

Calendar No. 167

104TH CONGRESS
1ST SESSION

S. 1124

A BILL

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.

AUGUST 7 (legislative day, JULY 10), 1995

Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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Mr. THURMOND, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Defense
5 Authorization Act for Fiscal Year 1996”.

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

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional defense committees defined.

TITLE I—PROCUREMENT

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- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Reserve components.
- Sec. 106. Defense Inspector General.
- Sec. 107. Chemical demilitarization program.
- Sec. 108. Defense health program.

Subtitle B—Army Programs

- Sec. 111. AH-64D Longbow Apache attack helicopter.
- Sec. 112. OH-58D AHIP Scout helicopter.
- Sec. 113. Hydra 70 rocket.

Subtitle C—Navy Programs

- Sec. 121. Seawolf and New Attack Submarine programs.
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- Sec. 123. Arleigh Burke class destroyer program.
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- Sec. 131. Tier II predator unmanned aerial vehicle program.
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- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for basic research and exploratory development.

Subtitle B—Program Requirements, Restrictions, and Limitations

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- Sec. 212. Navy mine countermeasures program.
- Sec. 213. Marine Corps shore fire support.
- Sec. 214. Space and missile tracking system program.
- Sec. 215. Precision guided munitions.
- Sec. 216. Defense Nuclear Agency programs.
- Sec. 217. Counterproliferation support program.
- Sec. 218. Nonlethal weapons program.
- Sec. 219. Federally funded research and development centers.
- Sec. 220. States eligible for assistance under Defense Experimental Program To Stimulate Competitive Research.

- Sec. 221. National defense technology and industrial base, defense reinvestment, and conversion.
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- Sec. 240. ABM Treaty defined.
- Sec. 241. Repeal of missile defense provisions.

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- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

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

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- Sec. 332. Exemption of Department of Defense from personnel ceilings for civilian personnel.
- Sec. 333. Wearing of uniform by National Guard technicians.
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- Sec. 335. Sharing of personnel of Department of Defense domestic dependent schools and Defense Dependents' Education System.
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- Sec. 1021. Revision and clarification of authority for Federal support of drug interdiction and counter-drug activities of the National Guard.
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- Sec. 1093. Report on personnel requirements for control of transfer of certain weapons.
- Sec. 1094. Extension of period of Vietnam era.

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

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

- 4 (1) the Committee on Armed Services and the
5 Committee on Appropriations of the Senate; and
6 (2) the Committee on National Security and the
7 Committee on Appropriations of the House of Rep-
8 resentatives.

9 **TITLE I—PROCUREMENT**
10 **Subtitle A—Authorization of**
11 **Appropriations**

12 **SEC. 101. ARMY.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 1996 for procurement for the Army as follows:

- 15 (1) For aircraft, \$1,396,451,000.
16 (2) For missiles, \$894,430,000.
17 (3) For weapons and tracked combat vehicles,
18 \$1,532,964,000.
19 (4) For ammunition, \$1,120,115,000.
20 (5) For other procurement, \$2,771,101,000.

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

2 (a) NAVY.—Funds are hereby authorized to be appro-
3 priated for fiscal year 1996 for procurement for the Navy
4 as follows:

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

6 (2) For weapons, including missiles and tor-
7 pedoes, \$1,771,421,000.

8 (3) For shipbuilding and conversion,
9 \$7,111,935,000.

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

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

14 **SEC. 103. AIR FORCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 1996 for procurement for the Air Force as fol-
17 lows:

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

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

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

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

22 Funds are hereby authorized to be appropriated for
23 fiscal year 1996 for Defense-wide procurement in the
24 amount of \$2,118,324,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1996 for procurement of aircraft, vehicles, com-
4 munications equipment, and other equipment for the re-
5 serve components of the Armed Forces as follows:

6 (1) For the Army National Guard,
7 \$209,400,000.

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

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

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

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

12 (6) For the Marine Corps Reserve,
13 \$55,000,000.

14 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 1996 for procurement for the Inspector General
17 of the Department of Defense in the amount of
18 \$1,000,000.

19 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

20 There is hereby authorized to be appropriated for fis-
21 cal year 1996 the amount of \$671,698,000 for—

22 (1) the destruction of lethal chemical weapons
23 and munitions in accordance with section 1412 of
24 the Department of Defense Authorization Act, 1986
25 (50 U.S.C. 1521); and

1 (2) the destruction of chemical warfare material
2 of the United States that is not covered by section
3 1412 of such Act.

4 **SEC. 108. DEFENSE HEALTH PROGRAM.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 1996 for the Department of Defense for pro-
7 curement for carrying out health care programs, projects,
8 and activities of the Department of Defense in the total
9 amount of \$288,033,000.

10 **Subtitle B—Army Programs**

11 **SEC. 111. AH-64D LONGBOW APACHE ATTACK HELI-**
12 **COPTER.**

13 The Secretary of the Army may, in accordance with
14 section 2306b of title 10, United States Code, enter into
15 multiyear procurement contracts for procurement of AH-
16 64D Longbow Apache attack helicopters.

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

18 The prohibition in section 133(a)(2) of the National
19 Defense Authorization Act for Fiscal Years 1990 and
20 1991 (Public Law 101-189; 103 Stat. 1383) does not
21 apply to the obligation of funds in amounts not to exceed
22 \$125,000,000 for the procurement of not more than 20
23 OH-58D AHIP Scout aircraft from funds appropriated
24 for fiscal year 1996 pursuant to section 101.

1 **SEC. 113. HYDRA 70 ROCKET.**

2 (a) LIMITATION.—Funds appropriated or otherwise
3 made available for the Department of Defense for fiscal
4 year 1996 may not be obligated to procure Hydra 70 rock-
5 ets until the Secretary of the Army submits to Congress
6 a document that contains the certifications described in
7 subsection (b)(1) together with a discussion of the matter
8 described in subsection (b)(2).

9 (b) CONTENT OF SUBMISSION.—(1) A document sub-
10 mitted under subsection (a) satisfies the certification re-
11 quirements of that subsection if it contains the certifi-
12 cations of the Secretary that—

13 (A) the specific technical cause of Hydra 70
14 Rocket failures has been identified;

15 (B) the technical corrections necessary for
16 eliminating premature detonations of such rockets
17 have been validated;

18 (C) the total cost of making the necessary cor-
19 rections on all Hydra 70 rockets that are in the
20 Army inventory or are being procured under any
21 contract in effect on the date of the enactment of
22 this Act does not exceed the amount equal to 15 per-
23 cent of the nonrecurring costs that would be in-
24 curred by the Army for acquisition of improved rock-
25 ets, including commercially developed

1 nondevelopmental systems, to replace the Hydra 70
2 rockets; and

3 (D) a nondevelopmental composite rocket sys-
4 tem has been fully reviewed for, or has received
5 operational and platform certifications for, full quali-
6 fication of an alternative composite rocket motor and
7 propellant.

8 (2) The document shall also contain a discussion of
9 whether the existence of the system referred to in the cer-
10 tification under paragraph (1)(D) will result in—

11 (A) early and continued availability of training
12 rockets to meet the requirements of the Army for
13 such rockets; and

14 (B) the attainment of competition in future
15 procurements of training rockets to meet such re-
16 quirements.

17 (c) WAIVER AUTHORITY.—The Secretary of Defense
18 may waive the requirement in subsection (a) for the Sec-
19 retary to submit the document described in that sub-
20 section before procuring Hydra 70 rockets if the Secretary
21 determines that a delay in procuring the rockets pending
22 compliance with the requirement would result in a signifi-
23 cant risk to the national security of the United States.
24 Any such waiver may not take effect until the Secretary

1 submits to Congress a notification of that determination
2 together with the reasons for the determination.

3 **Subtitle C—Navy Programs**

4 **SEC. 121. SEAWOLF AND NEW ATTACK SUBMARINE PRO-**
5 **GRAMS.**

6 (a) FUNDING.—(1) Of the amount authorized to be
7 appropriated under section 102(a)(3)—

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

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

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

17 (ii) \$100,000,000 shall be available only
18 for advance procurement and design of the sec-
19 ond submarine under the New Attack Sub-
20 marine program.

21 (2) Of amounts authorized under any provision of law
22 to be appropriated for procurement for the Navy for fiscal
23 year 1997 for shipbuilding and conversion, \$802,000,000
24 shall be available for design and advance procurement in
25 fiscal year 1997 for the lead submarine and the second

1 submarine under the New Attack Submarine program, of
2 which—

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

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

9 (3) Of the amount authorized to be appropriated
10 under section 201(2), \$455,398,000 shall be available for
11 research, development, test, and evaluation for the New
12 Attack Submarine program.

13 (b) COMPETITION REQUIRED.—Funds referred to in
14 subsection (c) may not be obligated until the Secretary
15 of the Navy certifies in writing to the Committee on
16 Armed Services of the Senate and the Committee on Na-
17 tional Security of the House of Representatives that—

18 (1) the Secretary has restructured the New At-
19 tack Submarine program in accordance with this
20 section so as to provide for—

21 (A) procurement of the lead vessel under
22 the New Attack Submarine program from the
23 Electric Boat Division beginning in fiscal year
24 1998, if the price offered by Electric Boat Divi-

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

3 (B) procurement of the second vessel
4 under the New Attack Submarine program
5 from Newport News Shipbuilding beginning in
6 fiscal year 1999, if the price offered by New-
7 port News Shipbuilding is determined by the
8 Secretary as being fair and reasonable; and

9 (C) procurement of other vessels under the
10 New Attack Submarine program under one or
11 more contracts that are entered into after com-
12 petition between potential competitors (as de-
13 fined in subsection (i)) in which the Secretary
14 shall solicit competitive proposals and award
15 the contract or contracts on the basis of price;
16 and

17 (2) the Secretary has directed, as set forth in
18 detail in such certification, that no action prohibited
19 in subsection (d) will be taken to impair the design,
20 engineering, construction, and maintenance com-
21 petencies of either Electric Boat Division or New-
22 port News Shipbuilding to construct the New Attack
23 Submarine.

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

1 (1) Funds available to the Navy for any fiscal
2 year after fiscal year 1995 for procurement of the
3 final Seawolf attack submarine (SSN-23) pursuant
4 to this Act or any Act enacted after the date of the
5 enactment of this Act.

6 (2) Funds available to the Navy for any such
7 fiscal year for research, development, test, and eval-
8 uation or for procurement (including design and ad-
9 vance procurement) for the New Attack Submarine
10 program pursuant to this Act or any Act enacted
11 after the date of the enactment of this Act.

12 (d) LIMITATION ON CERTAIN ACTIONS.—In order to
13 ensure that Electric Boat Division and Newport News
14 Shipbuilding retain the technical competencies to con-
15 struct the New Attack Submarine, the following actions
16 are prohibited:

17 (1) A termination of or failure to extend, except
18 by reason of a breach of contract by the contractor
19 or an insufficiency of appropriations—

20 (A) the existing Planning Yard contract
21 for the Trident class submarines; or

22 (B) the existing Planning Yard contract
23 for the SSN-688 Los Angeles class submarines.

24 (2) A termination of any existing Lead Design
25 Yard contract for the SSN-21 Seawolf class sub-

1 marines or for the SSN-688 Los Angeles class sub-
2 marines, except by reason of a breach of contract by
3 the contractor or an insufficiency of appropriations.

4 (3) A failure of, or refusal by, the Department
5 of the Navy to permit both Electric Boat Division
6 and Newport News Shipbuilding to have access to
7 sufficient information concerning the design of the
8 New Attack Submarine to ensure that each is capa-
9 ble of constructing the New Attack Submarine.

10 (e) LIMITATION ON EXPENDITURE OF FUNDS FOR
11 SEAWOLF PROGRAM.—Of the funds referred to in sub-
12 section (c)(1)—

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

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

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

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

21 (f) LIMITATION ON EXPENDITURE OF FUNDS FOR
22 NEW ATTACK SUBMARINE PROGRAM.—Funds referred to
23 in subsection (c)(2) that are available for the lead and sec-
24 ond vessels under the New Attack Submarine program
25 may not be expended during fiscal year 1996 for the lead

1 vessel under that program (other than for class design)
2 unless funds are obligated or expended during such fiscal
3 year for a contract in support of procurement of the sec-
4 ond vessel under the program.

5 (g) REPORTS REQUIRED.—Not later than November
6 1, 1995, and every six months thereafter through Novem-
7 ber 1, 1998, the Secretary of the Navy shall submit to
8 the Committee on Armed Services of the Senate and the
9 Committee on National Security of the House of Rep-
10 resentatives a report setting forth the obligations and ex-
11 penditures of funds for—

12 (1) the procurement of the final Seawolf attack
13 submarine (SSN-23); and

14 (2) research, development, test, and evaluation
15 or for procurement (including design and advance
16 procurement) for the lead and second vessels under
17 the New Attack Submarine program.

18 (h) REFERENCES TO CONTRACTORS.—For purposes
19 of this section—

20 (1) the contractor referred to as “Electric Boat
21 Division” is General Dynamics Corporation Electric
22 Boat Division; and

23 (2) the contractor referred to as “Newport
24 News Shipbuilding” is Newport News Shipbuilding
25 and Drydock Company.

1 (i) DEFINITIONS.—In this section:

2 (1) The term “potential competitor” means any
3 source to which the Secretary of the Navy has
4 awarded, within 10 years before the date of the en-
5 actment of this Act, a contract or contracts to con-
6 struct one or more nuclear attack submarines.

7 (2) The term “New Attack Submarine” means
8 any submarine planned or programmed by the Navy
9 as a class of submarines the lead ship of which is
10 planned by the Navy, as of the date of the enact-
11 ment of this Act, for procurement in fiscal year
12 1998.

