carry out such*
7 *requirement;*

8 *(2) Federal and State enforcement authorities*
9 *should refrain from an enforcement action in a cir-*
10 *cumstance described in paragraph (1); and*

11 *(3) if funds appropriated for a fiscal year after*
12 *fiscal year 1995 are insufficient to carry out any such*
13 *environmental cleanup requirement, Congress should*
14 *elicit the views of Federal agencies, affected States,*
15 *and the public, and consider appropriate legislative*
16 *action to address personal criminal liability in a cir-*
17 *cumstance described in paragraph (1) and any relat-*
18 *ed issues pertaining to potential liability of a Federal*
19 *agency.*

20 **SEC. 3158. RESPONSIBILITY FOR DEFENSE PROGRAMS**
21 **EMERGENCY RESPONSE PROGRAM.**

22 *The Office of Military Applications under the Assist-*
23 *ant Secretary of Energy for Defense Programs shall retain*
24 *responsibility for the Defense Programs Emergency Re-*
25 *sponse Program within the Department of Energy.*

1 **SEC. 3159. REQUIREMENTS FOR DEPARTMENT OF ENERGY**
2 **WEAPONS ACTIVITIES BUDGETS FOR FISCAL**
3 **YEARS AFTER FISCAL YEAR 1996.**

4 (a) *IN GENERAL.*—*The weapons activities budget of*
5 *the Department of Energy shall be developed in accordance*
6 *with the Nuclear Posture Review, the Post Nuclear Posture*
7 *Review Stockpile Memorandum currently under develop-*
8 *ment, and the programmatic and technical requirements as-*
9 *sociated with the review and memorandum.*

10 (b) *REQUIRED DETAIL.*—*The Secretary of Energy*
11 *shall include in the materials that the Secretary submits*
12 *to Congress in support of the budget for a fiscal year sub-*
13 *mitted by the President pursuant to section 1105 of title*
14 *31, United States Code, a long-term program plan, and a*
15 *near-term program plan, for the certification and steward-*
16 *ship of the nuclear weapons stockpile.*

17 (c) *DEFINITION.*—*In this section, the term “Nuclear*
18 *Posture Review” means the Department of Defense Nuclear*
19 *Posture Review as contained in the report of the Secretary*
20 *of Defense to the President and the Congress dated February*
21 *19, 1995, or in subsequent such reports.*

22 **SEC. 3160. REPORT ON HYDRONUCLEAR TESTING.**

23 (a) *REPORT.*—*The Secretary of Energy shall direct the*
24 *joint preparation by the Directors of the Lawrence Liver-*
25 *more National Laboratory and the Los Alamos National*
26 *Laboratory of a report on the advantages and disadvan-*

1 *tages with respect to the safety and reliability of the nuclear*
2 *weapons stockpile of permitting alternative limits to the*
3 *current limit on the explosive yield of hydronuclear and*
4 *other explosive tests. The report shall address the following*
5 *explosive yield limits:*

6 (1) *4 pounds (TNT equivalent).*

7 (2) *400 pounds (TNT equivalent).*

8 (3) *4,000 pounds (TNT equivalent).*

9 (4) *40,000 pounds (TNT equivalent).*

10 (5) *400 tons (TNT equivalent).*

11 (b) *FUNDING.*—*The Secretary shall make available*
12 *funds appropriated to the Department of Energy pursuant*
13 *to section 3101 for preparation of the report required under*
14 *subsection (a).*

15 **SEC. 3161. APPLICABILITY OF ATOMIC ENERGY COMMU-**
16 **NITY ACT OF 1955 TO LOS ALAMOS, NEW MEX-**
17 **ICO.**

18 (a) *DATE OF TRANSFER OF UTILITIES.*—*Section 72*
19 *of the Atomic Energy Community Act of 1955 (42 U.S.C.*
20 *2372) is amended by striking out “not later than five years*
21 *after the date it is included within this Act” and inserting*
22 *in lieu thereof “not later than June 30, 1998”.*

23 (b) *DATE OF TRANSFER OF MUNICIPAL INSTALLA-*
24 *TIONS.*—*Section 83 of such Act (42 U.S.C. 2383) is amend-*
25 *ed by striking out “not later than five years after the date*

1 *it is included within this Act” and inserting in lieu thereof*
2 *“not later than June 30, 1998”.*

3 (c) *RECOMMENDATION FOR FURTHER ASSISTANCE*
4 *PAYMENTS.—Section 91d. of such Act (42 U.S.C. 2391) is*
5 *amended—*

6 (1) *by striking out “, and the Los Alamos School*
7 *Board;” and all that follows through “county of Los*
8 *Alamos, New Mexico” and inserting in lieu thereof “;*
9 *or not later than June 30, 1996, in the case of the*
10 *Los Alamos School Board and the county of Los Ala-*
11 *mos, New Mexico”; and*

12 (2) *by adding at the end the following new sen-*
13 *tence: “If the recommendation under the preceding*
14 *sentence regarding the Los Alamos School Board or*
15 *the county of Los Alamos, New Mexico, indicates a*
16 *need for further assistance for the school board or the*
17 *county, as the case may be, after June 30, 1997, the*
18 *recommendation shall include a report and plan de-*
19 *scribing the actions required to eliminate the need for*
20 *further assistance for the school board or the county,*
21 *including a proposal for legislative action to carry*
22 *out the plan.”.*

23 (d) *CONTRACT TO MAKE PAYMENTS.—Section 94 of*
24 *such Act (42 U.S.C. 2394) is amended—*

1 (1) *by striking out “June 30, 1996” each place*
2 *it appears in the proviso in the first sentence and in-*
3 *serting in lieu thereof “June 30, 1997”; and*

4 (2) *by striking out “July 1, 1996” in the second*
5 *sentence and inserting in lieu thereof “July 1, 1997”.*

6 **SEC. 3162. SENSE OF CONGRESS REGARDING SHIPMENTS**
7 **OF SPENT NUCLEAR FUEL.**

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

9 (1) *The United States has entered into a settle-*
10 *ment agreement with the State of Idaho in the actions*
11 *captioned Public Service Co. of Colorado v. Batt,*
12 *Civil No. 91-0035-S-EJL, and United States v.*
13 *Batt, Civil No. 91-0054-S-EJL, in the United States*
14 *District Court for the District of Idaho, regarding*
15 *shipment of naval spent nuclear fuel to Idaho, exam-*
16 *ination and storage of such fuel in Idaho, and other*
17 *matters.*

18 (2) *Under this court enforceable agreement—*

19 (A) *the State of Idaho has agreed—*

20 (i) *to accept 575 shipments of naval*
21 *spent nuclear fuel from the Navy into Idaho*
22 *between October 17, 1995 and 2035;*

23 (ii) *to accept certain shipments of*
24 *spent nuclear fuel from the Department of*

1 *Energy into Idaho between October 17, 1995*
2 *and 2035; and*

3 *(iii) to allow the Navy and the Depart-*
4 *ment of Energy, on an interim basis, to*
5 *store the spent nuclear fuel in Idaho over*
6 *the next 40 years; and*

7 *(B) the United States has made commit-*
8 *ments—*

9 *(i) to remove all spent nuclear fuel (ex-*
10 *cept certain quantities for testing) from*
11 *Idaho by 2035; and*

12 *(ii) to facilitate the cleanup and sta-*
13 *bilization of radioactive waste at the Idaho*
14 *National Engineering Laboratory.*

15 *(3) The settlement agreement allows the Depart-*
16 *ment of Energy and the Department of the Navy to*
17 *meet responsibilities that are important to the na-*
18 *tional security interests of the United States.*

19 *(4) Authorizations and appropriations of funds*
20 *will be necessary in order to provide for fulfillment of*
21 *the terms and obligations set forth in the settlement*
22 *agreement.*

23 *(b) SENSE OF CONGRESS.—(1) Congress recognizes the*
24 *need to implement the terms, conditions, rights, and obliga-*
25 *tions contained in the settlement agreement referred to in*

1 subsection (a)(1) and the consent order of the United States
 2 District Court for the District of Idaho, dated October 17,
 3 1995, that effectuates the settlement agreement in accord-
 4 ance with those terms, conditions, rights, and obligations.

5 (2) It is the sense of Congress that funds requested by
 6 the President to carry out the settlement agreement and
 7 such consent order should be appropriated for that purpose.

8 **TITLE XXXII—DEFENSE NU-**
 9 **CLEAR FACILITIES SAFETY**
 10 **BOARD**

11 **SEC. 3201. AUTHORIZATION.**

12 There are authorized to be appropriated for fiscal year
 13 1996, \$17,000,000 for the operation of the Defense Nuclear
 14 Facilities Safety Board under chapter 21 of the Atomic En-
 15 ergy Act of 1954 (42 U.S.C. 2286 et seq.).

16 **TITLE XXXIII—NATIONAL**
 17 **DEFENSE STOCKPILE**
 18 **Subtitle A—Authorization of**
 19 **Disposals and Use of Funds**

20 **SEC. 3301. DEFINITIONS.**

21 For purposes of this subtitle:

22 (1) The term “National Defense Stockpile”
 23 means the stockpile provided for in section 4 of the
 24 Strategic and Critical Materials Stock Piling Act (50
 25 U.S.C. 98c).

1 (2) *The term “National Defense Stockpile Trans-*
2 *action Fund” means the fund in the Treasury of the*
3 *United States established under section 9(a) of the*
4 *Strategic and Critical Materials Stock Piling Act (50*
5 *U.S.C. 98h(a)).*

6 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

7 (a) *OBLIGATION OF STOCKPILE FUNDS.—During fis-*
8 *cal year 1996, the National Defense Stockpile Manager may*
9 *obligate up to \$77,100,000 of the funds in the National De-*
10 *fense Stockpile Transaction Fund for the authorized uses*
11 *of such funds under section 9(b)(2) of the Strategic and*
12 *Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).*

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. 3303. DISPOSAL OF CHROMITE AND MANGANESE**
 2 **ORES AND CHROMIUM FERRO AND MAN-**
 3 **GANESE METAL ELECTROLYTIC.**

4 (a) *DOMESTIC UPGRADING.*—*In offering to enter into*
 5 *agreements pursuant to any provision of law for the dis-*
 6 *posal from the National Defense Stockpile of chromite and*
 7 *manganese ores or chromium ferro and manganese metal*
 8 *electrolytic, the President shall give a right of first refusal*
 9 *on all such offers to domestic ferroalloy upgraders.*

10 (b) *DOMESTIC FERROALLOY UPGRADER DEFINED.*—
 11 *For purposes of this section, the term “domestic ferroalloy*
 12 *upgrader” means a company or other business entity that,*
 13 *as determined by the President—*

14 (1) *is engaged in operations to upgrade chromite*
 15 *or manganese ores of metallurgical grade or chro-*
 16 *mium ferro and manganese metal electrolytic; and*

17 (2) *conducts a significant level of its research,*
 18 *development, engineering, and upgrading operations*
 19 *in the United States.*

20 **SEC. 3304. RESTRICTIONS ON DISPOSAL OF MANGANESE**
 21 **FERRO.**

22 (a) *DISPOSAL OF LOWER GRADE MATERIAL FIRST.*—
 23 *The President may not dispose of high carbon manganese*
 24 *ferro in the National Defense Stockpile that meets the Na-*
 25 *tional Defense Stockpile classification of Grade One, Speci-*
 26 *fication 30(a), as revised on May 22, 1992, until completing*

1 *the disposal of all manganese ferro in the National Defense*
2 *Stockpile that does not meet such classification. The Presi-*
3 *dent may not reclassify manganese ferro in the National*
4 *Defense Stockpile after the date of the enactment of this Act.*

5 **(b) REQUIREMENT FOR REMELTING BY DOMESTIC**
6 **FERROALLOY PRODUCERS.**—*Manganese ferro in the Na-*
7 *tional Defense Stockpile that does not meet the classification*
8 *specified in subsection (a) may be sold only for remelting*
9 *by a domestic ferroalloy producer unless the President deter-*
10 *mines that a domestic ferroalloy producer is not available*
11 *to acquire the material.*

12 **(c) DOMESTIC FERROALLOY PRODUCER DEFINED.**—
13 *For purposes of this section, the term “domestic ferroalloy*
14 *producer” means a company or other business entity that,*
15 *as determined by the President—*

16 (1) *is engaged in operations to upgrade man-*
17 *ganese ores of metallurgical grade or manganese ferro;*
18 *and*

19 (2) *conducts a significant level of its research,*
20 *development, engineering, and upgrading operations*
21 *in the United States.*

22 **SEC. 3305. TITANIUM INITIATIVE TO SUPPORT BATTLE**
23 **TANK UPGRADE PROGRAM.**

24 *During each of the fiscal years 1996 through 2003, the*
25 *Secretary of Defense shall transfer from stocks of the Na-*

1 *tional Defense Stockpile up to 250 short tons of titanium*
2 *sponge to the Secretary of the Army for use in the weight*
3 *reduction portion of the main battle tank upgrade program.*
4 *Transfers under this section shall be without charge to the*
5 *Army, except that the Secretary of the Army shall pay all*
6 *transportation and related costs incurred in connection*
7 *with the transfer.*

8 ***Subtitle B—Programmatic Change***

9 ***SEC. 3311. TRANSFER OF EXCESS DEFENSE-RELATED MA-*** 10 ***TERIALS TO STOCKPILE FOR DISPOSAL.***

11 *(a) TRANSFER AND DISPOSAL.—Section 4 of the Stra-*
12 *tegic and Critical Materials Stock Piling Act (50 U.S.C.*
13 *98c) is amended by adding at the end the following new*
14 *subsection:*

15 *“(c)(1) The Secretary of Energy, in consultation with*
16 *the Secretary of Defense, shall transfer to the stockpile for*
17 *disposal in accordance with this Act uncontaminated mate-*
18 *rials that are in the Department of Energy inventory of*
19 *materials for the production of defense-related items, are ex-*
20 *cess to the requirements of the Department for that purpose,*
21 *and are suitable for transfer to the stockpile and disposal*
22 *through the stockpile.*

23 *“(2) The Secretary of Defense shall determine whether*
24 *materials are suitable for transfer to the stockpile under this*

1 subsection, are suitable for disposal through the stockpile,
2 and are uncontaminated.”.

3 (b) *CONFORMING AMENDMENT.*—Subsection (a) of
4 such section is amended by adding at the end the following:

5 “(10) Materials transferred to the stockpile under
6 subsection (c).”.

7 **TITLE XXXIV—NAVAL**
8 **PETROLEUM RESERVES**
9 **Subtitle A—Administration of**
10 **Naval Petroleum Reserves**

11 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

12 *There is hereby authorized to be appropriated to the*
13 *Secretary of Energy \$101,028,000 for fiscal year 1996 for*
14 *the purpose of carrying out activities under chapter 641*
15 *of title 10, United States Code, relating to the naval petro-*
16 *leum reserves (as defined in section 7420(2) of such title).*
17 *Funds appropriated pursuant to such authorization shall*
18 *remain available until expended.*

19 **SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PE-**
20 **TROLEUM DURING FISCAL YEAR 1996.**

21 *Notwithstanding section 7430(b)(2) of title 10, United*
22 *States Code, during fiscal year 1996, any sale of any part*
23 *of the United States share of petroleum produced from*
24 *Naval Petroleum Reserves Numbered 1, 2, and 3 shall be*
25 *made at a price not less than 90 percent of the current sales*

1 *price, as estimated by the Secretary of Energy, of com-*
2 *parable petroleum in the same area.*

3 ***Subtitle B—Sale of Naval***
4 ***Petroleum Reserve***

5 ***SEC. 3411. DEFINITIONS.***

6 *For purposes of this subtitle:*

7 (1) *The terms “Naval Petroleum Reserve Num-*
8 *bered 1” and “reserve” mean Naval Petroleum Re-*
9 *serve Numbered 1, commonly referred to as the Elk*
10 *Hills Unit, located in Kern County, California, and*
11 *established by Executive order of the President, dated*
12 *September 2, 1912.*

13 (2) *The term “naval petroleum reserves” has the*
14 *meaning given that term in section 7420(2) of title*
15 *10, United States Code, except that the term does not*
16 *include Naval Petroleum Reserve Numbered 1.*

17 (3) *The term “unit plan contract” means the*
18 *unit plan contract between equity owners of the lands*
19 *within the boundaries of Naval Petroleum Reserve*
20 *Numbered 1 entered into on June 19, 1944.*

21 (4) *The term “effective date” means the date of*
22 *the enactment of this Act.*

23 (5) *The term “Secretary” means the Secretary of*
24 *Energy.*

1 (6) *The term “appropriate congressional com-*
2 *mittees means the Committee on Armed Services of*
3 *the Senate and the Committee on National Security*
4 *and the Committee on Commerce of the House of Rep-*
5 *resentatives.*

6 **SEC. 3412. SALE OF NAVAL PETROLEUM RESERVE NUM-**
7 **BERED 1.**

8 (a) *SALE OF RESERVE REQUIRED.*—*Subject to section*
9 *3414, not later than one year after the effective date, the*
10 *Secretary of Energy shall enter into one or more contracts*
11 *for the sale of all right, title, and interest of the United*
12 *States in and to all lands owned or controlled by the United*
13 *States inside Naval Petroleum Reserve Numbered 1. Chap-*
14 *ter 641 of title 10, United States Code, shall not apply to*
15 *the sale of the reserve.*

16 (b) *EQUITY FINALIZATION.*—(1) *Not later than five*
17 *months after the effective date, the Secretary shall finalize*
18 *equity interests of the known oil and gas zones in Naval*
19 *Petroleum Reserve Numbered 1 in the manner provided by*
20 *this subsection.*

21 (2) *The Secretary shall retain the services of an inde-*
22 *pendent petroleum engineer, mutually acceptable to the eq-*
23 *uity owners, who shall prepare a recommendation on final*
24 *equity figures. The Secretary may accept the recommenda-*
25 *tion of the independent petroleum engineer for final equity*

1 *in each known oil and gas zone and establish final equity*
2 *interest in Naval Petroleum Reserve Numbered 1 in accord-*
3 *ance with the recommendation, or the Secretary may use*
4 *such other method to establish final equity interest in the*
5 *reserve as the Secretary considers appropriate.*

6 (3) *If, on the effective date, there is an ongoing equity*
7 *redetermination dispute between the equity owners under*
8 *section 9(b) of the unit plan contract, the dispute shall be*
9 *resolved in the manner provided in the unit plan contract*
10 *within five months after the effective date. The resolution*
11 *shall be considered final for all purposes under this section.*

12 (c) *NOTICE OF SALE.—Not later than two months after*
13 *the effective date, the Secretary shall publish a notice of in-*
14 *tent to sell Naval Petroleum Reserve Numbered 1. The Sec-*
15 *retary shall make all technical, geological, and financial in-*
16 *formation relevant to the sale of the reserve available to all*
17 *interested and qualified buyers upon request. The Secretary,*
18 *in consultation with the Administrator of General Services,*
19 *shall ensure that the sale process is fair and open to all*
20 *interested and qualified parties.*

21 (d) *ESTABLISHMENT OF MINIMUM SALE PRICE.—(1)*
22 *Not later than two months after the effective date, the Sec-*
23 *retary shall retain the services of five independent experts*
24 *in the valuation of oil and gas fields to conduct separate*
25 *assessments, in a manner consistent with commercial prac-*

1 tices, of the value of the interest of the United States in
2 Naval Petroleum Reserve Numbered 1. The independent ex-
3 perts shall complete their assessments within six months
4 after the effective date. In making their assessments, the
5 independent experts shall consider (among other factors)—

6 (A) all equipment and facilities to be included in
7 the sale;

8 (B) the estimated quantity of petroleum and nat-
9 ural gas in the reserve; and

10 (C) the net present value of the anticipated reve-
11 nue stream that the Secretary and the Director of the
12 Office of Management and Budget jointly determine
13 the Treasury would receive from the reserve if the re-
14 serve were not sold, adjusted for any anticipated in-
15 creases in tax revenues that would result if the reserve
16 were sold.

17 (2) The independent experts retained under paragraph
18 (1) shall also determine and submit to the Secretary the
19 estimated total amount of the cost of any environmental
20 restoration and remediation necessary at the reserve. The
21 Secretary shall report the estimate to the Director of the
22 Office of Management and Budget, the Secretary of the
23 Treasury, and Congress.

24 (3) The Secretary, in consultation with the Director
25 of the Office of Management and Budget, shall set the mini-

1 *imum acceptable price for the reserve. The Secretary may*
2 *not set the minimum acceptable price below the higher of—*

3 *(A) the average of the five assessments prepared*
4 *under paragraph (1); and*

5 *(B) the average of three assessments after exclud-*
6 *ing the high and low assessments.*

7 *(e) ADMINISTRATION OF SALE; DRAFT CONTRACT.—*

8 *(1) Not later than two months after the effective date, the*
9 *Secretary shall retain the services of an investment banker*
10 *to independently administer, in a manner consistent with*
11 *commercial practices and in a manner that maximizes sale*
12 *proceeds to the Government, the sale of Naval Petroleum*
13 *Reserve Numbered 1 under this section. Costs and fees of*
14 *retaining the investment banker may be paid out of the pro-*
15 *ceeds of the sale of the reserve.*

16 *(2) Not later than six months after the effective date,*
17 *the investment banker retained under paragraph (1) shall*
18 *complete a draft contract or contracts for the sale of Naval*
19 *Petroleum Reserve Numbered 1, which shall accompany the*
20 *solicitation of offers and describe the terms and provisions*
21 *of the sale of the interest of the United States in the reserve.*

22 *(3) The draft contract or contracts shall identify—*

23 *(A) all equipment and facilities to be included in*
24 *the sale; and*

1 (B) any potential claim or liability (including
2 liability for environmental restoration and remedi-
3 ation), and the extent of any such claim or liability,
4 for which the United States is responsible under sub-
5 section (g).

6 (4) The draft contract or contracts, including the terms
7 and provisions of the sale of the interest of the United States
8 in the reserve, shall be subject to review and approval by
9 the Secretary, the Secretary of the Treasury, and the Direc-
10 tor of the Office of Management and Budget. Each of those
11 officials shall complete the review of, and approve or dis-
12 approve, the draft contract or contracts not later than seven
13 months after the effective date.

14 (f) SOLICITATION OF OFFERS.—(1) Not later than
15 seven months after the effective date, the Secretary shall
16 publish the solicitation of offers for Naval Petroleum Re-
17 serve Numbered 1.

18 (2) Not later than 10 months after the effective date,
19 the Secretary shall identify the highest responsible offer or
20 offers for purchase of the interest of the United States in
21 Naval Petroleum Reserve Numbered 1 that, in total, meet
22 or exceed the minimum acceptable price determined under
23 subsection (d)(3).

24 (3) The Secretary shall take such action immediately
25 after the effective date as is necessary to obtain from an

1 *independent petroleum engineer within six months after*
2 *that date a reserve report prepared in a manner consistent*
3 *with commercial practices. The Secretary shall use the re-*
4 *serve report in support of the preparation of the solicitation*
5 *of offers for the reserve.*

6 (g) *FUTURE LIABILITIES.*—*To effectuate the sale of the*
7 *interest of the United States in Naval Petroleum Reserve*
8 *Numbered 1, the Secretary may extend such indemnities*
9 *and warranties as the Secretary considers reasonable and*
10 *necessary to protect the purchaser from claims arising from*
11 *the ownership in the reserve by the United States.*

12 (h) *MAINTAINING PRODUCTION.*—*Until the sale of*
13 *Naval Petroleum Reserve Numbered 1 is completed under*
14 *this section, the Secretary shall continue to produce the re-*
15 *serve at the maximum daily oil or gas rate from a reservoir,*
16 *which will permit maximum economic development of the*
17 *reservoir consistent with sound oil field engineering prac-*
18 *tices in accordance with section 3 of the unit plan contract.*

19 (i) *NONCOMPLIANCE WITH DEADLINES.*—*At any time*
20 *during the one-year period beginning on the effective date,*
21 *if the Secretary determines that the actions necessary to*
22 *complete the sale of the reserve within that period are not*
23 *being taken or timely completed, the Secretary shall trans-*
24 *mit to the appropriate congressional committees a written*
25 *notification of that determination together with a plan set-*

1 *ting forth the actions that will be taken to ensure that the*
2 *sale of the reserve will be completed within that period. The*
3 *Secretary shall consult with the Director of the Office of*
4 *Management and Budget in preparing the plan for submis-*
5 *sion to the committees.*

6 (j) *OVERSIGHT.*—*The Comptroller General shall mon-*
7 *itor the actions of the Secretary relating to the sale of the*
8 *reserve and report to the appropriate congressional commit-*
9 *tees any findings on such actions that the Comptroller Gen-*
10 *eral considers appropriate to report to the committees.*

11 (k) *ACQUISITION OF SERVICES.*—*The Secretary may*
12 *enter into contracts for the acquisition of services required*
13 *under this section under the authority of paragraph (7) of*
14 *section 303(c) of the Federal Property and Administrative*
15 *Services Act of 1949 (41 U.S.C. 253(c)), except that the no-*
16 *tification required under subparagraph (B) of such para-*
17 *graph for each contract shall be submitted to Congress not*
18 *less than 7 days before the award of the contract.*

19 **SEC. 3413. EFFECT OF SALE OF RESERVE.**

20 (a) *EFFECT ON EXISTING CONTRACTS.*—(1) *In the*
21 *case of any contract, in effect on the effective date, for the*
22 *purchase of production from any part of the United States'*
23 *share of Naval Petroleum Reserve Numbered 1, the sale of*
24 *the interest of the United States in the reserve shall be sub-*
25 *ject to the contract for a period of three months after the*

1 closing date of the sale or until termination of the contract,
2 whichever occurs first. The term of any contract entered
3 into after the effective date for the purchase of the produc-
4 tion shall not exceed the anticipated closing date for the
5 sale of the reserve.

6 (2) The Secretary shall exercise the termination proce-
7 dures provided in the contract between the United States
8 and Bechtel Petroleum Operation, Inc., Contract Number
9 DE-ACO1-85FE60520 so that the contract terminates not
10 later than the date of closing of the sale of Naval Petroleum
11 Reserve Numbered 1 under section 3412.

12 (3) The Secretary shall exercise the termination proce-
13 dures provided in the unit plan contract so that the unit
14 plan contract terminates not later than the date of closing
15 of the sale of reserve.

16 (b) EFFECT ON ANTITRUST LAWS.—Nothing in this
17 subtitle shall be construed to alter the application of the
18 antitrust laws of the United States to the purchaser or pur-
19 chasers (as the case may be) of Naval Petroleum Reserve
20 Numbered 1 or to the lands in the reserve subject to sale
21 under section 3412 upon the completion of the sale.

22 (c) PRESERVATION OF PRIVATE RIGHT, TITLE, AND
23 INTEREST.—Nothing in this subtitle shall be construed to
24 adversely affect the ownership interest of any other entity
25 having any right, title, and interest in and to lands within

1 *the boundaries of Naval Petroleum Reserve Numbered 1 and*
2 *which are subject to the unit plan contract.*

3 (d) *TRANSFER OF OTHERWISE NONTRANSFERABLE*
4 *PERMIT.—The Secretary may transfer to the purchaser or*
5 *purchasers (as the case may be) of Naval Petroleum Reserve*
6 *Numbered 1 the incidental take permit regarding the reserve*
7 *issued to the Secretary by the United States Fish and Wild-*
8 *life Service and in effect on the effective date if the Secretary*
9 *determines that transfer of the permit is necessary to expe-*
10 *dite the sale of the reserve in a manner that maximizes the*
11 *value of the sale to the United States. The transferred per-*
12 *mit shall cover the identical activities, and shall be subject*
13 *to the same terms and conditions, as apply to the permit*
14 *at the time of the transfer.*

15 **SEC. 3414. CONDITIONS ON SALE PROCESS.**

16 (a) *NOTICE REGARDING SALE CONDITIONS.—The Sec-*
17 *retary may not enter into any contract for the sale of Naval*
18 *Petroleum Reserve Numbered 1 under section 3412 until the*
19 *end of the 31-day period beginning on the date on which*
20 *the Secretary submits to the appropriate congressional com-*
21 *mittees a written notification—*

22 (1) *describing the conditions of the proposed sale;*
23 *and*

1 (2) *containing an assessment by the Secretary of*
2 *whether it is in the best interests of the United States*
3 *to sell the reserve under such conditions.*

4 **(b) AUTHORITY TO SUSPEND SALE.**—(1) *The Sec-*
5 *retary may suspend the sale of Naval Petroleum Reserve*
6 *Numbered 1 under section 3412 if the Secretary and the*
7 *Director of the Office of Management and Budget jointly*
8 *determine that—*

9 (A) *the sale is proceeding in a manner inconsis-*
10 *ent with achievement of a sale price that reflects the*
11 *full value of the reserve; or*

12 (B) *a course of action other than the immediate*
13 *sale of the reserve is in the best interests of the United*
14 *States.*

15 (2) *Immediately after making a determination under*
16 *paragraph (1) to suspend the sale of Naval Petroleum Re-*
17 *serve Numbered 1, the Secretary shall submit to the appro-*
18 *priate congressional committees a written notification de-*
19 *scribing the basis for the determination and requesting a*
20 *reconsideration of the merits of the sale of the reserve.*

21 **(c) EFFECT OF RECONSIDERATION NOTICE.**—*After the*
22 *Secretary submits a notification under subsection (b), the*
23 *Secretary may not complete the sale of Naval Petroleum*
24 *Reserve Numbered 1 under section 3412 or any other provi-*
25 *sion of law unless the sale of the reserve is authorized in*

1 *an Act of Congress enacted after the date of the submission*
2 *of the notification.*

3 **SEC. 3415. TREATMENT OF STATE OF CALIFORNIA CLAIM**
4 **REGARDING RESERVE.**

5 *(a) RESERVATION OF FUNDS.—After the costs incurred*
6 *in the conduct of the sale of Naval Petroleum Reserve Num-*
7 *bered 1 under section 3412 are deducted, nine percent of*
8 *the remaining proceeds from the sale of the reserve shall*
9 *be reserved in a contingent fund in the Treasury for pay-*
10 *ment to the State of California for the Teachers' Retirement*
11 *Fund of the State in the event that, and to the extent that,*
12 *the claims of the State against the United States regarding*
13 *production and proceeds of sale from Naval Petroleum Re-*
14 *serve Numbered 1 are—*

15 *(1) settled by agreement with the United States*
16 *under subsection (c); or*

17 *(2) finally resolved in favor of the State by a*
18 *court of competent jurisdiction, if a settlement agree-*
19 *ment is not reached.*

20 *(b) DISPOSITION OF FUNDS.—In such amounts as may*
21 *be provided in appropriation Acts, amounts in the contin-*
22 *gent fund shall be available for paying a claim described*
23 *in subsection (a). After final disposition of the claims, any*
24 *unobligated balance in the contingent fund shall be credited*
25 *to the general fund of the Treasury. If no payment is made*

1 *from the contingent fund within 10 years after the effective*
2 *date, amounts in the contingent fund shall be credited to*
3 *the general fund of the Treasury.*

4 (c) *SETTLEMENT OFFER.*—*Not later than 30 days*
5 *after the date of the sale of Naval Petroleum Reserve Num-*
6 *bered 1 under section 3412, the Secretary shall offer to settle*
7 *all claims of the State of California against the United*
8 *States with respect to lands in the reserve located in sections*
9 *16 and 36 of township 30 south, range 23 east, Mount Dia-*
10 *blo Principal Meridian, California, and production or pro-*
11 *ceeds of sale from the reserve, in order to provide proper*
12 *compensation for the State's claims. The Secretary shall*
13 *base the amount of the offered settlement payment from the*
14 *contingent fund on the fair value for the State's claims, in-*
15 *cluding the mineral estate, not to exceed the amount re-*
16 *served in the contingent fund.*

17 (d) *RELEASE OF CLAIMS.*—*Acceptance of the settle-*
18 *ment offer made under subsection (c) shall be subject to the*
19 *condition that all claims against the United States by the*
20 *State of California for the Teachers' Retirement Fund of*
21 *the State be released with respect to lands in Naval Petro-*
22 *leum Reserve Numbered 1, including sections 16 and 36 of*
23 *township 30 south, range 23 east, Mount Diablo Principal*
24 *Meridian, California, or production or proceeds of sale from*
25 *the reserve.*

1 **SEC. 3416. STUDY OF FUTURE OF OTHER NAVAL PETRO-**
2 **LEUM RESERVES.**

3 (a) *STUDY REQUIRED.*—The Secretary of Energy shall
4 conduct a study to determine which of the following options,
5 or combinations of options, regarding the naval petroleum
6 reserves (other than Naval Petroleum Reserve Numbered 1)
7 would maximize the value of the reserves to the United
8 States:

9 (1) *Retention and operation of the naval petro-*
10 *leum reserves by the Secretary under chapter 641 of*
11 *title 10, United States Code.*

12 (2) *Transfer of all or a part of the naval petro-*
13 *leum reserves to the jurisdiction of another Federal*
14 *agency for administration under chapter 641 of title*
15 *10, United States Code.*

16 (3) *Transfer of all or a part of the naval petro-*
17 *leum reserves to the Department of the Interior for*
18 *leasing in accordance with the Mineral Leasing Act*
19 *(30 U.S.C. 181 et seq.) and surface management in*
20 *accordance with the Federal Land Policy and Man-*
21 *agement Act (43 U.S.C. 1701 et seq.).*

22 (4) *Sale of the interest of the United States in*
23 *the naval petroleum reserves.*

24 (b) *CONDUCT OF STUDY.*—The Secretary shall retain
25 an independent petroleum consultant to conduct the study.

1 (c) *CONSIDERATIONS UNDER STUDY.*—An examina-
 2 tion of the value to be derived by the United States from
 3 the transfer or sale of the naval petroleum reserves shall
 4 include an assessment and estimate of the fair market value
 5 of the interest of the United States in the naval petroleum
 6 reserves. The assessment and estimate shall be made in a
 7 manner consistent with customary property valuation
 8 practices in the oil and gas industry.

9 (d) *REPORT AND RECOMMENDATIONS REGARDING*
 10 *STUDY.*—Not later than June 1, 1996, the Secretary shall
 11 submit to Congress a report describing the results of the
 12 study and containing such recommendations (including
 13 proposed legislation) as the Secretary considers necessary
 14 to implement the option, or combination of options, identi-
 15 fied in the study that would maximize the value of the naval
 16 petroleum reserves to the United States.

17 **TITLE XXXV—PANAMA CANAL**
 18 **COMMISSION**

19 **Subtitle A—Authorization of**
 20 **Appropriations**

21 **SEC. 3501. SHORT TITLE.**

22 This subtitle may be cited as the “Panama Canal
 23 Commission Authorization Act for Fiscal Year 1996”.

1 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

2 (a) *IN GENERAL.*—Subject to subsection (b), the Pan-
3 ama Canal Commission is authorized to make such expend-
4 itures within the limits of funds and borrowing authority
5 available to it in accordance with law, and to make such
6 contracts and commitments without regard to fiscal year
7 limitations, as may be necessary under the Panama Canal
8 Act of 1979 (22 U.S.C. 3601 et seq.) for the operation,
9 maintenance, and improvement of the Panama Canal for
10 fiscal year 1996.

11 (b) *LIMITATIONS.*—For fiscal year 1996, the Panama
12 Canal Commission may expend from funds in the Panama
13 Canal Revolving Fund not more than \$50,741,000 for ad-
14 ministrative expenses, of which—

15 (1) not more than \$15,000 may be used for offi-
16 cial reception and representation expenses of the Su-
17 pervisory Board of the Commission;

18 (2) not more than \$10,000 may be used for offi-
19 cial reception and representation expenses of the Sec-
20 retary of the Commission; and

21 (3) not more than \$45,000 may be used for offi-
22 cial reception and representation expenses of the Ad-
23 ministrator of the Commission.

24 (c) *REPLACEMENT VEHICLES.*—Funds available to the
25 Panama Canal Commission shall be available for the pur-
26 chase of not to exceed 38 passenger motor vehicles (including

1 *large heavy-duty vehicles to be used to transport Commis-*
 2 *sion personnel across the isthmus of Panama) at a cost per*
 3 *vehicle of not more than \$19,500. A vehicle may be pur-*
 4 *chased with such funds only as necessary to replace another*
 5 *passenger motor vehicle of the Commission.*

6 **SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER**
 7 **LAWS.**

8 *Expenditures authorized under this subtitle may be*
 9 *made only in accordance with the Panama Canal Treaties*
 10 *of 1977 and any law of the United States implementing*
 11 *those treaties.*

12 **Subtitle B—Reconstitution of Com-**
 13 **mission as Government Corpora-**
 14 **tion**

15 **SEC. 3521. SHORT TITLE.**

16 *This subtitle may be cited as the “Panama Canal*
 17 *Amendments Act of 1995”.*

18 **SEC. 3522. RECONSTITUTION OF COMMISSION AS GOVERN-**
 19 **MENT CORPORATION.**

20 *(a) IN GENERAL.—Section 1101 of the Panama Canal*
 21 *Act of 1979 (22 U.S.C. 3611) is amended to read as follows:*

22 *“ESTABLISHMENT, PURPOSES, OFFICES, AND RESIDENCE*
 23 *OF COMMISSION*

24 *“SEC. 1101. (a) For the purposes of managing, operat-*
 25 *ing, and maintaining the Panama Canal and its com-*
 26 *plementary works, installations and equipment, and of con-*

1 ducting operations incident thereto, in accordance with the
2 Panama Canal Treaty of 1977 and related agreements, the
3 Panama Canal Commission (hereinafter in this Act re-
4 ferred to as the ‘Commission’) is established as a wholly
5 owned government corporation (as that term is used in
6 chapter 91 of title 31, United States Code) within the execu-
7 tive branch of the Government of the United States. The
8 authority of the President with respect to the Commission
9 shall be exercised through the Secretary of Defense.

10 “(b) The principal office of the Commission shall be
11 located in the Republic of Panama in one of the areas made
12 available for use of the United States under the Panama
13 Canal Treaty of 1977 and related agreements, but the Com-
14 mission may establish branch offices in such other places
15 as it considers necessary or appropriate for the conduct of
16 its business. Within the meaning of the laws of the United
17 States relating to venue in civil actions, the Commission
18 is an inhabitant and resident of the District of Columbia
19 and the eastern judicial district of Louisiana.”.

20 (b) *CLERICAL AMENDMENT.*—The item relating to
21 such section in the table of contents in section 1 of such
22 Act is amended to read as follows:

“1101. *Establishment, Purposes, Offices, and Residence of Commission.*”.

23 **SEC. 3523. SUPERVISORY BOARD.**

24 Section 1102 of the Panama Canal Act of 1979 (22
25 U.S.C. 3612) is amended by striking out so much as pre-

1 *cedes subsection (b) and inserting in lieu thereof the follow-*
 2 *ing:*

3 *“SUPERVISORY BOARD*

4 *“SEC. 1102. (a) The Commission shall be supervised*
 5 *by a Board composed of nine members, one of whom shall*
 6 *be the Secretary of Defense or an officer of the Department*
 7 *of Defense designated by the Secretary. Not less than five*
 8 *members of the Board shall be nationals of the United*
 9 *States and the remaining members of the Board shall be*
 10 *nationals of the Republic of Panama. Three members of the*
 11 *Board who are nationals of the United States shall hold*
 12 *no other office in, and shall not be employed by, the Govern-*
 13 *ment of the United States, and shall be chosen for the inde-*
 14 *pendent perspective they can bring to the Commission’s af-*
 15 *fairs. Members of the Board who are nationals of the United*
 16 *States shall cast their votes as directed by the Secretary*
 17 *of Defense or a designee of the Secretary of Defense.”.*

18 **SEC. 3524. GENERAL AND SPECIFIC POWERS OF COMMIS-**
 19 **SION.**

20 *(a) IN GENERAL.—The Panama Canal Act of 1979 (22*
 21 *U.S.C. 3601 et seq.) is amended by inserting after section*
 22 *1102 the following new sections:*

23 *“GENERAL POWERS OF COMMISSION*

24 *“SEC. 1102a. (a) The Commission may adopt, alter,*
 25 *and use a corporate seal, which shall be judicially noticed.*

1 “(b) *The Commission may by action of the Board of*
2 *Directors adopt, amend, and repeal bylaws governing the*
3 *conduct of its general business and the performance of the*
4 *powers and duties granted to or imposed upon it by law.*

5 “(c) *The Commission may sue and be sued in its cor-*
6 *porate name, except that—*

7 “(1) *the amenability of the Commission to suit*
8 *is limited by Article VIII of the Panama Canal Trea-*
9 *ty of 1977, section 1401 of this Act, and otherwise by*
10 *law;*

11 “(2) *an attachment, garnishment, or similar*
12 *process may not be issued against salaries or other*
13 *moneys owed by the Commission to its employees ex-*
14 *cept as provided by section 5520a of title 5, United*
15 *States Code, and sections 459, 461, and 462 of the So-*
16 *cial Security Act (42 U.S.C. 659, 661, 662), or as*
17 *otherwise specifically authorized by the laws of the*
18 *United States; and*

19 “(3) *the Commission is exempt from the pay-*
20 *ment of interest on claims and judgments.*

21 “(d) *The Commission may enter into contracts, leases,*
22 *agreements, or other transactions.*

23 “(e) *The Commission—*

24 “(1) *may determine the character of, and neces-*
25 *sity for, its obligations and expenditures and the*

1 *manner in which they shall be incurred, allowed, and*
2 *paid; and*

3 “(2) *may incur, allow, and pay its obligations*
4 *and expenditures, subject to pertinent provisions of*
5 *law generally applicable to Government corporations.*

6 “(f) *The Commission shall have the priority of the*
7 *Government of the United States in the payment of debts*
8 *out of bankrupt estates.*

9 “(g) *The authority of the Commission under this sec-*
10 *tion and section 1102B is subject to the Panama Canal*
11 *Treaty of 1977 and related agreements, and to chapter 91*
12 *of title 31, United States Code.*

13 “SPECIFIC POWERS OF COMMISSION

14 “SEC. 1102b. (a) *The Commission may manage, oper-*
15 *ate, and maintain the Panama Canal.*

16 “(b) *The Commission may construct or acquire, estab-*
17 *lish, maintain, and operate such activities, facilities, and*
18 *appurtenances as necessary and appropriate for the accom-*
19 *plishment of the purposes of this Act, including the follow-*
20 *ing:*

21 “(1) *Docks, wharves, piers, and other shoreline*
22 *facilities.*

23 “(2) *Shops and yards.*

24 “(3) *Marine railways, salvage and towing facili-*
25 *ties, fuel-handling facilities, and motor transportation*
26 *facilities.*

1 “(4) *Power systems, water systems, and a tele-*
2 *phone system.*

3 “(5) *Construction facilities.*

4 “(6) *Living quarters and other buildings.*

5 “(7) *Warehouses, storehouses, a printing plant,*
6 *and manufacturing, processing, or service facilities in*
7 *connection therewith.*

8 “(8) *Recreational facilities.*

9 “(c) *The Commission may use the United States mails*
10 *in the same manner and under the same conditions as the*
11 *executive departments of the Federal Government.*

12 “(d) *The Commission may take such actions as are*
13 *necessary or appropriate to carry out the powers specifi-*
14 *cally conferred upon it.”.*

15 (b) *CLERICAL AMENDMENT.—The table of contents in*
16 *section 1 of such Act is amended by inserting after the item*
17 *relating to section 1102 the following new items:*

 “1102a. *General powers of Commission.*

 “1102b. *Specific powers of Commission.”.*

18 **SEC. 3525. CONGRESSIONAL REVIEW OF BUDGET.**

19 *Section 1302 of the Panama Canal Act of 1979 (22*
20 *U.S.C. 3712) is amended—*

21 (1) *in subsection (c)—*

22 (A) *by striking out “and subject to para-*
23 *graph (2)” in paragraph (1);*

24 (B) *by striking out paragraph (2); and*

1 (C) by redesignating paragraph (3) as
2 paragraph (2); and

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

5 “(e) In accordance with section 9104 of title 31, United
6 States Code, Congress shall review the annual budget of the
7 Commission.”.

8 **SEC. 3526. AUDITS.**

9 (a) *IN GENERAL.*—Section 1313 of the Panama Canal
10 Act of 1979 (22 U.S.C. 3723) is amended—

11 (1) by striking out the heading for the section
12 and inserting in lieu thereof the following: “AUDITS”;

13 (2) in subsection (a)—

14 (A) by striking out “Financial trans-
15 actions” and inserting in lieu thereof “Notwith-
16 standing any other provision of law, and subject
17 to subsection (d), financial transactions”;

18 (B) by striking out “pursuant to the Ac-
19 counting and Auditing Act of 1950 (31 U.S.C.
20 65 et seq.)”;

21 (C) by striking out “audit pursuant to such
22 Act” in the second sentence and inserting in lieu
23 thereof “such audit”;

1 (D) by striking out “An audit pursuant to
2 such Act” in the last sentence and inserting in
3 lieu thereof “Any such audit”; and

4 (E) by adding at the end the following new
5 sentence: “An audit performed under this section
6 is subject to the requirements of paragraphs (2),
7 (3), and (5) of section 9105(a) of title 31, United
8 States Code.”;

9 (3) in subsection (b), by striking out “The Comptroller
10 General” in the first sentence and inserting in
11 lieu thereof “Subject to subsection (d), the Comptroller
12 General”; and

13 (4) by adding at the end the following new sub-
14 sections:

15 “(d) At the discretion of the Board provided for in sec-
16 tion 1102, the Commission may hire independent auditors
17 to perform, in lieu of the Comptroller General, the audit
18 and reporting functions prescribed in subsections (a) and
19 (b).

20 “(e) In addition to auditing the financial statements
21 of the Commission, the Comptroller General (or the inde-
22 pendent auditor if one is employed pursuant to subsection
23 (d)) shall, in accordance with standards for an examination
24 of a financial forecast established by the American Institute
25 of Certified Public Accountants, examine and report on the

1 *Commission's financial forecast that it will be in a position*
 2 *to meet its financial liabilities on December 31, 1999."*

3 (b) *CLERICAL AMENDMENT.*—*The item relating to*
 4 *such section in the table of contents in section 1 of such*
 5 *Act is amended to read as follows:*

"1313. Audits."

6 **SEC. 3527. PRESCRIPTION OF MEASUREMENT RULES AND**
 7 **RATES OF TOLLS.**

8 *Section 1601 of the Panama Canal Act of 1979 (22*
 9 *U.S.C. 3791) is amended to read as follows:*

10 *"PRESCRIPTION OF MEASUREMENT RULES AND RATES OF*
 11 *TOLLS*

12 *"SEC. 1601. The Commission may, subject to the pro-*
 13 *visions of this Act, prescribe and from time to time*
 14 *change—*

15 *"(1) the rules for the measurement of vessels for*
 16 *the Panama Canal; and*

17 *"(2) the tolls that shall be levied for use of the*
 18 *Panama Canal."*

19 **SEC. 3528. PROCEDURES FOR CHANGES IN RULES OF**
 20 **MEASUREMENT AND RATES OF TOLLS.**

21 *Section 1604 of the Panama Canal Act of 1979 (22*
 22 *U.S.C. 3794) is amended—*

23 *(1) in subsection (a), by striking out "1601(a)"*
 24 *in the first sentence and inserting in lieu thereof*
 25 *"1601";*

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

3 “(c) *After the proceedings have been conducted pursu-*
4 *ant to subsections (a) and (b), the Commission may change*
5 *the rules of measurement or rates of tolls, as the case may*
6 *be. The Commission shall publish notice of any such change*
7 *in the Federal Register not less than 30 days before the effec-*
8 *tive date of the change.”; and*

9 (3) *by striking out subsections (d) and (e) and*
10 *redesignating subsection (f) as subsection (d).*

11 **SEC. 3529. MISCELLANEOUS TECHNICAL AMENDMENTS.**

12 *The Panama Canal Act of 1979 is amended—*

13 (1) *in section 1205 (22 U.S.C. 3645), by striking*
14 *out “appropriation” in the last sentence and insert-*
15 *ing in lieu thereof “fund”;*

16 (2) *in section 1303 (22 U.S.C. 3713), by striking*
17 *out “The authority of this section may not be used for*
18 *administrative expenses.”;*

19 (3) *in section 1321(d) (22 U.S.C. 3731(d)), by*
20 *striking out “appropriations or” in the second sen-*
21 *tence;*

22 (4) *in section 1401(c) (22 U.S.C. 3761(c)), by*
23 *striking out “appropriated for or” in the first sen-*
24 *tence;*

1 (5) in section 1415 (22 U.S.C. 3775), by striking
2 out “appropriated or” in the second sentence; and

3 (6) in section 1416 (22 U.S.C. 3776), by striking
4 out “appropriated or” in the third sentence.

5 **SEC. 3530. CONFORMING AMENDMENT TO TITLE 31, UNITED STATES CODE.**
6

7 Section 9101(3) of title 31, United States Code, is
8 amended by adding at the end the following:

9 “(P) the Panama Canal Commission.”.

10 ***DIVISION D—FEDERAL***
11 ***ACQUISITION REFORM***

12 **SEC. 4001. SHORT TITLE.**

13 This division may be cited as the “Federal Acquisition
14 Reform Act of 1995”.

15 ***TITLE XLI—COMPETITION***

16 **SEC. 4101. EFFICIENT COMPETITION.**

17 (a) *ARMED SERVICES ACQUISITIONS.*—Section 2304 of
18 title 10, United States Code, is amended—

19 (1) by redesignating subsection (j) as subsection
20 (k); and

21 (2) by inserting after subsection (i) the following
22 new subsection (j):

23 “(j) The Federal Acquisition Regulation shall ensure
24 that the requirement to obtain full and open competition

1 *is implemented in a manner that is consistent with the need*
2 *to efficiently fulfill the Government’s requirements.”.*

3 (b) *CIVILIAN AGENCY ACQUISITIONS.*—Section 303 of
4 *the Federal Property and Administrative Services Act of*
5 *1949 (41 U.S.C. 253) is amended—*

6 (1) *by redesignating subsection (h) as subsection*
7 *(i); and*

8 (2) *by inserting after subsection (g) the following*
9 *new subsection (h):*

10 “(h) *The Federal Acquisition Regulation shall ensure*
11 *that the requirement to obtain full and open competition*
12 *is implemented in a manner that is consistent with the need*
13 *to efficiently fulfill the Government’s requirements.”.*

14 (c) *REVISIONS TO NOTICE THRESHOLDS.*—Section
15 *18(a)(1)(B) of the Office of Federal Procurement Policy Act*
16 *(41 U.S.C. 416(a)(1)(B)) is amended—*

17 (A) *by striking out “subsection (f)—” and all*
18 *that follows through the end of the subparagraph and*
19 *inserting in lieu thereof “subsection (b); and”; and*

20 (B) *by inserting after “property or services” the*
21 *following: “for a price expected to exceed \$10,000, but*
22 *not to exceed \$25,000.”.*

23 **SEC. 4102. EFFICIENT APPROVAL PROCEDURES.**

24 (a) *ARMED SERVICES ACQUISITIONS.*—Section
25 *2304(f)(1)(B) of title 10, United States Code, is amended—*

1 (1) in clause (i)—

2 (A) by striking out “\$100,000 (but equal to
3 or less than \$1,000,000)” and inserting in lieu
4 thereof “\$500,000 (but equal to or less than
5 \$10,000,000)”; and

6 (B) by striking out “(ii), (iii), or (iv)” and
7 inserting in lieu thereof “(ii) or (iii)”;

8 (2) in clause (i)—

9 (A) by striking out “\$1,000,000 (but equal
10 to or less than \$10,000,000)” and inserting in
11 lieu thereof “\$10,000,000 (but equal to or less
12 than \$50,000,000)”; and

13 (B) by adding “or” at the end;

14 (3) by striking out clause (iii); and

15 (4) by redesignating clause (iv) as clause (iii).

16 (b) CIVILIAN AGENCY ACQUISITIONS.—Section
17 303(f)(1)(B) of the Federal Property and Administrative
18 Services Act of 1949 (41 U.S.C. 253(f)(1)(B)) is amended—

19 (1) in clause (i)—

20 (A) by striking out “\$100,000 (but equal to
21 or less than \$1,000,000)” and inserting in lieu
22 thereof “\$500,000 (but equal to or less than
23 \$10,000,000)”; and

24 (B) by striking out “(ii), (iii), or (iv);” and
25 inserting in lieu thereof “(ii) or (iii); and”;

1 (2) *in clause (ii)*—

2 (A) *by striking out “\$1,000,000 (but equal*
3 *to or less than \$10,000,000)” and inserting in*
4 *lieu thereof “\$10,000,000 (but equal to or less*
5 *than \$50,000,000)”*; and

6 (B) *by striking out the semicolon after “ci-*
7 *vilian” and inserting in lieu thereof a comma;*
8 *and*

9 (3) *in clause (iii), by striking out “\$10,000,000”*
10 *and inserting in lieu thereof “\$50,000,000”.*

11 **SEC. 4103. EFFICIENT COMPETITIVE RANGE DETERMINA-**
12 **TIONS.**

13 (a) *ARMED SERVICES ACQUISITIONS.*—*Paragraph (4)*
14 *of 2305(b) of title 10, United States Code, is amended—*

15 (1) *in subparagraph (C), by striking out “(C),*
16 *by transferring the text to the end of subparagraph*
17 *(B), and in that text by striking out “Subparagraph*
18 *(B)” and inserting in lieu thereof “This subpara-*
19 *graph”*;

20 (2) *by redesignating subparagraph (B) as sub-*
21 *paragraph (C); and*

22 (3) *by inserting before subparagraph (C) (as so*
23 *redesignated) the following new subparagraph (B):*

24 “(B) *If the contracting officer determines that the*
25 *number of offerors that would otherwise be included in the*

1 *competitive range under subparagraph (A)(i) exceeds the*
2 *number at which an efficient competition can be conducted,*
3 *the contracting officer may limit the number of proposals*
4 *in the competitive range, in accordance with the criteria*
5 *specified in the solicitation, to the greatest number that will*
6 *permit an efficient competition among the offerors rated*
7 *most highly in accordance with such criteria.”.*

8 (b) *CIVILIAN AGENCY ACQUISITIONS.*—Section
9 *303B(d) of the Federal Property and Administrative Serv-*
10 *ices Act of 1949 (41 U.S.C. 253b(d)) is amended—*

11 (1) *by redesignating paragraph (2) as para-*
12 *graph (3); and*

13 (2) *by inserting before paragraph (3) (as so re-*
14 *designated) the following new paragraph (2):*

15 “(2) *If the contracting officer determines that the num-*
16 *ber of offerors that would otherwise be included in the com-*
17 *petitive range under paragraph (1)(A) exceeds the number*
18 *at which an efficient competition can be conducted, the con-*
19 *tracting officer may limit the number of proposals in the*
20 *competitive range, in accordance with the criteria specified*
21 *in the solicitation, to the greatest number that will permit*
22 *an efficient competition among the offerors rated most high-*
23 *ly in accordance with such criteria.”.*

1 **SEC. 4104. PREAWARD DEBRIEFINGS.**

2 (a) *ARMED SERVICES ACQUISITIONS.*—Section
3 2305(b) of title 10, United States Code, is amended—

4 (1) *by striking out subparagraph (F) of para-*
5 *graph (5);*

6 (2) *by redesignating paragraph (6) as para-*
7 *graph (9); and*

8 (3) *by inserting after paragraph (5) the follow-*
9 *ing new paragraphs:*

10 “(6)(A) *When the contracting officer excludes an*
11 *offeror submitting a competitive proposal from the competi-*
12 *tive range (or otherwise excludes such an offeror from fur-*
13 *ther consideration prior to the final source selection deci-*
14 *sion), the excluded offeror may request in writing, within*
15 *three days after the date on which the excluded offeror re-*
16 *ceives notice of its exclusion, a debriefing prior to award.*
17 *The contracting officer shall make every effort to debrief the*
18 *unsuccessful offeror as soon as practicable but may refuse*
19 *the request for a debriefing if it is not in the best interests*
20 *of the Government to conduct a debriefing at that time.*

21 “(B) *The contracting officer is required to debrief an*
22 *excluded offeror in accordance with paragraph (5) of this*
23 *section only if that offeror requested and was refused a*
24 *preaward debriefing under subparagraph (A) of this para-*
25 *graph.*

1 “(C) *The debriefing conducted under this subsection*
2 *shall include—*

3 “(i) *the executive agency’s evaluation of the sig-*
4 *nificant elements in the offeror’s offer;*

5 “(ii) *a summary of the rationale for the offeror’s*
6 *exclusion; and*

7 “(iii) *reasonable responses to relevant questions*
8 *posed by the debriefed offeror as to whether source se-*
9 *lection procedures set forth in the solicitation, appli-*
10 *cable regulations, and other applicable authorities*
11 *were followed by the executive agency.*

12 “(D) *The debriefing conducted pursuant to this sub-*
13 *section may not disclose the number or identity of other*
14 *offerors and shall not disclose information about the con-*
15 *tent, ranking, or evaluation of other offerors’ proposals.*

16 “(7) *The contracting officer shall include a summary*
17 *of any debriefing conducted under paragraph (5) or (6) in*
18 *the contract file.*

19 “(8) *The Federal Acquisition Regulation shall include*
20 *a provision encouraging the use of alternative dispute reso-*
21 *lution techniques to provide informal, expeditious, and in-*
22 *expensive procedures for an offeror to consider using before*
23 *filing a protest, prior to the award of a contract, of the*
24 *exclusion of the offeror from the competitive range (or other-*
25 *wise from further consideration) for that contract.”.*

1 (b) *CIVILIAN AGENCY ACQUISITIONS*.—Section 303B of
2 *the Federal Property and Administrative Services Act of*
3 *1949 (41 U.S.C. 253b) is amended—*

4 (1) *by striking out paragraph (6) of subsection*
5 *(e);*

6 (2) *by redesignating subsections (f), (g), (h), and*
7 *(i) as subsections (i), (j), (k), and (l), respectively;*
8 *and*

9 (3) *by inserting after subsection (e) the following*
10 *new subsections:*

11 “(f)(1) *When the contracting officer excludes an offeror*
12 *submitting a competitive proposal from the competitive*
13 *range (or otherwise excludes such an offeror from further*
14 *consideration prior to the final source selection decision),*
15 *the excluded offeror may request in writing, within 3 days*
16 *after the date on which the excluded offeror receives notice*
17 *of its exclusion, a debriefing prior to award. The contract-*
18 *ing officer shall make every effort to debrief the unsuccessful*
19 *offeror as soon as practicable but may refuse the request*
20 *for a debriefing if it is not in the best interests of the Gov-*
21 *ernment to conduct a debriefing at that time.*

22 “(2) *The contracting officer is required to debrief an*
23 *excluded offeror in accordance with subsection (e) of this*
24 *section only if that offeror requested and was refused a*
25 *preaward debriefing under paragraph (1) of this subsection.*

1 “(3) *The debriefing conducted under this subsection*
2 *shall include—*

3 “(A) *the executive agency’s evaluation of the sig-*
4 *nificant elements in the offeror’s offer;*

5 “(B) *a summary of the rationale for the offeror’s*
6 *exclusion; and*

7 “(C) *reasonable responses to relevant questions*
8 *posed by the debriefed offeror as to whether source se-*
9 *lection procedures set forth in the solicitation, appli-*
10 *cable regulations, and other applicable authorities*
11 *were followed by the executive agency.*

12 “(4) *The debriefing conducted pursuant to this sub-*
13 *section may not disclose the number or identity of other*
14 *offerors and shall not disclose information about the con-*
15 *tent, ranking, or evaluation of other offerors’ proposals.*

16 “(g) *The contracting officer shall include a summary*
17 *of any debriefing conducted under subsection (e) or (f) in*
18 *the contract file.*

19 “(h) *The Federal Acquisition Regulation shall include*
20 *a provision encouraging the use of alternative dispute reso-*
21 *lution techniques to provide informal, expeditious, and in-*
22 *expensive procedures for an offeror to consider using before*
23 *filing a protest, prior to the award of a contract, of the*
24 *exclusion of the offeror from the competitive range (or other-*
25 *wise from further consideration) for that contract.”.*

1 **SEC. 4105. DESIGN-BUILD SELECTION PROCEDURES.**

2 (a) *ARMED SERVICES ACQUISITIONS.*—(1) Chapter
3 137 of title 10, United States Code, is amended by inserting
4 after section 2305 the following new section:

5 **“§ 2305a. Design-build selection procedures**

6 “(a) *AUTHORIZATION.*—Unless the traditional acquisi-
7 tion approach of design-bid-build established under the
8 Brooks Architect-Engineers Act (41 U.S.C. 541 et seq.) is
9 used or another acquisition procedure authorized by law is
10 used, the head of an agency shall use the two-phase selection
11 procedures authorized in this section for entering into a
12 contract for the design and construction of a public build-
13 ing, facility, or work when a determination is made under
14 subsection (b) that the procedures are appropriate for use.