13 **SEC. 122. REPEAL OF PROHIBITION ON BACKFIT OF TRI-**
14 **DENT SUBMARINES.**

15 Section 124 of the National Defense Authorization
16 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
17 2683) is repealed.

18 **SEC. 123. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

19 (a) FIRST INCREMENT FUNDING.—Of the amount
20 authorized to be appropriated under section 102(a)(3),
21 \$650,000,000 shall be available in accordance with section
22 7315 of title 10, United States Code (as added by section
23 124), as the first increment of funding for two Arleigh
24 Burke class destroyers.

1 (b) FINAL INCREMENT FUNDING.—It is the sense of
2 Congress that the Secretary of the Navy should plan for
3 and request the final increment of funding for the two de-
4 stroyers for fiscal year 1997 in accordance with section
5 7315 of title 10, United States Code (as added by section
6 124).

7 **SEC. 124. SPLIT FUNDING FOR CONSTRUCTION OF NAVAL**
8 **VESSELS.**

9 (a) IN GENERAL.—Chapter 633 of title 10, United
10 States Code is amended by adding at the end the follow-
11 ing:

12 **“§ 7315. Planning for funding construction**

13 “(a) PLANNING FOR SPLIT FUNDING.—The Sec-
14 retary of Defense may provide in the future-years defense
15 program for split funding of construction of new naval ves-
16 sels satisfying the requirements of subsection (d).

17 “(b) SPLIT FUNDING REQUESTS.—In the case of
18 construction of a new naval vessel satisfying the require-
19 ments of subsection (d), the Secretary of the Navy shall—

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

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

1 “(c) CONTRACT AUTHORIZED UPON FUNDING OF
2 FIRST INCREMENT.—(1) The Secretary of the Navy may
3 enter into a contract for the construction of a new naval
4 vessel upon appropriation of a first increment of funding
5 for construction of the vessel.

6 “(2) A contract entered into in accordance with para-
7 graph (1) shall include a liquidated damages clause for
8 any termination of the contract for the convenience of the
9 Government that occurs before the remainder of the
10 amount necessary for full funding of the contract is appro-
11 priated.

12 “(d) APPLICABILITY.—This section applies to con-
13 struction of a naval vessel—

14 “(1) that is in a class of vessels for which the
15 design is mature and there is sufficient construction
16 experience for the costs of construction to be well
17 understood and predictable; and

18 “(2) for which—

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

21 “(B) the Chairman of the Joint Chiefs of
22 Staff, in consultation with the Secretary of the
23 Navy, has otherwise determined that there is a
24 valid military requirement.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 633 of such title is amended
3 by adding at the end the following:

“7315. Planning for funding construction.”.

4 **Subtitle D—Other Programs**

5 **SEC. 131. TIER II PREDATOR UNMANNED AERIAL VEHICLE** 6 **PROGRAM.**

7 Funds appropriated or otherwise made available for
8 the Department of Defense for fiscal year 1996 for pro-
9 curement or for research, development, test, and evalua-
10 tion may not be obligated or expended for the Tier II
11 Predator unmanned aerial vehicle program.

12 **SEC. 132. PIONEER UNMANNED AERIAL VEHICLE PRO-** 13 **GRAM.**

14 Not more than $\frac{1}{6}$ of the amount appropriated pursu-
15 ant to this Act for the activities and operations of the Un-
16 manned Aerial Vehicle Joint Program Office (UAV-JPO),
17 and none of the unobligated balances of funds appro-
18 priated for fiscal years before fiscal year 1996 for the ac-
19 tivities and operations of such office, may be obligated
20 until the Secretary of the Navy certifies to the Committee
21 on Armed Services of the Senate and the Committee on
22 National Security of the House of Representatives that the
23 nine Pioneer Unmanned Aerial Vehicle systems have been
24 equipped with the Common Automatic Landing and Re-
25 covery System (CARS).

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

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

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

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

13 (4) For Defense-wide activities,
14 \$9,533,148,000, of which—

15 (A) \$239,341,000 is authorized for the ac-
16 tivities of the Director, Test and Evaluation;
17 and

18 (B) \$22,587,000 is authorized for the Di-
19 rector of Operational Test and Evaluation.

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

22 (a) FISCAL YEAR 1996.—Of the amounts authorized
23 to be appropriated by section 201, \$4,076,580,000 shall
24 be available for basic research and exploratory develop-
25 ment 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 de-
5 velopment under Department of Defense category 6.1 or
6 6.2.

7 **Subtitle B—Program Requirements, Restrictions, and Limita-**
8 **ments, Restrictions, and Limita-**
9 **tions**

10 **SEC. 211. A/F117X LONG-RANGE, MEDIUM ATTACK AIR-**
11 **CRAFT.**

12 Of the amount authorized to be appropriated by sec-
13 tion 201(2) for the Joint Advanced Strike Technology pro-
14 gram—

15 (1) \$25,000,000 shall be available for the con-
16 duct, during fiscal year 1996, of a 6-month program
17 definition phase for the A/F117X, an F-117 fighter
18 aircraft modified for use by the Navy as a long-
19 range, medium attack aircraft; and

20 (2) \$150,000,000 shall be available for engi-
21 neering and manufacturing development of the
22 A/F117X aircraft, except that none of such amount
23 may be obligated until the Secretary of the Navy,
24 after considering the results of the program defini-
25 tion phase, approves proceeding into engineering and

1 manufacturing development of the A/F117X air-
2 craft.

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

4 Section 216(a) of the National Defense, Authoriza-
5 tion Act for Fiscal Years 1992 and 1993 (Public Law 102-
6 190; 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
13 1997 through 1999”.

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

15 Of the amount appropriated pursuant to section
16 201(2) for the Tomahawk Baseline Improvement Pro-
17 gram, not more than 50 percent of that amount may be
18 obligated until the Secretary of the Navy certifies to the
19 Committee on Armed Services of the Senate and the Com-
20 mittee on National Security of the House of Representa-
21 tives that the Secretary has structured, and planned for
22 full funding of, a program leading to a live-fire test of
23 an Army Extended Range Multiple Launch Rocket from
24 an Army Multiple Launch Rocket Launcher on a Navy
25 ship before October 1, 1997.

1 **SEC. 214. SPACE AND MISSILE TRACKING SYSTEM PRO-**
2 **GRAM.**

3 (a) DEVELOPMENT AND DEPLOYMENT PLAN.—The
4 Secretary of the Air Force shall structure the development
5 schedule for the Space and Missile Tracking System so
6 as to achieve a first launch of a user operation evaluation
7 system (UOES) satellite in fiscal year 2001, and to attain
8 initial operational capability (IOC) of a full constellation
9 of user operation evaluation systems and objective system
10 satellites in fiscal year 2003.

11 (b) MANAGEMENT OVERSIGHT.—In exercising the re-
12 sponsibility for the Space and Missile Tracking System
13 program, the Secretary of the Air Force shall first obtain
14 the concurrence of the Director of the Ballistic Missile De-
15 fense Organization before implementing any decision that
16 would have any of the following results regarding the pro-
17 gram:

18 (1) A reduction in funds available for obligation
19 or expenditure for the program for a fiscal year
20 below the amount specifically authorized and appro-
21 priated for the program for that fiscal year.

22 (2) An increase in the total program cost.

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

25 (4) A modification in the performance param-
26 eters or specifications.

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

5 **SEC. 215. PRECISION GUIDED MUNITIONS.**

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

11 (1) The numbers and types of precision guided
12 munitions that are needed to provide a complemen-
13 tary capability against each target class.

14 (2) The feasibility of carrying out joint develop-
15 ment and procurement of additional munition types
16 by more than one of the Armed Forces.

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

20 (4) The economy and effectiveness of continu-
21 ing acquisition of—

22 (A) interim precision guided munitions; or

23 (B) precision guided munitions that, as a
24 result of being procured in decreasing numbers
25 to meet decreasing quantity requirements, have

1 increased in cost per unit by more than 50 per-
2 cent over the cost per unit for such munitions
3 as of December 1, 1991.

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

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

9 (A) approves the development of new precision
10 guided munitions;

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

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

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

22 (c) FUNDING LIMITATION.—Funds authorized to be
23 appropriated by this Act may not be expended for re-
24 search, development, test, and evaluation or procurement

1 of interim precision guided munitions until the Secretary
2 of Defense submits the report under subsection (b).

3 (d) INTERIM PRECISION GUIDED MUNITION DE-
4 FINED.—For purposes of paragraph (1), a precision guid-
5 ed munition is an interim precision guided munition if the
6 munition is being procured in fiscal year 1996, but fund-
7 ing is not proposed for additional procurement of the mu-
8 nition in the fiscal years after fiscal year 1996 in the fu-
9 ture years defense program submitted to Congress in 1995
10 under section 221(a) of title 10, United States Code.

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

12 (a) AGENCY FUNDING.—Of the amounts authorized
13 to be appropriated to the Department of Defense in sec-
14 tion 201, \$252,900,000 shall be available for the Defense
15 Nuclear Agency.

16 (b) TUNNEL CHARACTERIZATION AND NEUTRALIZA-
17 TION PROGRAM.—Of the amount available under sub-
18 section (a), \$3,000,000 shall be available for a tunnel
19 characterization and neutralization program to be man-
20 aged by the Defense Nuclear Agency as part of the
21 counterproliferation activities of the Department of De-
22 fense.

23 (c) LONG-TERM RADIATION TOLERANT MICROELEC-
24 TRONICS PROGRAM.—(1) Of the amount available under
25 subsection (a), \$6,000,000 shall be available for the estab-

1 lishment of a long-term radiation tolerant microelectronics
2 program to be managed by the Defense Nuclear Agency
3 for the purposes of—

4 (A) providing for the development of affordable
5 and effective hardening technologies and for incorpo-
6 ration of such technologies into systems;

7 (B) sustaining the supporting industrial base;
8 and

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

14 (2) Not later than 120 days after the date of the en-
15 actment of this Act, the Secretary of Defense shall submit
16 to Congress a report on how the long-term radiation toler-
17 ant microelectronics program is to be conducted and fund-
18 ed in the fiscal years after fiscal year 1996 that are cov-
19 ered by the future-years defense program submitted to
20 Congress in 1995.

21 **SEC. 217. COUNTERPROLIFERATION SUPPORT PROGRAM.**

22 (a) FUNDING.—Of the funds authorized to be appro-
23 priated to the Department of Defense under section
24 201(4), \$144,500,000 shall be available for the
25 Counterproliferation Support Program, of which—

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

3 (2) \$6,300,000 shall be available for research
4 and development of technologies for Special Oper-
5 ations Command (SOCOM) counterproliferation ac-
6 tivities.

7 (b) ADDITIONAL AUTHORITY TO TRANSFER AU-
8 THORIZATIONS.—(1) In addition to the transfer authority
9 provided in section 1003, upon determination by the Sec-
10 retary of Defense that such action is necessary in the na-
11 tional interest, the Secretary may transfer amounts of au-
12 thorizations made available to the Department of Defense
13 in this division for fiscal year 1996 to counterproliferation
14 programs, projects, and activities identified as areas for
15 progress by the Counterproliferation Program Review
16 Committee established by section 1605 of the National
17 Defense Authorization Act for Fiscal Year 1994 (Public
18 Law 103–160). Amounts of authorizations so transferred
19 shall be merged with and be available for the same pur-
20 poses as the authorization to which transferred.

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

24 (3) The authority provided by this subsection to
25 transfer authorizations—

1 (A) may only be used to provide authority for
2 items that have a higher priority than the items
3 from which authority is transferred; and

4 (B) may not be used to provide authority for an
5 item that has been denied authorization by Con-
6 gress.

7 (4) A transfer made from one account to another
8 under the authority of this subsection shall be deemed to
9 increase the amount authorized for the account to which
10 the amount is transferred by an amount equal to the
11 amount transferred.

12 (5) The Secretary of Defense shall promptly notify
13 Congress of transfers made under the authority of this
14 subsection.

15 **SEC. 218. NONLETHAL WEAPONS PROGRAM.**

16 (a) ESTABLISHMENT OF PROGRAM OFFICE.—The
17 Secretary of Defense shall establish in the Office of the
18 Under Secretary of Defense for Acquisition and Tech-
19 nology a Program Office for Nonlethal Systems and Tech-
20 nologies to conduct research, development, testing, and
21 evaluation of nonlethal weapons applicable to forces en-
22 gaged in both traditional and nontraditional military oper-
23 ations.

24 (b) FUNDING.—Of the amount authorized to be ap-
25 propriated under section 201(4), \$37,200,000 shall be

1 available for the Program Office for Nonlethal Systems
2 and Technologies.

3 **SEC. 219. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
4 **MENT CENTERS.**

5 (a) CENTERS COVERED.—Funds appropriated or
6 otherwise made available for the Department of Defense
7 for fiscal year 1996 pursuant to an authorization of appro-
8 priations in section 201 may be obligated to procure work
9 from a federally funded research and development center
10 only in the case of a center named in the report required
11 by subsection (b) and, in the case of such a center, only
12 in an amount not in excess of the amount of the proposed
13 funding level set forth for that center in such report.

14 (b) REPORT ON ALLOCATIONS FOR CENTERS.—(1)
15 Not later than 30 days after the date of the enactment
16 of this Act, the Secretary of Defense shall submit to the
17 Committee on Armed Services of the Senate and the Com-
18 mittee on National Security of the House of Representa-
19 tives a report containing—

20 (A) the name of each federally funded research
21 and development center from which work is proposed
22 to be procured for the Department of Defense for
23 fiscal year 1996; and

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

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

8 (c) LIMITATION PENDING SUBMISSION OF RE-
9 PORT.—No funds appropriated or otherwise made avail-
10 able for the Department of Defense for fiscal year 1996
11 may be obligated to procure work from a federally funded
12 research and development center until the Secretary of
13 Defense submits the report required by subsection (b).