15 “(b) *CRITERIA FOR USE.*—A contracting officer shall
16 make a determination whether two-phase selection proce-
17 dures are appropriate for use for entering into a contract
18 for the design and construction of a public building, facil-
19 ity, or work when the contracting officer anticipates that
20 three or more offers will be received for such contract, design
21 work must be performed before an offeror can develop a
22 price or cost proposal for such contract, the offeror will
23 incur a substantial amount of expense in preparing the
24 offer, and the contracting officer has considered information
25 such as the following:

1 “(1) *The extent to which the project requirements*
2 *have been adequately defined.*

3 “(2) *The time constraints for delivery of the*
4 *project.*

5 “(3) *The capability and experience of potential*
6 *contractors.*

7 “(4) *The suitability of the project for use of the*
8 *two-phase selection procedures.*

9 “(5) *The capability of the agency to manage the*
10 *two-phase selection process.*

11 “(6) *Other criteria established by the agency.*

12 “(c) *PROCEDURES DESCRIBED.—Two-phase selection*
13 *procedures consist of the following:*

14 “(1) *The agency develops, either in-house or by*
15 *contract, a scope of work statement for inclusion in*
16 *the solicitation that defines the project and provides*
17 *prospective offerors with sufficient information re-*
18 *garding the Government’s requirements (which may*
19 *include criteria and preliminary design, budget pa-*
20 *rameters, and schedule or delivery requirements) to*
21 *enable the offerors to submit proposals which meet the*
22 *Government’s needs. If the agency contracts for devel-*
23 *opment of the scope of work statement, the agency*
24 *shall contract for architectural and engineering serv-*

1 *ices as defined by and in accordance with the Brooks*
2 *Architect-Engineers Act (40 U.S.C. 541 et seq.).*

3 *“(2) The contracting officer solicits phase-one*
4 *proposals that—*

5 *“(A) include information on the offeror’s—*

6 *“(i) technical approach; and*

7 *“(ii) technical qualifications; and*

8 *“(B) do not include—*

9 *“(i) detailed design information; or*

10 *“(ii) cost or price information.*

11 *“(3) The evaluation factors to be used in evaluat-*
12 *ing phase-one proposals are stated in the solicitation*
13 *and include specialized experience and technical com-*
14 *petence, capability to perform, past performance of*
15 *the offeror’s team (including the architect-engineer*
16 *and construction members of the team) and other ap-*
17 *propriate factors, except that cost-related or price-re-*
18 *lated evaluation factors are not permitted. Each solici-*
19 *itation establishes the relative importance assigned to*
20 *the evaluation factors and subfactors that must be*
21 *considered in the evaluation of phase-one proposals.*
22 *The agency evaluates phase-one proposals on the basis*
23 *of the phase-one evaluation factors set forth in the so-*
24 *licitation.*

1 “(4) *The contracting officer selects as the most*
2 *highly qualified the number of offerors specified in the*
3 *solicitation to provide the property or services under*
4 *the contract and requests the selected offerors to sub-*
5 *mit phase-two competitive proposals that include*
6 *technical proposals and cost or price information.*
7 *Each solicitation establishes with respect to phase*
8 *two—*

9 “(A) *the technical submission for the pro-*
10 *posal, including design concepts or proposed so-*
11 *lutions to requirements addressed within the*
12 *scope of work (or both), and*

13 “(B) *the evaluation factors and subfactors,*
14 *including cost or price, that must be considered*
15 *in the evaluations of proposals in accordance*
16 *with paragraphs (2), (3), and (4) of section*
17 *2305(a) of this title.*

18 *The contracting officer separately evaluates the sub-*
19 *missions described in subparagraphs (A) and (B).*

20 “(5) *The agency awards the contract in accord-*
21 *ance with section 2305(b)(4) of this title.*

22 “(d) *SOLICITATION TO STATE NUMBER OF OFFERORS*
23 *TO BE SELECTED FOR PHASE TWO REQUESTS FOR COM-*
24 *PETITIVE PROPOSALS.—A solicitation issued pursuant to*
25 *the procedures described in subsection (c) shall state the*

1 *maximum number of offerors that are to be selected to sub-*
 2 *mit competitive proposals pursuant to subsection (c)(4).*
 3 *The maximum number specified in the solicitation shall not*
 4 *exceed 5 unless the agency determines with respect to an*
 5 *individual solicitation that a specified number greater than*
 6 *5 is in the Government's interest and is consistent with the*
 7 *purposes and objectives of the two-phase selection process.*

8 “(e) *REQUIREMENT FOR GUIDANCE AND REGULA-*
 9 *TIONS.—The Federal Acquisition Regulation shall include*
 10 *guidance—*

11 “(1) *regarding the factors that may be considered*
 12 *in determining whether the two-phase contracting*
 13 *procedures authorized by subsection (a) are appro-*
 14 *priate for use in individual contracting situations;*

15 “(2) *regarding the factors that may be used in*
 16 *selecting contractors; and*

17 “(3) *providing for a uniform approach to be*
 18 *used Government-wide.”.*

19 “(2) *The table of sections at the beginning of chapter*
 20 *137 of such title is amended by adding after the item relat-*
 21 *ing to section 2305 the following new item:*

 “2305a. *Design-build selection procedures.”.*

22 “(b) *CIVILIAN AGENCY ACQUISITIONS.—(1) Title III of*
 23 *the Federal Property and Administrative Services Act of*
 24 *1949 (41 U.S.C. 251 et seq.) is amended by inserting after*
 25 *section 303L the following new section:*

1 ***“SEC. 303M. DESIGN-BUILD SELECTION PROCEDURES.***

2 “(a) *AUTHORIZATION.—Unless the traditional acquisi-*
3 *tion approach of design-bid-build established under the*
4 *Brooks Architect-Engineers Act (title IX of this Act) is used*
5 *or another acquisition procedure authorized by law is used,*
6 *the head of an executive agency shall use the two-phase se-*
7 *lection procedures authorized in this section for entering*
8 *into a contract for the design and construction of a public*
9 *building, facility, or work when a determination is made*
10 *under subsection (b) that the procedures are appropriate for*
11 *use.*

12 “(b) *CRITERIA FOR USE.—A contracting officer shall*
13 *make a determination whether two-phase selection proce-*
14 *dures are appropriate for use for entering into a contract*
15 *for the design and construction of a public building, facil-*
16 *ity, or work when the contracting officer anticipates that*
17 *three or more offers will be received for such contract, design*
18 *work must be performed before an offeror can develop a*
19 *price or cost proposal for such contract, the offeror will*
20 *incur a substantial amount of expense in preparing the*
21 *offer, and the contracting officer has considered information*
22 *such as the following:*

23 “(1) *The extent to which the project requirements*
24 *have been adequately defined.*

25 “(2) *The time constraints for delivery of the*
26 *project.*

1 “(3) *The capability and experience of potential*
2 *contractors.*

3 “(4) *The suitability of the project for use of the*
4 *two-phase selection procedures.*

5 “(5) *The capability of the agency to manage the*
6 *two-phase selection process.*

7 “(6) *Other criteria established by the agency.*

8 “(c) *PROCEDURES DESCRIBED.—Two-phase selection*
9 *procedures consist of the following:*

10 “(1) *The agency develops, either in-house or by*
11 *contract, a scope of work statement for inclusion in*
12 *the solicitation that defines the project and provides*
13 *prospective offerors with sufficient information re-*
14 *garding the Government’s requirements (which may*
15 *include criteria and preliminary design, budget pa-*
16 *rameters, and schedule or delivery requirements) to*
17 *enable the offerors to submit proposals which meet the*
18 *Government’s needs. If the agency contracts for devel-*
19 *opment of the scope of work statement, the agency*
20 *shall contract for architectural and engineering serv-*
21 *ices as defined by and in accordance with the Brooks*
22 *Architect-Engineers Act (40 U.S.C. 541 et seq.).*

23 “(2) *The contracting officer solicits phase-one*
24 *proposals that—*

25 “(A) *include information on the offeror’s—*

1 “(i) *technical approach; and*

2 “(ii) *technical qualifications; and*

3 “(B) *do not include—*

4 “(i) *detailed design information; or*

5 “(ii) *cost or price information.*

6 “(3) *The evaluation factors to be used in evaluat-*
7 *ing phase-one proposals are stated in the solicitation*
8 *and include specialized experience and technical com-*
9 *petence, capability to perform, past performance of*
10 *the offeror’s team (including the architect-engineer*
11 *and construction members of the team) and other ap-*
12 *propriate factors, except that cost-related or price-re-*
13 *lated evaluation factors are not permitted. Each solici-*
14 *itation establishes the relative importance assigned to*
15 *the evaluation factors and subfactors that must be*
16 *considered in the evaluation of phase-one proposals.*
17 *The agency evaluates phase-one proposals on the basis*
18 *of the phase-one evaluation factors set forth in the so-*
19 *licitation.*

20 “(4) *The contracting officer selects as the most*
21 *highly qualified the number of offerors specified in the*
22 *solicitation to provide the property or services under*
23 *the contract and requests the selected offerors to sub-*
24 *mit phase-two competitive proposals that include*
25 *technical proposals and cost or price information.*

1 *Each solicitation establishes with respect to phase*
2 *two—*

3 “(A) *the technical submission for the pro-*
4 *posal, including design concepts or proposed so-*
5 *lutions to requirements addressed within the*
6 *scope of work (or both), and*

7 “(B) *the evaluation factors and subfactors,*
8 *including cost or price, that must be considered*
9 *in the evaluations of proposals in accordance*
10 *with subsections (b), (c), and (d) of section 303A.*

11 *The contracting officer separately evaluates the sub-*
12 *missions described in subparagraphs (A) and (B).*

13 “(5) *The agency awards the contract in accord-*
14 *ance with section 303B of this title.*

15 “(d) *SOLICITATION TO STATE NUMBER OF OFFERORS*
16 *TO BE SELECTED FOR PHASE TWO REQUESTS FOR COM-*
17 *PETITIVE PROPOSALS.—A solicitation issued pursuant to*
18 *the procedures described in subsection (c) shall state the*
19 *maximum number of offerors that are to be selected to sub-*
20 *mit competitive proposals pursuant to subsection (c)(4).*
21 *The maximum number specified in the solicitation shall not*
22 *exceed 5 unless the agency determines with respect to an*
23 *individual solicitation that a specified number greater than*
24 *5 is in the Government’s interest and is consistent with the*
25 *purposes and objectives of the two-phase selection process.*

1 “(e) *REQUIREMENT FOR GUIDANCE AND REGULA-*
 2 *TIONS.—The Federal Acquisition Regulation shall include*
 3 *guidance—*

4 “(1) *regarding the factors that may be considered*
 5 *in determining whether the two-phase contracting*
 6 *procedures authorized by subsection (a) are appro-*
 7 *priate for use in individual contracting situations;*

8 “(2) *regarding the factors that may be used in*
 9 *selecting contractors; and*

10 “(3) *providing for a uniform approach to be*
 11 *used Government-wide.”.*

12 (2) *The table of sections at the beginning of such Act*
 13 *is amended by inserting after the item relating to section*
 14 *303L the following new item:*

 “*Sec. 303M. Design-build selection procedures.*”.

15 ***TITLE XLII—COMMERCIAL ITEMS***

16 ***SEC. 4201. COMMERCIAL ITEM EXCEPTION TO REQUIRE-*** 17 ***MENT FOR CERTIFIED COST OR PRICING*** 18 ***DATA.***

19 (a) *ARMED SERVICES ACQUISITIONS.—(1) Subsections*
 20 *(b), (c), and (d) of section 2306a of title 10, United States*
 21 *Code, are amended to read as follows:*

22 “(b) *EXCEPTIONS.—*

23 “(1) *IN GENERAL.—Submission of certified cost*
 24 *or pricing data shall not be required under subsection*

1 (a) *in the case of a contract, a subcontract, or modi-*
 2 *fication of a contract or subcontract—*

3 “(A) *for which the price agreed upon is*
 4 *based on—*

5 “(i) *adequate price competition; or*

6 “(ii) *prices set by law or regulation;*

7 “(B) *for the acquisition of a commercial*
 8 *item; or*

9 “(C) *in an exceptional case when the head*
 10 *of the procuring activity, without delegation, de-*
 11 *termines that the requirements of this section*
 12 *may be waived and justifies in writing the rea-*
 13 *sons for such determination.*

14 “(2) *MODIFICATIONS OF CONTRACTS AND SUB-*
 15 *CONTRACTS FOR COMMERCIAL ITEMS.—In the case of*
 16 *a modification of a contract or subcontract for a com-*
 17 *mercial item that is not covered by the exception to*
 18 *the submission of certified cost or pricing data in*
 19 *paragraph (1)(A) or (1)(B), submission of certified*
 20 *cost or pricing data shall not be required under sub-*
 21 *section (a) if—*

22 “(A) *the contract or subcontract being*
 23 *modified is a contract or subcontract for which*
 24 *submission of certified cost or pricing data may*

1 *not be required by reason of paragraph (1)(A) or*
2 *(1)(B); and*

3 *“(B) the modification would not change the*
4 *contract or subcontract, as the case may be, from*
5 *a contract or subcontract for the acquisition of*
6 *a commercial item to a contract or subcontract*
7 *for the acquisition of an item other than a com-*
8 *mercial item.*

9 *“(c) COST OR PRICING DATA ON BELOW-THRESHOLD*
10 *CONTRACTS.—*

11 *“(1) AUTHORITY TO REQUIRE SUBMISSION.—*
12 *Subject to paragraph (2), when certified cost or pric-*
13 *ing data are not required to be submitted by sub-*
14 *section (a) for a contract, subcontract, or modifica-*
15 *tion of a contract or subcontract, such data may nev-*
16 *ertheless be required to be submitted by the head of the*
17 *procuring activity, but only if the head of the procur-*
18 *ing activity determines that such data are necessary*
19 *for the evaluation by the agency of the reasonableness*
20 *of the price of the contract, subcontract, or modifica-*
21 *tion of a contract or subcontract. In any case in*
22 *which the head of the procuring activity requires such*
23 *data to be submitted under this subsection, the head*
24 *of the procuring activity shall justify in writing the*
25 *reason for such requirement.*

1 “(2) *EXCEPTION.*—*The head of the procuring ac-*
2 *tivity may not require certified cost or pricing data*
3 *to be submitted under this paragraph for any con-*
4 *tract or subcontract, or modification of a contract or*
5 *subcontract, covered by the exceptions in subpara-*
6 *graph (A) or (B) of subsection (b)(1).*

7 “(3) *DELEGATION OF AUTHORITY PROHIB-*
8 *ITED.*—*The head of a procuring activity may not del-*
9 *egate functions under this paragraph.*

10 “(d) *SUBMISSION OF OTHER INFORMATION.*—

11 “(1) *AUTHORITY TO REQUIRE SUBMISSION.*—
12 *When certified cost or pricing data are not required*
13 *to be submitted under this section for a contract, sub-*
14 *contract, or modification of a contract or subcontract,*
15 *the contracting officer shall require submission of*
16 *data other than certified cost or pricing data to the*
17 *extent necessary to determine the reasonableness of the*
18 *price of the contract, subcontract, or modification of*
19 *the contract or subcontract. Except in the case of a*
20 *contract or subcontract covered by the exceptions in*
21 *subsection (b)(1)(A), the data submitted shall include,*
22 *at a minimum, appropriate information on the prices*
23 *at which the same item or similar items have pre-*
24 *viously been sold that is adequate for evaluating the*
25 *reasonableness of the price for the procurement.*

1 “(2) *LIMITATIONS ON AUTHORITY.*—*The Federal*
2 *Acquisition Regulation shall include the following*
3 *provisions regarding the types of information that*
4 *contracting officers may require under paragraph (1):*

5 “(A) *Reasonable limitations on requests for*
6 *sales data relating to commercial items.*

7 “(B) *A requirement that a contracting offi-*
8 *cer limit, to the maximum extent practicable, the*
9 *scope of any request for information relating to*
10 *commercial items from an offeror to only that*
11 *information that is in the form regularly main-*
12 *tained by the offeror in commercial operations.*

13 “(C) *A statement that any information re-*
14 *ceived relating to commercial items that is ex-*
15 *empt from disclosure under section 552(b) of title*
16 *5 shall not be disclosed by the Federal Govern-*
17 *ment.”.*

18 (2) *Section 2306a of such title is further amended—*

19 (A) *by striking out subsection (h); and*

20 (B) *by redesignating subsection (i) as subsection*
21 *(h).*

22 (b) *CIVILIAN AGENCY ACQUISITIONS.*—(1) *Subsections*
23 *(b), (c) and (d) of section 304A of the Federal Property*
24 *and Administrative Services Act of 1949 (41 U.S.C. 254b)*
25 *are amended to read as follows:*

1 “(b) *EXCEPTIONS.*—

2 “(1) *IN GENERAL.*—*Submission of certified cost*
3 *or pricing data shall not be required under subsection*
4 *(a) in the case of a contract, a subcontract, or a*
5 *modification of a contract or subcontract—*

6 “(A) *for which the price agreed upon is*
7 *based on—*

8 “(i) *adequate price competition; or*

9 “(ii) *prices set by law or regulation;*

10 “(B) *for the acquisition of a commercial*
11 *item; or*

12 “(C) *in an exceptional case when the head*
13 *of the procuring activity, without delegation, de-*
14 *termines that the requirements of this section*
15 *may be waived and justifies in writing the rea-*
16 *sons for such determination.*

17 “(2) *MODIFICATIONS OF CONTRACTS AND SUB-*
18 *CONTRACTS FOR COMMERCIAL ITEMS.*—*In the case of*
19 *a modification of a contract or subcontract for a com-*
20 *mercial item that is not covered by the exception to*
21 *the submission of certified cost or pricing data in*
22 *paragraph (1)(A) or (1)(B), submission of certified*
23 *cost or pricing data shall not be required under sub-*
24 *section (a) if—*

1 “(A) the contract or subcontract being
2 modified is a contract or subcontract for which
3 submission of certified cost or pricing data may
4 not be required by reason of paragraph (1)(A) or
5 (1)(B); and

6 “(B) the modification would not change the
7 contract or subcontract, as the case may be, from
8 a contract or subcontract for the acquisition of
9 a commercial item to a contract or subcontract
10 for the acquisition of an item other than a com-
11 mercial item.

12 “(c) *COST OR PRICING DATA ON BELOW-THRESHOLD*
13 *CONTRACTS.*—

14 “(1) *AUTHORITY TO REQUIRE SUBMISSION.*—
15 Subject to paragraph (2), when certified cost or pric-
16 ing data are not required to be submitted by sub-
17 section (a) for a contract, subcontract, or modifica-
18 tion of a contract or subcontract, such data may nev-
19 ertheless be required to be submitted by the head of the
20 procuring activity, but only if the head of the procur-
21 ing activity determines that such data are necessary
22 for the evaluation by the agency of the reasonableness
23 of the price of the contract, subcontract, or modifica-
24 tion of a contract or subcontract. In any case in
25 which the head of the procuring activity requires such

1 *data to be submitted under this subsection, the head*
2 *of the procuring activity shall justify in writing the*
3 *reason for such requirement.*

4 “(2) *EXCEPTION.—The head of the procuring ac-*
5 *tivity may not require certified cost or pricing data*
6 *to be submitted under this paragraph for any con-*
7 *tract or subcontract, or modification of a contract or*
8 *subcontract, covered by the exceptions in subpara-*
9 *graph (A) or (B) of subsection (b)(1).*

10 “(3) *DELEGATION OF AUTHORITY PROHIB-*
11 *ITED.—The head of a procuring activity may not del-*
12 *egate the functions under this paragraph.*

13 “(d) *SUBMISSION OF OTHER INFORMATION.—*

14 “(1) *AUTHORITY TO REQUIRE SUBMISSION.—*
15 *When certified cost or pricing data are not required*
16 *to be submitted under this section for a contract, sub-*
17 *contract, or modification of a contract or subcontract,*
18 *the contracting officer shall require submission of*
19 *data other than certified cost or pricing data to the*
20 *extent necessary to determine the reasonableness of the*
21 *price of the contract, subcontract, or modification of*
22 *the contract or subcontract. Except in the case of a*
23 *contract or subcontract covered by the exceptions in*
24 *subsection (b)(1)(A), the data submitted shall include,*
25 *at a minimum, appropriate information on the prices*

1 *at which the same item or similar items have pre-*
2 *viously been sold that is adequate for evaluating the*
3 *reasonableness of the price for the procurement.*

4 “(2) *LIMITATIONS ON AUTHORITY.—The Federal*
5 *Acquisition Regulation shall include the following*
6 *provisions regarding the types of information that*
7 *contracting officers may require under paragraph (1):*

8 “(A) *Reasonable limitations on requests for*
9 *sales data relating to commercial items.*

10 “(B) *A requirement that a contracting offi-*
11 *cer limit, to the maximum extent practicable, the*
12 *scope of any request for information relating to*
13 *commercial items from an offeror to only that*
14 *information that is in the form regularly main-*
15 *tained by the offeror in commercial operations.*

16 “(C) *A statement that any information re-*
17 *ceived relating to commercial items that is ex-*
18 *empt from disclosure under section 552(b) of title*
19 *5 shall not be disclosed by the Federal Govern-*
20 *ment.”.*

21 (2) *Section 304A of such Act is further amended—*

22 *(A) by striking out subsection (h); and*

23 *(B) by redesignating subsection (i) as subsection*
24 *(h).*

1 **SEC. 4202. APPLICATION OF SIMPLIFIED PROCEDURES TO**
2 **CERTAIN COMMERCIAL ITEMS.**

3 (a) *ARMED SERVICES ACQUISITIONS.*—(1) *Section*
4 *2304(g) of title 10, United States Code, is amended—*

5 (A) *in paragraph (1), by striking out “shall pro-*
6 *vide for special simplified procedures for purchases*
7 *of” and all that follows through the end of the para-*
8 *graph and inserting in lieu thereof the following:*
9 *“shall provide for—*

10 *“(A) special simplified procedures for purchases*
11 *of property and services for amounts not greater than*
12 *the simplified acquisition threshold; and*

13 *“(B) special simplified procedures for purchases*
14 *of property and services for amounts greater than the*
15 *simplified acquisition threshold but not greater than*
16 *\$5,000,000 with respect to which the contracting offi-*
17 *cer reasonably expects, based on the nature of the*
18 *property or services sought and on market research,*
19 *that offers will include only commercial items.”; and*

20 (B) *by adding at the end the following new*
21 *paragraph:*

22 *“(4) The head of an agency shall comply with the Fed-*
23 *eral Acquisition Regulation provisions referred to in section*
24 *31(g) of the Office of Federal Procurement Policy Act (41*
25 *U.S.C. 427).”.*

1 (2) *Section 2305 of title 10, United States Code, is*
2 *amended in subsection (a)(2) by inserting after “(other than*
3 *for” the following: “a procurement for commercial items*
4 *using special simplified procedures or”.*

5 (b) *CIVILIAN AGENCY ACQUISITIONS.—(1) Section*
6 *303(g) of the Federal Property and Administrative Services*
7 *Act of 1949 (41 U.S.C. 253(g)) is amended—*

8 (A) *in paragraph (1), by striking out “shall pro-*
9 *vide for special simplified procedures for purchases*
10 *of” and all that follows through the end of the para-*
11 *graph and inserting in lieu thereof the following:*
12 *“shall provide for—*

13 *“(A) special simplified procedures for purchases*
14 *of property and services for amounts not greater than*
15 *the simplified acquisition threshold; and*

16 *“(B) special simplified procedures for purchases*
17 *of property and services for amounts greater than the*
18 *simplified acquisition threshold but not greater than*
19 *\$5,000,000 with respect to which the contracting offi-*
20 *cer reasonably expects, based on the nature of the*
21 *property or services sought and on market research,*
22 *that offers will include only commercial items.”; and*

23 (B) *by adding at the end the following new*
24 *paragraph:*

1 “(5) *An executive agency shall comply with the Federal*
2 *Acquisition Regulation provisions referred to in section*
3 *31(g) of the Office of Federal Procurement Policy Act (41*
4 *U.S.C. 427).’*”.

5 (2) *Section 303A of such Act (41 U.S.C. 253a) is*
6 *amended in subsection (b) by inserting after “(other than*
7 *for” the following: “a procurement for commercial items*
8 *using special simplified procedures or”.*

9 (c) *ACQUISITIONS GENERALLY.—Section 31 of the Of-*
10 *fice of Federal Procurement Policy Act (41 U.S.C. 427) is*
11 *amended—*

12 (1) *in subsection (a), by striking out “shall pro-*
13 *vide for special simplified procedures for purchases*
14 *of” and all that follows through the end of the sub-*
15 *section and inserting in lieu thereof the following:*
16 *“shall provide for—*

17 “(1) *special simplified procedures for purchases*
18 *of property and services for amounts not greater than*
19 *the simplified acquisition threshold; and*

20 “(2) *special simplified procedures for purchases*
21 *of property and services for amounts greater than the*
22 *simplified acquisition threshold but not greater than*
23 *\$5,000,000 with respect to which the contracting offi-*
24 *cer reasonably expects, based on the nature of the*

1 *property or services sought and on market research,*
2 *that offers will include only commercial items.”; and*

3 *(2) by adding at the end the following new sub-*
4 *section:*

5 *“(g) SPECIAL RULES FOR COMMERCIAL ITEMS.—The*
6 *Federal Acquisition Regulation shall provide that, in the*
7 *case of a purchase of commercial items using special sim-*
8 *plified procedures, an executive agency—*

9 *“(1) shall publish a notice in accordance with*
10 *section 18 and, as provided in subsection (b)(4) of*
11 *such section, permit all responsible sources to submit*
12 *a bid, proposal, or quotation (as appropriate) which*
13 *shall be considered by the agency;*

14 *“(2) may not conduct the purchase on a sole*
15 *source basis unless the need to do so is justified in*
16 *writing and approved in accordance with section*
17 *2304 of title 10, United States Code, or section 303*
18 *of the Federal Property and Administrative Services*
19 *Act of 1949 (41 U.S.C. 253), as applicable; and*

20 *“(3) shall include in the contract file a written*
21 *description of the procedures used in awarding the*
22 *contract and the number of offers received.”.*

23 *(d) SIMPLIFIED NOTICE.—(1) Section 18 of the Office*
24 *of Federal Procurement Policy Act (41 U.S.C. 416) is*
25 *amended—*

1 (A) in subsection (a)(6), by inserting before
2 “submission” the following: “issuance of solicitations
3 and the”; and

4 (B) in subsection (b)(6), by striking out “thresh-
5 old—” and inserting in lieu thereof “threshold, or a
6 contract for the procurement of commercial items
7 using special simplified procedures—”.

8 (e) *EFFECTIVE DATE.*—The authority to issue solicita-
9 tions for purchases of commercial items in excess of the sim-
10 plified acquisition threshold pursuant to the special sim-
11 plified procedures authorized by section 2304(g)(1) of title
12 10, United States Code, section 303(g)(1) of the Federal
13 Property and Administrative Services Act of 1949, and sec-
14 tion 31(a) of the Office of Federal Procurement Policy Act,
15 as amended by this section, shall expire three years after
16 the date on which such amendments take effect pursuant
17 to section 4401(b). Contracts may be awarded pursuant to
18 solicitations that have been issued before such authority ex-
19 pires, notwithstanding the expiration of such authority.

20 **SEC. 4203. INAPPLICABILITY OF CERTAIN PROCUREMENT**
21 **LAWS TO COMMERCIALLY AVAILABLE OFF-**
22 **THE-SHELF ITEMS.**

23 (a) *LAWS LISTED IN THE FAR.*—The Office of Federal
24 Procurement Policy Act (41 U.S.C. 401) et seq.) is amended
25 by adding at the end the following:

1 **“SEC. 35. COMMERCIALLY AVAILABLE OFF-THE-SHELF**
2 **ITEM ACQUISITIONS: LISTS OF INAPPLICABLE**
3 **LAWS IN FEDERAL ACQUISITION REGULA-**
4 **TION.**

5 “(a) *LISTS OF INAPPLICABLE PROVISIONS OF LAW.—*

6 *(1) The Federal Acquisition Regulation shall include a list*
7 *of provisions of law that are inapplicable to contracts for*
8 *the procurement of commercially available off-the-shelf*
9 *items.*

10 “(2) *A provision of law that, pursuant to paragraph*
11 *(3), is properly included on a list referred to in paragraph*
12 *(1) may not be construed as being applicable to contracts*
13 *referred to in paragraph (1). Nothing in this section shall*
14 *be construed to render inapplicable to such contracts any*
15 *provision of law that is not included on such list.*

16 “(3) *A provision of law described in subsection (b)*
17 *shall be included on the list of inapplicable provisions of*
18 *law required by paragraph (1) unless the Administrator for*
19 *Federal Procurement Policy makes a written determination*
20 *that it would not be in the best interest of the United States*
21 *to exempt such contracts from the applicability of that pro-*
22 *vision of law. Nothing in this section shall be construed as*
23 *modifying or superseding, or as being intended to impair*
24 *or restrict authorities or responsibilities under—*

25 “(A) *section 15 of the Small Business Act (15*
26 *U.S.C. 644); or*

1 “(B) *bid protest procedures developed under the*
2 *authority of subchapter V of chapter 35 of title 31,*
3 *United States Code; subsections (e) and (f) of section*
4 *2305 of title 10, United States Code; or subsections*
5 *(h) and (i) of section 303B of the Federal Property*
6 *and Administrative Services Act of 1949 (41 U.S.C.*
7 *253b).*

8 “(b) *COVERED LAW.—Except as provided in sub-*
9 *section (a)(3), the list referred to in subsection (a)(1) shall*
10 *include each provision of law that, as determined by the*
11 *Administrator, imposes on persons who have been awarded*
12 *contracts by the Federal Government for the procurement*
13 *of commercially available off-the-shelf items Government-*
14 *unique policies, procedures, requirements, or restrictions for*
15 *the procurement of property or services, except the follow-*
16 *ing:*

17 “(1) *A provision of law that provides for crimi-*
18 *nal or civil penalties.*

19 “(2) *A provision of law that specifically refers to*
20 *this section and provides that, notwithstanding this*
21 *section, such provision of law shall be applicable to*
22 *contracts for the procurement of commercial off-the-*
23 *shelf items.*

1 “(c) *DEFINITION.*—(1) *As used in this section, the term*
 2 *‘commercially available off-the-shelf item’ means, except as*
 3 *provided in paragraph (2), an item that—*

4 “(A) *is a commercial item (as described in sec-*
 5 *tion 4(12)(A));*

6 “(B) *is sold in substantial quantities in the com-*
 7 *mercial marketplace; and*

8 “(C) *is offered to the Government, without modi-*
 9 *fication, in the same form in which it is sold in the*
 10 *commercial marketplace.*

11 “(2) *The term ‘commercially available off-the-shelf*
 12 *item’ does not include bulk cargo, as defined in section 3*
 13 *of the Shipping Act of 1984 (46 U.S.C. App. 1702), such*
 14 *as agricultural products and petroleum products.”.*

15 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
 16 *section 1(b) of such Act is amended by inserting after the*
 17 *item relating to section 34 the following:*

“Sec. 35. Commercially available off-the-shelf item acquisitions: lists of inapplica-
ble laws in Federal Acquisition Regulation.”.

18 ***SEC. 4204. AMENDMENT OF COMMERCIAL ITEMS DEFINI-***
 19 ***TION.***

20 *Section 4(12)(F) of the Office of Federal Procurement*
 21 *Policy Act (41 U.S.C. 403(12)(F)) is amended by inserting*
 22 *“or market” after “catalog”.*

1 **SEC. 4205. INAPPLICABILITY OF COST ACCOUNTING**
 2 **STANDARDS TO CONTRACTS AND SUB-**
 3 **CONTRACTS FOR COMMERCIAL ITEMS.**

4 *Paragraph (2)(B) of section 26(f) of the Office of Fed-*
 5 *eral Procurement Policy Act (41 U.S.C. 422(f)) is amend-*
 6 *ed—*

7 *(1) by striking out clause (i) and inserting in*
 8 *lieu thereof the following:*

9 *“(i) Contracts or subcontracts for the acquisition*
 10 *of commercial items.”; and*

11 *(2) by striking out clause (iii).*

12 **TITLE XLIII—ADDITIONAL**
 13 **REFORM PROVISIONS**
 14 **Subtitle A—Additional Acquisition**
 15 **Reform Provisions**

16 **SEC. 4301. ELIMINATION OF CERTAIN CERTIFICATION RE-**
 17 **QUIREMENTS.**

18 *(a) ELIMINATION OF CERTAIN STATUTORY CERTIFI-*
 19 *CATION REQUIREMENTS.—(1) Section 2410b of title 10,*
 20 *United States Code, is amended in paragraph (2) by strik-*
 21 *ing out “certification and”.*

22 *(2) Section 1352(b)(2) of title 31, United States Code,*
 23 *is amended—*

24 *(A) by striking out subparagraph (C); and*

25 *(B) by inserting “and” after the semicolon at the*
 26 *end of subparagraph (A).*

1 (3) *Section 5152 of the Drug-Free Workplace Act of*
2 *1988 (41 U.S.C. 701) is amended—*

3 (A) *in subsection (a)(1), by striking out “has*
4 *certified to the contracting agency that it will” and*
5 *inserting in lieu thereof “agrees to”;*

6 (B) *in subsection (a)(2), by striking out “con-*
7 *tract includes a certification by the individual” and*
8 *inserting in lieu thereof “individual agrees”;* and

9 (C) *in subsection (b)(1)—*

10 (i) *by striking out subparagraph (A);*

11 (ii) *by redesignating subparagraph (B) as*
12 *subparagraph (A) and in that subparagraph by*
13 *striking out “such certification by failing to*
14 *carry out”;* and

15 (iii) *by redesignating subparagraph (C) as*
16 *subparagraph (B).*

17 (b) *ELIMINATION OF CERTAIN REGULATORY CERTIFI-*
18 *CATION REQUIREMENTS.—*

19 (1) *CURRENT CERTIFICATION REQUIREMENTS.—*

20 (A) *Not later than 210 days after the date of the en-*
21 *actment of this Act, the Administrator for Federal*
22 *Procurement Policy shall issue for public comment a*
23 *proposal to amend the Federal Acquisition Regulation*
24 *to remove from the Federal Acquisition Regulation*
25 *certification requirements for contractors and offerors*

1 that are not specifically imposed by statute. The Ad-
2 ministrators may omit such a certification require-
3 ment from the proposal only if—

4 (i) the Federal Acquisition Regulatory
5 Council provides the Administrator with a writ-
6 ten justification for the requirement and a deter-
7 mination that there is no less burdensome means
8 for administering and enforcing the particular
9 regulation that contains the certification require-
10 ment; and

11 (ii) the Administrator approves in writing
12 the retention of the certification requirement.

13 (B)(i) Not later than 210 days after the date of
14 the enactment of this Act, the head of each executive
15 agency that has agency procurement regulations con-
16 taining one or more certification requirements for
17 contractors and offerors that are not specifically im-
18 posed by statute shall issue for public comment a pro-
19 posal to amend the regulations to remove the certifi-
20 cation requirements. The head of the executive agency
21 may omit such a certification requirement from the
22 proposal only if—

23 (I) the senior procurement executive for the
24 executive agency provides the head of the execu-
25 tive agency with a written justification for the

1 *requirement and a determination that there is*
 2 *no less burdensome means for administering and*
 3 *enforcing the particular regulation that contains*
 4 *the certification requirement; and*

5 *(II) the head of the executive agency ap-*
 6 *proves in writing the retention of such certifi-*
 7 *cation requirement.*

8 *(ii) For purposes of clause (i), the term “head of*
 9 *the executive agency” with respect to a military de-*
 10 *partment means the Secretary of Defense.*

11 *(2) FUTURE CERTIFICATION REQUIREMENTS.—*

12 *(A) Section 29 of the Office of Federal Procurement*
 13 *Policy Act (41 U.S.C. 425) is amended—*

14 *(i) by amending the heading to read as fol-*
 15 *lows:*

16 ***“SEC. 29. CONTRACT CLAUSES AND CERTIFICATIONS.”;***

17 *(ii) by inserting “(a) NONSTANDARD CON-*
 18 *TRACT CLAUSES.—” before “The Federal Acqui-*
 19 *sition”;* and

20 *(iii) by adding at the end the following new*
 21 *subsection:*

22 ***“(c) PROHIBITION ON CERTIFICATION REQUIRE-***
 23 ***MENTS.—(1) A requirement for a certification by a contrac-***
 24 ***tor or offeror may not be included in the Federal Acquisi-***
 25 ***tion Regulation unless—***

1 “(A) *the certification requirement is specifically*
2 *imposed by statute; or*

3 “(B) *written justification for such certification*
4 *requirement is provided to the Administrator for Fed-*
5 *eral Procurement Policy by the Federal Acquisition*
6 *Regulatory Council, and the Administrator approves*
7 *in writing the inclusion of such certification require-*
8 *ment.*

9 “(2)(A) *A requirement for a certification by a contrac-*
10 *tor or offeror may not be included in a procurement regula-*
11 *tion of an executive agency unless—*

12 “(i) *the certification requirement is specifically*
13 *imposed by statute; or*

14 “(ii) *written justification for such certification*
15 *requirement is provided to the head of the executive*
16 *agency by the senior procurement executive of the*
17 *agency, and the head of the executive agency approves*
18 *in writing the inclusion of such certification require-*
19 *ment.*

20 “(B) *For purposes of subparagraph (A), the term ‘head*
21 *of the executive agency’ with respect to a military depart-*
22 *ment means the Secretary of Defense.’.*

23 (B) *The item relating to section 29 in the table*
24 *of contents for the Office of Federal Procurement Pol-*

1 *icy Act (contained in section 1(b)) (41 U.S.C. 401*
 2 *note) is amended to read as follows:*

“*Sec. 29. Contract clauses and certifications.*”.

3 *(c) POLICY OF CONGRESS.—Section 29 of the Office*
 4 *of Federal Procurement Policy Act (41 U.S.C. 425) is fur-*
 5 *ther amended by adding after subsection (a) the following*
 6 *new subsection:*

7 “*(b) CONSTRUCTION OF CERTIFICATION REQUIRE-*
 8 *MENTS.—A provision of law may not be construed as re-*
 9 *quiring a certification by a contractor or offeror in a pro-*
 10 *curement made or to be made by the Federal Government*
 11 *unless that provision of law specifically provides that such*
 12 *a certification shall be required.*”.

13 ***SEC. 4302. AUTHORITIES CONDITIONED ON FACNET CAPA-***
 14 ***BILITY.***

15 *(a) COMMENCEMENT AND EXPIRATION OF AUTHORITY*
 16 *TO CONDUCT CERTAIN TESTS OF PROCUREMENT PROCE-*
 17 *DURES.—Subsection (j) of section 5061 of the Federal Ac-*
 18 *quisition Streamlining Act of 1994 (41 U.S.C. 413 note;*
 19 *108 Stat. 3355) is amended to read as follows:*

20 “*(j) COMMENCEMENT AND EXPIRATION OF AUTHOR-*
 21 *ITY.—The authority to conduct a test under subsection (a)*
 22 *in an agency and to award contracts under such a test shall*
 23 *take effect on January 1, 1997, and shall expire on January*
 24 *1, 2001. A contract entered into before such authority ex-*
 25 *pires in an agency pursuant to a test shall remain in effect,*

1 *in accordance with the terms of the contract, the notwith-*
 2 *standing of expiration the authority to conduct the test*
 3 *under this section.”.*

4 *(b) USE OF SIMPLIFIED ACQUISITION PROCEDURES.—*
 5 *Subsection (e) of section 31 of the Office of Federal Procure-*
 6 *ment Policy Act (41 U.S.C. 427) is amended—*

7 *(1) by striking out “ACQUISITION PROCE-*
 8 *DURES.—” and all that follows through “(B) The*
 9 *simplified acquisition” in paragraph (2)(B) and in-*
 10 *serting in lieu thereof “ACQUISITION PROCEDURES.—*
 11 *The simplified acquisition”; and*

12 *(2) by striking out “pursuant to this section” in*
 13 *the remaining text and inserting in lieu thereof “pur-*
 14 *suant to section 2304(g)(1)(A) of title 10, United*
 15 *States Code, section 303(g)(1)(A) of the Federal Prop-*
 16 *erty and Administrative Services Act of 1949 (41*
 17 *U.S.C. 253(g)(1)(A)), and subsection (a)(1) of this*
 18 *section”.*

19 **SEC. 4303. INTERNATIONAL COMPETITIVENESS.**

20 *(a) ADDITIONAL AUTHORITY TO WAIVE RESEARCH,*
 21 *DEVELOPMENT, AND PRODUCTION COSTS.—Subject to sub-*
 22 *section (b), section 21(e)(2) of the Arms Export Control Act*
 23 *(22 U.S.C. 2761(e)(2)) is amended—*

24 *(1) by inserting “(A)” after “(2)”;* and

1 (2) by adding at the end the following new sub-
2 paragraphs:

3 “(B) The President may waive the charge or charges
4 which would otherwise be considered appropriate under
5 paragraph (1)(B) for a particular sale if the President de-
6 termines that—

7 “(i) imposition of the charge or charges likely
8 would result in the loss of the sale; or

9 “(ii) in the case of a sale of major defense equip-
10 ment that is also being procured for the use of the
11 Armed Forces, the waiver of the charge or charges
12 would (through a resulting increase in the total quan-
13 tity of the equipment purchased from the source of the
14 equipment that causes a reduction in the unit cost of
15 the equipment) result in a savings to the United
16 States on the cost of the equipment procured for the
17 use of the Armed Forces that substantially offsets the
18 revenue foregone by reason of the waiver of the charge
19 or charges.

20 “(C) The President may waive, for particular sales of
21 major defense equipment, any increase in a charge or
22 charges previously considered appropriate under paragraph
23 (1)(B) if the increase results from a correction of an esti-
24 mate (reasonable when made) of the production quantity

1 *base that was used for calculating the charge or charges for*
2 *purposes of such paragraph.”.*

3 (b) *CONDITIONS.—Subsection (a) shall be effective only*
4 *if—*

5 (1) *the President, in the budget of the President*
6 *for fiscal year 1997, proposes legislation that if en-*
7 *acted would be qualifying offsetting legislation; and*

8 (2) *there is enacted qualifying offsetting legisla-*
9 *tion.*

10 (c) *EFFECTIVE DATE.—If the conditions in subsection*
11 *(b) are met, then the amendments made by subsection (a)*
12 *shall take effect on the date of the enactment of qualifying*
13 *offsetting legislation.*

14 (d) *DEFINITIONS.—For purposes of this section:*

15 (1) *The term “qualifying offsetting legislation”*
16 *means legislation that includes provisions that—*

17 (A) *offset fully the estimated revenues lost*
18 *as a result of the amendments made by sub-*
19 *section (a) for each of the fiscal years 1997*
20 *through 2005;*

21 (B) *expressly state that they are enacted for*
22 *the purpose of the offset described in subpara-*
23 *graph (A); and*

24 (C) *are included in full on the PayGo score-*
25 *card.*

1 (2) *The term “PayGo scorecard” means the esti-*
 2 *mates that are made by the Director of the Congres-*
 3 *sional Budget Office and the Director of the Office of*
 4 *Management and Budget under section 252(d) of the*
 5 *Balanced Budget and Emergency Deficit Control Act*
 6 *of 1985.*

7 **SEC. 4304. PROCUREMENT INTEGRITY.**

8 (a) *AMENDMENT OF PROCUREMENT INTEGRITY PROVI-*
 9 *SION.—Section 27 of the Office of Federal Procurement Pol-*
 10 *icy Act (41 U.S.C. 423) is amended to read as follows:*

11 **“SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING**
 12 **CONTRACTOR BID OR PROPOSAL INFORMA-**
 13 **TION OR SOURCE SELECTION INFORMATION.**

14 “(a) *PROHIBITION ON DISCLOSING PROCUREMENT IN-*
 15 *FORMATION.—(1) A person described in paragraph (2) shall*
 16 *not, other than as provided by law, knowingly disclose con-*
 17 *tractor bid or proposal information or source selection in-*
 18 *formation before the award of a Federal agency procure-*
 19 *ment contract to which the information relates.*

20 “(2) *Paragraph (1) applies to any person who—*

21 “(A) *is a present or former officer or employee*
 22 *of the United States, or a person who is acting or has*
 23 *acted for or on behalf of, or who is advising or has*
 24 *advised the United States with respect to, a Federal*
 25 *agency procurement; and*

1 “(B) by virtue of that office, employment, or re-
2 lationship has or had access to contractor bid or pro-
3 posal information or source selection information.

4 “(b) *PROHIBITION ON OBTAINING PROCUREMENT IN-*
5 *FORMATION.—A person shall not, other than as provided*
6 *by law, knowingly obtain contractor bid or proposal infor-*
7 *mation or source selection information before the award of*
8 *a Federal agency procurement contract to which the infor-*
9 *mation relates.*

10 “(c) *ACTIONS REQUIRED OF PROCUREMENT OFFICERS*
11 *WHEN CONTACTED BY OFFERORS REGARDING NON-FED-*
12 *ERAL EMPLOYMENT.—(1) If an agency employee who is*
13 *participating personally and substantially in a Federal*
14 *agency procurement for a contract in excess of the sim-*
15 *plified acquisition threshold contacts or is contacted by a*
16 *person who is a bidder or offeror in that Federal agency*
17 *procurement regarding possible non-Federal employment*
18 *for that employee, the employee shall—*

19 “(A) promptly report the contact in writing to
20 the employee’s supervisor and to the designated agen-
21 cy ethics official (or designee) of the agency in which
22 the employee is employed; and

23 “(B)(i) reject the possibility of non-Federal em-
24 ployment; or

1 “(ii) disqualify himself or herself from further
2 personal and substantial participation in that Fed-
3 eral agency procurement until such time as the agen-
4 cy has authorized the employee to resume participa-
5 tion in such procurement, in accordance with the re-
6 quirements of section 208 of title 18, United States
7 Code, and applicable agency regulations on the
8 grounds that—

9 “(I) the person is no longer a bidder or
10 offeror in that Federal agency procurement; or

11 “(II) all discussions with the bidder or
12 offeror regarding possible non-Federal employ-
13 ment have terminated without an agreement or
14 arrangement for employment.

15 “(2) Each report required by this subsection shall be
16 retained by the agency for not less than two years following
17 the submission of the report. All such reports shall be made
18 available to the public upon request, except that any part
19 of a report that is exempt from the disclosure requirements
20 of section 552 of title 5, United States Code, under sub-
21 section (b)(1) of such section may be withheld from disclo-
22 sure to the public.

23 “(3) An employee who knowingly fails to comply with
24 the requirements of this subsection shall be subject to the

1 *penalties and administrative actions set forth in subsection*
2 *(e).*

3 “(4) *A bidder or offeror who engages in employment*
4 *discussions with an employee who is subject to the restric-*
5 *tions of this subsection, knowing that the employee has not*
6 *complied with subparagraph (A) or (B) of paragraph (1),*
7 *shall be subject to the penalties and administrative actions*
8 *set forth in subsection (e).*

9 “(d) *PROHIBITION ON FORMER EMPLOYEE’S ACCEPT-*
10 *ANCE OF COMPENSATION FROM CONTRACTOR.—(1) A*
11 *former employee of a Federal agency may not accept com-*
12 *penensation from a contractor as an employee, officer, direc-*
13 *tor, or consultant of the contractor within a period of one*
14 *year after such former employee—*

15 “(A) *served, at the time of selection of the con-*
16 *tractor or the award of a contract to that contractor,*
17 *as the procuring contracting officer, the source selec-*
18 *tion authority, a member of the source selection eval-*
19 *uation board, or the chief of a financial or technical*
20 *evaluation team in a procurement in which that con-*
21 *tractor was selected for award of a contract in excess*
22 *of \$10,000,000;*

23 “(B) *served as the program manager, deputy*
24 *program manager, or administrative contracting offi-*

1 *cer for a contract in excess of \$10,000,000 awarded to*
2 *that contractor; or*

3 *“(C) personally made for the Federal agency—*

4 *“(i) a decision to award a contract, sub-*
5 *contract, modification of a contract or sub-*
6 *contract, or a task order or delivery order in ex-*
7 *cess of \$10,000,000 to that contractor;*

8 *“(ii) a decision to establish overhead or*
9 *other rates applicable to a contract or contracts*
10 *for that contractor that are valued in excess of*
11 *\$10,000,000;*

12 *“(iii) a decision to approve issuance of a*
13 *contract payment or payments in excess of*
14 *\$10,000,000 to that contractor; or*

15 *“(iv) a decision to pay or settle a claim in*
16 *excess of \$10,000,000 with that contractor.*

17 *“(2) Nothing in paragraph (1) may be construed to*
18 *prohibit a former employee of a Federal agency from accept-*
19 *ing compensation from any division or affiliate of a con-*
20 *tractor that does not produce the same or similar products*
21 *or services as the entity of the contractor that is responsible*
22 *for the contract referred to in subparagraph (A), (B), or*
23 *(C) of such paragraph.*

24 *“(3) A former employee who knowingly accepts com-*
25 *penetration in violation of this subsection shall be subject to*

1 *penalties and administrative actions as set forth in sub-*
2 *section (e).*

3 “(4) *A contractor who provides compensation to a*
4 *former employee knowing that such compensation is accept-*
5 *ed by the former employee in violation of this subsection*
6 *shall be subject to penalties and administrative actions as*
7 *set forth in subsection (e).*

8 “(5) *Regulations implementing this subsection shall*
9 *include procedures for an employee or former employee of*
10 *a Federal agency to request advice from the appropriate*
11 *designated agency ethics official regarding whether the em-*
12 *ployee or former employee is or would be precluded by this*
13 *subsection from accepting compensation from a particular*
14 *contractor.*

15 “(e) *PENALTIES AND ADMINISTRATIVE ACTIONS.—*

16 “(1) *CRIMINAL PENALTIES.—Whoever engages in*
17 *conduct constituting a violation of subsection (a) or*
18 *(b) for the purpose of either—*

19 “(A) *exchanging the information covered by*
20 *such subsection for anything of value, or*

21 “(B) *obtaining or giving anyone a competi-*
22 *tive advantage in the award of a Federal agency*
23 *procurement contract,*

1 *shall be imprisoned for not more than 5 years or*
2 *fined as provided under title 18, United States Code,*
3 *or both.*

4 “(2) *CIVIL PENALTIES.—The Attorney General*
5 *may bring a civil action in an appropriate United*
6 *States district court against any person who engages*
7 *in conduct constituting a violation of subsection (a),*
8 *(b), (c), or (d). Upon proof of such conduct by a pre-*
9 *ponderance of the evidence, the person is subject to a*
10 *civil penalty. An individual who engages in such con-*
11 *duct is subject to a civil penalty of not more than*
12 *\$50,000 for each violation plus twice the amount of*
13 *compensation which the individual received or offered*
14 *for the prohibited conduct. An organization that en-*
15 *gages in such conduct is subject to a civil penalty of*
16 *not more than \$500,000 for each violation plus twice*
17 *the amount of compensation which the organization*
18 *received or offered for the prohibited conduct.*

19 “(3) *ADMINISTRATIVE ACTIONS.—(A) If a Fed-*
20 *eral agency receives information that a contractor or*
21 *a person has engaged in conduct constituting a viola-*
22 *tion of subsection (a), (b), (c), or (d), the Federal*
23 *agency shall consider taking one or more of the fol-*
24 *lowing actions, as appropriate:*

1 “(i) Cancellation of the Federal agency pro-
2 curement, if a contract has not yet been award-
3 ed.

4 “(ii) Rescission of a contract with respect to
5 which—

6 “(I) the contractor or someone acting
7 for the contractor has been convicted for an
8 offense punishable under paragraph (1), or

9 “(II) the head of the agency that
10 awarded the contract has determined, based
11 upon a preponderance of the evidence, that
12 the contractor or someone acting for the
13 contractor has engaged in conduct constitut-
14 ing such an offense.

15 “(iii) Initiation of suspension or debarment
16 proceedings for the protection of the Government
17 in accordance with procedures in the Federal Ac-
18 quisition Regulation.

19 “(iv) Initiation of adverse personnel action,
20 pursuant to the procedures in chapter 75 of title
21 5, United States Code, or other applicable law or
22 regulation.

23 “(B) If a Federal agency rescinds a contract
24 pursuant to subparagraph (A)(ii), the United States
25 is entitled to recover, in addition to any penalty pre-

1 scribed by law, the amount expended under the con-
2 tract.

3 “(C) For purposes of any suspension or debar-
4 ment proceedings initiated pursuant to subparagraph
5 (A)(iii), engaging in conduct constituting an offense
6 under subsection (a), (b), (c), or (d) affects the present
7 responsibility of a Government contractor or sub-
8 contractor.

9 “(f) *DEFINITIONS.*—As used in this section:

10 “(1) The term ‘contractor bid or proposal infor-
11 mation’ means any of the following information sub-
12 mitted to a Federal agency as part of or in connec-
13 tion with a bid or proposal to enter into a Federal
14 agency procurement contract, if that information has
15 not been previously made available to the public or
16 disclosed publicly:

17 “(A) Cost or pricing data (as defined by
18 section 2306a(h) of title 10, United States Code,
19 with respect to procurements subject to that sec-
20 tion, and section 304A(h) of the Federal Prop-
21 erty and Administrative Services Act of 1949 (41
22 U.S.C. 254b(h)), with respect to procurements
23 subject to that section).

24 “(B) Indirect costs and direct labor rates.

1 “(C) *Proprietary information about manu-*
2 *facturing processes, operations, or techniques*
3 *marked by the contractor in accordance with ap-*
4 *plicable law or regulation.*

5 “(D) *Information marked by the contractor*
6 *as ‘contractor bid or proposal information’, in*
7 *accordance with applicable law or regulation.*

8 “(2) *The term ‘source selection information’*
9 *means any of the following information prepared for*
10 *use by a Federal agency for the purpose of evaluating*
11 *a bid or proposal to enter into a Federal agency pro-*
12 *curement contract, if that information has not been*
13 *previously made available to the public or disclosed*
14 *publicly:*

15 “(A) *Bid prices submitted in response to a*
16 *Federal agency solicitation for sealed bids, or*
17 *lists of those bid prices before public bid opening.*

18 “(B) *Proposed costs or prices submitted in*
19 *response to a Federal agency solicitation, or lists*
20 *of those proposed costs or prices.*

21 “(C) *Source selection plans.*

22 “(D) *Technical evaluation plans.*

23 “(E) *Technical evaluations of proposals.*

24 “(F) *Cost or price evaluations of proposals.*

1 “(G) *Competitive range determinations that*
2 *identify proposals that have a reasonable chance*
3 *of being selected for award of a contract.*

4 “(H) *Rankings of bids, proposals, or com-*
5 *petitors.*

6 “(I) *The reports and evaluations of source*
7 *selection panels, boards, or advisory councils.*

8 “(J) *Other information marked as ‘source*
9 *selection information’ based on a case-by-case de-*
10 *termination by the head of the agency, his des-*
11 *ignee, or the contracting officer that its disclo-*
12 *sure would jeopardize the integrity or successful*
13 *completion of the Federal agency procurement to*
14 *which the information relates.*

15 “(3) *The term ‘Federal agency’ has the meaning*
16 *provided such term in section 3 of the Federal Prop-*
17 *erty and Administrative Services Act of 1949 (40*
18 *U.S.C. 472).*

19 “(4) *The term ‘Federal agency procurement’*
20 *means the acquisition (by using competitive proce-*
21 *dures and awarding a contract) of goods or services*
22 *(including construction) from non-Federal sources by*
23 *a Federal agency using appropriated funds.*

24 “(5) *The term ‘contracting officer’ means a per-*
25 *son who, by appointment in accordance with applica-*

1 *ble regulations, has the authority to enter into a Fed-*
2 *eral agency procurement contract on behalf of the*
3 *Government and to make determinations and findings*
4 *with respect to such a contract.*

5 *“(6) The term ‘protest’ means a written objection*
6 *by an interested party to the award or proposed*
7 *award of a Federal agency procurement contract,*
8 *pursuant to subchapter V of chapter 35 of title 31,*
9 *United States Code.*

10 *“(g) LIMITATION ON PROTESTS.—No person may file*
11 *a protest against the award or proposed award of a Federal*
12 *agency procurement contract alleging a violation of sub-*
13 *section (a), (b), (c), or (d), nor may the Comptroller General*
14 *of the United States consider such an allegation in deciding*
15 *a protest, unless that person reported to the Federal agency*
16 *responsible for the procurement, no later than 14 days after*
17 *the person first discovered the possible violation, the infor-*
18 *mation that the person believed constitutes evidence of the*
19 *offense.*

20 *“(h) SAVINGS PROVISIONS.—This section does not—*

21 *“(1) restrict the disclosure of information to, or*
22 *its receipt by, any person or class of persons author-*
23 *ized, in accordance with applicable agency regula-*
24 *tions or procedures, to receive that information;*

1 “(2) restrict a contractor from disclosing its own
2 bid or proposal information or the recipient from re-
3 ceiving that information;

4 “(3) restrict the disclosure or receipt of informa-
5 tion relating to a Federal agency procurement after
6 it has been canceled by the Federal agency before con-
7 tract award unless the Federal agency plans to re-
8 sume the procurement;

9 “(4) prohibit individual meetings between a Fed-
10 eral agency employee and an offeror or potential
11 offeror for, or a recipient of, a contract or subcontract
12 under a Federal agency procurement, provided that
13 unauthorized disclosure or receipt of contractor bid or
14 proposal information or source selection information
15 does not occur;

16 “(5) authorize the withholding of information
17 from, nor restrict its receipt by, Congress, a commit-
18 tee or subcommittee of Congress, the Comptroller Gen-
19 eral, a Federal agency, or an inspector general of a
20 Federal agency;

21 “(6) authorize the withholding of information
22 from, nor restrict its receipt by, the Comptroller Gen-
23 eral of the United States in the course of a protest
24 against the award or proposed award of a Federal
25 agency procurement contract; or

1 “(7) *limit the applicability of any requirements,*
2 *sanctions, contract penalties, and remedies established*
3 *under any other law or regulation.*”

4 **(b) REPEALS.**—*The following provisions of law are re-*
5 *pealed:*

6 (1) *Sections 2397, 2397a, 2397b, and 2397c of*
7 *title 10, United States Code.*