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

19 (e) AUTHORITY TO WAIVE FUNDING LIMITATION.—
20 The Secretary of Defense may waive the limitation regard-
21 ing the maximum funding amount that applies under sub-
22 section (a) to a federally funded research and development
23 center. Whenever the Secretary proposes to make such a
24 waiver, the Secretary shall submit to the Committee on
25 Armed Services of the Senate and the Committee on Na-

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

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

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

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

24 “(A) the amount of all Department of Defense
25 obligations for science and engineering research and

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

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

16 (a) REPEAL OF CERTAIN AUTHORITIES AND RE-
17 QUIREMENTS.—Chapter 148 of title 10, United States
18 Code, is amended—

19 (1) in section 2491—

20 (A) by striking out paragraphs (12), (13),
21 (14), and (15); and

22 (B) by redesignating paragraph (16) as
23 paragraph (12);

24 (2) in section 2501—

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

1 (B) by redesignating subsection (c) as sub-
2 section (b); and

3 (3) by striking out sections 2512, 2513, 2516,
4 2520, 2523, and 2524.

5 (b) CRITERIA FOR SELECTION OF DEFENSE AD-
6 VANCED MANUFACTURING TECHNOLOGY PARTNER-
7 SHIPS.—Subsection (d) of section 2522 of such title is
8 amended to read as follows:

9 “(d) SELECTION CRITERIA.—The criteria for the se-
10 lection of proposed partnerships for establishment under
11 this section shall be the criteria specified in section
12 2511(f) of this title.”.

13 (c) CONFORMING AMENDMENTS.—(1) Section
14 2516(b) of such title is amended—

15 (A) by inserting “and” at the end of paragraph
16 (2);

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

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

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

21 (A) in subsection (a), by striking out “and the
22 defense reinvestment, diversification, and conversion
23 program objectives set forth in section 2501(b) of
24 this title”; and

1 (B) in subsection (f), by striking out “and the
2 reinvestment, diversification, and conversion pro-
3 gram objectives set forth in section 2501(b) of this
4 title”.

5 (d) CLERICAL AMENDMENTS.—(1) The table of sec-
6 tions at the beginning of subchapter III of chapter 148
7 of title 10, United States Code, is amended by striking
8 out the items relating to sections 2512, 2513, 2516, and
9 2520.

10 (2) The table of sections at the beginning of sub-
11 chapter IV of such chapter is amended by striking out the
12 items relating to sections 2523 and 2524.

13 **SEC. 222. REVISIONS OF MANUFACTURING SCIENCE AND**
14 **TECHNOLOGY PROGRAM.**

15 (a) PARTICIPATION OF DoD LABORATORIES IN ES-
16 TABLISHMENT OF PROGRAM.—Subsection (a) of section
17 2525 of title 10, United States Code, is amended by in-
18 serting after the first sentence the following: “The Sec-
19 retary shall use the manufacturing science and technology
20 joint planning process of the directors of the Department
21 of Defense laboratories in establishing the program.”.

22 (b) PARTICIPATION OF EQUIPMENT MANUFACTUR-
23 ERS IN PROJECTS.—Subsection (c) of such section is
24 amended—

25 (1) by inserting “(1)” after

1 “(c) EXECUTION.—”; and

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

3 “(2) The Secretary shall seek, to the extent prac-
4 ticable, the participation of manufacturers of manufactur-
5 ing equipment in the projects under the program.”.

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

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

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

21 (1) A discussion of—

22 (A) the consequences of an attack for
23 which the Department of Defense has a respon-
24 sibility to provide a primary response; and

1 (B) the plans and programs for preparing
2 for and providing that response.

3 (2) A discussion of—

4 (A) the consequences of an attack for
5 which the Department of Defense has a respon-
6 sibility to provide a supporting response; and

7 (B) the plans and programs for preparing
8 for and providing that response.

9 (3) Any actions and recommended legislation
10 that the Secretary considers necessary for improving
11 the preparedness of the Department of Defense to
12 respond effectively to the consequences of a chemi-
13 cal, biological, radiological, or nuclear attack on the
14 United States.

15 **Subtitle C—Missile Defense**

16 **SEC. 231. SHORT TITLE.**

17 This subtitle may be cited as the “Missile Defense
18 Act of 1995”.

19 **SEC. 232. FINDINGS.**

20 Congress makes the following findings:

21 (1) The threat that is posed to the national se-
22 curity of the United States by the proliferation of
23 ballistic and cruise missiles is significant and grow-
24 ing, both quantitatively and qualitatively.

1 (2) The deployment of Theater Missile Defense
2 systems will deny potential adversaries the option of
3 escalating a conflict by threatening or attacking
4 United States forces, coalition partners of the Unit-
5 ed States, or allies of the United States with ballistic
6 missiles armed with weapons of mass destruction to
7 offset the operational and technical advantages of
8 the United States and its coalition partners and al-
9 lies.

10 (3) The intelligence community of the United
11 States has confirmed that (A) the missile prolifera-
12 tion trend is toward longer range and more sophisti-
13 cated ballistic missiles, (B) North Korea may deploy
14 an intercontinental ballistic missile capable of reach-
15 ing Alaska or beyond within 5 years, and (C) al-
16 though a new indigenously developed ballistic missile
17 threat to the continental United States is not fore-
18 cast within the next 10 years there are ways for de-
19 termined countries to acquire intercontinental ballis-
20 tic missiles in the near future and with little warn-
21 ing by means other than indigenous development.

22 (4) The deployment by the United States and
23 its allies of effective defenses against ballistic mis-
24 siles of all ranges, as well as against cruise missiles,
25 will reduce the incentives for countries to acquire

1 such missiles or to augment existing missile capabili-
2 ties.

3 (5) The Cold War distinction between strategic
4 ballistic missiles and nonstrategic ballistic missiles
5 and, therefore, the ABM Treaty's distinction be-
6 tween strategic defense and nonstrategic defense, is
7 technologically and geostrategically outdated.

8 (6) The concept of mutual assured destruction,
9 which provides the philosophical rationale for the
10 ABM Treaty and continued reliance on an offense-
11 only form of deterrence, is adversarial and bipolar in
12 nature and is not a suitable basis for stability in a
13 multipolar world and one in which the United States
14 and the states of the former Soviet Union are seek-
15 ing to normalize relations and eliminate Cold War
16 attitudes and arrangements.

17 (7) By undermining the credibility of, and in-
18 centives to pursue, destabilizing first-strike strate-
19 gies, theater and national missile defenses can con-
20 tribute to the maintenance of strategic stability as
21 missile threats proliferate and as the United States
22 and the former Soviet Union significantly reduce the
23 number of strategic nuclear forces in their respective
24 inventories.

1 (8) Although technology control regimes and
2 other forms of international arms control can con-
3 tribute to nonproliferation, such measures are inad-
4 equate for dealing with missile proliferation, and
5 should not be viewed as alternatives to missile de-
6 fenses and other active and passive defenses.

7 (9) Due to limitations in the ABM Treaty
8 which preclude deployment of more than 100
9 ground-based ABM interceptors at a single site, the
10 United States is currently prohibited from deploying
11 a national missile defense system capable of defend-
12 ing the continental United States, Alaska, and Ha-
13 waii against even the most limited ballistic missile
14 attacks.

15 **SEC. 233. MISSILE DEFENSE POLICY.**

16 It is the policy of the United States to—

17 (1) deploy as soon as possible highly effective
18 theater missile defenses capable of countering exist-
19 ing and emerging theater ballistic missiles;

20 (2) deploy a multiple-site national missile de-
21 fense system that (A) is highly effective against lim-
22 ited ballistic missile attacks on the territory of the
23 United States, and (B) will be augmented over time
24 to provide a layered defense against larger and more
25 sophisticated ballistic missile threats;

1 (3) improve existing cruise missile defenses and
2 deploy as soon as practical defenses that are highly
3 effective against advanced cruise missiles;

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

7 (5) employ streamlined acquisition procedures
8 to lower the cost and accelerate the pace of develop-
9 ing and deploying theater missile defenses, cruise
10 missile defenses, and national missile defenses; and

11 (6) seek a cooperative transition to a regime
12 that does not feature mutual assured destruction
13 and an offense-only form of deterrence as the basis
14 for strategic stability.

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

16 (a) ESTABLISHMENT OF CORE PROGRAM.—To imple-
17 ment the policy established in section 233, the Secretary
18 of Defense shall establish a top priority core theater mis-
19 sile defense program consisting of the following systems:

20 (1) The Patriot PAC-3 system, which shall
21 have a first unit equipped (FUE) in fiscal year
22 1998.

23 (2) The Navy Lower Tier (Area) system, which
24 shall have a user operational evaluation system

1 (UOES) capability in fiscal year 1997 and an initial
2 operational capability (IOC) in fiscal year 1999.

3 (3) The Theater High-Altitude Area Defense
4 (THAAD) system, which shall have a user oper-
5 ational evaluation system (UOES) capability in fis-
6 cal year 1997 and an initial operational capability
7 (IOC) no later than fiscal year 2002.

8 (4) The Navy Upper Tier (Theater Wide) sys-
9 tem, which shall have a user operational evaluation
10 system (UOES) capability in fiscal year 1999 and
11 an initial operational capability (IOC) in fiscal year
12 2001.

13 (b) INTEROPERABILITY AND SUPPORT OF CORE SYS-
14 TEMS.—To maximize effectiveness and flexibility, the Sec-
15 retary of Defense shall ensure that core theater missile
16 defense systems are interoperable and fully capable of ex-
17 ploiting external sensor and battle management support
18 from systems such as the Navy's Cooperative Engagement
19 Capability (CEC), the Army's Battlefield Integration Cen-
20 ter (BIC), air and space-based sensors including, in par-
21 ticular, the Space and Missile Tracking System (SMTS).

22 (c) TERMINATION OF PROGRAMS.—The Secretary of
23 Defense shall terminate the following programs:

24 (1) The Corps Surface to Air Missile system
25 (Corps SAM).

1 (2) The Boost Phase Interceptor (BPI).

2 (d) FOLLOW-ON SYSTEMS.—(1) The Secretary of
3 Defense shall develop an affordable development plan for
4 follow-on theater missile defense systems which leverages
5 existing systems, technologies, and programs, and focuses
6 investments to satisfy military requirements not met by
7 the core program.

8 (2) Before adding new theater missile defense sys-
9 tems to the core program from among the follow-on activi-
10 ties, the Secretary of Defense shall submit to the congres-
11 sional defense committees a report describing—

12 (A) the requirements for the program;

13 (B) how the new program will relate to, sup-
14 port, and leverage off existing core programs;

15 (C) the planned acquisition strategy; and

16 (D) a preliminary estimate of total program
17 cost and budgetary impact.

18 (e) REPORT.—Not later than 60 days after the date
19 of the enactment of this Act, the Secretary of Defense
20 shall submit to the congressional defense committees a re-
21 port detailing the Secretary's plans for implementing the
22 guidance specified in this section.

1 **SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITEC-**
2 **TURE.**

3 (a) IN GENERAL.—To implement the policy estab-
4 lished in section 233, the Secretary of Defense shall de-
5 velop an affordable and operationally effective national
6 missile defense system, which will attain initial operational
7 capability (IOC) by the end of 2003. The national missile
8 defense system to be developed for deployment shall in-
9 clude the following:

10 (1) Ground-based interceptors deployed at mul-
11 tiple sites, the locations and numbers of which are
12 to be determined so as to optimize the defensive cov-
13 erage of the continental United States, Alaska, and
14 Hawaii against limited ballistic missile attacks.

15 (2) Fixed ground-based radars and space-based
16 sensors, including the Space and Missile Tracking
17 system, the mix, siting and numbers of which are to
18 be determined so as to optimize sensor support and
19 minimize total system cost.

20 (3) Battle management, command, control, and
21 communications (BM/C3).

22 (b) INTERIM OPERATIONAL CAPABILITY.—To pro-
23 vide a hedge against the emergence of near-term ballistic
24 missile threats against the United States and to support
25 the development and deployment of the objective system
26 specified in subsection (a), the Secretary of Defense shall

1 develop an interim national missile defense capability, con-
2 sistent with the technical requirements and schedule of
3 such objective system, to be operational by the end of
4 1999. In developing this capability the Secretary shall
5 make use of—

6 (1) developmental, or user operational evalua-
7 tion system (UOES) interceptors, radars, and battle
8 management, command, control, and communica-
9 tions (BM/C3), to the extent that such use directly
10 supports, and does not significantly increase the cost
11 of, the objective system specified in subsection (a);

12 (2) one or more of the sites that will be used
13 as deployment locations for the objective system
14 specified in subsection (a);

15 (3) upgraded early warning radars; and

16 (4) space-based sensors.

17 (c) USE OF STREAMLINED ACQUISITION PROCE-
18 DURES.—The Secretary of Defense shall prescribe and use
19 streamlined acquisition procedures to—

20 (1) reduce the cost and increase the efficiency
21 of developing the national missile defense system
22 specified in subsection (a); and

23 (2) ensure that the interim national missile de-
24 fense capabilities developed pursuant to subsection

25 (b) are operationally effective and on a path to fulfill

1 the technical requirements and schedule of the objec-
2 tive system.

3 (d) ADDITIONAL COST SAVING MEASURES.—In addi-
4 tion to the procedures prescribed pursuant to subsection
5 (c), the Secretary of Defense shall employ cost saving
6 measures that do not decrease the operational effective-
7 ness of the systems specified in subsections (a) and (b),
8 and which do not pose unacceptable technical risk. The
9 cost saving measures should include the following:

10 (1) The use of existing facilities and infrastruc-
11 ture.

12 (2) The use, where appropriate, of existing or
13 upgraded systems and technologies.

14 (3) Development of systems and components
15 that do not rely on a large and permanent infra-
16 structure and are easily transported, emplaced, and
17 moved.