8 (2) *Section 33 of the Federal Energy Adminis-*
9 *tration Act of 1974 (15 U.S.C. 789).*

10 (3) *Section 281 of title 18, United States Code.*

11 (4) *Subsection (c) of section 32 of the Office of*
12 *Federal Procurement Policy Act (41 U.S.C. 428).*

13 (5) *The first section 19 of the Federal Non-*
14 *nuclear Energy Research and Development Act of*
15 *1974 (42 U.S.C. 5918).*

16 (6) *Part A of title VI of the Department of En-*
17 *ergy Organization Act and its catchline (42 U.S.C.*
18 *7211, 7212, and 7218).*

19 (7) *Section 308 of the Energy Research and De-*
20 *velopment Administration Appropriation Authoriza-*
21 *tion Act for Fiscal Year 1977 (42 U.S.C. 5816a).*

22 (8) *Section 522 of the Energy Policy and Con-*
23 *servation Act (42 U.S.C. 6392).*

24 **(c) CLERICAL AMENDMENTS.**—

1 (1) *The table of sections at the beginning of*
 2 *chapter 141 of title 10, United States Code, is amend-*
 3 *ed by striking out the items relating to sections 2397,*
 4 *2397a, 2397b, and 2397c.*

5 (2) *The table of sections at the beginning of*
 6 *chapter 15 of title 18, United States Code, is amended*
 7 *by striking out the item relating to section 281.*

8 (3) *Section 32 of the Office of Federal Procure-*
 9 *ment Policy Act (41 U.S.C. 428) is amended by redес-*
 10 *ignating subsections (d), (e), (f), and (g) as sub-*
 11 *sections (c), (d), (e), and (f), respectively.*

12 (4) *The table of contents for the Department of*
 13 *Energy Organization Act is amended by striking out*
 14 *the items relating to part A of title VI including sec-*
 15 *tions 601 through 603.*

16 (5) *The table of contents for the Energy Policy*
 17 *and Conservation Act is amended by striking out the*
 18 *item relating to section 522.*

19 **SEC. 4305. FURTHER ACQUISITION STREAMLINING PROVI-**
 20 **SIONS.**

21 (a) *PURPOSE OF OFFICE OF FEDERAL PROCUREMENT*
 22 *POLICY.—*

23 (1) *REVISED STATEMENT OF PURPOSE.—Section*
 24 *5(a) of the Office of Federal Procurement Policy Act*
 25 *(41 U.S.C. 404) is amended to read as follows:*

1 “(a) *There is in the Office of Management and Budget*
2 *an Office of Federal Procurement Policy (hereinafter re-*
3 *ferred to as the ‘Office’) to provide overall direction of Gov-*
4 *ernment-wide procurement policies, regulations, procedures,*
5 *and forms for executive agencies and to promote economy,*
6 *efficiency, and effectiveness in the procurement of property*
7 *and services by the executive branch of the Federal Govern-*
8 *ment.”.*

9 (2) *REPEAL OF FINDINGS, POLICIES, AND PUR-*
10 *POSES.—Sections 2 and 3 of such Act (41 U.S.C. 401*
11 *and 402) are repealed.*

12 (b) *REPEAL OF REPORT REQUIREMENT.—Section 8 of*
13 *the Office of Federal Procurement Policy Act (41 U.S.C.*
14 *407) is repealed.*

15 (c) *OBSOLETE PROVISIONS.—*

16 (1) *RELATIONSHIP TO FORMER REGULATIONS.—*
17 *Section 10 of the Office of Federal Procurement Pol-*
18 *icy Act (41 U.S.C. 409) is repealed.*

19 (2) *AUTHORIZATION OF APPROPRIATIONS.—Sec-*
20 *tion 11 of such Act (41 U.S.C. 410) is amended to*
21 *read as follows:*

22 **“SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

23 *“There is authorized to be appropriated for the Office*
24 *of Federal Procurement Policy each fiscal year such sums*

1 *as may be necessary for carrying out the responsibilities*
 2 *of that office for such fiscal year.”.*

3 (d) *CLERICAL AMENDMENTS.—The table of contents*
 4 *for the Office of Federal Procurement Policy Act (contained*
 5 *in section 1(b)) is amended by striking out the items relat-*
 6 *ing to sections 2, 3, 8, and 10.*

7 **SEC. 4306. VALUE ENGINEERING FOR FEDERAL AGENCIES.**

8 (a) *USE OF VALUE ENGINEERING.—The Office of Fed-*
 9 *eral Procurement Policy Act (41 U.S.C. 401 et seq.), as*
 10 *amended by section 4203, is further amended by adding at*
 11 *the end the following new section:*

12 **“SEC. 36. VALUE ENGINEERING.**

13 “(a) *IN GENERAL.—Each executive agency shall estab-*
 14 *lish and maintain cost-effective value engineering proce-*
 15 *dures and processes.*

16 “(b) *DEFINITION.—As used in this section, the term*
 17 *‘value engineering’ means an analysis of the functions of*
 18 *a program, project, system, product, item of equipment,*
 19 *building, facility, service, or supply of an executive agency,*
 20 *performed by qualified agency or contractor personnel, di-*
 21 *rected at improving performance, reliability, quality, safe-*
 22 *ty, and life cycle costs.”.*

23 (b) *CLERICAL AMENDMENT.—The table of contents for*
 24 *such Act, contained in section 1(b), is amended by adding*
 25 *at the end the following new item:*

“Sec. 36. Value engineering.”.

1 **SEC. 4307. ACQUISITION WORKFORCE.**

2 (a) *ACQUISITION WORKFORCE.*—(1) *The Office of Fed-*
3 *eral Procurement Policy Act (41 U.S.C. 401 et seq.), as*
4 *amended by section 4306, is further amended by adding at*
5 *the end the following new section:*

6 **“SEC. 37. ACQUISITION WORKFORCE.**

7 “(a) *APPLICABILITY.*—*This section does not apply to*
8 *an executive agency that is subject to chapter 87 of title*
9 *10, United States Code.*

10 “(b) *MANAGEMENT POLICIES.*—

11 “(1) *POLICIES AND PROCEDURES.*—*The head of*
12 *each executive agency, after consultation with the Ad-*
13 *ministrator for Federal Procurement Policy, shall es-*
14 *tablish policies and procedures for the effective man-*
15 *agement (including accession, education, training, ca-*
16 *reer development, and performance incentives) of the*
17 *acquisition workforce of the agency. The development*
18 *of acquisition workforce policies under this section*
19 *shall be carried out consistent with the merit system*
20 *principles set forth in section 2301(b) of title 5, Unit-*
21 *ed States Code.*

22 “(2) *UNIFORM IMPLEMENTATION.*—*The head of*
23 *each executive agency shall ensure that, to the maxi-*
24 *mum extent practicable, acquisition workforce policies*
25 *and procedures established are uniform in their im-*
26 *plementation throughout the agency.*

1 “(3) *GOVERNMENT-WIDE POLICIES AND EVALUA-*
2 *TION.—The Administrator shall issue policies to pro-*
3 *mote uniform implementation of this section by exec-*
4 *utive agencies, with due regard for differences in pro-*
5 *gram requirements among agencies that may be ap-*
6 *propriate and warranted in view of the agency mis-*
7 *sion. The Administrator shall coordinate with the*
8 *Deputy Director for Management of the Office of*
9 *Management and Budget to ensure that such policies*
10 *are consistent with the policies and procedures estab-*
11 *lished and enhanced system of incentives provided*
12 *pursuant to section 5051(c) of the Federal Acquisition*
13 *Streamlining Act of 1994 (41 U.S.C. 263 note). The*
14 *Administrator shall evaluate the implementation of*
15 *the provisions of this section by executive agencies.*

16 “(c) *SENIOR PROCUREMENT EXECUTIVE AUTHORITIES*
17 *AND RESPONSIBILITIES.—Subject to the authority, direc-*
18 *tion, and control of the head of an executive agency, the*
19 *senior procurement executive of the agency shall carry out*
20 *all powers, functions, and duties of the head of the agency*
21 *with respect to implementation of this section. The senior*
22 *procurement executive shall ensure that the policies of the*
23 *head of the executive agency established in accordance with*
24 *this section are implemented throughout the agency.*

1 “(d) *MANAGEMENT INFORMATION SYSTEMS.*—*The Ad-*
2 *ministrators shall ensure that the heads of executive agencies*
3 *collect and maintain standardized information on the ac-*
4 *quisition workforce related to implementation of this sec-*
5 *tion. To the maximum extent practicable, such data re-*
6 *quirements shall conform to standards established by the Of-*
7 *fice of Personnel Management for the Central Personnel*
8 *Data File.*

9 “(e) *APPLICABILITY TO ACQUISITION WORKFORCE.*—
10 *The programs established by this section shall apply to the*
11 *acquisition workforce of each executive agency. For purposes*
12 *of this section, the acquisition workforce of an agency con-*
13 *sists of all employees serving in acquisition positions listed*
14 *in subsection (g)(1)(A).*

15 “(f) *CAREER DEVELOPMENT.*—

16 “(1) *CAREER PATHS.*—*The head of each execu-*
17 *tive agency shall ensure that appropriate career paths*
18 *for personnel who desire to pursue careers in acquisi-*
19 *tion are identified in terms of the education, training,*
20 *experience, and assignments necessary for career pro-*
21 *gression to the most senior acquisition positions. The*
22 *head of each executive agency shall make information*
23 *available on such career paths.*

24 “(2) *CRITICAL DUTIES AND TASKS.*—*For each*
25 *career path, the head of each executive agency shall*

1 *identify the critical acquisition-related duties and*
2 *tasks in which, at minimum, employees of the agency*
3 *in the career path shall be competent to perform at*
4 *full performance grade levels. For this purpose, the*
5 *head of the executive agency shall provide appropriate*
6 *coverage of the critical duties and tasks identified by*
7 *the Director of the Federal Acquisition Institute.*

8 “(3) *MANDATORY TRAINING AND EDUCATION.—*
9 *For each career path, the head of each executive agen-*
10 *cy shall establish requirements for the completion of*
11 *course work and related on-the-job training in the*
12 *critical acquisition-related duties and tasks of the ca-*
13 *reer path. The head of each executive agency shall also*
14 *encourage employees to maintain the currency of their*
15 *acquisition knowledge and generally enhance their*
16 *knowledge of related acquisition management dis-*
17 *ciplines through academic programs and other self-de-*
18 *velopmental activities.*

19 “(4) *PERFORMANCE INCENTIVES.—The head of*
20 *each executive agency shall provide for an enhanced*
21 *system of incentives for the encouragement of excel-*
22 *lence in the acquisition workforce which rewards per-*
23 *formance of employees that contribute to achieving the*
24 *agency’s performance goals. The system of incentives*
25 *shall include provisions that—*

1 “(A) relate pay to performance (including
2 the extent to which the performance of personnel
3 in such workforce contributes to achieving the
4 cost goals, schedule goals, and performance goals
5 established for acquisition programs pursuant to
6 section 313(b) of the Federal Property and Ad-
7 ministrative Services Act of 1949 (41 U.S.C.
8 263(b)); and

9 “(B) provide for consideration, in personnel
10 evaluations and promotion decisions, of the ex-
11 tent to which the performance of personnel in
12 such workforce contributes to achieving such cost
13 goals, schedule goals, and performance goals.

14 “(g) *QUALIFICATION REQUIREMENTS.*—

15 “(1) *IN GENERAL.*—(A) Subject to paragraph
16 (2), the Administrator shall establish qualification re-
17 quirements, including education requirements, for the
18 following positions:

19 “(i) Entry-level positions in the General
20 Schedule Contracting series (GS–1102).

21 “(ii) Senior positions in the General Sched-
22 ule Contracting series (GS–1102).

23 “(iii) All positions in the General Schedule
24 Purchasing series (GS–1105).

1 “(iv) *Positions in other General Schedule*
2 *series in which significant acquisition-related*
3 *functions are performed.*

4 “(B) *Subject to paragraph (2), the Adminis-*
5 *trator shall prescribe the manner and extent to which*
6 *such qualification requirements shall apply to any*
7 *person serving in a position described in subpara-*
8 *graph (A) at the time such requirements are estab-*
9 *lished.*

10 “(2) *RELATIONSHIP TO REQUIREMENTS APPLICA-*
11 *BLE TO DEFENSE ACQUISITION WORKFORCE.—The*
12 *Administrator shall establish qualification require-*
13 *ments and make prescriptions under paragraph (1)*
14 *that are comparable to those established for the same*
15 *or equivalent positions pursuant to chapter 87 of title*
16 *10, United States Code, with appropriate modifica-*
17 *tions.*

18 “(3) *APPROVAL OF REQUIREMENTS.—The Ad-*
19 *ministrator shall submit any requirement established*
20 *or prescription made under paragraph (1) to the Di-*
21 *rector of the Office of Personnel Management for ap-*
22 *proval. If the Director does not disapprove a require-*
23 *ment or prescription within 30 days after the date on*
24 *which the Director receives it, the requirement or pre-*
25 *scription is deemed to be approved by the Director.*

1 “(h) *EDUCATION AND TRAINING.*—

2 “(1) *FUNDING LEVELS.*—(A) *The head of an ex-*
3 *ecutive agency shall set forth separately the funding*
4 *levels requested for education and training of the ac-*
5 *quisition workforce in the budget justification docu-*
6 *ments submitted in support of the President’s budget*
7 *submitted to Congress under section 1105 of title 31,*
8 *United States Code.*

9 “(B) *Funds appropriated for education and*
10 *training under this section may not be obligated for*
11 *any other purpose.*

12 “(2) *TUITION ASSISTANCE.*—*The head of an exec-*
13 *utive agency may provide tuition reimbursement in*
14 *education (including a full-time course of study lead-*
15 *ing to a degree) in accordance with section 4107 of*
16 *title 5, United States Code, for personnel serving in*
17 *acquisition positions in the agency.”.*

18 (2) *The table of contents for such Act, contained in*
19 *section 1(b), is amended by adding at the end the following*
20 *new item:*

 “Sec. 37. *Acquisition workforce.*”.

21 (b) *ADDITIONAL AMENDMENTS.*—*Section 6(d) of the*
22 *Office of Federal Procurement Policy Act (41 U.S.C. 405),*
23 *is amended—*

24 (1) *by redesignating paragraphs (6), (7), (8),*
25 (9), (10), (11), and (12) (as transferred by section

1 4321(h)(1)) as paragraphs (7), (8), (9), (10), (11),
2 (12), and (13), respectively;

3 (2) in paragraph (5)—

4 (A) in subparagraph (A), by striking out
5 “Government-wide career management programs
6 for a professional procurement work force” and
7 inserting in lieu thereof “the development of a
8 professional acquisition workforce Government-
9 wide”; and

10 (B) in subparagraph (B)—

11 (i) by striking out “procurement by
12 the” and inserting in lieu thereof “acqusi-
13 tion by the”;

14 (ii) by striking out “and” at the end
15 of the subparagraph; and

16 (iii) by striking out subparagraph (C)
17 and inserting in lieu thereof the following:

18 “(C) collect data and analyze acquisition
19 workforce data from the Office of Personnel Man-
20 agement, the heads of executive agencies, and,
21 through periodic surveys, from individual em-
22 ployees;

23 “(D) periodically analyze acquisition career
24 fields to identify critical competencies, duties,

1 *tasks, and related academic prerequisites, skills,*
2 *and knowledge;*

3 “(E) *coordinate and assist agencies in iden-*
4 *tifying and recruiting highly qualified can-*
5 *didates for acquisition fields;*

6 “(F) *develop instructional materials for ac-*
7 *quisition personnel in coordination with private*
8 *and public acquisition colleges and training fa-*
9 *cilities;*

10 “(G) *evaluate the effectiveness of training*
11 *and career development programs for acquisition*
12 *personnel;*

13 “(H) *promote the establishment and utiliza-*
14 *tion of academic programs by colleges and uni-*
15 *versities in acquisition fields;*

16 “(I) *facilitate, to the extent requested by*
17 *agencies, interagency intern and training pro-*
18 *grams; and*

19 “(J) *perform other career management or*
20 *research functions as directed by the Adminis-*
21 *trator.”; and*

22 (3) *by inserting before paragraph (7) (as so re-*
23 *designated) the following new paragraph (6):*

24 “(6) *administering the provisions of section*
25 *37;”.*

1 **SEC. 4308. DEMONSTRATION PROJECT RELATING TO CER-**
2 **TAIN PERSONNEL MANAGEMENT POLICIES**
3 **AND PROCEDURES.**

4 (a) *COMMENCEMENT.*—*The Secretary of Defense is en-*
5 *couraged to take such steps as may be necessary to provide*
6 *for the commencement of a demonstration project, the pur-*
7 *pose of which would be to determine the feasibility or desir-*
8 *ability of one or more proposals for improving the personnel*
9 *management policies or procedures that apply with respect*
10 *to the acquisition workforce of the Department of Defense.*

11 (b) *TERMS AND CONDITIONS.*—

12 (1) *IN GENERAL.*—*Except as otherwise provided*
13 *in this subsection, any demonstration project de-*
14 *scribed in subsection (a) shall be subject to section*
15 *4703 of title 5, United States Code, and all other pro-*
16 *visions of such title that apply with respect to any*
17 *demonstration project under such section.*

18 (2) *EXCEPTIONS.*—*Subject to paragraph (3), in*
19 *applying section 4703 of title 5, United States Code,*
20 *with respect to a demonstration project described in*
21 *subsection (a)—*

22 (A) *“180 days” in subsection (b)(4) of such*
23 *section shall be deemed to read “120 days”;*

24 (B) *“90 days” in subsection (b)(6) of such*
25 *section shall be deemed to read “30 days”; and*

1 (C) subsection (d)(1)(A) of such section shall
2 be disregarded.

3 (3) *CONDITION.*—Paragraph (2) shall not apply
4 with respect to a demonstration project unless it—

5 (A) involves only the acquisition workforce
6 of the Department of Defense (or any part there-
7 of); and

8 (B) commences during the 3-year period be-
9 ginning on the date of the enactment of this Act.

10 (c) *DEFINITION.*—For purposes of this section, the
11 term “acquisition workforce” refers to the persons serving
12 in acquisition positions within the Department of Defense,
13 as designated pursuant to section 1721(a) of title 10, United
14 States Code.

15 **SEC. 4309. COOPERATIVE PURCHASING.**

16 (a) *DELAY IN OPENING CERTAIN FEDERAL SUPPLY*
17 *SCHEDULES TO USE BY STATE, LOCAL, AND INDIAN TRIB-*
18 *AL GOVERNMENTS.*—The Administrator of General Services
19 may not use the authority of section 201(b)(2) of the Fed-
20 eral Property and Administrative Services Act of 1949 (40
21 U.S.C. 481(b)(2)) to provide for the use of Federal supply
22 schedules of the General Services Administration until after
23 the later of—

1 (1) *the date on which the 18-month period begin-*
2 *ning on the date of the enactment of this Act expires;*
3 *or*

4 (2) *the date on which all of the following condi-*
5 *tions are met:*

6 (A) *The Administrator has considered the*
7 *report of the Comptroller General required by*
8 *subsection (b).*

9 (B) *The Administrator has submitted com-*
10 *ments on such report to Congress as required by*
11 *subsection (c).*

12 (C) *A period of 30 days after the date of*
13 *submission of such comments to Congress has ex-*
14 *pired.*

15 (b) *REPORT.—Not later than one year after the date*
16 *of the enactment of this Act, the Comptroller General shall*
17 *submit to the Administrator of General Services and to*
18 *Congress a report on the implementation of section 201(b)*
19 *of the Federal Property and Administrative Services Act*
20 *of 1949. The report shall include the following:*

21 (1) *An assessment of the effect on industry, in-*
22 *cluding small businesses and local dealers, of provid-*
23 *ing for the use of Federal supply schedules by the en-*
24 *tities described in section 201(b)(2)(A) of the Federal*
25 *Property and Administrative Services Act of 1949.*

1 **SEC. 4311. MICRO-PURCHASES WITHOUT COMPETITIVE**
2 **QUOTATIONS.**

3 *Section 32(c) of the Office of Federal Procurement Pol-*
4 *icy Act (41 U.S.C. 428), as redesignated by section*
5 *4304(c)(3), is amended by striking out “the contracting offi-*
6 *cer” and inserting in lieu thereof “an employee of an execu-*
7 *tive agency or a member of the Armed Forces of the United*
8 *States authorized to do so”.*

9 **Subtitle B—Technical Amendments**

10 **SEC. 4321. AMENDMENTS RELATED TO FEDERAL ACQUISITION**
11 **STREAMLINING ACT OF 1994.**

12 *(a) PUBLIC LAW 103–355.—Effective as of October 13,*
13 *1994, and as if included therein as enacted, the Federal Ac-*
14 *quisition Streamlining Act of 1994 (Public Law 103–355;*
15 *108 Stat. 3243 et seq.) is amended as follows:*

16 *(1) Section 1073 (108 Stat. 3271) is amended by*
17 *striking out “section 303I” and inserting in lieu*
18 *thereof “section 303K”.*

19 *(2) Section 1202(a) (108 Stat. 3274) is amended*
20 *by striking out the closing quotation marks and sec-*
21 *ond period at the end of paragraph (2)(B) of the sub-*
22 *section inserted by the amendment made by that sec-*
23 *tion.*

24 *(3) Section 1251(b) (108 Stat. 3284) is amended*
25 *by striking out “Office of Federal Procurement Policy*

1 *Act” and inserting in lieu thereof “Federal Property*
2 *and Administrative Services Act of 1949”.*

3 (4) *Section 2051(e) (108 Stat. 3304) is amended*
4 *by striking out the closing quotation marks and sec-*
5 *ond period at the end of subsection (f)(3) in the mat-*
6 *ter inserted by the amendment made by that section.*

7 (5) *Section 2101(a)(6)(B)(ii) (108 Stat. 3308) is*
8 *amended by replacing “regulation” with “regula-*
9 *tions” in the first quoted matter.*

10 (6) *Section 2351(a) (108 Stat. 3322) is amended*
11 *by inserting “(1)” before “Section 6”.*

12 (7) *The heading of section 2352(b) (108 Stat.*
13 *3322) is amended by striking out “PROCEDURES TO*
14 *SMALL BUSINESS GOVERNMENT CONTRACTORS.—”*
15 *and inserting in lieu thereof “PROCEDURES.—”.*

16 (8) *Section 3022 (108 Stat. 3333) is amended by*
17 *striking out “each place” and all that follows through*
18 *the end of the section and inserting in lieu thereof “in*
19 *paragraph (1) and ‘, rent,’ after ‘sell’ in paragraph*
20 *(2).”.*

21 (9) *Section 5092(b) (108 Stat. 3362) is amended*
22 *by inserting “of paragraph (2)” after “second sen-*
23 *tence”.*

24 (10) *Section 6005(a) (108 Stat. 3364) is amend-*
25 *ed by striking out the closing quotation marks and*

1 *second period at the end of subsection (e)(2) of the*
2 *matter inserted by the amendment made by that sec-*
3 *tion.*

4 (11) *Section 10005(f)(4) (108 Stat. 3409) is*
5 *amended in the second matter in quotation marks by*
6 *striking out “SEC. 5. This Act” and inserting in lieu*
7 *thereof “SEC. 7. This title”.*

8 (b) *TITLE 10, UNITED STATES CODE.—Title 10, Unit-*
9 *ed States Code, is amended as follows:*

10 (1) *Section 2220(b) is amended by striking out*
11 *“the date of the enactment of the Federal Acquisition*
12 *Streamlining Act of 1994” and inserting in lieu*
13 *thereof “October 13, 1994”.*

14 (2)(A) *The section 2247 added by section*
15 *7202(a)(1) of Public Law 103–355 (108 Stat. 3379)*
16 *is redesignated as section 2249.*

17 (B) *The item relating to that section in the table*
18 *of sections at the beginning of subchapter I of chapter*
19 *134 is revised to conform to the redesignation made*
20 *by subparagraph (A).*

21 (3) *Section 2302(3)(K) is amended by adding a*
22 *period at the end.*

23 (4) *Section 2304(f)(2)(D) is amended by striking*
24 *out “the Act of June 25, 1938 (41 U.S.C. 46 et seq.),*
25 *popularly referred to as the Wagner-O’Day Act,” and*

1 *inserting in lieu thereof “the Javits-Wagner-O’Day*
2 *Act (41 U.S.C. 46 et seq.),”*

3 *(5) Section 2304(h) is amended by striking out*
4 *paragraph (1) and inserting in lieu thereof the follow-*
5 *ing:*

6 *“(1) The Walsh-Healey Act (41 U.S.C. 35 et*
7 *seq.).”*

8 *(6)(A) The section 2304a added by section*
9 *848(a)(1) of Public Law 103–160 (107 Stat. 1724) is*
10 *redesignated as section 2304e.*

11 *(B) The item relating to that section in the table*
12 *of sections at the beginning of chapter 137 is revised*
13 *to conform to the redesignation made by subpara-*
14 *graph (A).*

15 *(7) Section 2306a is amended—*

16 *(A) in subsection (d)(2)(A)(ii), by inserting*
17 *“to” after “The information referred”;*

18 *(B) in subsection (e)(4)(B)(ii), by striking*
19 *out the second comma after “parties”; and*

20 *(C) in subsection (i)(3), by inserting “(41*
21 *U.S.C. 403(12))” before the period at the end.*

22 *(8) Section 2323 is amended—*

23 *(A) in subsection (a)(1)(C), by inserting a*
24 *closing parenthesis after “1135d–5(3))” and*
25 *after “1059c(b)(1))”;*

1 (B) in subsection (a)(3), by striking out
2 “(issued under” and all that follows through
3 “421(c))”;

4 (C) in subsection (b), by inserting “(1)”
5 after “AMOUNT.—”; and

6 (D) in subsection (i)(3), by adding at the
7 end a subparagraph (D) identical to the sub-
8 paragraph (D) set forth in the amendment made
9 by section 811(e) of Public Law 103–160 (107
10 Stat. 1702).

11 (9) Section 2324 is amended—

12 (A) in subsection (e)(2)(C)—

13 (i) by striking out “awarding the con-
14 tract” at the end of the first sentence; and

15 (ii) by striking out “title III” and all
16 that follows through “Act)” and inserting in
17 lieu thereof “the Buy American Act (41
18 U.S.C. 10b–1)”;

19 (B) in subsection (h)(2), by inserting “the
20 head of the agency or” after “in the case of any
21 contract if”.

22 (10) Section 2350b is amended—

23 (A) in subsection (c)(1)—

1 (i) by striking out “specifically—” and
2 inserting in lieu thereof “specifically pre-
3 scribes—”; and

4 (ii) by striking out “prescribe” in each
5 of subparagraphs (A), (B), (C), and (D);
6 and

7 (B) in subsection (d)(1), by striking out
8 “subcontract to be” and inserting in lieu thereof
9 “subcontract be”.

10 (11) Section 2372(i)(1) is amended by striking
11 out “section 2324(m)” and inserting in lieu thereof
12 “section 2324(l)”.

13 (12) Section 2384(b) is amended—

14 (A) in paragraph (2)—

15 (i) by striking “items, as” and insert-
16 ing in lieu thereof “items (as”); and

17 (ii) by inserting a closing parenthesis
18 after “403(12))”; and

19 (B) in paragraph (3), by inserting a closing
20 parenthesis after “403(11))”.

21 (13) Section 2400(a)(5) is amended by striking
22 out “the preceding sentence” and inserting in lieu
23 thereof “this paragraph”.

24 (14) Section 2405 is amended—

1 (A) in paragraphs (1) and (2) of subsection
2 (a), by striking out “the date of the enactment
3 of the Federal Acquisition Streamlining Act of
4 1994” and inserting in lieu thereof “October 13,
5 1994”; and

6 (B) in subsection (c)(3)—

7 (i) by striking out “the later of—” and
8 all that follows through “(B)”; and

9 (ii) by redesignating clauses (i), (ii),
10 and (iii) as subparagraphs (A), (B), and
11 (C), respectively, and realigning those sub-
12 paragraphs accordingly.

13 (15) Section 2410d(b) is amended by striking out
14 paragraph (3).

15 (16) Section 2410g(d)(1) is amended by insert-
16 ing before the period at the end the following: “(as de-
17 fined in section 4(12) of the Office of Federal Procure-
18 ment Policy Act (41 U.S.C. 403(12)))”.

19 (17) Section 2424(c) is amended—

20 (A) by inserting “EXCEPTION.—” after
21 “(c)”; and

22 (B) by striking out “drink” the first and
23 third places it appears in the second sentence
24 and inserting in lieu thereof “beverage”.

25 (18) Section 2431 is amended—

1 (A) in subsection (b)—

2 (i) by striking out “Any report” in the
3 first sentence and inserting in lieu thereof
4 “Any documents”; and

5 (ii) by striking out “the report” in
6 paragraph (3) and inserting in lieu thereof
7 “the documents”; and

8 (B) in subsection (c), by striking “report-
9 ing” and inserting in lieu thereof “documenta-
10 tion”.

11 (19) Section 2461(e)(1) is amended by striking
12 out “the Act of June 25, 1938 (41 U.S.C. 47), popu-
13 larly referred to as the Wagner-O’Day Act” and in-
14 serting in lieu thereof “the Javits-Wagner-O’Day Act
15 (41 U.S.C. 47)”.

16 (20) Section 2533(a) is amended by striking out
17 “title III of the Act” and all that follows through
18 “such Act” and inserting in lieu thereof “the Buy
19 American Act (41 U.S.C. 10a)) whether application
20 of such Act”.

21 (21) Section 2662(b) is amended by striking out
22 “small purchase threshold” and inserting in lieu
23 thereof “simplified acquisition threshold”.

24 (22) Section 2701(i)(1) is amended—

1 (A) by striking out “Act of August 24, 1935
2 (40 U.S.C. 270a–270d), commonly referred to as
3 the ‘Miller Act,’” and inserting in lieu thereof
4 “Miller Act (40 U.S.C. 270a et seq.)”; and

5 (B) by striking out “such Act of August 24,
6 1935” and inserting in lieu thereof “the Miller
7 Act”.