18 (e) REPORT ON PLAN FOR DEPLOYMENT.—Not later
19 than 60 days after the date of the enactment of this Act,
20 the Secretary of Defense shall submit to the congressional
21 defense committees a report containing the following mat-
22 ters:

23 (1) The Secretary's plan for carrying out this
24 section.

1 (2) An analysis of options for supplementing or
2 modifying the national missile defense architecture
3 specified in subsection (a) before attaining initial
4 operational capability, or evolving such architecture
5 in a building block manner after attaining initial
6 operational capability, to improve the cost-effective-
7 ness or the operational effectiveness of such system
8 by adding one or a combination of the following:

9 (A) Additional ground-based interceptors
10 at existing or new sites.

11 (B) Sea-based missile defense systems.

12 (C) Space-based kinetic energy intercep-
13 tors.

14 (D) Space-based directed energy systems.

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

16 (a) IN GENERAL.—The Secretary of Defense shall
17 undertake an initiative to coordinate and strengthen the
18 cruise missile defense programs, projects, and activities of
19 the military departments, the Advanced Research Projects
20 Agency and the Ballistic Missile Defense Organization to
21 ensure that the United States develops and deploys highly
22 effective defenses against existing and future cruise mis-
23 sile threats.

1 (b) ACTIONS OF THE SECRETARY OF DEFENSE.—In
2 carrying out subsection (a), the Secretary of Defense shall
3 ensure that—

4 (1) to the extent practicable, the ballistic mis-
5 sile defense and cruise missile defense efforts of the
6 Department of Defense are coordinated and mutu-
7 ally reinforcing;

8 (2) existing air defense systems are adequately
9 upgraded to defend against existing and near-term
10 cruise missile threats; and

11 (3) the Department of Defense undertakes a
12 high priority and well coordinated technology devel-
13 opment program to support the future deployment of
14 systems that are highly effective against advanced
15 cruise missiles, including cruise missiles with low ob-
16 servable features.

17 (c) IMPLEMENTATION PLAN.—Not later than 60
18 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 detailed plan, in unclassified and classified
21 forms, as necessary, for carrying out this section. The plan
22 shall include an assessment of—

23 (1) the systems that currently have cruise mis-
24 sile defense capabilities, and existing programs to
25 improve these capabilities;

1 (2) the technologies that could be deployed in
2 the near- to mid-term to provide significant advances
3 over existing cruise missile defense capabilities, and
4 the investments that would be required to ready the
5 technologies for deployment;

6 (3) the cost and operational tradeoffs, if any,
7 between upgrading existing air and missile defense
8 systems and accelerating follow-on systems with sig-
9 nificantly improved capabilities against advanced
10 cruise missiles; and

11 (4) the organizational and management changes
12 that would strengthen and further coordinate the
13 cruise missile defense efforts of the Department of
14 Defense, including the disadvantages, if any, of im-
15 plementing such changes.

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

17 (a) SENSE OF CONGRESS.—In light of the findings
18 and policies provided in this subtitle, it is the sense of Con-
19 gress that—

20 (1) the Senate should—

21 (A) undertake a comprehensive review of
22 the continuing value and validity of the ABM
23 Treaty with the intent of providing additional
24 policy guidance on the future of the ABM Trea-

1 ty during the second session of the 104th Con-
2 gress; and

3 (B) consider establishing a select commit-
4 tee to carry out the review and to recommend
5 such additional policy guidance on future appli-
6 cation of the ABM Treaty as the select commit-
7 tee considers appropriate; and

8 (2) the President should cease all efforts to
9 modify, clarify, or otherwise alter United States obli-
10 gations under the ABM Treaty pending the outcome
11 of the review.

12 (b) ABM TREATY NEGOTIATING RECORD.—(1) To
13 support the comprehensive review specified in subsection
14 (a), the Secretary of Defense, in consultation with other
15 appropriate officials of the executive branch, shall provide
16 the Senate with a complete, declassified version of the
17 ABM Treaty negotiating record, including—

18 (A) within 30 days after the date of the enact-
19 ment of this Act, an index of the documents com-
20 prising the negotiating record; and

21 (B) within 60 days after the date of the enact-
22 ment of this Act, the documents comprising the ne-
23 gotiating record in unclassified form.

24 (2) If the Secretary considers it necessary to do so,
25 the Secretary may submit the documents referred to in

1 paragraph (1)(B) in classified form when due under that
2 paragraph. If the Secretary does so, however, the Sec-
3 retary shall submit the documents in unclassified form
4 within 90 days after the date of the enactment of this Act.

5 (c) WAIVER.—The Secretary of Defense, after con-
6 sultation with any select committee established in accord-
7 ance with subsection (a)(1)(B) or, if no select committee,
8 the Committee on Armed Services of the Senate, may
9 waive the declassification requirement under subsection
10 (b) on a document by document basis.

11 **SEC. 238. STANDARD FOR ASSESSING COMPLIANCE WITH**
12 **THE ABM TREATY.**

13 (a) POLICY CONCERNING SYSTEMS SUBJECT TO
14 ABM TREATY.—Unless and until a missile defense or air
15 defense system, system upgrade, or system component, in-
16 cluding one that exploits data from space-based or other
17 external sensors (such as the Space and Missile Tracking
18 System, which can be deployed as an ABM adjunct, or
19 the Navy's Cooperative Engagement Capability), is flight
20 tested in an ABM-qualifying flight test (as defined in sub-
21 section (c)), such system, system upgrade, or system com-
22 ponent—

23 (1) has not, for purposes of the ABM Treaty,
24 been tested in an ABM mode nor been given capa-
25 bilities to counter strategic ballistic missiles; and

1 (2) therefore is not subject to any application,
2 limitation, or obligation under the ABM Treaty.

3 (b) PROHIBITIONS.—(1) Appropriated funds may not
4 be obligated or expended by any official of the Federal
5 Government for the purpose of—

6 (A) prescribing, enforcing, or implementing any
7 Executive order, regulation, or policy that would
8 apply the ABM Treaty (or any limitation or obliga-
9 tion under such Treaty) to research, development,
10 testing, or deployment of a missile defense or air de-
11 fense system, system upgrade, or system component,
12 including one that exploits data from space-based or
13 other external sensors; or

14 (B) taking any other action to provide for the
15 ABM Treaty (or any limitation or obligation under
16 such treaty) to be applied to research, development,
17 testing, or deployment of a missile defense or air de-
18 fense system, system upgrade, or system component,
19 including one that exploits data from space-based or
20 other external sensors.

21 (2) This subsection shall cease to apply with respect
22 to a missile defense or air defense system, system upgrade,
23 or system component, including one that exploits data
24 from space-based or other external sensors, when that sys-

1 tem, system upgrade, or system component has been flight
2 tested in an ABM-qualifying flight test.

3 (c) ABM-QUALIFYING FLIGHT TEST DEFINED.—

4 For purposes of this section, an ABM-qualifying flight test
5 is a flight test against a ballistic missile which, in that
6 flight test, exceeds (1) a range of 3,500 kilometers, or (2)
7 a velocity of 5 kilometers per second.

8 (d) ACTIONS OF THE SECRETARY OF DEFENSE.—

9 Not later than 60 days after the date of the enactment
10 of this Act, and each year thereafter in the annual report
11 of the Ballistic Missile Defense Organization, the Sec-
12 retary of Defense shall certify to Congress that no United
13 States missile defense or air defense system, system up-
14 grade, or system component is being limited, modified, or
15 otherwise constrained pursuant to the ABM Treaty in a
16 manner that is inconsistent with this section.

17 (e) CONGRESSIONAL REVIEW OF RANGE AND VELOC-

18 ITY PARAMETERS.—Congress finds that the range and ve-
19 locity parameters set forth in subsection (c) are based on
20 a distinction between strategic and nonstrategic ballistic
21 missiles that is technically and geostrategically outdated,
22 and, therefore, should be subject to review and change as
23 part of the Senate's comprehensive review under section
24 237.

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

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

11 (1) The Patriot system.

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

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

15 (4) The Navy Upper Tier (Theater Wide) sys-
16 tem.

17 (5) Other Theater Missile Defense Activities.

18 (6) National Missile Defense.

19 (7) Follow-On and Support Technologies.

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

1 (c) TREATMENT OF CORE THEATER MISSILE DE-
2 FENSE PROGRAMS.—Funding for core theater missile de-
3 fense programs specified in section 234, shall be covered
4 in individual, dedicated program elements and shall be
5 available only for activities covered by those program ele-
6 ments.

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

14 (e) MANAGEMENT AND SUPPORT.—Each program
15 element shall include requests for the amounts necessary
16 for the management and support of the programs,
17 projects, and activities contained in that program element.

18 **SEC. 240. ABM TREATY DEFINED.**

19 For purposes of this subtitle, the term “ABM Trea-
20 ty” means the Treaty Between the United States of Amer-
21 ica and the Union of Soviet Socialist Republics on the
22 Limitation of Anti-Ballistic Missiles, signed at Moscow on
23 May 26, 1972, and includes the Protocols to that Treaty,
24 signed at Moscow on July 3, 1974.

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

2 The following provisions of law are repealed:

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

6 (2) Section 237 of the National Defense Au-
7 thorization Act for Fiscal Year 1994 (Public Law
8 103–160).

9 (3) Section 242 of the National Defense Au-
10 thorization Act for Fiscal Year 1994 (Public Law
11 103–160).

12 (4) Section 222 of the Department of Defense
13 Authorization Act, 1986 (Public Law 99–145; 99
14 Stat. 613; 10 U.S.C. 2431 note).

15 (5) Section 225 of the Department of Defense
16 Authorization Act, 1986 (Public Law 99–145; 99
17 Stat. 614).

18 (6) Section 226 of the National Defense Au-
19 thorization Act for Fiscal Years 1988 and 1989
20 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C.
21 2431 note).

22 (7) Section 8123 of the Department of Defense
23 Appropriations Act, 1989 (Public Law 100–463;
24 102 Stat. 2270–40).

1 (8) Section 8133 of the Department of Defense
2 Appropriations Act, 1992 (Public Law 102-172;
3 105 Stat. 1211).

4 (9) Section 234 of the National Defense Au-
5 thorization Act for Fiscal Year 1994 (Public Law
6 103-160; 107 Stat. 1595; 10 U.S.C. 2431 note).

7 (10) Section 235 of the National Defense Au-
8 thorization Act for Fiscal Year 1995 (Public Law
9 103-337; 108 Stat. 2701; 10 U.S.C. 221 note).

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
16 fiscal year 1996 for the use of the Armed Forces and other
17 activities and agencies of the Department of Defense for
18 expenses, not otherwise provided for, for operation and
19 maintenance, in amounts as follows:

20 (1) For the Army, \$18,086,206,000.

21 (2) For the Navy, \$21,356,960,000.

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

23 (4) For the Air Force, \$18,237,893,000.

24 (5) For Defense-wide activities,
25 \$10,060,162,000.

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

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

3 (8) For the Marine Corps Reserve,
4 \$90,283,000.

5 (9) For the Air Force Reserve, \$1,472,947,000.

6 (10) For the Army National Guard,
7 \$2,304,108,000.

8 (11) For the Air National Guard,
9 \$2,734,221,000.

10 (12) For the Defense Inspector General,
11 \$138,226,000.

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

14 (14) For Environmental Restoration, Defense,
15 \$1,601,800,000.

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

18 (16) For Medical Programs, Defense,
19 \$9,943,825,000.

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

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

24 (19) For Overseas Humanitarian, Disaster, and
25 Civic Aid programs, \$20,000,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal 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 \$1,084,220,000.

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

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

16 (b) AUTHORIZATION OF APPROPRIATIONS FROM
17 TRUST FUND.—There is hereby authorized to be appro-
18 priated for fiscal year 1996 from the Armed Forces Re-
19 tirement Home Trust Fund the sum of \$59,120,000 for
20 the operation of the Armed Forces Retirement Home, in-
21 cluding the United States Soldiers' and Airmen's Home
22 and the Naval Home.

23 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
24 **PILE TRANSACTION FUND.**

25 (a) TRANSFER AUTHORITY.—To the extent provided
26 in appropriations Acts, not more than \$150,000,000 is au-

1 thorized to be transferred from the National Defense
2 Stockpile Transaction Fund to operation and maintenance
3 accounts for fiscal year 1996 in amounts as follows:

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

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

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

7 (b) TREATMENT OF TRANSFERS.—Amounts trans-
8 ferred under this section—

9 (1) shall be merged with, and be available for
10 the same purposes and the same period as, the
11 amounts in the accounts to which transferred; and

12 (2) may not be expended for an item that has
13 been denied authorization of appropriations by Con-
14 gress.

15 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
16 ITY.—The transfer authority provided in this section is in
17 addition to the transfer authority provided in section
18 1001.

19 **Subtitle B—Depot-Level** 20 **Maintenance and Repair**

21 **SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-**
22 **LEVEL MAINTENANCE AND REPAIR FOR THE**
23 **DEPARTMENT OF DEFENSE.**

24 (a) REQUIREMENT FOR POLICY.—Not later than
25 March 31, 1996, the Secretary of Defense shall develop

1 and report to the Committee on Armed Services of the
2 Senate and the Committee on National Security of the
3 House of Representatives a comprehensive policy on the
4 performance of depot-level maintenance and repair for the
5 Department of Defense.

6 (b) PRIMARY OBJECTIVE OF POLICY.—In developing
7 the policy, it shall be the primary objective of the Sec-
8 retary to ensure a ready and controlled source of technical
9 competence and repair and maintenance capabilities nec-
10 essary for national security across a full range of current
11 and projected training and operational requirements, in-
12 cluding requirements in peacetime, contingency oper-
13 ations, mobilization, and other emergencies.

14 (c) CONTENT OF POLICY.—The policy shall—

15 (1) define, in terms of the requirements of the
16 Department of Defense for performance of mainte-
17 nance and repair, the purpose for having public de-
18 pots for performing those functions;

19 (2) provide for performance of core depot-level
20 maintenance and repair capabilities in facilities
21 owned and operated by the United States;

22 (3) provide for the core capabilities to include
23 sufficient skilled personnel, equipment, and facilities
24 to achieve the objective set forth in subsection (b);

25 (4) address environmental liability;

1 (5) in the case of depot-level maintenance and
2 repair workloads in excess of the workload required
3 to be performed by Department of Defense depots,
4 provide for competition for those workloads between
5 public and private entities when there is sufficient
6 potential for realizing cost savings based on ade-
7 quate private sector competition and technical capa-
8 bilities;

9 (6) provide for selection on the basis of merit
10 whenever the workload of a Department of Defense
11 depot is changed;

12 (7) provide transition provisions appropriate for
13 persons in the Department of Defense depot-level
14 workforce; and

15 (8) address issues concerning exchange of tech-
16 nical data between the Federal Government and the
17 private sector, environmental liability, efficient and
18 effective performance of depot functions, and ad-
19 verse effects of the policy on the Federal Govern-
20 ment work force.

21 (d) CONSIDERATION.—In developing the policy, the
22 Secretary shall take into consideration the capabilities of
23 the public depots and the capabilities of businesses in the
24 private sector to perform the maintenance and repair work
25 required by the Department of Defense.

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

4 (2) The table of sections at the beginning of chapter
5 146 of such title is amended by striking out the items re-
6 lating to sections 2466 and 2469.

7 (3) The amendments made by paragraphs (1) and (2)
8 shall take effect on the date (after the date of the enact-
9 ment of this Act) on which legislation is enacted that con-
10 tains a provision that specifically states one of the follow-
11 ing:

12 (A) “The policy on the performance of depot-
13 level maintenance and repair for the Department of
14 Defense that was submitted by the Secretary of De-
15 fense to the Committee on Armed Services of the
16 Senate and the Committee on National Security of
17 the House of Representatives pursuant to section
18 311 of the National Defense Authorization Act for
19 Fiscal Year 1996 is approved.”; or

20 (B) “The policy on the performance of depot-
21 level maintenance and repair for the Department of
22 Defense that was submitted by the Secretary of De-
23 fense to the Committee on Armed Services of the
24 Senate and the Committee on National Security of
25 the House of Representatives pursuant to section

1 311 of the National Defense Authorization Act for
2 Fiscal Year 1996 is approved with the following
3 modifications:” (with the modifications being stated
4 in matter appearing after the colon).

5 **SEC. 312. EXTENSION OF AUTHORITY FOR AVIATION DE-**
6 **POTS AND NAVAL SHIPYARDS TO ENGAGE IN**
7 **DEFENSE-RELATED PRODUCTION AND SERV-**
8 **ICES.**

9 Section 1425(e) of the National Defense Authoriza-
10 tion Act for Fiscal Year 1991 (Public Law 101–510; 104
11 Stat. 1684), as amended by section 370(b) of Public Law
12 103–160 (107 Stat. 1634) and section 386(b) of Public
13 Law 103–337 (108 Stat. 2742), is further amended by
14 striking out “September 30, 1995” and inserting in lieu
15 thereof “September 30, 1996”.

16 **Subtitle C—Environmental**
17 **Provisions**

18 **SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS**
19 **FOR SERVICES UNDER ENVIRONMENTAL**
20 **RESTORATION PROGRAM.**

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

23 “(d) SERVICES OF OTHER AGENCIES.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 the Secretary may enter into agreements on a reim-

1 bursable or other basis with any other Federal agen-
2 cy, or with any State or local government agency, to
3 obtain the services of the agency to assist the Sec-
4 retary in carrying out any of the Secretary's respon-
5 sibilities under this section. Services which may be
6 obtained under this subsection include the identifica-
7 tion, investigation, and cleanup of any off-site con-
8 tamination resulting from the release of a hazardous
9 substance or waste at a facility under the Sec-
10 retary's jurisdiction.

11 “(2) LIMITATION ON REIMBURSABLE AGREE-
12 MENTS.—An agreement with an agency under para-
13 graph (1) may provide for reimbursement of the
14 agency only for technical or scientific services ob-
15 tained from the agency.”.

16 (2)(A) Except as provided in subparagraph (B), the
17 total amount of funds available for reimbursements under
18 agreements entered into under section 2710(d) of title 10,
19 United States Code, as amended by paragraph (1), in fis-
20 cal year 1996 may not exceed \$5,000,000.

21 (B) The Secretary of Defense may pay in fiscal year
22 1996 an amount for reimbursements under agreements re-
23 ferred to in subparagraph (A) in excess of the amount
24 specified in that subparagraph for that fiscal year if—

1 (i) the Secretary certifies to Congress that the
2 payment of the amount under this subparagraph is
3 essential for the management of the Defense Envi-
4 ronmental Restoration Program under chapter 160
5 of title 10, United States Code; and

6 (ii) a period of 60 days has expired after the
7 date on which the certification is received by Con-
8 gress.

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

21 **SEC. 322. DISCHARGES FROM VESSELS OF THE ARMED**
22 **FORCES.**

23 (a) DEVELOPMENT OF UNIFORM NATIONAL DIS-
24 CHARGE STANDARDS.—Section 312 of the Federal Water

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

3 “(n)(1) The provisions of this subsection and the
4 standards and regulations promulgated hereunder shall
5 apply to discharges incidental to the normal operation of
6 a vessel of the Armed Forces, other than sewage, unless
7 the Secretary of Defense finds that compliance would not
8 be in the interest of national security.

9 “(2) For purposes of this subsection, the term—

10 “(A) ‘marine pollution control device’ means
11 any equipment or management practice, for installa-
12 tion or use on board a vessel of the Armed Forces,
13 that is designed to receive, retain, treat, control, or
14 discharge graywater, bilge water, or other discharge
15 incidental to the normal operation of a vessel;

16 “(B) ‘discharges incidental to the normal oper-
17 ation of a vessel’ means discharges subject to regula-
18 tion under this Act—

19 “(i) including (but not limited to)—

20 “(I) graywater, bilge water, cooling
21 water, weather deck runoff, ballast water,
22 oil water separator effluent, and any other
23 pollutant discharges from the operation of
24 marine propulsion systems, shipboard ma-
25 neuvering systems, crew habitability sys-

1 tem, installed major equipment such as
2 aircraft carrier elevators and catapults,
3 and protective, preservative, or absorptive
4 applications to the hull of the vessel; and

5 “(II) discharges in connection with
6 the testing, maintenance, and repair of
7 such systems whenever the vessel is water-
8 borne;

9 “(ii) but not including—

10 “(I) discharges of rubbish, trash, gar-
11 bage, or other such materials discharged
12 overboard; or

13 “(II) air emissions resulting from the
14 operation of vessel propulsion systems,
15 motor driven equipment, or incinerators;

16 “(C) ‘Secretary’ means the Secretary of the de-
17 partment in which the Coast Guard is operating;
18 and

19 “(D) ‘vessel of the Armed Forces’ means—

20 “(i) any vessel owned or operated by the
21 Department of Defense, other than a time or
22 voyage chartered vessel; and

23 “(ii) any vessel owned or operated by the
24 Department of Transportation that is des-

1 ignated by the Secretary as a vessel equivalent
2 to a vessel described in clause (i).

3 “(3)(A) The Administrator and the Secretary of De-
4 fense, after consultation with the Secretary, shall jointly
5 determine the discharges incidental to the normal oper-
6 ation of a vessel of the Armed Forces for which it is rea-
7 sonable and practicable to require use of a marine pollu-
8 tion control device in order to mitigate adverse impacts
9 on the marine environment. The Administrator and the
10 Secretary of Defense shall make such determinations after
11 public notice and comment.

12 “(B) In making determinations with respect to a dis-
13 charge and a marine pollution control device under this
14 paragraph, the Administrator and the Secretary of De-
15 fense shall take into consideration—

16 “(i) the nature of the discharge, including the
17 effects of the discharge on the environment;

18 “(ii) the practicability of using the device in
19 order to mitigate the adverse impacts of the dis-
20 charge on the marine environment;

21 “(iii) the effect of the installation or use of the
22 device on the operations or operational capability of
23 vessels of various classes, types, and sizes;

24 “(iv) other Federal and State law regarding the
25 discharge and the device;

1 “(v) international standards regarding the dis-
2 charge and the device; and

3 “(vi) the financial cost of the installation and
4 use of the device.

5 “(4)(A) For each discharge for which a marine pollu-
6 tion control device is determined to be required under
7 paragraph (3), the Administrator and the Secretary of De-
8 fense, in consultation with the Secretary, the Secretary of
9 State, the Secretary of Commerce, appropriate representa-
10 tives of other departments and agencies of the Federal
11 Government, and appropriate representatives of interested
12 States, shall jointly promulgate Federal standards of per-
13 formance for the marine pollution control device or devices
14 required with respect to the discharge. Notwithstanding
15 subsection (a)(1) of section 553 of title 5, United States
16 Code, the Administrator and the Secretary of Defense
17 shall promulgate the regulations in accordance with the
18 provisions of that section.

19 “(B) In promulgating standards under this para-
20 graph, the Administrator and the Secretary of Defense
21 shall take into consideration the matters set forth in
22 clauses (i) through (vi) of paragraph (3)(B).

23 “(C) Standards under this paragraph may—

24 “(i) distinguish among classes, types, and sizes
25 of vessels of the Armed Forces;

1 “(ii) distinguish among new vessels and existing
2 vessels; and

3 “(iii) provide for the waiver of the applicability
4 of the standards to a particular class, type, size, or
5 age of vessel.

6 “(5) The Secretary of Defense, after consultation
7 with the Administrator and the Secretary, shall promul-
8 gate regulations governing the design, construction, instal-
9 lation, and use of marine pollution control devices on
10 board vessels of the Armed Forces, which regulations are
11 necessary to achieve the Federal performance standards
12 for such devices that are promulgated under paragraph
13 (4).

14 “(6)(A) The Administrator and the Secretary of De-
15 fense shall make initial determinations under paragraph
16 (3) not later than 24 months after the date of the enact-
17 ment of the National Defense Authorization Act for Fiscal
18 Year 1996 and periodically thereafter upon receipt of sig-
19 nificant new information.

20 “(B) The Administrator and the Secretary of Defense
21 shall promulgate standards of performance for marine pol-
22 lution control devices under paragraph (4) not later than
23 24 months after determinations under paragraph (3) that
24 marine pollution control devices are required.

1 “(C)(i) The Secretary of Defense shall promulgate
2 regulations with respect to a marine pollution control de-
3 vice under paragraph (5) as soon as practicable after the
4 Administrator and the Secretary of Defense promulgate
5 standards with respect to the device under paragraph (4),
6 but in no case later than 12 months after the Adminis-
7 trator and the Secretary of Defense promulgate the stand-
8 ards.

9 “(ii) Regulations promulgated by the Secretary of
10 Defense under paragraph (5) shall take effect upon pro-
11 mulgation unless another effective date is specified.

12 “(7) Upon the effective date of regulations promul-
13 gated by the Secretary of Defense under paragraph (5),
14 no State or political subdivision thereof shall adopt or en-
15 force any statute or regulation of such State or political
16 subdivision with respect to the design, construction, instal-
17 lation, or use of any marine pollution control device, or
18 otherwise with respect to any discharge incidental to the
19 normal operation of a vessel of the Armed Forces.

20 “(8)(A) At any time after the effective date of the
21 regulations promulgated by the Secretary of Defense
22 under paragraph (5), if any State determines that the pro-
23 tection and enhancement of the quality of some or all of
24 the waters within such State require greater environ-
25 mental protection, such State may completely prohibit any

1 discharge incidental to the normal operation of a vessel,
2 whether treated or not, into such waters. No such prohibi-
3 tion shall apply until the Administrator determines that
4 adequate facilities for the safe and sanitary removal of
5 such discharge incidental to the normal operation of a ves-
6 sel are reasonably available for the waters to which such
7 prohibition would apply. Upon application of the State, the
8 Administrator shall make such determination within 90
9 days of the date of such application.

10 “(B) If the Administrator determines upon applica-
11 tion of a State that the protection and enhancement of
12 the quality of specified waters within such State require
13 such a prohibition, the Administrator shall by regulation
14 completely prohibit the discharge from a vessel of such dis-
15 charge incidental to the normal operation of a vessel into
16 such waters.

17 “(C) To the extent prohibitions arising under this
18 paragraph would apply to vessels of the Armed Forces and
19 not to other types of vessels, the application submitted by
20 the State shall discuss and document the technical or envi-
21 ronmental basis for such distinction. No prohibition under
22 this paragraph may be approved which would discriminate
23 against vessels of the Armed Forces by reason of their
24 ownership or operation by the Federal Government or
25 their military function.

1 “(D)(i) Laws and regulations establishing prohibi-
2 tions under this paragraph shall not impose design, con-
3 struction, manning, or equipment standards on foreign
4 flagged vessels engaged in innocent passage unless giving
5 effect to generally accepted international rules or stand-
6 ards.

7 “(ii) Laws and regulations establishing prohibitions
8 under this paragraph relating to the prevention, reduction,
9 and control of pollution shall not apply to foreign flagged
10 vessels engaged in transit passage unless giving effect to
11 applicable international regulations regarding the dis-
12 charge of oil, oily wastes, or other noxious substances.

13 “(9) The provisions of this subsection and the regula-
14 tions issued hereunder shall be enforceable, as provided
15 in subsections (j) and (k), against agencies of the United
16 States responsible for vessels of the Armed Forces not-
17 withstanding any immunity of such agency.”.