8 (c) *SMALL BUSINESS ACT.*—*The Small Business Act*
9 (15 U.S.C. 632 et seq.) is amended as follows:

10 (1) Section 8(d) (15 U.S.C. 637(d)) is amend-
11 ed—

12 (A) in paragraph (1), by striking out the
13 second comma after “small business concerns”
14 the first place it appears; and

15 (B) in paragraph (6)(C), by striking out
16 “and small business concerns owned and con-
17 trolled by the socially and economically dis-
18 advantaged individuals” and inserting in lieu
19 thereof “, small business concerns owned and
20 controlled by socially and economically dis-
21 advantaged individuals, and small business con-
22 cerns owned and controlled by women”.

23 (2) Section 8(f) (15 U.S.C. 637(f)) is amended
24 by inserting “and” after the semicolon at the end of
25 paragraph (5).

1 (3) *Section 15(g)(2) (15 U.S.C. 644(g)(2)) is*
2 *amended by striking out the second comma after the*
3 *first appearance of “small business concerns”.*

4 (d) *TITLE 31, UNITED STATES CODE.—Title 31, Unit-*
5 *ed States Code, is amended as follows:*

6 (1) *Section 3551 is amended—*

7 (A) *by striking out “subchapter—” and in-*
8 *serting in lieu thereof “subchapter:”; and*

9 (B) *in paragraph (2), by striking out “or*
10 *proposed contract” and inserting in lieu thereof*
11 *“or a solicitation or other request for offers”.*

12 (2) *Section 3553(b)(3) is amended by striking*
13 *out “3554(a)(3)” and inserting in lieu thereof*
14 *“3554(a)(4)”.*

15 (3) *Section 3554(b)(2) is amended by striking*
16 *out “section 3553(d)(2)(A)(i)” and inserting in lieu*
17 *thereof “section 3553(d)(3)(C)(i)(I)”.*

18 (e) *FEDERAL PROPERTY AND ADMINISTRATIVE SERV-*
19 *ICES ACT OF 1949.—The Federal Property and Adminis-*
20 *trative Services Act of 1949 is amended as follows:*

21 (1) *The table of contents in section 1 (40 U.S.C.*
22 *471 prec.) is amended—*

23 (A) *by striking out the item relating to sec-*
24 *tion 104;*

1 (B) by striking out the item relating to sec-
 2 tion 201 and inserting in lieu thereof the follow-
 3 ing:

“Sec. 201. Procurements, warehousing, and related activities.”;

4 (C) by inserting after the item relating to
 5 section 315 the following new item:

“Sec. 316. Merit-based award of grants for research and development.”;

6 (D) by striking out the item relating to sec-
 7 tion 603 and inserting in lieu thereof the follow-
 8 ing:

“Sec. 603. Authorizations for appropriations and transfer authority.”;

9 and

10 (E) by inserting after the item relating to
 11 section 605 the following new item:

“Sec. 606. Sex discrimination.”.

12 (2) Section 303(f)(2)(D) (41 U.S.C.
 13 253(f)(2)(D)) is amended by striking out “the Act of
 14 June 25, 1938 (41 U.S.C. 46 et seq.), popularly re-
 15 ferred to as the Wagner-O’Day Act,” and inserting in
 16 lieu thereof “the Javits-Wagner-O’Day Act (41 U.S.C.
 17 46 et seq.),”.

18 (3) The heading for paragraph (1) of section
 19 304A(c) (41 U.S.C. 254b(c)) is amended by changing
 20 each letter that is capitalized (other than the first let-
 21 ter of the first word) to lower case.

1 (4) Subsection (d)(2)(A)(ii) of section 304A (41
2 U.S.C. 254b) is amended by inserting “to” after “The
3 information referred”.

4 (5) Section 304C(a)(2) is amended by striking
5 out “section 304B” and inserting in lieu thereof “sec-
6 tion 304A”.

7 (6) Section 307(b) is amended by striking out
8 “section 305(c)” and inserting in lieu thereof “section
9 305(d)”.

10 (7) The heading for section 314A (41 U.S.C.
11 264a) is amended to read as follows:

12 **“SEC. 314A. DEFINITIONS RELATING TO PROCUREMENT OF**
13 **COMMERCIAL ITEMS.”**

14 (8) Section 315(b) (41 U.S.C. 265(b)) is amend-
15 ed by striking out “inspector general” both places it
16 appears and inserting in lieu thereof “Inspector Gen-
17 eral”.

18 (9) The heading for section 316 (41 U.S.C. 266)
19 is amended by inserting at the end a period.

20 (f) WALSH-HEALEY ACT.—

21 (1) The Walsh-Healey Act (41 U.S.C. 35 et seq.)
22 is amended—

23 (A) by transferring the second section 11 (as
24 added by section 7201(4) of Public Law 103–
25 355) so as to appear after section 10; and

1 (B) by redesignating the three sections fol-
2 lowing such section 11 (as so transferred) as sec-
3 tions 12, 13, and 14.

4 (2) Such Act is further amended in section 10—

5 (A) in subsection (b), by striking out “sec-
6 tion 1(b)” and inserting in lieu thereof “section
7 1(a)”; and

8 (B) in subsection (c), by striking out the
9 comma after “‘locality’”.

10 (g) ANTI-KICKBACK ACT OF 1986.—Section 7(d) of the
11 Anti-Kickback Act of 1986 (41 U.S.C. 57(d)) is amended—

12 (1) by striking out “such Act” and inserting in
13 lieu thereof “the Office of Federal Procurement Policy
14 Act”; and

15 (2) by striking out the second period at the end.

16 (h) OFFICE OF FEDERAL PROCUREMENT POLICY
17 ACT.—The Office of Federal Procurement Policy Act (41
18 U.S.C. 401 et seq.) is amended as follows:

19 (1) Section 6 (41 U.S.C. 405) is amended by
20 transferring paragraph (12) of subsection (d) (as such
21 paragraph was redesignated by section 5091(2) of the
22 Federal Acquisition Streamlining Act of 1994 (P.L.
23 103–355; 108 Stat. 3361)) to the end of that sub-
24 section.

1 (2) *Section 6(11) (41 U.S.C. 405(11)) is amend-*
2 *ed by striking out “small business” and inserting in*
3 *lieu thereof “small businesses”.*

4 (3) *Section 18(b) (41 U.S.C. 416(b)) is amended*
5 *by inserting “and” after the semicolon at the end of*
6 *paragraph (5).*

7 (4) *Section 26(f)(3) (41 U.S.C. 422(f)(3)) is*
8 *amended in the first sentence by striking out “Not*
9 *later than 180 days after the date of enactment of this*
10 *section, the Administrator” and inserting in lieu*
11 *thereof “The Administrator”.*

12 (i) *OTHER LAWS.—*

13 (1) *The National Defense Authorization Act for*
14 *Fiscal Year 1994 (Public Law 103–160) is amended*
15 *as follows:*

16 (A) *Section 126(c) (107 Stat. 1567) is*
17 *amended by striking out “section 2401 of title*
18 *10, United States Code, or section 9081 of the*
19 *Department of Defense Appropriations Act, 1990*
20 *(10 U.S.C. 2401 note).” and inserting in lieu*
21 *thereof “section 2401 or 2401a of title 10, United*
22 *States Code.”.*

23 (B) *Section 127 (107 Stat. 1568) is amend-*
24 *ed—*

1 (i) in subsection (a), by striking out
2 “section 2401 of title 10, United States
3 Code, or section 9081 of the Department of
4 Defense Appropriations Act, 1990 (10
5 U.S.C. 2401 note).” and inserting in lieu
6 thereof “section 2401 or 2401a of title 10,
7 United States Code.”; and

8 (ii) in subsection (e), by striking out
9 “section 9081 of the Department of Defense
10 Appropriations Act, 1990 (10 U.S.C. 2401
11 note).” and inserting in lieu thereof “section
12 2401a of title 10, United States Code.”.

13 (2) *The National Defense Authorization Act for*
14 *Fiscal Years 1990 and 1991 (Public Law 101–189) is*
15 *amended by striking out section 824.*

16 (3) *Section 117 of the National Defense Author-*
17 *ization Act, Fiscal Year 1989 (Public Law 100–456;*
18 *10 U.S.C. 2431 note) is amended by striking out sub-*
19 *section (c).*

20 (4) *The National Defense Authorization Act for*
21 *Fiscal Years 1988 and 1989 (Public Law 100–180) is*
22 *amended by striking out section 825 (10 U.S.C. 2432*
23 *note).*

1 (5) *Section 11 of Public Law 101–552 (5 U.S.C.*
2 *581 note) is amended by inserting “under” before*
3 *“the amendments made by this Act”.*

4 (6) *The last sentence of section 6 of the Federal*
5 *Power Act (16 U.S.C. 799) is repealed.*

6 (7) *Section 101(a)(11)(A) of the Rehabilitation*
7 *Act of 1973 (29 U.S.C. 721(a)(11)(A)) is amended by*
8 *striking out “the Act entitled ‘An Act to create a*
9 *Committee on Purchases of Blind-made Products, and*
10 *for other purposes’, approved June 25, 1938 (com-*
11 *monly known as the Wagner-O’Day Act; 41 U.S.C. 46*
12 *et seq.)” and inserting in lieu thereof “the Javits-*
13 *Wagner-O’Day Act (41 U.S.C. 46 et seq.)”.*

14 (8) *The first section 5 of the Miller Act (40*
15 *U.S.C. 270a note) is redesignated as section 7 and, as*
16 *so redesignated, is transferred to the end of that Act.*

17 (9) *Section 3737(g) of the Revised Statutes of the*
18 *United States (41 U.S.C. 15(g)) is amended by strik-*
19 *ing out “rights of obligations” and inserting in lieu*
20 *thereof “rights or obligations”.*

21 (10) *The Act of June 15, 1940 (41 U.S.C. 20a;*
22 *Chapter 367; 54 Stat. 398), is repealed.*

23 (11) *The Act of November 28, 1943 (41 U.S.C.*
24 *20b; Chapter 328; 57 Stat. 592), is repealed.*

1 (12) *Section 3741 of the Revised Statutes of the*
 2 *United States (41 U.S.C. 22), as amended by section*
 3 *6004 of Public Law 103–355 (108 Stat. 3364), is*
 4 *amended by striking out “No member” and inserting*
 5 *in lieu thereof “SEC. 3741. No Member”.*

6 (13) *Section 5152(a)(1) of the Drug-Free Work-*
 7 *place Act of 1988 (41 U.S.C. 701(a)(1)) is amended*
 8 *by striking out “as defined in section 4 of the Office*
 9 *of Federal Procurement Policy Act (41 U.S.C. 403)”*
 10 *and inserting in lieu thereof “(as defined in section*
 11 *4(12) of such Act (41 U.S.C. 403(12)))”.*

12 **SEC. 4322. MISCELLANEOUS AMENDMENTS TO FEDERAL**
 13 **ACQUISITION LAWS.**

14 (a) *OFFICE OF FEDERAL PROCUREMENT POLICY*
 15 *ACT.—The Office of Federal Procurement Policy Act (41*
 16 *U.S.C. 401 et seq.) is amended as follows:*

17 (1) *Section 6(b) (41 U.S.C. 405(b)) is amended*
 18 *by striking out the second comma after “under sub-*
 19 *section (a)” in the first sentence.*

20 (2) *Section 25(b)(2) (41 U.S.C. 421(b)(2)) is*
 21 *amended by striking out “Under Secretary of Defense*
 22 *for Acquisition” and inserting in lieu thereof “Under*
 23 *Secretary of Defense for Acquisition and Technology”.*

24 (b) *OTHER LAWS.—*

1 (1) *Section 11(2) of the Inspector General Act of*
2 *1978 (5 U.S.C. App.) is amended by striking out the*
3 *second comma after “Community Service”.*

4 (2) *Section 908(e) of the Defense Acquisition Im-*
5 *provement Act of 1986 (10 U.S.C. 2326 note) is*
6 *amended by striking out “section 2325(g)” and in-*
7 *serting in lieu thereof “section 2326(g)”.*

8 (3) *Effective as of August 9, 1989, and as if in-*
9 *cluded therein as enacted, Public Law 101–73 is*
10 *amended in section 501(b)(1)(A) (103 Stat. 393) by*
11 *striking out “be,” and inserting in lieu thereof “be;”*
12 *in the second quoted matter therein.*

13 (4) *Section 3732(a) of the Revised Statutes of the*
14 *United States (41 U.S.C. 11(a)) is amended by strik-*
15 *ing out the second comma after “quarters”.*

16 (5) *Section 2 of the Contract Disputes Act of*
17 *1978 (41 U.S.C. 601) is amended in paragraphs (3),*
18 *(5), (6), and (7), by striking out “The” and inserting*
19 *in lieu thereof “the”.*

20 (6) *Section 6 of the Contract Disputes Act of*
21 *1978 (41 U.S.C. 605) is amended in subsections (d)*
22 *and (e) by inserting after “United States Code” each*
23 *place it appears the following: “(as in effect on Sep-*
24 *tember 30, 1995)”.*

1 (7) *Section 13 of the Contract Disputes Act of*
 2 *1978 (41 U.S.C. 612) is amended—*

3 (A) *in subsection (a), by striking out “sec-*
 4 *tion 1302 of the Act of July 27, 1956, (70 Stat.*
 5 *694, as amended; 31 U.S.C. 724a)” and insert-*
 6 *ing in lieu thereof “section 1304 of title 31,*
 7 *United States Code”; and*

8 (B) *in subsection (c), by striking out “sec-*
 9 *tion 1302 of the Act of July 27, 1956, (70 Stat.*
 10 *694, as amended; 31 U.S.C. 724a)” and insert-*
 11 *ing in lieu thereof “section 1304 of title 31,*
 12 *United States Code,”.*

13 ***TITLE XLIV—EFFECTIVE DATES***
 14 ***AND IMPLEMENTATION***

15 ***SEC. 4401. EFFECTIVE DATE AND APPLICABILITY.***

16 (a) *EFFECTIVE DATE.—Except as otherwise provided*
 17 *in this division, this division and the amendments made*
 18 *by this division shall take effect on the date of the enactment*
 19 *of this Act.*

20 (b) *APPLICABILITY OF AMENDMENTS.—*

21 (1) *SOLICITATIONS, UNSOLICITED PROPOSALS,*
 22 *AND RELATED CONTRACTS.—An amendment made by*
 23 *this division shall apply, in the manner prescribed in*
 24 *the final regulations promulgated pursuant to section*
 25 *4402 to implement such amendment, with respect to*

1 *any solicitation that is issued, any unsolicited pro-*
2 *posal that is received, and any contract entered into*
3 *pursuant to such a solicitation or proposal, on or*
4 *after the date described in paragraph (3).*

5 (2) *OTHER MATTERS.*—*An amendment made by*
6 *this division shall also apply, to the extent and in the*
7 *manner prescribed in the final regulations promul-*
8 *gated pursuant to section 4402 to implement such*
9 *amendment, with respect to any matter related to—*

10 (A) *a contract that is in effect on the date*
11 *described in paragraph (3);*

12 (B) *an offer under consideration on the date*
13 *described in paragraph (3); or*

14 (C) *any other proceeding or action that is*
15 *ongoing on the date described in paragraph (3).*

16 (3) *DEMARCATIION DATE.*—*The date referred to*
17 *in paragraphs (1) and (2) is the date specified in*
18 *such final regulations. The date so specified shall be*
19 *January 1, 1997, or any earlier date that is not with-*
20 *in 30 days after the date on which such final regula-*
21 *tions are published.*

22 **SEC. 4402. IMPLEMENTING REGULATIONS.**

23 (a) *PROPOSED REVISIONS.*—*Proposed revisions to the*
24 *Federal Acquisition Regulation and such other proposed*
25 *regulations (or revisions to existing regulations) as may be*

1 *necessary to implement this Act shall be published in the*
2 *Federal Register not later than 210 days after the date of*
3 *the enactment of this Act.*

4 (b) *PUBLIC COMMENT.*—*The proposed regulations de-*
5 *scribed in subsection (a) shall be made available for public*
6 *comment for a period of not less than 60 days.*

7 (c) *FINAL REGULATIONS.*—*Final regulations shall be*
8 *published in the Federal Register not later than 330 days*
9 *after the date of enactment of this Act.*

10 (d) *MODIFICATIONS.*—*Final regulations promulgated*
11 *pursuant to this section to implement an amendment made*
12 *by this Act may provide for modification of an existing con-*
13 *tract without consideration upon the request of the contrac-*
14 *tor.*

15 (e) *SAVINGS PROVISIONS.*—

16 (1) *VALIDITY OF PRIOR ACTIONS.*—*Nothing in*
17 *this division shall be construed to affect the validity*
18 *of any action taken or any contract entered into be-*
19 *fore the date specified in the regulations pursuant to*
20 *section 4401(b)(3) except to the extent and in the*
21 *manner prescribed in such regulations.*

22 (2) *RENEGOTIATION AND MODIFICATION OF PRE-*
23 *EXISTING CONTRACTS.*—*Except as specifically pro-*
24 *vided in this division, nothing in this division shall*
25 *be construed to require the renegotiation or modifica-*

1 *tion of contracts in existence on the date of the enact-*
 2 *ment of this Act.*

3 (3) *CONTINUED APPLICABILITY OF PREEXISTING*
 4 *LAW.—Except as otherwise provided in this division,*
 5 *a law amended by this division shall continue to be*
 6 *applied according to the provisions thereof as such*
 7 *law was in effect on the day before the date of the en-*
 8 *actment of this Act until—*

9 (A) *the date specified in final regulations*
 10 *implementing the amendment of that law (as*
 11 *promulgated pursuant to this section); or*

12 (B) *if no such date is specified in regula-*
 13 *tions, January 1, 1997.*

14 ***DIVISION E—INFORMATION***
 15 ***TECHNOLOGY MANAGEMENT***
 16 ***REFORM***

17 ***SEC. 5001. SHORT TITLE.***

18 *This division may be cited as the “Information Tech-*
 19 *nology Management Reform Act of 1995”.*

20 ***SEC. 5002. DEFINITIONS.***

21 *In this division:*

22 (1) *DIRECTOR.—The term “Director” means the*
 23 *Director of the Office of Management and Budget.*

24 (2) *EXECUTIVE AGENCY.—The term “executive*
 25 *agency” has the meaning given that term in section*

1 4(1) of the Office of Federal Procurement Policy Act
2 (41 U.S.C. 403(1)).

3 (3) *INFORMATION TECHNOLOGY.*—(A) *The term*
4 *“information technology”, with respect to an executive*
5 *agency means any equipment or interconnected sys-*
6 *tem or subsystem of equipment, that is used in the*
7 *automatic acquisition, storage, manipulation, man-*
8 *agement, movement, control, display, switching, inter-*
9 *change, transmission, or reception of data or informa-*
10 *tion by the executive agency. For purposes of the pre-*
11 *ceding sentence, equipment is used by an executive*
12 *agency if the equipment is used by the executive agen-*
13 *cy directly or is used by a contractor under a con-*
14 *tract with the executive agency which (i) requires the*
15 *use of such equipment, or (ii) requires the use, to a*
16 *significant extent, of such equipment in the perform-*
17 *ance of a service or the furnishing of a product.*

18 (B) *The term “information technology” includes*
19 *computers, ancillary equipment, software, firmware*
20 *and similar procedures, services (including support*
21 *services), and related resources.*

22 (C) *Notwithstanding subparagraphs (A) and*
23 *(B), the term “information technology” does not in-*
24 *clude any equipment that is acquired by a Federal*
25 *contractor incidental to a Federal contract.*

1 (4) *INFORMATION RESOURCES.*—*The term “in-*
2 *formation resources” has the meaning given such term*
3 *in section 3502(6) of title 44, United States Code.*

4 (5) *INFORMATION RESOURCES MANAGEMENT.*—
5 *The term “information resources management” has*
6 *the meaning given such term in section 3502(7) of*
7 *title 44, United States Code.*

8 (6) *INFORMATION SYSTEM.*—*The term “informa-*
9 *tion system” has the meaning given such term in sec-*
10 *tion 3502(8) of title 44, United States Code.*

11 (7) *COMMERCIAL ITEM.*—*The term “commercial*
12 *item” has the meaning given that term in section*
13 *4(12) of the Office of Federal Procurement Policy Act*
14 *(41 U.S.C. 403(12)).*

15 ***TITLE LI—RESPONSIBILITY FOR***
16 ***ACQUISITIONS OF INFORMA-***
17 ***TION TECHNOLOGY***

18 ***Subtitle A—General Authority***

19 ***SEC. 5101. REPEAL OF CENTRAL AUTHORITY OF THE AD-***
20 ***MINISTRATOR OF GENERAL SERVICES.***

21 *Section 111 of the Federal Property and Administra-*
22 *tive Services Act of 1949 (40 U.S.C. 759) is repealed.*

1 ***Subtitle B—Director of the Office of***
2 ***Management and Budget***

3 ***SEC. 5111. RESPONSIBILITY OF DIRECTOR.***

4 *In fulfilling the responsibility to administer the func-*
5 *tions assigned under chapter 35 of title 44, United States*
6 *Code, the Director shall comply with this title with respect*
7 *to the specific matters covered by this title.*

8 ***SEC. 5112. CAPITAL PLANNING AND INVESTMENT CONTROL.***

9 *(a) FEDERAL INFORMATION TECHNOLOGY.—The Di-*
10 *rector shall perform the responsibilities set forth in this sec-*
11 *tion in fulfilling the responsibilities under section 3504(h)*
12 *of title 44, United States Code.*

13 *(b) USE OF INFORMATION TECHNOLOGY IN FEDERAL*
14 *PROGRAMS.—The Director shall promote and be responsible*
15 *for improving the acquisition, use, and disposal of informa-*
16 *tion technology by the Federal Government to improve the*
17 *productivity, efficiency, and effectiveness of Federal pro-*
18 *grams, including through dissemination of public informa-*
19 *tion and the reduction of information collection burdens on*
20 *the public.*

21 *(c) USE OF BUDGET PROCESS.—The Director shall de-*
22 *velop, as part of the budget process, a process for analyzing,*
23 *tracking, and evaluating the risks and results of all major*
24 *capital investments made by an executive agency for infor-*
25 *mation systems. The process shall cover the life of each sys-*

1 *tem and shall include explicit criteria for analyzing the*
2 *projected and actual costs, benefits, and risks associated*
3 *with the investments. At the same time that the President*
4 *submits the budget for a fiscal year to Congress under sec-*
5 *tion 1105(a) of title 31, United States Code, the Director*
6 *shall submit to Congress a report on the net program per-*
7 *formance benefits achieved as a result of major capital in-*
8 *vestments made by executive agencies in information sys-*
9 *tems and how the benefits relate to the accomplishment of*
10 *the goals of the executive agencies.*

11 *(d) INFORMATION TECHNOLOGY STANDARDS.—The*
12 *Director shall oversee the development and implementation*
13 *of standards and guidelines pertaining to Federal computer*
14 *systems by the Secretary of Commerce through the National*
15 *Institute of Standards and Technology under section 5131*
16 *and section 20 of the National Institute of Standards and*
17 *Technology Act (15 U.S.C. 278g–3).*

18 *(e) DESIGNATION OF EXECUTIVE AGENTS FOR ACQUI-*
19 *SITIONS.—The Director shall designate (as the Director con-*
20 *siders appropriate) one or more heads of executive agencies*
21 *as executive agent for Government-wide acquisitions of in-*
22 *formation technology.*

23 *(f) USE OF BEST PRACTICES IN ACQUISITIONS.—The*
24 *Director shall encourage the heads of the executive agencies*

1 *to develop and use the best practices in the acquisition of*
2 *information technology.*

3 *(g) ASSESSMENT OF OTHER MODELS FOR MANAGING*
4 *INFORMATION TECHNOLOGY.—The Director shall assess, on*
5 *a continuing basis, the experiences of executive agencies,*
6 *State and local governments, international organizations,*
7 *and the private sector in managing information technology.*

8 *(h) COMPARISON OF AGENCY USES OF INFORMATION*
9 *TECHNOLOGY.—The Director shall compare the perform-*
10 *ances of the executive agencies in using information tech-*
11 *nology and shall disseminate the comparisons to the heads*
12 *of the executive agencies.*

13 *(i) TRAINING.—The Director shall monitor the devel-*
14 *opment and implementation of training in information re-*
15 *sources management for executive agency personnel.*

16 *(j) INFORMING CONGRESS.—The Director shall keep*
17 *Congress fully informed on the extent to which the executive*
18 *agencies are improving the performance of agency programs*
19 *and the accomplishment of agency missions through the use*
20 *of the best practices in information resources management.*

21 *(k) PROCUREMENT POLICY AND ACQUISITIONS OF IN-*
22 *FORMATION TECHNOLOGY.—The Director shall coordinate*
23 *the development and review by the Administrator of the Of-*
24 *fice of Information and Regulatory Affairs of policy associ-*

1 *ated with Federal acquisition of information technology*
2 *with the Office of Federal Procurement Policy.*

3 **SEC. 5113. PERFORMANCE-BASED AND RESULTS-BASED**
4 **MANAGEMENT.**

5 (a) *IN GENERAL.*—*The Director shall encourage the*
6 *use of performance-based and results-based management in*
7 *fulfilling the responsibilities assigned under section*
8 *3504(h), of title 44, United States Code.*

9 (b) *EVALUATION OF AGENCY PROGRAMS AND INVEST-*
10 *MENTS.*—

11 (1) *REQUIREMENT.*—*The Director shall evaluate*
12 *the information resources management practices of*
13 *the executive agencies with respect to the performance*
14 *and results of the investments made by the executive*
15 *agencies in information technology.*

16 (2) *DIRECTION FOR EXECUTIVE AGENCY AC-*
17 *TION.*—*The Director shall issue clear and concise di-*
18 *rection to the head of each executive agency—*

19 (A) *to establish for the executive agency and*
20 *each of its major components effective and effi-*
21 *cient capital planning processes for selecting,*
22 *managing, and evaluating the results of all of its*
23 *major investments in information systems;*

24 (B) *to determine, before making an invest-*
25 *ment in a new information system—*

1 (i) whether the function to be sup-
2 ported by the system should be performed by
3 the private sector and, if so, whether any
4 component of the executive agency perform-
5 ing that function should be converted from
6 a governmental organization to a private
7 sector organization; or

8 (ii) whether the function should be per-
9 formed by the executive agency and, if so,
10 whether the function should be performed by
11 a private sector source under contract or by
12 executive agency personnel;

13 (C) to analyze the missions of the executive
14 agency and, based on the analysis, revise the ex-
15 ecutive agency's mission-related processes and
16 administrative processes, as appropriate, before
17 making significant investments in information
18 technology to be used in support of those mis-
19 sions; and

20 (D) to ensure that the information security
21 policies, procedures, and practices are adequate.

22 (3) *GUIDANCE FOR MULTIAGENCY INVEST-*
23 *MENTS.*—The direction issued under paragraph (2)
24 shall include guidance for undertaking efficiently and
25 effectively interagency and Government-wide invest-

1 *ments in information technology to improve the ac-*
2 *complishment of missions that are common to the ex-*
3 *ecutive agencies.*

4 (4) *PERIODIC REVIEWS.*—*The Director shall im-*
5 *plement through the budget process periodic reviews of*
6 *selected information resources management activities*
7 *of the executive agencies in order to ascertain the effi-*
8 *ciency and effectiveness of information technology in*
9 *improving the performance of the executive agency*
10 *and the accomplishment of the missions of the execu-*
11 *tive agency.*

12 (5) *ENFORCEMENT OF ACCOUNTABILITY.*—

13 (A) *IN GENERAL.*—*The Director may take*
14 *any authorized action that the Director considers*
15 *appropriate, including an action involving the*
16 *budgetary process or appropriations manage-*
17 *ment process, to enforce accountability of the*
18 *head of an executive agency for information re-*
19 *sources management and for the investments*
20 *made by the executive agency in information*
21 *technology.*

22 (B) *SPECIFIC ACTIONS.*—*Actions taken by*
23 *the Director in the case of an executive agency*
24 *may include—*

1 (i) recommending a reduction or an
2 increase in any amount for information re-
3 sources that the head of the executive agency
4 proposes for the budget submitted to Con-
5 gress under section 1105(a) of title 31,
6 United States Code;

7 (ii) reducing or otherwise adjusting
8 apportionments and reapportionments of
9 appropriations for information resources;

10 (iii) using other authorized adminis-
11 trative controls over appropriations to re-
12 strict the availability of funds for informa-
13 tion resources; and

14 (iv) designating for the executive agen-
15 cy an executive agent to contract with pri-
16 vate sector sources for the performance of
17 information resources management or the
18 acquisition of information technology.

19 ***Subtitle C—Executive Agencies***

20 ***SEC. 5121. RESPONSIBILITIES.***

21 *In fulfilling the responsibilities assigned under chapter*
22 *35 of title 44, United States Code, the head of each executive*
23 *agency shall comply with this subtitle with respect to the*
24 *specific matters covered by this subtitle.*

1 **SEC. 5122. CAPITAL PLANNING AND INVESTMENT CONTROL.**

2 (a) *DESIGN OF PROCESS.*—In fulfilling the respon-
3 sibilities assigned under section 3506(h) of title 44, United
4 States Code, the head of each executive agency shall design
5 and implement in the executive agency a process for maxi-
6 mizing the value and assessing and managing the risks of
7 the information technology acquisitions of the executive
8 agency.