18 (b) COOPERATION IN STANDARDS DEVELOPMENT.—
19 To assist the Administrator of the Environmental Protec-
20 tion Agency and the Secretary of Defense in determining
21 the nature and environmental effect of incidental dis-
22 charges from vessels of the Armed Forces, the practicabil-
23 ity of using marine pollution control devices in vessels of
24 the Armed Forces, and the effect that installation or use
25 of marine pollution control devices in vessels of the Armed

1 Forces would have on the operations or operational capa-
2 bility of such vessels, and to assist the Administrator and
3 the Secretary in setting performance standards for marine
4 pollution control devices in vessels of the Armed Forces,
5 the Administrator and the Secretary may, by agreement
6 with the other, with or without reimbursement, utilize in-
7 formation, reports, personnel, or other resources of the
8 Environmental Protection Agency or the Department of
9 Defense.

10 (c) CONFORMING AMENDMENTS.—(1) Subsection
11 312(a)(8) of the Federal Water Pollution Control Act (33
12 U.S.C. 1322(a)(8)) is amended by striking out “or asso-
13 ciation” and inserting in lieu thereof “association, or
14 agency, department or instrumentality of the United
15 States”.

16 (2) Section 502(6) of such Act (33 U.S.C. 1362(6))
17 is amended by striking out “‘sewage from vessels’” and
18 inserting in lieu thereof “sewage from vessels or dis-
19 charges incidental to the normal operation of a vessel of
20 the Armed Forces”.

21 **SEC. 323. REVISION OF AUTHORITIES RELATING TO RES-**
22 **TORATION ADVISORY BOARDS.**

23 (a) REGULATIONS.—Paragraph (2) of subsection (d)
24 of section 2705 of title 10, United States Code, is amend-
25 ed to read as follows:

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

4 “(B) The regulations shall set forth the following
5 matters:

6 “(i) The functions of the boards.

7 “(ii) Funding for the boards.

8 “(iii) Accountability of the boards for expendi-
9 tures of funds.

10 “(iv) The routine administrative expenses that
11 may be paid pursuant to paragraph (3).

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

15 (b) FUNDING FOR ADMINISTRATIVE EXPENSES.—
16 Paragraph (3) of such subsection is amended to read as
17 follows:

18 “(3) The Secretary may authorize the commander of
19 an installation to pay routine administrative expenses of
20 a restoration advisory board established for that installa-
21 tion. Such payments shall be made from funds available
22 under subsection (g).”.

23 (c) TECHNICAL ASSISTANCE.—Such section is fur-
24 ther amended by striking out subsection (e) and inserting
25 in lieu thereof the following new subsection (e):

1 “(e) TECHNICAL ASSISTANCE.—(1) The Secretary
2 may authorize the commander of an installation, upon the
3 request of the technical review committee or restoration
4 advisory board for the installation, to obtain for the com-
5 mittee or advisory board, as the case may be, from private
6 sector sources technical assistance for interpreting sci-
7 entific and engineering issues with regard to the nature
8 of environmental hazards at the installation and the res-
9 toration activities proposed for or conducted at the instal-
10 lation. The commander of an installation shall use funds
11 made available under subsection (g) for obtaining assist-
12 ance under this paragraph.

13 “(2) The commander of an installation may obtain
14 technical assistance for a technical review committee or
15 restoration advisory board under paragraph (1) with re-
16 spect to an installation only if the Federal, State, and local
17 agencies responsible for overseeing environmental restora-
18 tion at the installation, the contractors carrying out envi-
19 ronmental restoration at the installation, and available
20 Department of Defense personnel do not have the tech-
21 nical expertise necessary for achieving the objective for
22 which the technical assistance is to be obtained.”.

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

1 “(g) FUNDING.—The Secretary shall, to the extent
2 provided in appropriations Acts, make funds available
3 under subsections (d)(3) and (e)(1) using funds in the fol-
4 lowing 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
12 under section 2906(a) of the Defense Base Closure
13 and Realignment Act of 1990 (part A of title XXIX
14 of Public 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 \$4,000,000.

19 (B) Amounts may not be made available under sub-
20 section (g) of such section 2705 until the Secretary of De-
21 fense prescribes the regulations required under subsection
22 (d) of such section, as amended by subsection (a).

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

1 “(h) DEFINITION.—In this section, the term ‘base
2 closure law’ means the following:

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

6 “(2) The Defense Base Closure and Realign-
7 ment Act of 1990 (part A of title XXIX of Public
8 Law 101–510; 10 U.S.C. 2687 note).

9 “(3) Section 2687 of this title.”.

10 (f) REPORTS ON ACTIVITIES OF TECHNICAL REVIEW
11 COMMITTEES AND RESTORATION ADVISORY BOARDS.—
12 Section 2706(a)(2) of title 10, United States Code, is
13 amended by adding at the end the following:

14 “(J) A statement of the activities, if any, of the
15 technical review committee or restoration advisory
16 board established for the installation under section
17 2705 of this title during the preceding fiscal year.”.

18 **Subtitle D—Civilian Employees**

19 **SEC. 331. MINIMUM NUMBER OF MILITARY RESERVE TECH-** 20 **NICIANS.**

21 For each of fiscal years 1996 and 1997, the minimum
22 number of personnel employed as military reserve techni-
23 cians (as defined in section 8401(30) of title 5, United
24 States Code) for reserve components as of the last day
25 of such fiscal year shall be as follows:

1 (1) For the Army National Guard, 25,750.

2 (2) For the Army Reserve, 7,000.

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

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

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

8 Section 129 of title 10, United States Code, is
9 amended—

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

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

20 **SEC. 333. WEARING OF UNIFORM BY NATIONAL GUARD**
21 **TECHNICIANS.**

22 (a) REQUIREMENT.—Section 709(b) of title 32, Unit-
23 ed States Code, is amended to read as follows:

1 “(b) Except as prescribed by the Secretary concerned,
2 a technician employed under subsection (a) shall, while so
3 employed—

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

5 “(2) hold the military grade specified by the
6 Secretary concerned for that position; and

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

10 (b) UNIFORM ALLOWANCES FOR OFFICERS.—Section
11 417 of title 37, United States Code, is amended by adding
12 at the end the following:

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

18 “(2) A uniform allowance may not be paid, and uni-
19 forms may not be furnished, to an officer under section
20 1593 of title 10 or section 5901 of title 5 for a period
21 of employment referred to in paragraph (1) for which an
22 officer is paid a uniform allowance under section 415 or
23 416 of this title.”.

1 (c) CLOTHING OR ALLOWANCES FOR ENLISTED
2 MEMBERS.—Section 418 of title 37, United States Code,
3 is amended—

4 (1) by inserting “(a)” before “The President”;
5 and

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

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

14 “(c) A uniform allowance may not be paid, and uni-
15 forms may not be furnished, under section 1593 of title
16 10 or section 5901 of title 5 to a person referred to in
17 subsection (b) for a period of employment referred to in
18 that subsection for which a uniform allowance is paid
19 under section 415 or 416 of this title.”.

20 **SEC. 334. EXTENSION OF TEMPORARY AUTHORITY TO PAY**
21 **CIVILIAN EMPLOYEES WITH RESPECT TO THE**
22 **EVACUATION FROM GUANTANAMO, CUBA.**

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

1 (b) MONTHLY REPORT.—On the first day of each
2 month, the Secretary of the Navy shall transmit to the
3 Committee on Armed Services of the Senate and the Com-
4 mittee on National Security of the House of Representa-
5 tives a report regarding the employees being paid pursu-
6 ant to section 103 of Public Law 104–6. The report shall
7 include the number of the employees, their positions of
8 employment, the number and location of the employees’
9 dependents, and the actions that the Secretary is taking
10 to eliminate the conditions making the payments nec-
11 essary.

12 **SEC. 335. SHARING OF PERSONNEL OF DEPARTMENT OF**
13 **DEFENSE DOMESTIC DEPENDENT SCHOOLS**
14 **AND DEFENSE DEPENDENTS’ EDUCATION**
15 **SYSTEM.**

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

18 “(4)(A) The Secretary may, without regard to the
19 provisions of any law relating to the number, classifica-
20 tion, or compensation of employees—

21 “(i) transfer civilian employees in schools estab-
22 lished under this section to schools in the defense
23 dependents’ education system in order to provide the
24 services referred to in subparagraph (B) to such sys-
25 tem; and

1 “(ii) transfer employees in such system to such
2 schools in order to provide such services to such
3 schools.

4 “(B) The services referred to in subparagraph (A)
5 are the following:

6 “(i) Administrative services.

7 “(ii) Logistical services.

8 “(iii) Personnel services.

9 “(iv) Such other services as the Secretary con-
10 siders appropriate.

11 “(C) Transfers under this paragraph shall extend for
12 such periods as the Secretary considers appropriate. The
13 Secretary shall provide appropriate compensation for em-
14 ployees so transferred.

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

18 “(E) In this paragraph, the term ‘defense depend-
19 ents’ education system’ means the program established
20 and operated under section 1402(a) of the Defense De-
21 pendents’ Education Act of 1978 (20 U.S.C. 921(a)).”.

1 **SEC. 336. REVISION OF AUTHORITY FOR APPOINTMENTS**
2 **OF INVOLUNTARILY SEPARATED MILITARY**
3 **RESERVE TECHNICIANS.**

4 (a) REVISION OF AUTHORITY.—Section 3329 of title
5 5, United States Code, as added by section 544 of the
6 National Defense Authorization Act for Fiscal Year 1993
7 (Public Law 102–484; 106 Stat. 2415), is amended—

8 (1) in subsection (b), by striking out “be of-
9 fered” and inserting in lieu thereof “be provided
10 placement consideration in a position described in
11 subsection (c) through a priority placement program
12 of the Department of Defense”; and

13 (2) by striking out subsection (c) and inserting
14 in lieu thereof the following new subsection (c):

15 “(c)(1) The position to be offered a former military
16 technician under subsection (b) shall be a position—

17 “(A) in either the competitive service or the ex-
18 cepted service;

19 “(B) within the Department of Defense; and

20 “(C) in which the person is qualified to serve,
21 taking into consideration whether the employee in
22 that position is required to be a member of a reserve
23 component of the armed forces as a condition of em-
24 ployment.

25 “(2) To the maximum extent practicable, the position
26 shall also be in a pay grade or other pay classification

1 sufficient to ensure that the rate of basic pay of the former
 2 military technician, upon appointment to the position, is
 3 not less than the rate of basic pay last received by the
 4 former military technician for technician service before
 5 separation.”.

6 (b) TECHNICAL AND CLERICAL AMENDMENTS.—(1)
 7 The section 3329 of title 5, United States Code, that was
 8 added by section 4431 of the National Defense Authoriza-
 9 tion Act for Fiscal Year 1993 (Public Law 102–484; 106
 10 Stat. 2719) is redesignated as section 3330 of such title.

11 (2) The table of sections at the beginning of chapter
 12 33 of such title is amended by striking out the item relat-
 13 ing to section 3329, as added by section 4431(b) of such
 14 Act (106 Stat. 2720), and inserting in lieu thereof the
 15 following new item:

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

16 **SEC. 337. COST OF CONTINUING HEALTH INSURANCE COV-**
 17 **ERAGE FOR EMPLOYEES VOLUNTARILY SEP-**
 18 **ARATED FROM POSITIONS TO BE ELIMI-**
 19 **NATED IN A REDUCTION IN FORCE.**

20 Section 8905a(d)(4) of title 5, United States Code,
 21 is amended—

22 (1) in subparagraph (A)—

23 (A) by striking out “from a position” and
 24 inserting in lieu thereof “or voluntary separa-
 25 tion from a surplus position”; and

1 (B) by striking out “force—” and insert-
2 ing in lieu thereof “force or a closure or re-
3 alignment of a military installation pursuant to
4 a base closure law—”; and

5 (2) by adding at the end the following new sub-
6 paragraph:

7 “(C) In this paragraph:

8 “(i) The term ‘surplus position’ means a posi-
9 tion that, as determined under regulations pre-
10 scribed by the Secretary of Defense, is identified
11 during planning for a reduction in force as being no
12 longer required and is designated for elimination
13 during the reduction in force.

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

16 “(I) Section 2687 of title 10.

17 “(II) Title II of the Defense Authorization
18 Amendments and Base Closure and Realign-
19 ment Act (Public Law 100–526; 10 U.S.C.
20 2687 note).

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

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

1 “(I) in the case of an installation covered
2 by section 2687 of title 10, has the meaning
3 given such term in subsection (e)(1) of such
4 section;

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

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

13 **SEC. 338. ELIMINATION OF 120-DAY LIMITATION ON DE-**
14 **TAILS OF CERTAIN EMPLOYEES.**

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

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

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

19 “(2) Details of employees of the Department of De-
20 fense under subsection (a) of this section may be made
21 only by written order of the Secretary of the military de-
22 partment concerned (or by the Secretary of Defense, in
23 the case of an employee of the Department of Defense who
24 is not an employee of a military department) or a designee

1 of the Secretary. Paragraph (1) does not apply to the De-
2 partment of Defense.”.

3 **SEC. 339. REPEAL OF REQUIREMENT FOR PART-TIME CA-**
4 **REER OPPORTUNITY EMPLOYMENT RE-**
5 **PORTS.**

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

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

10 **SEC. 340. AUTHORITY OF CIVILIAN EMPLOYEES OF DE-**
11 **PARTMENT OF DEFENSE TO PARTICIPATE**
12 **VOLUNTARILY IN REDUCTIONS IN FORCE.**

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

15 “(f)(1) The Secretary of Defense or the Secretary of
16 a military department may—

17 “(A) release in a reduction in force an employee
18 who volunteers for the release even though the em-
19 ployee is not otherwise subject to release in the re-
20 duction in force under the criteria applicable under
21 the other provisions of this section; and

22 “(B) for each employee voluntarily released in
23 the reduction in force under subparagraph (A), re-
24 tain an employee who would otherwise be released in
25 the reduction in force under such criteria.

1 “(2) A voluntary release of an employee in a reduc-
2 tion in force pursuant to paragraph (1) shall be treated
3 as an involuntary release in the reduction in force.

4 “(3) The regulations prescribed under this section
5 shall incorporate the authority provided in this subsection.

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

8 **SEC. 341. AUTHORITY TO PAY SEVERANCE PAYMENTS IN**
9 **LUMP SUMS.**

10 Section 5595 of title 5, United States Code, is
11 amended by adding at the end the following:

12 “(i)(1) In the case of an employee of the Department
13 of Defense who is entitled to severance pay under this sec-
14 tion, the Secretary of Defense or the Secretary of the mili-
15 tary department concerned may, upon application by the
16 employee, pay the total amount of the severance pay to
17 the employee in one lump sum.

18 “(2)(A) If an employee paid severance pay in a lump
19 sum under this subsection is reemployed by the Govern-
20 ment of the United States or the government of the Dis-
21 trict of Columbia at such time that, had the employee been
22 paid severance pay in regular pay periods under subsection
23 (b), the payments of such pay would have been discon-
24 tinued under subsection (d) upon such reemployment, the
25 employee shall refund to the Department of Defense (for

1 the military department that formerly employed the em-
2 ployee, if applicable) an amount equal to the amount of
3 severance pay to which the employee was entitled under
4 this section that would not have been paid to the employee
5 under subsection (d) by reason of such reemployment.

6 “(B) The period of service represented by an amount
7 of severance pay refunded by an employee under subpara-
8 graph (A) shall be considered service for which severance
9 pay has not been received by the employee under this sec-
10 tion.

11 “(C) Amounts refunded to an agency under this para-
12 graph shall be credited to the appropriation available for
13 the pay of employees of the agency for the fiscal year in
14 which received. Amounts so credited shall be merged with,
15 and shall be available for the same purposes and the same
16 period as, the other funds in that appropriation.

17 “(3) This subsection applies with respect to severance
18 payable under this section for separations taking effect on
19 or after the date of the enactment of the National Defense
20 Authorization Act for Fiscal Year 1996 and before Octo-
21 ber 1, 1999.”.

1 **SEC. 342. HOLIDAYS FOR EMPLOYEES WHOSE BASIC WORK-**
2 **WEEK IS OTHER THAN MONDAY THROUGH**
3 **FRIDAY.**

4 Section 6103(b) of title 5, United States Code, is
5 amended—

6 (1) in paragraph (2), by striking out “Instead”
7 and inserting in lieu thereof “Except as provided in
8 paragraph (3), instead”; and

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

10 “(3)(A) In the case of an employee of a military
11 department or any other employee of the Depart-
12 ment of Defense, subject to the discretion of the
13 Secretary concerned, instead of a holiday that occurs
14 on a regular weekly non-workday of an employee
15 whose basic workweek is other than Monday through
16 Friday, the legal holiday for the employee is—

17 “(i) the workday of the employee imme-
18 diately before the regular weekly non-workday;
19 or

20 “(ii) if the holiday occurs on a regular
21 weekly non-workday administratively scheduled
22 for the employee instead of Sunday, the next
23 immediately following workday of the employee.

24 “(B) For purposes of subparagraph (A), the
25 term ‘Secretary concerned’ has the meaning given
26 that term in subparagraphs (A), (B), and (C) of sec-

1 tion 101(a)(9) of title 10 and includes the Secretary
2 of Defense with respect to an employee of the De-
3 partment of Defense who is not an employee of a
4 military department.”.

5 **SEC. 343. COVERAGE OF NONAPPROPRIATED FUND EM-**
6 **PLOYEES UNDER AUTHORITY FOR FLEXIBLE**
7 **AND COMPRESSED WORK SCHEDULES.**

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

10 “(2) ‘employee’ has the meaning given the term
11 in subsection (a) of section 2105 of this title, except
12 that such term also includes an employee described
13 in subsection (c) of that section;”.

14 **Subtitle E—Defense Financial**
15 **Management**

16 **SEC. 351. FINANCIAL MANAGEMENT TRAINING.**

17 (a) LIMITATION.—Funds authorized by this Act to
18 be appropriated for the Department of Defense may not
19 be obligated for a capital lease for the establishment of
20 a Department of Defense financial management training
21 center before the date that is 90 days after the date on
22 which the Secretary of Defense submits, in accordance
23 with subsection (b), a certification of the need for such
24 a center and a report on financial management training
25 for Department of Defense personnel.

1 (b) CERTIFICATION AND REPORT.—(1) Before obli-
2 gating funds for a Department of Defense financial man-
3 agement training center, the Secretary of Defense shall—

4 (A) certify to the Committee on Armed Services
5 of the Senate and the Committee on National Secu-
6 rity of the House of Representatives the need for
7 such a center; and

8 (B) submit to such committees, with the certifi-
9 cation, a report on financial management training
10 for Department of Defense personnel.

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

13 (A) The Secretary's analysis of the require-
14 ments for providing financial management training
15 for employees of the Department of Defense.

16 (B) The alternatives considered by the Sec-
17 retary for meeting those requirements.

18 (C) A detailed plan for meeting those require-
19 ments.

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

22 (E) If, after the analysis referred to in subpara-
23 graph (A) and after considering alternatives as de-
24 scribed in subparagraph (B), the Secretary deter-

1 mines to meet the requirements through a financial
2 management training center—

3 (i) the determination of the Secretary re-
4 garding the location for the university; and

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

7 **SEC. 352. LIMITATION ON OPENING OF NEW CENTERS FOR**
8 **DEFENSE FINANCE AND ACCOUNTING SERV-**
9 **ICE.**

10 (a) **LIMITATION.**—During fiscal year 1996, the Sec-
11 retary of Defense may not establish any center for the De-
12 fense Finance and Accounting Service that is not operat-
13 ing on the date of the enactment of this Act.

14 (b) **EXCEPTION.**—If the Secretary submits to Con-
15 gress not later than March 31, 1996, a report containing
16 a discussion of the need for establishing a new center pro-
17 hibited by subsection (a), the prohibition in such sub-
18 section shall not apply to the center effective 30 days after
19 the date on which Congress receives the report.

20 (c) **REEXAMINATION OF NEED REQUIRED.**—Before
21 submitting a report regarding a new center that the Sec-
22 retary planned before the date of the enactment of this
23 Act to establish on or after that date, the Secretary shall
24 reconsider the need for establishing that center.

1 **Subtitle F—Miscellaneous**
2 **Assistance**

3 **SEC. 361. DEPARTMENT OF DEFENSE FUNDING FOR NA-**
4 **TIONAL GUARD PARTICIPATION IN JOINT**
5 **DISASTER AND EMERGENCY ASSISTANCE EX-**
6 **ERCISES.**

7 Section 503(a) of title 32, United States Code, is
8 amended—

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

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

11 “(2) Paragraph (1) includes authority to provide for
12 participation of the National Guard in conjunction with
13 the Army or the Air Force, or both, in joint exercises for
14 instruction to prepare the National Guard for response to
15 civil emergencies and disasters.”.

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

17 None of the funds authorized to be appropriated by
18 this or any other Act may be obligated or expended for
19 the Office of Civil-Military Programs within the Office of
20 the Assistant Secretary of Defense for Reserve Affairs.

21 **SEC. 363. REVISION OF AUTHORITY FOR CIVIL-MILITARY**
22 **COOPERATIVE ACTION PROGRAM.**

23 (a) RESERVE COMPONENTS TO BE USED FOR COOP-
24 ERATIVE ACTION.—Section 410 of title 10, United States
25 Code, is amended in the second sentence of subsection (a)

1 by inserting “of the reserve components” after “re-
2 sources”.

3 (b) PROGRAM OBJECTIVES.—Subsection (b) of such
4 section is amended by striking out paragraphs (1), (2),
5 (3), (4), (5), and (6) and inserting in lieu thereof the fol-
6 lowing:

7 “(1) To enhance individual and unit training
8 and morale in the armed forces.

9 “(2) To encourage cooperation between civilian
10 and military sectors of society.”.

11 (c) ADVISORY COUNCILS.—Subsection (c) of such
12 section is amended—

13 (1) in paragraph (1)—

14 (A) by striking out “regional, State, and
15 local levels” and inserting in lieu thereof “State
16 and local levels”; and

17 (B) by striking out “regional, State, and
18 local conditions” and inserting in lieu thereof
19 “State and local conditions”; and

20 (2) in paragraph (2), by striking out “rep-
21 resentatives of appropriate local, State, and Federal
22 agencies, representatives of civic and social service
23 organizations, business representatives, and labor
24 representatives” and inserting in lieu thereof “rep-
25 resentatives of appropriate local and State agencies,

1 representatives of civic and social service organiza-
2 tions, and business representatives”.

3 (d) REGULATIONS.—Subsection (d) of such section is
4 amended by striking out paragraphs (5) and (6) and in-
5 serting in lieu thereof the following:

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

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

13 **SEC. 364. OFFICE OF HUMANITARIAN AND REFUGEE AF-**
14 **FAIRS.**

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

20 **Subtitle G—Operation of Morale,**
21 **Welfare, and Recreation Activities**

22 **SEC. 371. DISPOSITION OF EXCESS MORALE, WELFARE,**
23 **AND RECREATION FUNDS.**

24 Section 2219 of title 10, United States Code, is
25 amended—

1 (1) in the first sentence, by striking out “a
2 military department” and inserting in lieu thereof
3 “an armed force”;

4 (2) in the second sentence—

5 (A) by striking out “, department-wide”;

6 and

7 (B) by striking out “of the military depart-
8 ment” and inserting in lieu thereof “for that
9 armed force”; and

10 (3) by adding at the end the following: “This
11 section does not apply to the Coast Guard.”.

12 **SEC. 372. ELIMINATION OF CERTAIN RESTRICTIONS ON**
13 **PURCHASES AND SALES OF ITEMS BY EX-**
14 **CHANGE STORES AND OTHER MORALE, WEL-**
15 **FARE, AND RECREATION FACILITIES.**

16 (a) RESTRICTIONS ELIMINATED.—(1) Subchapter II
17 of chapter 134 of title 10, United States Code, is amended
18 by adding at the end the following new section:

19 **“§2255. Military exchange stores and other morale,**
20 **welfare, and recreation facilities: sale of**
21 **items**

22 “(a) AUTHORITY.—The MWR retail facilities may
23 sell items in accordance with regulations prescribed by the
24 Secretary of Defense.

1 “(b) CERTAIN RESTRICTIONS PROHIBITED.—The
2 regulations may not include any of the following restric-
3 tions on the sale of items:

4 “(1) A restriction on the prices of items offered
5 for sale, including any requirement to establish
6 prices on the basis of a specific relationship between
7 the prices charged for the merchandise and the cost
8 of the merchandise to the MWR retail facilities con-
9 cerned.

10 “(2) A restriction on price of purchase of an
11 item.

12 “(3) A restriction on the categories of items
13 that may be offered for sale.

14 “(4) A restriction on the size of items that may
15 be offered for sale.

16 “(5) A restriction on the basis of—

17 “(A) whether the item was manufactured,
18 produced, or mined in the United States; or

19 “(B) the extent to which the merchandise
20 contains components or materials manufac-
21 tured, produced, or mined in the United States.

22 “(c) MWR RETAIL FACILITY DEFINED.—In this sec-
23 tion, the term ‘MWR retail facilities’ means exchange
24 stores and other revenue generating facilities operated by
25 nonappropriated fund activities of the Department of De-

1 fense for the morale, welfare, and recreation of members
2 of the armed forces.”.

3 (2) The table of sections at the beginning of sub-
4 chapter II of chapter 134 of such title is amended by add-
5 ing at the end the following:

“2255. Military exchange stores and other morale, welfare, and recreation facili-
ties: sale of items.”.

6 (b) REPORT.—Not later than June 1, 1996, the Sec-
7 retary of Defense shall submit to the Committee on Armed
8 Services of the Senate and the Committee on National Se-
9 curity of the House of Representatives a report that iden-
10 tifies each restriction in effect immediately before the date
11 of the enactment of this Act that is terminated or made
12 inapplicable by section 2255 of title 10, United States
13 Code (as added by subsection (a)), to exchange stores and
14 other revenue generating facilities operated by
15 nonappropriated fund activities of the Department of De-
16 fense for the morale, welfare, and recreation of members
17 of the Armed Forces.

18 **SEC. 373. REPEAL OF REQUIREMENT TO CONVERT SHIPS’**
19 **STORES TO NONAPPROPRIATED FUND IN-**
20 **STRUMENTALITIES.**

21 (a) REPEAL.—Section 371 of the National Defense
22 Authorization Act for Fiscal Year 1994 (Public Law 103–
23 160; 107 Stat. 1634; 10 U.S.C. 7604 note) is amended
24 by striking out subsections (a), (b), and (d).

1 (b) REPEAL OF RELATED CODIFIED PROVISIONS.—
2 Section 7604 of title 10, United States Code, is amend-
3 ed—

4 (1) in subsection (a), by striking out “(a) IN
5 GENERAL.—”; and

6 (2) by striking out subsections (b) and (c).

7 **Subtitle H—Other Matters**

8 **SEC. 381. NATIONAL DEFENSE SEALIFT FUND: AVAILABIL-** 9 **ITY FOR READY RESERVE COMPONENT OF** 10 **THE READY RESERVE FLEET.**

11 Section 2218 of title 10, United States Code is
12 amended—

13 (1) in subsection (c)(1)—

14 (A) by striking out “and” at the end of
15 subparagraph (C);

16 (B) by striking out the period at the end
17 of subparagraph (D) and inserting in lieu there-
18 of “; and”; and

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

20 “(E) expenses of the Ready Reserve com-
21 ponent of the National Defense Reserve Fleet,
22 as established by section 11 of the Merchant
23 Ship Sales Act of 1946 (50 U.S.C. App.
24 1744).”; and

1 (2) in subsection (i), by striking out “Nothing”
2 and inserting in lieu thereof “Except as provided in
3 subsection (c)(1)(E), nothing”.