9 (b) *CONTENT OF PROCESS.*—The process of an execu-
10 tive agency shall—

11 (1) provide for the selection of information tech-
12 nology investments to be made by the executive agen-
13 cy, the management of such investments, and the eval-
14 uation of the results of such investments;

15 (2) be integrated with the processes for making
16 budget, financial, and program management decisions
17 within the executive agency;

18 (3) include minimum criteria to be applied in
19 considering whether to undertake a particular invest-
20 ment in information systems, including criteria relat-
21 ed to the quantitatively expressed projected net, risk-
22 adjusted return on investment and specific quan-
23 titative and qualitative criteria for comparing and
24 prioritizing alternative information systems invest-
25 ment projects;

1 (4) provide for identifying information systems
2 investments that would result in shared benefits or
3 costs for other Federal agencies or State or local gov-
4 ernments;

5 (5) provide for identifying for a proposed invest-
6 ment quantifiable measurements for determining the
7 net benefits and risks of the investment; and

8 (6) provide the means for senior management
9 personnel of the executive agency to obtain timely in-
10 formation regarding the progress of an investment in
11 an information system, including a system of mile-
12 stones for measuring progress, on an independently
13 verifiable basis, in terms of cost, capability of the sys-
14 tem to meet specified requirements, timeliness, and
15 quality.

16 **SEC. 5123. PERFORMANCE AND RESULTS-BASED MANAGE-**
17 **MENT.**

18 *In fulfilling the responsibilities under section 3506(h)*
19 *of title 44, United States Code, the head of an executive*
20 *agency shall—*

21 (1) establish goals for improving the efficiency
22 and effectiveness of agency operations and, as appro-
23 priate, the delivery of services to the public through
24 the effective use of information technology;

1 (2) *prepare an annual report, to be included in*
2 *the executive agency's budget submission to Congress,*
3 *on the progress in achieving the goals;*

4 (3) *ensure that performance measurements are*
5 *prescribed for information technology used by or to be*
6 *acquired for, the executive agency and that the per-*
7 *formance measurements measure how well the infor-*
8 *mation technology supports programs of the executive*
9 *agency;*

10 (4) *where comparable processes and organiza-*
11 *tions in the public or private sectors exist, quan-*
12 *titatively benchmark agency process performance*
13 *against such processes in terms of cost, speed, produc-*
14 *tivity, and quality of outputs and outcomes;*

15 (5) *analyze the missions of the executive agency*
16 *and, based on the analysis, revise the executive agen-*
17 *cy's mission-related processes and administrative*
18 *processes as appropriate before making significant in-*
19 *vestments in information technology that is to be used*
20 *in support of the performance of those missions; and*

21 (6) *ensure that the information security policies,*
22 *procedures, and practices of the executive agency are*
23 *adequate.*

1 **SEC. 5124. ACQUISITIONS OF INFORMATION TECHNOLOGY.**

2 (a) *IN GENERAL.*—*The authority of the head of an ex-*
3 *ecutive agency to conduct an acquisition of information*
4 *technology includes the following authorities:*

5 (1) *To acquire information technology as author-*
6 *ized by law.*

7 (2) *To enter into a contract that provides for*
8 *multiagency acquisitions of information technology in*
9 *accordance with guidance issued by the Director.*

10 (3) *If the Director finds that it would be advan-*
11 *tageous for the Federal Government to do so, to enter*
12 *into a multiagency contract for procurement of com-*
13 *mercial items of information technology that requires*
14 *each executive agency covered by the contract, when*
15 *procuring such items, either to procure the items*
16 *under that contract or to justify an alternative pro-*
17 *curement of the items.*

18 (b) *FTS 2000 PROGRAM.*—*Notwithstanding any other*
19 *provision of this or any other law, the Administrator of*
20 *General Services shall continue to manage the FTS 2000*
21 *program, and to coordinate the follow-on to that program,*
22 *on behalf of and with the advice of the heads of executive*
23 *agencies.*

1 **SEC. 5125. AGENCY CHIEF INFORMATION OFFICER.**

2 (a) DESIGNATION OF CHIEF INFORMATION OFFI-
3 CERS.—Section 3506 of title 44, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (2)(A), by striking out
7 “senior official” and inserting in lieu thereof
8 “Chief Information Officer”;

9 (B) in paragraph (2)(B)—

10 (i) by striking out “senior officials” in
11 the first sentence and inserting in lieu
12 thereof “Chief Information Officers”;

13 (ii) by striking out “official” in the
14 second sentence and inserting in lieu thereof
15 “Chief Information Officer”; and

16 (iii) by striking out “officials” in the
17 second sentence and inserting in lieu thereof
18 “Chief Information Officers”; and

19 (C) in paragraphs (3) and (4), by striking
20 out “senior official” each place it appears and
21 inserting in lieu thereof “Chief Information Offi-
22 cer”; and

23 (2) in subsection (c)(1), by striking out “official”
24 in the matter preceding subparagraph (A) and insert-
25 ing in lieu thereof “Chief Information Officer”.

1 (b) *GENERAL RESPONSIBILITIES.*—*The Chief Informa-*
2 *tion Officer of an executive agency shall be responsible for—*

3 (1) *providing advice and other assistance to the*
4 *head of the executive agency and other senior manage-*
5 *ment personnel of the executive agency to ensure that*
6 *information technology is acquired and information*
7 *resources are managed for the executive agency in a*
8 *manner that implements the policies and procedures*
9 *of this division, consistent with chapter 35 of title 44,*
10 *United States Code, and the priorities established by*
11 *the head of the executive agency;*

12 (2) *developing, maintaining, and facilitating the*
13 *implementation of a sound and integrated informa-*
14 *tion technology architecture for the executive agency;*
15 *and*

16 (3) *promoting the effective and efficient design*
17 *and operation of all major information resources*
18 *management processes for the executive agency, in-*
19 *cluding improvements to work processes of the execu-*
20 *tive agency.*

21 (c) *DUTIES AND QUALIFICATIONS.*—*The Chief Infor-*
22 *mation Officer of an agency that is listed in section 901(b)*
23 *of title 31, United States Code, shall—*

24 (1) *have information resources management du-*
25 *ties as that official's primary duty;*

1 (2) *monitor the performance of information tech-*
2 *nology programs of the agency, evaluate the perform-*
3 *ance of those programs on the basis of the applicable*
4 *performance measurements, and advise the head of the*
5 *agency regarding whether to continue, modify, or ter-*
6 *minate a program or project; and*

7 (3) *annually, as part of the strategic planning*
8 *and performance evaluation process required (subject*
9 *to section 1117 of title 31, United States Code) under*
10 *section 306 of title 5, United States Code, and sec-*
11 *tions 1105(a)(29), 1115, 1116, 1117, and 9703 of title*
12 *31, United States Code—*

13 (A) *assess the requirements established for*
14 *agency personnel regarding knowledge and skill*
15 *in information resources management and the*
16 *adequacy of such requirements for facilitating*
17 *the achievement of the performance goals estab-*
18 *lished for information resources management;*

19 (B) *assess the extent to which the positions*
20 *and personnel at the executive level of the agency*
21 *and the positions and personnel at management*
22 *level of the agency below the executive level meet*
23 *those requirements;*

24 (C) *in order to rectify any deficiency in*
25 *meeting those requirements, develop strategies*

1 *and specific plans for hiring, training, and pro-*
2 *fessional development; and*

3 *(D) report to the head of the agency on the*
4 *progress made in improving information re-*
5 *sources management capability.*

6 *(d) INFORMATION TECHNOLOGY ARCHITECTURE DE-*
7 *FINED.—In this section, the term “information technology*
8 *architecture”, with respect to an executive agency, means*
9 *an integrated framework for evolving or maintaining exist-*
10 *ing information technology and acquiring new information*
11 *technology to achieve the agency’s strategic goals and infor-*
12 *mation resources management goals.*

13 *(e) EXECUTIVE LEVEL IV.—Section 5315 of title 5,*
14 *United States Code, is amended by adding at the end the*
15 *following:*

16 *“Chief Information Officer, Department of Agri-*
17 *culture.*

18 *“Chief Information Officer, Department of Com-*
19 *merce.*

20 *“Chief Information Officer, Department of De-*
21 *fense (unless the official designated as the Chief Infor-*
22 *mation Officer of the Department of Defense is an of-*
23 *ficial listed under section 5312, 5313, or 5314 of this*
24 *title).*

1 *“Chief Information Officer, Department of Edu-*
2 *cation.*

3 *“Chief Information Officer, Department of En-*
4 *ergy.*

5 *“Chief Information Officer, Department of*
6 *Health and Human Services.*

7 *“Chief Information Officer, Department of Hous-*
8 *ing and Urban Development.*

9 *“Chief Information Officer, Department of Inte-*
10 *rior.*

11 *“Chief Information Officer, Department of Jus-*
12 *tice.*

13 *“Chief Information Officer, Department of*
14 *Labor.*

15 *“Chief Information Officer, Department of State.*

16 *“Chief Information Officer, Department of*
17 *Transportation.*

18 *“Chief Information Officer, Department of*
19 *Treasury.*

20 *“Chief Information Officer, Department of Veter-*
21 *ans Affairs.*

22 *“Chief Information Officer, Environmental Pro-*
23 *tection Agency.*

24 *“Chief Information Officer, National Aeronautics*
25 *and Space Administration.*

1 “Chief Information Officer, Agency for Inter-
2 national Development.

3 “Chief Information Officer, Federal Emergency
4 Management Agency.

5 “Chief Information Officer, General Services Ad-
6 ministration.

7 “Chief Information Officer, National Science
8 Foundation.

9 “Chief Information Officer, Nuclear Regulatory
10 Agency.

11 “Chief Information Officer, Office of Personnel
12 Management.

13 “Chief Information Officer, Small Business Ad-
14 ministration.”.

15 **SEC. 5126. ACCOUNTABILITY.**

16 *The head of each executive agency, in consultation with*
17 *the Chief Information Officer and the Chief Financial Offi-*
18 *cer of that executive agency (or, in the case of an executive*
19 *agency without a Chief Financial Officer, any comparable*
20 *official), shall establish policies and procedures that—*

21 (1) *ensure that the accounting, financial, and*
22 *asset management systems and other information sys-*
23 *tems of the executive agency are designed, developed,*
24 *maintained, and used effectively to provide financial*

1 *or program performance data for financial statements*
2 *of the executive agency;*

3 *(2) ensure that financial and related program*
4 *performance data are provided on a reliable, consist-*
5 *ent, and timely basis to executive agency financial*
6 *management systems; and*

7 *(3) ensure that financial statements support—*

8 *(A) assessments and revisions of mission-re-*
9 *lated processes and administrative processes of*
10 *the executive agency; and*

11 *(B) performance measurement of the per-*
12 *formance in the case of investments made by the*
13 *agency in information systems.*

14 **SEC. 5127. SIGNIFICANT DEVIATIONS.**

15 *The head of an executive agency shall identify in the*
16 *strategic information resources management plan required*
17 *under section 3506(b)(2) of title 44, United States Code,*
18 *any major information technology acquisition program, or*
19 *any phase or increment of such a program, that has signifi-*
20 *cantly deviated from the cost, performance, or schedule goals*
21 *established for the program.*

22 **SEC. 5128. INTERAGENCY SUPPORT.**

23 *Funds available for an executive agency for oversight,*
24 *acquisition, and procurement of information technology*
25 *may be used by the head of the executive agency to support*

1 *jointly with other executive agencies the activities of inter-*
2 *agency groups that are established to advise the Director*
3 *in carrying out the Director's responsibilities under this*
4 *title. The use of such funds for that purpose shall be subject*
5 *to such requirements and limitations on uses and amounts*
6 *as the Director may prescribe. The Director shall prescribe*
7 *any such requirements and limitations during the Direc-*
8 *tor's review of the executive agency's proposed budget sub-*
9 *mitted to the Director by the head of the executive agency*
10 *for purposes of section 1105 of title 31, United States Code.*

11 ***Subtitle D—Other Responsibilities***

12 ***SEC. 5131. RESPONSIBILITIES REGARDING EFFICIENCY,***
13 ***SECURITY, AND PRIVACY OF FEDERAL COM-***
14 ***PUTER SYSTEMS.***

15 *(a) STANDARDS AND GUIDELINES.—*

16 *(1) AUTHORITY.—The Secretary of Commerce*
17 *shall, on the basis of standards and guidelines devel-*
18 *oped by the National Institute of Standards and*
19 *Technology pursuant to paragraphs (2) and (3) of*
20 *section 20(a) of the National Institute of Standards*
21 *and Technology Act (15 U.S.C. 278g-3(a)), promul-*
22 *gate standards and guidelines pertaining to Federal*
23 *computer systems. The Secretary shall make such*
24 *standards compulsory and binding to the extent to*
25 *which the Secretary determines necessary to improve*

1 *the efficiency of operation or security and privacy of*
2 *Federal computer systems. The President may dis-*
3 *approve or modify such standards and guidelines if*
4 *the President determines such action to be in the pub-*
5 *lic interest. The President's authority to disapprove*
6 *or modify such standards and guidelines may not be*
7 *delegated. Notice of such disapproval or modification*
8 *shall be published promptly in the Federal Register.*
9 *Upon receiving notice of such disapproval or modi-*
10 *fication, the Secretary of Commerce shall immediately*
11 *rescind or modify such standards or guidelines as di-*
12 *rected by the President.*

13 (2) *EXERCISE OF AUTHORITY.—The authority*
14 *conferred upon the Secretary of Commerce by this sec-*
15 *tion shall be exercised subject to direction by the*
16 *President and in coordination with the Director to*
17 *ensure fiscal and policy consistency.*

18 (b) *APPLICATION OF MORE STRINGENT STANDARDS.—*
19 *The head of a Federal agency may employ standards for*
20 *the cost-effective security and privacy of sensitive informa-*
21 *tion in a Federal computer system within or under the su-*
22 *pervision of that agency that are more stringent than the*
23 *standards promulgated by the Secretary of Commerce under*
24 *this section, if such standards contain, at a minimum, the*

1 *provisions of those applicable standards made compulsory*
2 *and binding by the Secretary of Commerce.*

3 (c) *WAIVER OF STANDARDS.—The standards deter-*
4 *mined under subsection (a) to be compulsory and binding*
5 *may be waived by the Secretary of Commerce in writing*
6 *upon a determination that compliance would adversely af-*
7 *fect the accomplishment of the mission of an operator of*
8 *a Federal computer system, or cause a major adverse finan-*
9 *cial impact on the operator which is not offset by Govern-*
10 *ment-wide savings. The Secretary may delegate to the head*
11 *of one or more Federal agencies authority to waive such*
12 *standards to the extent to which the Secretary determines*
13 *such action to be necessary and desirable to allow for timely*
14 *and effective implementation of Federal computer system*
15 *standards. The head of such agency may redelegate such au-*
16 *thority only to a Chief Information Officer designated pur-*
17 *suant to section 3506 of title 44, United States Code. Notice*
18 *of each such waiver and delegation shall be transmitted*
19 *promptly to Congress and shall be published promptly in*
20 *the Federal Register.*

21 (d) *DEFINITIONS.—In this section, the terms “Federal*
22 *computer system” and “operator of a Federal computer sys-*
23 *tem” have the meanings given such terms in section 20(d)*
24 *of the National Institute of Standards and Technology Act*
25 *(15 U.S.C. 278g–3(d)).*

1 (e) *TECHNICAL AMENDMENTS.—Chapter 35 of title 44,*
2 *United States Code, is amended—*

3 (1) *in section 3504(g)—*

4 (A) *in paragraph (2), by striking out “the*
5 *Computer Security Act of 1987 (40 U.S.C. 759*
6 *note)” and inserting in lieu thereof “sections 20*
7 *and 21 of the National Institute of Standards*
8 *and Technology Act (15 U.S.C. 278g–3 and*
9 *278g–4), section 5131 of the Information Tech-*
10 *nology Management Reform Act of 1995, and*
11 *sections 5 and 6 of the Computer Security Act*
12 *of 1987 (40 U.S.C. 759 note)”;* and

13 (B) *in paragraph (3), by striking out “the*
14 *Computer Security Act of 1987 (40 U.S.C. 759*
15 *note)” and inserting in lieu thereof “the stand-*
16 *ards and guidelines promulgated under section*
17 *5131 of the Information Technology Management*
18 *Reform Act of 1995 and sections 5 and 6 of the*
19 *Computer Security Act of 1987 (40 U.S.C. 759*
20 *note)”;* and

21 (2) *in section 3518(d), by striking out “Public*
22 *Law 89–306 on the Administrator of the General*
23 *Services Administration, the Secretary of Commerce,*
24 *or” and inserting in lieu thereof “section 5131 of the*
25 *Information Technology Management Reform Act of*

1 1995 and the Computer Security Act of 1987 (40
2 U.S.C. 759 note) on the Secretary of Commerce or”.

3 **SEC. 5132. SENSE OF CONGRESS.**

4 *It is the sense of Congress that, during the next five-*
5 *year period beginning with 1996, executive agencies should*
6 *achieve each year at least a 5 percent decrease in the cost*
7 *(in constant fiscal year 1996 dollars) that is incurred by*
8 *the agency for operating and maintaining information*
9 *technology, and each year a 5 percent increase in the effi-*
10 *ciency of the agency operations, by reason of improvements*
11 *in information resources management by the agency.*

12 ***Subtitle E—National Security***
13 ***Systems***

14 **SEC. 5141. APPLICABILITY TO NATIONAL SECURITY SYS-**
15 ***TEMS.***

16 (a) *IN GENERAL.*—*Except as provided in subsection*
17 *(b), this title does not apply to national security systems.*

18 (b) *EXCEPTIONS.*—

19 (1) *IN GENERAL.*—*Sections 5123, 5125, and*
20 *5126 apply to national security systems.*

21 (2) *CAPITAL PLANNING AND INVESTMENT CON-*
22 *TROL.*—*The heads of executive agencies shall apply*
23 *sections 5112 and 5122 to national security systems*
24 *to the extent practicable.*

1 (3) *PERFORMANCE AND RESULTS OF INFORMA-*
2 *TION TECHNOLOGY INVESTMENTS.*—(A) *Subject to*
3 *subparagraph (B), the heads of executive agencies*
4 *shall apply section 5113 to national security systems*
5 *to the extent practicable.*

6 (B) *National security systems shall be subject to*
7 *section 5113(b)(5) except for subparagraph (B)(iv) of*
8 *that section.*

9 **SEC. 5142. NATIONAL SECURITY SYSTEM DEFINED.**

10 (a) *DEFINITION.*—*In this subtitle, the term “national*
11 *security system” means any telecommunications or infor-*
12 *mation system operated by the United States Government,*
13 *the function, operation, or use of which—*

14 (1) *involves intelligence activities;*

15 (2) *involves cryptologic activities related to na-*
16 *tional security;*

17 (3) *involves command and control of military*
18 *forces;*

19 (4) *involves equipment that is an integral part*
20 *of a weapon or weapons system; or*

21 (5) *subject to subsection (b), is critical to the di-*
22 *rect fulfillment of military or intelligence missions.*

23 (b) *LIMITATION.*—*Subsection (a)(5) does not include*
24 *a system that is to be used for routine administrative and*

1 *business applications (including payroll, finance, logistics,*
2 *and personnel management applications).*

3 ***TITLE LII—PROCESS FOR ACQUI-***
4 ***SITIONS OF INFORMATION***
5 ***TECHNOLOGY***

6 ***SEC. 5201. PROCUREMENT PROCEDURES.***

7 *The Federal Acquisition Regulatory Council shall en-*
8 *sure that, to the maximum extent practicable, the process*
9 *for acquisition of information technology is a simplified,*
10 *clear, and understandable process that specifically addresses*
11 *the management of risk, incremental acquisitions, and the*
12 *need to incorporate commercial information technology in*
13 *a timely manner.*

14 ***SEC. 5202. INCREMENTAL ACQUISITION OF INFORMATION***
15 ***TECHNOLOGY.***

16 *(a) POLICY.—The Office of Federal Procurement Pol-*
17 *icy Act (41 U.S.C. 401 et seq.) is amended by adding at*
18 *the end the following new section:*

19 ***“SEC. 35. MODULAR CONTRACTING FOR INFORMATION***
20 ***TECHNOLOGY.***

21 *“(a) IN GENERAL.—The head of an executive agency*
22 *should, to the maximum extent practicable, use modular*
23 *contracting for an acquisition of a major system of infor-*
24 *mation technology.*

1 “(b) *MODULAR CONTRACTING DESCRIBED.*—Under
2 *modular contracting, an executive agency’s need for a sys-*
3 *tem is satisfied in successive acquisitions of interoperable*
4 *increments. Each increment complies with common or com-*
5 *mercially accepted standards applicable to information*
6 *technology so that the increments are compatible with other*
7 *increments of information technology comprising the sys-*
8 *tem.*

9 “(c) *IMPLEMENTATION.*—The Federal Acquisition Reg-
10 *ulation shall provide that—*

11 “(1) *under the modular contracting process, an*
12 *acquisition of a major system of information tech-*
13 *nology may be divided into several smaller acquisi-*
14 *tion increments that—*

15 “(A) *are easier to manage individually*
16 *than would be one comprehensive acquisition;*

17 “(B) *address complex information tech-*
18 *nology objectives incrementally in order to en-*
19 *hance the likelihood of achieving workable solu-*
20 *tions for attainment of those objectives;*

21 “(C) *provide for delivery, implementation,*
22 *and testing of workable systems or solutions in*
23 *discrete increments each of which comprises a*
24 *system or solution that is not dependent on any*

1 *subsequent increment in order to perform its*
2 *principal functions; and*

3 “(D) provide an opportunity for subsequent
4 *increments of the acquisition to take advantage*
5 *of any evolution in technology or needs that*
6 *occur during conduct of the earlier increments;*

7 “(2) a contract for an increment of an informa-
8 *tion technology acquisition should, to the maximum*
9 *extent practicable, be awarded within 180 days after*
10 *the date on which the solicitation is issued and, if the*
11 *contract for that increment cannot be awarded within*
12 *such period, the increment should be considered for*
13 *cancellation; and*

14 “(3) the information technology provided for in
15 *a contract for acquisition of information technology*
16 *should be delivered within 18 months after the date*
17 *on which the solicitation resulting in award of the*
18 *contract was issued.”.*

19 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
20 *section 1(b) of such Act is amended by inserting after the*
21 *item relating to section 34 the following new item:*

“Sec. 35. Modular contracting for information technology.”.

1 **TITLE LIII—INFORMATION TECH-**
2 **NOLOGY ACQUISITION PILOT**
3 **PROGRAMS**

4 **Subtitle A—Conduct of Pilot**
5 **Programs**

6 **SEC. 5301. AUTHORITY TO CONDUCT PILOT PROGRAMS.**

7 (a) *IN GENERAL.*—

8 (1) *PURPOSE.*—*The Administrator for Federal*
9 *Procurement Policy (hereinafter referred to as the*
10 *“Administrator”), in consultation with the Adminis-*
11 *trator for the Office of Information and Regulatory*
12 *Affairs, may conduct pilot programs in order to test*
13 *alternative approaches for acquisition of information*
14 *technology by executive agencies.*

15 (2) *MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF*
16 *EACH PROGRAM.*—*Except as otherwise provided in*
17 *this title, each pilot program conducted under this*
18 *title shall be carried out in not more than two procur-*
19 *ing activities in each of the executive agencies that*
20 *are designated by the Administrator in accordance*
21 *with this title to carry out the pilot program. The*
22 *head of each designated executive agency shall, with*
23 *the approval of the Administrator, select the procur-*
24 *ing activities of the executive agency that are to par-*
25 *ticipate in the test and shall designate a procurement*

1 *testing official who shall be responsible for the conduct*
2 *and evaluation of the pilot program within the execu-*
3 *tive agency.*

4 *(b) LIMITATIONS.—*

5 *(1) NUMBER.—Not more than two pilot pro-*
6 *grams may be conducted under the authority of this*
7 *title, including one pilot program each pursuant to*
8 *the requirements of sections 5311 and 5312.*

9 *(2) AMOUNT.—The total amount obligated for*
10 *contracts entered into under the pilot programs con-*
11 *ducted under the authority of this title may not ex-*
12 *ceed \$750,000,000. The Administrator shall monitor*
13 *such contracts and ensure that contracts are not en-*
14 *tered into in violation of the limitation in the preced-*
15 *ing sentence.*

16 *(c) PERIOD OF PROGRAMS.—*

17 *(1) IN GENERAL.—Subject to paragraph (2), any*
18 *pilot program may be carried out under this title for*
19 *the period, not in excess of five years, that is deter-*
20 *mined by the Administrator as being sufficient to es-*
21 *tablish reliable results.*

22 *(2) CONTINUING VALIDITY OF CONTRACTS.—A*
23 *contract entered into under the pilot program before*
24 *the expiration of that program shall remain in effect*

1 *according to the terms of the contract after the expira-*
2 *tion of the program.*

3 **SEC. 5302. EVALUATION CRITERIA AND PLANS.**

4 *(a) MEASURABLE TEST CRITERIA.—The head of each*
5 *executive agency conducting a pilot program under section*
6 *5301 shall establish, to the maximum extent practicable,*
7 *measurable criteria for evaluating the effects of the proce-*
8 *dures or techniques to be tested under the program.*

9 *(b) TEST PLAN.—Before a pilot program may be con-*
10 *ducted under section 5301, the Administrator shall submit*
11 *to Congress a detailed test plan for the program, including*
12 *a detailed description of the procedures to be used and a*
13 *list of any regulations that are to be waived.*

14 **SEC. 5303. REPORT.**

15 *(a) REQUIREMENT.—Not later than 180 days after the*
16 *completion of a pilot program under this title, the Adminis-*
17 *trator shall—*

18 *(1) submit to the Director a report on the results*
19 *and findings under the program; and*

20 *(2) provide a copy of the report to Congress.*

21 *(b) CONTENT.—The report shall include the following:*

22 *(1) A detailed description of the results of the*
23 *program, as measured by the criteria established for*
24 *the program.*

1 (2) *A discussion of any legislation that the Ad-*
2 *ministrator recommends, or changes in regulations*
3 *that the Administrator considers necessary, in order*
4 *to improve overall information resources management*
5 *within the Federal Government.*

6 **SEC. 5304. RECOMMENDED LEGISLATION.**

7 *If the Director determines that the results and findings*
8 *under a pilot program under this title indicate that legisla-*
9 *tion is necessary or desirable in order to improve the process*
10 *for acquisition of information technology, the Director shall*
11 *transmit the Director's recommendations for such legisla-*
12 *tion to Congress.*

13 **SEC. 5305. RULE OF CONSTRUCTION.**

14 *Nothing in this title shall be construed as authorizing*
15 *the appropriation or obligation of funds for the pilot pro-*
16 *grams authorized under this title.*

17 **Subtitle B—Specific Pilot Programs**

18 **SEC. 5311. SHARE-IN-SAVINGS PILOT PROGRAM.**

19 (a) *REQUIREMENT.*—*The Administrator may author-*
20 *ize the heads of two executive agencies to carry out a pilot*
21 *program to test the feasibility of—*

22 (1) *contracting on a competitive basis with a*
23 *private sector source to provide the Federal Govern-*
24 *ment with an information technology solution for im-*

1 *tives are defined by the Federal Government user of the tech-*
2 *nology to be acquired, a streamlined contractor selection*
3 *process is used, and industry sources are allowed to provide*
4 *solutions that attain the objectives effectively.*

5 *(c) PROCESS REQUIREMENTS.—The Administrator*
6 *shall require use of a process with the following aspects for*
7 *acquisitions under the pilot program:*

8 *(1) ACQUISITION PLAN EMPHASIZING DESIRED*
9 *RESULT.—Preparation of an acquisition plan that*
10 *defines the functional requirements of the intended*
11 *users of the information technology to be acquired,*
12 *identifies the operational improvements to be*
13 *achieved, and defines the performance measurements*
14 *to be applied in determining whether the information*
15 *technology acquired satisfies the defined requirements*
16 *and attains the identified results.*

17 *(2) RESULTS-ORIENTED STATEMENT OF WORK.—*
18 *Use of a statement of work that is limited to an ex-*
19 *pression of the end results or performance capabilities*
20 *desired under the acquisition plan.*

21 *(3) SMALL ACQUISITION ORGANIZATION.—Assem-*
22 *bly of a small acquisition organization consisting of*
23 *the following:*

24 *(A) An acquisition management team, the*
25 *members of which are to be evaluated and re-*

1 warded under the pilot program for contribu-
2 tions toward attainment of the desired results
3 identified in the acquisition plan.

4 (B) A small source selection team composed
5 of representatives of the specific mission or ad-
6 ministrative area to be supported by the infor-
7 mation technology to be acquired, together with
8 a contracting officer and persons with relevant
9 expertise.

10 (4) *USE OF SOURCE SELECTION FACTORS EM-*
11 *PHASIZING SOURCE QUALIFICATIONS AND COSTS.—*

12 *Use of source selection factors that emphasize—*

13 (A) *the qualifications of the offeror, includ-*
14 *ing such factors as personnel skills, previous ex-*
15 *perience in providing other private or public sec-*
16 *tor organizations with solutions for attaining ob-*
17 *jectives similar to the objectives of the acquisi-*
18 *tion, past contract performance, qualifications of*
19 *the proposed program manager, and the pro-*
20 *posed management plan; and*

21 (B) *the costs likely to be associated with the*
22 *conceptual approach proposed by the offeror.*

23 (5) *OPEN COMMUNICATIONS WITH CONTRACTOR*
24 *COMMUNITY.—Open availability of the following in-*
25 *formation to potential offerors:*

1 (A) *The agency mission to be served by the*
2 *acquisition.*

3 (B) *The functional process to be performed*
4 *by use of information technology.*

5 (C) *The process improvements to be at-*
6 *tained.*

7 (6) *SIMPLE SOLICITATION.—Use of a simple so-*
8 *licitation that sets forth only the functional work de-*
9 *scription, the source selection factors to be used in ac-*
10 *cordance with paragraph (4), the required terms and*
11 *conditions, instructions regarding submission of of-*
12 *fers, and the estimate of the Federal Government's*
13 *budget for the desired work.*

14 (7) *SIMPLE PROPOSALS.—Submission of oral*
15 *presentations and written proposals that are limited*
16 *in size and scope and contain information on—*

17 (A) *the offeror's qualifications to perform*
18 *the desired work;*

19 (B) *past contract performance;*

20 (C) *the proposed conceptual approach; and*

21 (D) *the costs likely to be associated with the*
22 *proposed conceptual approach.*

23 (8) *SIMPLE EVALUATION.—Use of a simplified*
24 *evaluation process, to be completed within 45 days*

1 after receipt of proposals, which consists of the follow-
2 ing:

3 (A) Identification of the most qualified
4 offerors that are within the competitive range.

5 (B) Issuance of invitations for at least three
6 and not more than five of the identified offerors
7 to make oral presentations to, and engage in dis-
8 cussions with, the evaluating personnel regard-
9 ing, for each offeror—

10 (i) the qualifications of the offeror, in-
11 cluding how the qualifications of the offeror
12 relate to the approach proposed to be taken
13 by the offeror in the acquisition; and

14 (ii) the costs likely to be associated
15 with the approach.

16 (C) Evaluation of the qualifications of the
17 identified offerors and the costs likely to be asso-
18 ciated with the offerors' proposals on the basis of
19 submissions required under the process and any
20 oral presentations made by, and any discussions
21 with, the offerors.

22 (9) SELECTION OF MOST QUALIFIED OFFEROR.—

23 A selection process consisting of the following:

24 (A) Identification of the most qualified
25 source, and ranking of alternative sources, pri-

1 *marily on the basis of the oral proposals, presen-*
2 *tations, and discussions, and written proposals*
3 *submitted in accordance with paragraph (7).*

4 *(B) Conduct for 30 to 60 days of a program*
5 *definition phase (funded, in the case of the source*
6 *ultimately awarded the contract, by the Federal*
7 *Government)—*

8 *(i) during which the selected source, in*
9 *consultation with one or more intended*
10 *users, develops a conceptual system design*
11 *and technical approach, defines logical*
12 *phases for the project, and estimates the*
13 *total cost and the cost for each phase; and*

14 *(ii) after which a contract for perform-*
15 *ance of the work may be awarded to that*
16 *source on the basis of cost, the responsive-*
17 *ness, reasonableness, and quality of the pro-*
18 *posed performance, and a sharing of risk*
19 *and benefits between the source and the*
20 *Government.*

21 *(C) Conduct of as many successive program*
22 *definition phases with alternative sources (in the*
23 *order ranked) as is necessary in order to award*
24 *a contract in accordance with subparagraph (B).*

1 (10) *SYSTEM IMPLEMENTATION PHASING.*—*System*
2 *implementation to be executed in phases that are*
3 *tailored to the solution, with various contract ar-*
4 *rangements being used, as appropriate, for various*
5 *phases and activities.*

6 (11) *MUTUAL AUTHORITY TO TERMINATE.*—*Au-*
7 *thority for the Federal Government or the contractor*
8 *to terminate the contract without penalty at the end*
9 *of any phase defined for the project.*

10 (12) *TIME MANAGEMENT DISCIPLINE.*—*Applica-*
11 *tion of a standard for awarding a contract within*
12 *105 to 120 days after issuance of the solicitation.*

13 (d) *PILOT PROGRAM DESIGN.*—

14 (1) *JOINT PUBLIC-PRIVATE WORKING GROUP.*—
15 *The Administrator, in consultation with the Adminis-*
16 *trator for the Office of Information and Regulatory*
17 *Affairs, shall establish a joint working group of Fed-*
18 *eral Government personnel and representatives of the*
19 *information technology industry to design a plan for*
20 *conduct of any pilot program carried out under this*
21 *section.*

22 (2) *CONTENT OF PLAN.*—*The plan shall provide*
23 *for use of solutions-based contracting in the Depart-*
24 *ment of Defense and not more than two other execu-*
25 *tive agencies for a total of—*

1 (A) not more than 10 projects, each of
2 which has an estimated cost of between
3 \$25,000,000 and \$100,000,000; and

4 (B) not more than 10 projects, each of
5 which has an estimated cost of between
6 \$1,000,000 and \$5,000,000, to be set aside for
7 small business concerns.

8 (3) COMPLEXITY OF PROJECTS.—(A) Subject to
9 subparagraph (C), each acquisition project under the
10 pilot program shall be sufficiently complex to provide
11 for meaningful evaluation of the use of solutions-based
12 contracting for acquisition of information technology
13 for executive agencies.

14 (B) In order for an acquisition project to satisfy
15 the requirement in subparagraph (A), the solution for
16 attainment of the executive agency's objectives under
17 the project should not be obvious, but rather shall in-
18 volve a need for some innovative development and sys-
19 tems integration.

20 (C) An acquisition project should not be so ex-
21 tensive or lengthy as to result in undue delay in the
22 evaluation of the use of solutions-based contracting.

23 (e) MONITORING BY GAO.—The Comptroller General
24 of the United States shall—

1 (1) *monitor the conduct, and review the results,*
2 *of acquisitions under the pilot program; and*

3 (2) *submit to Congress periodic reports contain-*
4 *ing the views of the Comptroller General on the ac-*
5 *tivities, results, and findings under the pilot program.*

6 ***TITLE LIV—ADDITIONAL INFOR-***
7 ***MATION RESOURCES MAN-***
8 ***AGEMENT MATTERS***

9 ***SEC. 5401. ON-LINE MULTIPLE AWARD SCHEDULE CON-***
10 ***TRACTING.***

11 (a) *AUTOMATION OF MULTIPLE AWARD SCHEDULE*
12 *CONTRACTING.—In order to provide for the economic and*
13 *efficient procurement of information technology and other*
14 *commercial items, the Administrator of General Services*
15 *shall provide through the Federal Acquisition Computer*
16 *Network (in this section referred to as “FACNET”), not*
17 *later than January 1, 1998, Government-wide on-line com-*
18 *puter access to information on products and services that*
19 *are available for ordering under the multiple award sched-*
20 *ules. If the Administrator determines it is not practicable*
21 *to provide such access through FACNET, the Administrator*
22 *shall provide such access through another automated system*
23 *that has the capability to perform the functions listed in*
24 *subsection (b)(1) and meets the requirement of subsection*
25 *(b)(2).*

1 **(b) ADDITIONAL FACNET FUNCTIONS.**—(1) *In addi-*
2 *tion to the functions specified in section 30(b) of the Office*
3 *of Federal Procurement Policy Act (41 U.S.C. 426(b)), the*
4 *FACNET architecture shall have the capability to perform*
5 *the following functions:*

6 **(A)** *Provide basic information on prices, fea-*
7 *tures, and performance of all products and services*
8 *available for ordering through the multiple award*
9 *schedules.*

10 **(B)** *Provide for updating that information to re-*
11 *fect changes in prices, features, and performance as*
12 *soon as information on the changes becomes available.*

13 **(C)** *Enable users to make on-line computer com-*
14 *parisons of the prices, features, and performance of*
15 *similar products and services offered by various ven-*
16 *dors.*

17 **(2)** *The FACNET architecture shall be used to place*
18 *orders under the multiple award schedules in a fiscal year*
19 *for an amount equal to at least 60 percent of the total*
20 *amount spent for all orders under the multiple award sched-*
21 *ules in that fiscal year.*

22 **(c) STREAMLINED PROCEDURES.**—

23 **(1) PILOT PROGRAM.**—*Upon certification by the*
24 *Administrator of General Services that the FACNET*
25 *architecture meets the requirements of subsection*

1 **(b)(1)** and was used as required by subsection **(b)(2)**
2 in the fiscal year preceding the fiscal year in which
3 the certification is made, the Administrator for Fed-
4 eral Procurement Policy may establish a pilot pro-
5 gram to test streamlined procedures for the procure-
6 ment of information technology products and services
7 available for ordering through the multiple award
8 schedules.

9 **(2) APPLICABILITY TO MULTIPLE AWARD SCHED-**
10 **ULE CONTRACTS.**—Except as provided in paragraph
11 **(4)**, the pilot program shall be applicable to all mul-
12 tiple award schedule contracts for the purchase of in-
13 formation technology and shall test the following pro-
14 cedures:

15 **(A)** A procedure under which negotiation of
16 the terms and conditions for a covered multiple
17 award schedule contract is limited to terms and
18 conditions other than price.

19 **(B)** A procedure under which the vendor es-
20 tablishes the prices under a covered multiple
21 award schedule contract and may adjust those
22 prices at any time in the discretion of the ven-
23 dor.

1 (C) *A procedure under which a covered*
2 *multiple award schedule contract is awarded to*
3 *any responsible offeror that—*

4 (i) *has a suitable record of past per-*
5 *formance, which may include past perform-*
6 *ance on multiple award schedule contracts;*

7 (ii) *agrees to terms and conditions that*
8 *the Administrator determines as being re-*
9 *quired by law or as being appropriate for*
10 *the purchase of commercial items; and*

11 (iii) *agrees to establish and update*
12 *prices, features, and performance and to ac-*
13 *cept orders electronically through the auto-*
14 *mated system established pursuant to sub-*
15 *section (a).*

16 (3) *COMPTROLLER GENERAL REVIEW AND RE-*
17 *PORT.—(A) Not later than three years after the date*
18 *on which the pilot program is established, the Comp-*
19 *troller General of the United States shall review the*
20 *pilot program and report to the Congress on the re-*
21 *sults of the pilot program.*

22 (B) *The report shall include the following:*

23 (i) *An evaluation of the extent to which*
24 *there is competition for the orders placed under*
25 *the pilot program.*

1 (ii) *The effect that the streamlined proce-*
2 *dures under the pilot program have on prices*
3 *charged under multiple award schedule con-*
4 *tracts.*

5 (iii) *The effect that such procedures have on*
6 *paperwork requirements for multiple award*
7 *schedule contracts and orders.*

8 (iv) *The impact of the pilot program on*
9 *small businesses and socially and economically*
10 *disadvantaged small businesses.*

11 (4) *WITHDRAWAL OF SCHEDULE OR PORTION OF*
12 *SCHEDULE FROM PILOT PROGRAM.—The Adminis-*
13 *trator may withdraw a multiple award schedule or*
14 *portion of a schedule from the pilot program if the*
15 *Administrator determines that (A) price competition*
16 *is not available under such schedule or portion there-*
17 *of, or (B) the cost to the Government for that schedule*
18 *or portion thereof for the previous year was higher*
19 *than it would have been if the contracts for such*
20 *schedule or portion thereof had been awarded using*
21 *procedures that would apply if the pilot program*
22 *were not in effect. The Administrator shall notify*
23 *Congress at least 30 days before the date on which the*
24 *Administrator withdraws a schedule or portion there-*

1 *of under this paragraph. The authority under this*
 2 *paragraph may not be delegated.*

3 (5) *TERMINATION OF PILOT PROGRAM.—Unless*
 4 *reauthorized by law, the authority of the Adminis-*
 5 *trator to award contracts under the pilot program*
 6 *shall expire four years after the date on which the*
 7 *pilot program is established. Contracts entered into*
 8 *before the authority expires shall remain in effect in*
 9 *accordance with their terms notwithstanding the expi-*
 10 *ration of the authority to award new contracts under*
 11 *the pilot program.*

12 (d) *DEFINITION.—In this section, the term*
 13 *“FACNET” means the Federal Acquisition Computer Net-*
 14 *work established under section 30 of the Office of Federal*
 15 *Procurement Policy Act (41 U.S.C. 426).*

16 ***SEC. 5402. IDENTIFICATION OF EXCESS AND SURPLUS***
 17 ***COMPUTER EQUIPMENT.***

18 *Not later than six months after the date of the enact-*
 19 *ment of this Act, the head of an executive agency shall in-*
 20 *ventory all computer equipment under the control of that*
 21 *official. After completion of the inventory, the head of the*
 22 *executive agency shall maintain, in accordance with title*
 23 *II of the Federal Property and Administrative Services Act*
 24 *of 1949 (40 U.S.C. 481 et seq.), an inventory of any such*
 25 *equipment that is excess or surplus property.*

1 **SEC. 5403. ACCESS OF CERTAIN INFORMATION IN INFOR-**
2 **MATION SYSTEMS TO THE DIRECTORY ESTAB-**
3 **LISHED UNDER SECTION 4101 OF TITLE 44,**
4 **UNITED STATES CODE.**

5 *Notwithstanding any other provision of this division,*
6 *if in designing an information technology system pursuant*
7 *to this division, the head of an executive agency determines*
8 *that a purpose of the system is to disseminate information*
9 *to the public, then the head of such executive agency shall*
10 *reasonably ensure that an index of information dissemi-*
11 *nated by such system is included in the directory created*
12 *pursuant to section 4101 of title 44, United States Code.*
13 *Nothing in this section authorizes the dissemination of in-*
14 *formation to the public unless otherwise authorized.*

15 **TITLE LV—PROCUREMENT PRO-**
16 **TEST AUTHORITY OF THE**
17 **COMPTROLLER GENERAL**

18 **SEC. 5501. PERIOD FOR PROCESSING PROTESTS.**

19 *Title 31, United States Code, is amended as follows:*

20 *(1) Section 3553(b)(2)(A) is amended by striking*
21 *out “35” and inserting in lieu thereof “30”.*

22 *(2) Section 3554 is amended—*

23 *(A) in subsection (a)(1), by striking out*
24 *“125” and inserting in lieu thereof “100”; and*

25 *(B) in subsection (e)—*

- 1 (i) in paragraph (1), by striking out
 2 “Government Operations” and inserting in
 3 lieu thereof “Government Reform and Over-
 4 sight”; and
- 5 (ii) in paragraph (2), by striking out
 6 “125” and inserting in lieu thereof “100”.

7 **SEC. 5502. AVAILABILITY OF FUNDS FOLLOWING GAO RES-**
 8 **OLUTION OF CHALLENGE TO CONTRACTING**
 9 **ACTION.**

10 (a) *IN GENERAL.*—Section 1558 of title 31, United
 11 States Code, is amended—

12 (1) in the first sentence of subsection (a)—

13 (A) by inserting “or other action referred to
 14 in subsection (b)” after “protest” the first place
 15 it appears;

16 (B) by striking out “90 working days” and
 17 inserting in lieu thereof “100 days”; and

18 (C) by inserting “or other action” after
 19 “protest” the second place it appears; and

20 (2) by striking out subsection (b) and inserting
 21 in lieu thereof the following:

22 “(b) Subsection (a) applies with respect to—

23 “(1) any protest filed under subchapter V of
 24 chapter 35 of this title; or

1 “(2) an action commenced under administrative
2 procedures or for a judicial remedy if—

3 “(A) the action involves a challenge to—

4 “(i) a solicitation for a contract;

5 “(ii) a proposed award of a contract;

6 “(iii) an award of a contract; or

7 “(iv) the eligibility of an offeror or po-
8 tential offeror for a contract or of the con-
9 tractor awarded the contract; and

10 “(B) commencement of the action delays or
11 prevents an executive agency from making an
12 award of a contract or proceeding with a pro-
13 curement.”.

14 (b) *CONFORMING AMENDMENT.*—The heading of such
15 section is amended to read as follows:

16 **“§ 1558. Availability of funds following resolution of a**
17 **formal protest or other challenge”.**

18 (c) *CLERICAL AMENDMENT.*—The item relating to such
19 section in the table of sections at the beginning of chapter
20 15 of title 31, United States Code, is amended to read as
21 follows:

 “1558. Availability of funds following resolution of a formal protest or other chal-
 lenge.”.

1 **TITLE LVI—CONFORMING AND**
2 **CLERICAL AMENDMENTS**

3 **SEC. 5601. AMENDMENTS TO TITLE 10, UNITED STATES**

4 **CODE.**

5 (a) *PROTEST FILE*.—Section 2305(e) is amended by
6 striking out paragraph (3).

7 (b) *MULTIYEAR CONTRACTS*.—Section 2306b of such
8 title is amended—

9 (1) by striking out subsection (k); and

10 (2) by redesignating subsection (l) as subsection
11 (k).

12 (c) *LAW INAPPLICABLE TO PROCUREMENT OF INFOR-*
13 *MATION TECHNOLOGY*.—Section 2315 of title 10, United
14 States Code, is amended by striking out “Section 111” and
15 all that follows through “use of equipment or services if,”
16 and inserting in lieu thereof the following: “For the pur-
17 poses of the Information Technology Management Reform
18 Act of 1995, the term ‘national security systems’ means
19 those telecommunications and information systems operated
20 by the Department of Defense, the functions, operation or
21 use of which”.

1 **SEC. 5602. AMENDMENTS TO TITLE 28, UNITED STATES**2 **CODE.**

3 (a) *REFERENCES TO BROOKS AUTOMATIC DATA PROC-*
4 *ESSING ACT.*—Section 612 of title 28, United States Code,
5 *is amended—*

6 (1) *in subsection (f), by striking out “section 111*
7 *of the Federal Property and Administrative Services*
8 *Act of 1949 (40 U.S.C. 759)” and inserting in lieu*
9 *thereof “the provisions of law, policies, and regula-*
10 *tions applicable to executive agencies under the Infor-*
11 *mation Technology Management Reform Act of*
12 *1995”;*

13 (2) *in subsection (g), by striking out “sections*
14 *111 and 201 of the Federal Property and Administra-*
15 *tive Services Act of 1949 (40 U.S.C. 481 and 759)”*
16 *and inserting in lieu thereof “section 201 of the Fed-*
17 *eral Property and Administrative Services Act of*
18 *1949 (40 U.S.C. 481)”;*

19 (3) *by striking out subsection (l); and*

20 (4) *by redesignating subsection (m) as subsection*
21 *(l).*

22 (b) *REFERENCES TO AUTOMATIC DATA PROCESS-*
23 *ING.*—Section 612 of title 28, United States Code, *is further*
24 *amended—*

1 (1) *in the heading, by striking out the second*
2 *word and inserting in lieu thereof “***Information**
3 **Technology***”;*

4 (2) *in subsection (a), by striking out “Judiciary*
5 *Automation Fund” and inserting in lieu thereof “Ju-*
6 *diary Information Technology Fund”;* and

7 (3) *by striking out “automatic data processing”*
8 *and inserting in lieu thereof “information tech-*
9 *nology” each place it appears in subsections (a), (b),*
10 *(c)(2), (e), (f), and (h)(1).*

11 **SEC. 5603. AMENDMENT TO TITLE 31, UNITED STATES CODE.**

12 *Section 3552 of title 31, United States Code, is amend-*
13 *ed by striking out the second sentence.*

14 **SEC. 5604. AMENDMENTS TO TITLE 38, UNITED STATES**
15 **CODE.**

16 *Section 310 of title 38, United States Code, is amended*
17 *to read as follows:*

18 **“§ 310. Chief Information Officer**

19 *“(a) The Chief Information Officer for the Department*
20 *is designated pursuant to section 3506(a)(2) of title 44.*

21 *“(b) The Chief Information Officer performs the duties*
22 *provided for chief information officers of executive agencies*
23 *under chapter 35 of title 44 and the Information Tech-*
24 *nology Management Reform Act of 1995.”.*

1 **SEC. 5605. PROVISIONS OF TITLE 44, UNITED STATES**
2 **CODE, RELATING TO PAPERWORK REDUC-**
3 **TION.**

4 (a) *DEFINITION.*—Section 3502 of title 44, United
5 States Code, is amended by striking out paragraph (9) and
6 inserting in lieu thereof the following:

7 “(9) the term ‘information technology’ has the
8 meaning given that term in section 5002 of the Infor-
9 mation Technology Management Reform Act of 1995
10 but does not include national security systems as de-
11 fined in section 5142 of that Act;”.

12 (b) *DEVELOPMENT OF STANDARDS AND GUIDELINES*
13 *BY NATIONAL INSTITUTE OF STANDARDS AND TECH-*
14 *NOLOGY.*—Section 3504(h)(1)(B) of such title is amended
15 by striking out “section 111(d) of the Federal Property and
16 Administrative Services Act of 1949 (40 U.S.C. 759(d))”
17 and inserting in lieu thereof “section 5131 of the Informa-
18 tion Technology Management Reform Act of 1995”.

19 (c) *COMPLIANCE WITH DIRECTIVES.*—Section
20 3504(h)(2) of such title is amended by striking out “sections
21 110 and 111 of the Federal Property and Administrative
22 Services Act of 1949 (40 U.S.C. 757 and 759)” and insert-
23 ing in lieu thereof “the Information Technology Manage-
24 ment Reform Act of 1995 and directives issued under sec-
25 tion 110 of the Federal Property and Administrative Serv-
26 ices Act of 1949 (40 U.S.C. 757)”.

1 (d) *COLLECTION OF INFORMATION.*—Section
 2 3507(j)(2) of such title is amended by striking out “90
 3 days” in the second sentence and inserting in lieu thereof
 4 “180 days”.

5 **SEC. 5606. AMENDMENT TO TITLE 49, UNITED STATES CODE.**

6 Section 40112(a) of title 49, United States Code, is
 7 amended by striking out “or a contract to purchase prop-
 8 erty to which section 111 of the Federal Property and Ad-
 9 ministrative Services Act of 1949 (40 U.S.C. 759) applies”.

10 **SEC. 5607. OTHER LAWS.**

11 (a) *NATIONAL INSTITUTE OF STANDARDS AND TECH-*
 12 *NOLOGY ACT.*—Section 20 of the National Institute of
 13 Standards and Technology Act (15 U.S.C. 278g–3) is
 14 amended—

15 (1) in subsection (a)—

16 (A) by striking out “section 3502(2) of title
 17 44” each place it appears in paragraphs (2) and
 18 (3)(A) and inserting in lieu thereof “section
 19 3502(9) of title 44”; and

20 (B) in paragraph (4), by striking out “sec-
 21 tion 111(d) of the Federal Property and Admin-
 22 istrative Services Act of 1949” and inserting in
 23 lieu thereof “section 5131 of the Information
 24 Technology Management Reform Act of 1995”;

25 (2) in subsection (b)—

1 (A) by striking out paragraph (2);

2 (B) in paragraph (3), by striking out “sec-
3 tion 111(d) of the Federal Property and Admin-
4 istrative Services Act of 1949” and inserting in
5 lieu thereof “section 5131 of the Information
6 Technology Management Reform Act of 1995”;
7 and

8 (C) by redesignating paragraphs (3), (4),
9 (5), and (6) as paragraphs (2), (3), (4), and (5);
10 and

11 (3) in subsection (d)—

12 (A) in paragraph (1)(B)(v), by striking out
13 “as defined” and all that follows and inserting
14 in lieu thereof a semicolon; and

15 (B) in paragraph (2)—

16 (i) by striking out “system’—” and all
17 that follows through “means” in subpara-
18 graph (A) and inserting in lieu thereof
19 “system’ means”; and

20 (ii) by striking out “; and” at the end
21 of subparagraph (A) and all that follows
22 through the end of subparagraph (B) and
23 inserting in lieu thereof a semicolon.

24 (b) *COMPUTER SECURITY ACT OF 1987.*—

1 (1) *PURPOSES.*—Section 2(b)(2) of the Computer
2 Security Act of 1987 (Public Law 100–235; 101 Stat.
3 1724) is amended by striking out “by amending sec-
4 tion 111(d) of the Federal Property and Administra-
5 tive Services Act of 1949 (40 U.S.C. 759(d))”.

6 (2) *SECURITY PLAN.*—Section 6(b) of such Act
7 (101 Stat. 1729; 40 U.S.C. 759 note) is amended—

8 (A) by striking out “Within one year after
9 the date of enactment of this Act, each such agen-
10 cy shall, consistent with the standards, guide-
11 lines, policies, and regulations prescribed pursu-
12 ant to section 111(d) of the Federal Property
13 and Administrative Services Act of 1949,” and
14 inserting in lieu thereof “Each such agency shall,
15 consistent with the standards, guidelines, poli-
16 cies, and regulations prescribed pursuant to sec-
17 tion 5131 of the Information Technology Man-
18 agement Reform Act of 1995,”; and

19 (B) by striking out “Copies” and all that
20 follows through “Code.”.

21 (c) *FEDERAL PROPERTY AND ADMINISTRATIVE SERV-*
22 *ICES ACT OF 1949.*—Section 303B(h) of the Federal Prop-
23 erty and Administrative Services Act of 1949 (41 U.S.C.
24 253b(h)) is amended by striking out paragraph (3).

1 (d) *OFFICE OF FEDERAL PROCUREMENT POLICY*
2 *ACT.*—Section 6(h)(1) of the Office of Federal Procurement
3 *Policy Act (41 U.S.C. 405(h)(1)) is amended by striking*
4 *out “of automatic data processing and telecommunications*
5 *equipment and services or”.*

6 (e) *NATIONAL ENERGY CONSERVATION POLICY ACT.*—
7 *Section 801(b)(3) of the National Energy Conservation Pol-*
8 *icy Act (42 U.S.C. 8287(b)(3)) is amended by striking out*
9 *the second sentence.*

10 (f) *CENTRAL INTELLIGENCE AGENCY ACT OF 1949.*—
11 *Section 3 of the Central Intelligence Agency Act of 1949*
12 *(50 U.S.C. 403c) is amended by striking out subsection (e).*

13 ***SEC. 5608. CLERICAL AMENDMENTS.***

14 (a) *FEDERAL PROPERTY AND ADMINISTRATIVE SERV-*
15 *ICES ACT OF 1949.*—The table of contents in section 1(b)
16 *of the Federal Property and Administrative Services Act*
17 *of 1949 is amended by striking out the item relating to sec-*
18 *tion 111.*

19 (b) *TITLE 38, UNITED STATES CODE.*—The table of
20 *sections at the beginning of chapter 3 of title 38, United*
21 *States Code, is amended by striking out the item relating*
22 *to section 310 and inserting in lieu thereof the following:*

“310. Chief Information Officer.”.

1 **TITLE LVII—EFFECTIVE DATE,**
2 **SAVINGS PROVISIONS, AND**
3 **RULES OF CONSTRUCTION**

4 **SEC. 5701. EFFECTIVE DATE.**

5 *This division and the amendments made by this divi-*
6 *sion shall take effect 180 days after the date of the enact-*
7 *ment of this Act.*

8 **SEC. 5702. SAVINGS PROVISIONS.**

9 *(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVI-*
10 *LEGES.—All rules, regulations, contracts, orders, deter-*
11 *minations, permits, certificates, licenses, grants, and privi-*
12 *leges—*

13 *(1) which have been issued, made, granted, or al-*
14 *lowed to become effective by the Administrator of Gen-*
15 *eral Services or the General Services Board of Con-*
16 *tract Appeals, or by a court of competent jurisdiction,*
17 *in connection with an acquisition activity carried out*
18 *under the section 111 of the Federal Property and Ad-*
19 *ministrative Services Act of 1949 (40 U.S.C. 759),*
20 *and*

21 *(2) which are in effect on the effective date of*
22 *this division,*
23 *shall continue in effect according to their terms until modi-*
24 *fied, terminated, superseded, set aside, or revoked in accord-*
25 *ance with law by the Director or any other authorized offi-*

1 *cial, by a court of competent jurisdiction, or by operation*
2 *of law.*

3 *(b) PROCEEDINGS.—*

4 *(1) PROCEEDINGS GENERALLY.—This division*
5 *and the amendments made by this division shall not*
6 *affect any proceeding, including any proceeding in-*
7 *volving a claim, application, or protest in connection*
8 *with an acquisition activity carried out under section*
9 *111 of the Federal Property and Administrative Serv-*
10 *ices Act of 1949 (40 U.S.C. 759) that is pending be-*
11 *fore the Administrator of General Services or the Gen-*
12 *eral Services Board of Contract Appeals on the effec-*
13 *tive date of this division.*

14 *(2) ORDERS.—Orders may be issued in any such*
15 *proceeding, appeals may be taken therefrom, and pay-*
16 *ments may be made pursuant to such orders, as if*
17 *this division had not been enacted. An order issued in*
18 *any such proceeding shall continue in effect until*
19 *modified, terminated, superseded, or revoked in ac-*
20 *cordance with law by the Director or any other au-*
21 *thorized official, by a court of competent jurisdiction,*
22 *or by operation of law.*

23 *(3) DISCONTINUANCE OR MODIFICATION OF PRO-*
24 *CEEDINGS NOT PROHIBITED.—Nothing in this sub-*
25 *section prohibits the discontinuance or modification*

1 of any such proceeding under the same terms and
2 conditions and to the same extent that such proceed-
3 ing could have been discontinued or modified if this
4 Act had not been enacted.

5 (4) *OTHER AUTHORITY AND PROHIBITION.*—Sec-
6 tion 1558(a) of title 31, United States Code, and the
7 second sentence of section 3552 of such title shall con-
8 tinue to apply with respect to a protest process in ac-
9 cordance with this subsection.

10 (5) *REGULATIONS FOR TRANSFER OF PROCEED-*
11 *INGS.*—The Director may prescribe regulations pro-
12 viding for the orderly transfer of proceedings contin-
13 ued under paragraph (1).

14 (c) *STANDARDS AND GUIDELINES FOR FEDERAL COM-*
15 *PUTER SYSTEMS.*—Standards and guidelines that are in ef-
16 fect for Federal computer systems under section 111(d) of
17 the Federal Property and Administrative Services Act of
18 1949 (40 U.S.C. 759(d)) on the day before the effective date
19 of this division shall remain in effect until modified, termi-
20 nated, superseded, revoked, or disapproved under the au-
21 thority of section 5131 of this Act.

22 **SEC. 5703. RULES OF CONSTRUCTION.**

23 (a) *RELATIONSHIP TO TITLE 44, UNITED STATES*
24 *CODE.*—Nothing in this division shall be construed to

1 *amend, modify, or supersede any provision of title 44, Unit-*
 2 *ed States Code, other than chapter 35 of such title.*

3 **(b) RELATIONSHIP TO COMPUTER SECURITY ACT OF**
 4 *1987.—Nothing in this division shall affect the limitations*
 5 *on authority that is provided for in the administration of*
 6 *the Computer Security Act of 1987 (Public Law 100–235)*
 7 *and the amendments made by such Act.*

Amend the title so as to read: “An Act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.”.

Attest:

Clerk.

S 1124 EAH—2

S 1124 EAH—3

S 1124 EAH—4

S 1124 EAH—5

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