4 **SEC. 382. LIMITATION ON CONTRACTING WITH SAME CON-**
5 **TRACTOR FOR CONSTRUCTION OF ADDI-**
6 **TIONAL NEW SEALIFT SHIPS.**

7 The Secretary of the Navy may not enter into a con-
8 tract, or exercise a contract option, for the construction
9 of any additional sealift ship by a contractor unless the
10 Secretary of Navy has submitted to Congress, at least 60
11 days before entering into the contract or exercising the
12 option, one of the following certifications:

13 (1) A certification—

14 (A) that—

15 (i) no sealift ship being procured from
16 that contractor under an existing contract
17 is estimated by the Secretary (as of the
18 date of the certification) to cost more than
19 the maximum price originally established
20 for the ship under the existing contract; or

21 (ii) if the estimated cost does exceed
22 that maximum price, the contractor is able
23 to complete construction of all ships being
24 procured under all existing contracts be-
25 tween the contractor and the Government

1 without any financial assistance from the
2 Government; and

3 (B) that the contractor does not have any
4 claim pending against the Government for any
5 sealift ship contracted for under the existing
6 contract referred to in subparagraph (A)(i)
7 that, if approved by the Government, would in-
8 crease the maximum price established for such
9 ship under the existing contract.

10 (2) A certification that the contractor is finan-
11 cially capable of constructing the additional sealift
12 ship involved without direct or indirect financial as-
13 sistance from the Government.

14 **SEC. 383. AVAILABILITY OF RECOVERED LOSSES RESULT-**
15 **ING FROM CONTRACTOR FRAUD.**

16 (a) DEPARTMENT OF DEFENSE TO RECEIVE 3 PER-
17 CENT.—Subchapter I of chapter 134 of title 10, United
18 States Code, is amended by adding at the end the follow-
19 ing new section:

20 **“§ 2250. Recoveries of losses and expenses resulting**
21 **from contractor fraud**

22 “(a) RETENTION OF PART OF RECOVERY.—(1) Not-
23 withstanding any other provision of law, a portion of the
24 amount recovered by the Government in a fiscal year for
25 losses and expenses incurred by the Department of De-

1 fense as a result of contractor fraud at military installa-
2 tions shall be credited to appropriations accounts of the
3 Department of Defense for that fiscal year in accordance
4 with allocations made pursuant to subsection (b).

5 “(2) The total amount credited to appropriations ac-
6 counts for a fiscal year pursuant to paragraph (1) shall
7 be the lesser of—

8 “(A) the amount equal to three percent of the
9 amount referred to in such paragraph that is recov-
10 ered in that fiscal year; or

11 “(B) \$500,000.

12 “(b) ALLOCATION OF RECOVERED FUNDS.—The
13 Secretary of Defense shall allocate amounts recovered in
14 a contractor fraud case through the Secretary of the mili-
15 tary department concerned to each installation that in-
16 curred a loss or expense as a result of the fraud.

17 “(c) USE BY MILITARY DEPARTMENTS.—The Sec-
18 retary of a military department receiving an allocation
19 under subsection (b) in a fiscal year with respect to a con-
20 tractor fraud case—

21 “(1) shall credit (for use by each installation
22 concerned) the amount equal to the costs incurred
23 by the military department in carrying out or sup-
24 porting an investigation or litigation of the contrac-
25 tor fraud case to appropriations accounts of the de-

1 partment for such fiscal year that are used for pay-
2 ing the costs of carrying out or supporting investiga-
3 tions or litigation of contractor fraud cases; and

4 “(2) may credit to any appropriation account of
5 the department for that fiscal year (for use by each
6 installation concerned) the amount, if any, that ex-
7 ceeds the amount credited to appropriations ac-
8 counts under paragraph (1).

9 “(d) RECOVERIES INCLUDED.—(1) Subject to para-
10 graph (2)(B), subsection (a) applies to amounts recovered
11 in civil or administrative actions (including settlements)
12 as actual damages, restitution, and investigative costs.

13 “(2) Subsection (a) does not apply to—

14 “(A) criminal fines, forfeitures, civil penalties,
15 and damages in excess of actual damages; or

16 “(B) recoveries of losses or expenses incurred
17 by working-capital funds managed through the De-
18 fense Business Operations Fund.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of subchapter I of such chapter is amend-
21 ed by adding at the end the following:

“2248. Recoveries of losses and expenses resulting from contractor fraud.”.

1 **SEC. 384. PERMANENT AUTHORITY FOR USE OF PROCEEDS**
2 **FROM THE SALE OF CERTAIN LOST, ABAN-**
3 **DONED, OR UNCLAIMED PROPERTY.**

4 (a) PERMANENT AUTHORITY.—Section 2575 of title
5 10 is amended—

6 (1) by striking out subsection (b) and inserting
7 in lieu thereof the following:

8 “(b)(1) In the case of property found on a military
9 installation, the proceeds from the sale of the property
10 under this section shall be credited to the operation and
11 maintenance account of that installation and used—

12 “(A) to reimburse the installation for any costs
13 incurred by the installation to collect, transport,
14 store, protect, or sell the property; and

15 “(B) if all such costs are reimbursed, to sup-
16 port morale, welfare, and recreation activities under
17 the jurisdiction of the armed forces conducted for
18 the comfort, pleasure, contentment, or physical or
19 mental improvement of members of the armed forces
20 at that installation.

21 “(2) The net proceeds from the sale of other property
22 under this section shall be covered into the Treasury as
23 miscellaneous receipts.”; and

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

25 “(d)(1) The owner (or heirs, next of kin, or legal rep-
26 resentative of the owner) of personal property the proceeds

1 of which are credited to a military installation under sub-
2 section (b)(1) may file a claim with the Secretary of De-
3 fense for the amount equal to the proceeds (less costs re-
4 ferred to in subparagraph (A) of such subsection).
5 Amounts to pay the claim shall be drawn from the morale,
6 welfare, and recreation account for the installation that
7 received the proceeds.

8 “(2) The owner (or heirs, next of kin, or legal rep-
9 resentative of the owner) may file a claim with the General
10 Accounting Office for proceeds covered into the Treasury
11 under subsection (b)(2).

12 “(3) Unless a claim is filed under this subsection
13 within 5 years after the date of the disposal of the prop-
14 erty to which the claim relates, the claim may not be con-
15 sidered by a court, the Secretary of Defense (in the case
16 of a claim filed under paragraph (1)), or the General Ac-
17 counting Office (in the case of a claim filed under para-
18 graph (2)).”.

19 (b) REPEAL OF AUTHORITY FOR DEMONSTRATION
20 PROGRAM.—Section 343 of the National Defense Author-
21 ization Act for Fiscal Years 1992 and 1993 (Public Law
22 102–190; 105 Stat. 1343) is repealed.

1 **SEC. 385. SALE OF MILITARY CLOTHING AND SUBSISTENCE**
2 **AND OTHER SUPPLIES OF THE NAVY AND MA-**
3 **RINE CORPS.**

4 (a) IN GENERAL.—Chapter 651 of title 10, United
5 States Code, is amended by adding at the end the follow-
6 ing new section:

7 **“§ 7606. Subsistence and other supplies: members of**
8 **armed forces; veterans; executive or mili-**
9 **tary departments and employees; prices**

10 “(a) The Secretary of the Navy shall procure and sell,
11 for cash or credit—

12 “(1) articles designated by the Secretary to
13 members of the Navy and Marine Corps; and

14 “(2) items of individual clothing and equipment
15 to members of the Navy and Marine Corps, under
16 such restrictions as the Secretary may prescribe.

17 An account of sales on credit shall be kept and the amount
18 due reported to the Secretary. Except for articles and
19 items acquired through the use of working capital funds
20 under section 2208 of this title, sales of articles shall be
21 at cost, and sales of individual clothing and equipment
22 shall be at average current prices, including overhead, as
23 determined by the Secretary.

24 “(b) The Secretary shall sell subsistence supplies to
25 members of other armed forces at the prices at which like

1 property is sold to members of the Navy and Marine
2 Corps.

3 “(c) The Secretary may sell serviceable supplies,
4 other than subsistence supplies, to members of other
5 armed forces for the buyers’ use in the service. The prices
6 at which the supplies are sold shall be the same prices
7 at which like property is sold to members of the Navy and
8 Marine Corps.

9 “(d) A person who has been discharged honorably or
10 under honorable conditions from the Army, Navy, Air
11 Force or Marine Corps and who is receiving care and med-
12 ical treatment from the Public Health Service or the De-
13 partment of Veterans Affairs may buy subsistence supplies
14 and other supplies, except articles of uniform, at the prices
15 at which like property is sold to members of the Navy and
16 Marine Corps.

17 “(e) Under such conditions as the Secretary may pre-
18 scribe, exterior articles of uniform may be sold to a person
19 who has been discharged from the Navy or Marine Corps
20 honorably or under honorable conditions, at the prices at
21 which like articles are sold to members of the Navy or
22 Marine Corps. This subsection does not modify sections
23 772 or 773 of this title.

24 “(f) Payment for subsistence supplies sold under this
25 section shall be made in cash.

1 “(g)(1) The Secretary may provide for the procure-
2 ment and sale of stores designated by the Secretary to
3 such civilian officers and employees of the United States,
4 and such other persons, as the Secretary considers prop-
5 er—

6 “(A) at military installations outside the United
7 States; and

8 “(B) subject to paragraph (2), at military in-
9 stallations inside the United States where the Sec-
10 retary determines that it is impracticable for those
11 civilian officers, employees, and persons to obtain
12 such stores from commercial enterprises without im-
13 pairing the efficient operation of military activities.

14 “(2) Sales to civilian officers and employees inside
15 the United States may be made under paragraph (1) only
16 to those residing within military installations.

17 “(h) Appropriations for subsistence of the Navy or
18 Marine Corps may be applied to the purchase of subsist-
19 ence supplies for sale to members of the Navy and Marine
20 Corps on active duty for the use of themselves and their
21 families.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 651 of such title is amended
24 by adding at the end the following:

“7606. Subsistence and other supplies: members of armed forces; veterans; execu-
tive or military departments and employees; prices.”.

1 **SEC. 386. CONVERSION OF CIVILIAN MARKSMANSHIP PRO-**
2 **GRAM TO NONAPPROPRIATED FUND INSTRU-**
3 **MENTALITY AND ACTIVITIES UNDER PRO-**
4 **GRAM.**

5 (a) CONVERSION.—Section 4307 of title 10, United
6 States Code, is amended to read as follows:

7 **“§ 4307. Promotion of rifle practice and firearms safe-**
8 **ty: administration**

9 “(a) NONAPPROPRIATED FUND INSTRUMENTAL-
10 ITY.—On and after October 1, 1995, the Civilian Marks-
11 manship Program shall be operated as a nonappropriated
12 fund instrumentality of the United States within the De-
13 partment of Defense for the benefit of members of the
14 armed forces and for the promotion of rifle practice and
15 firearms safety among civilians.

16 “(b) ADVISORY COMMITTEE.—(1) The Civilian
17 Marksmanship Program shall be under the general super-
18 vision of an Advisory Committee for the Promotion of
19 Rifle Practice and Firearms Safety, which shall replace
20 the National Board for the Promotion of Rifle Practice.
21 The Advisory Committee shall be appointed by the Sec-
22 retary of the Army.

23 “(2) Members of the Advisory Committee shall serve
24 without compensation, except that members shall be al-
25 lowed travel expenses, including per diem in lieu of sub-
26 sistence, at rates authorized for employees of agencies

1 under subchapter I of chapter 57 of title 5, while away
2 from their homes or regular places of business in the per-
3 formance of Advisory Committee services.

4 “(c) DIRECTOR.—The Secretary of the Army shall
5 appoint a person to serve as Director of the Civilian
6 Marksmanship Program.

7 “(d) FUNDING.—(1) The Advisory Committee and
8 the Director may solicit, accept, hold, use, and dispose of,
9 in furtherance of the activities of the Civilian Marksman-
10 ship Program, donations of money, property, and services
11 received by gift, devise, bequest, or otherwise. Donations
12 may be accepted notwithstanding any legal restrictions
13 otherwise arising from procurement relationships of the
14 donors with the United States.

15 “(2) All amounts collected under the Civilian Marks-
16 manship Program, including the proceeds from the sale
17 of arms, ammunition, targets, and other supplies and ap-
18 pliances under section 4308 of this title, shall be credited
19 to the Civilian Marksmanship Program and shall be avail-
20 able to carry out the Civilian Marksmanship Program.
21 Amounts collected by, and available to, the National
22 Board for the Promotion of Rifle Practice before the date
23 of the enactment of this section from sales programs and
24 from fees in connection with competitions sponsored by
25 that Board shall be transferred to the nonappropriated

1 funds account established for the Civilian Marksmanship
2 Program and shall be available to carry out the Civilian
3 Marksmanship Program.

4 “(3) Funds held on behalf of the Civilian Marksman-
5 ship Program shall not be construed to be Government
6 or public funds or appropriated funds and shall not be
7 available to support other nonappropriated fund instru-
8 mentalities of the Department of Defense. Expenditures
9 on behalf of the Civilian Marksmanship Program, includ-
10 ing compensation and benefits for civilian employees, may
11 not exceed \$5,000,000 during any fiscal year. The ap-
12 proval of the Advisory Committee shall be required for any
13 expenditure in excess of \$50,000. Notwithstanding any
14 other provision of law, funds held on behalf of the Civilian
15 Marksmanship Program shall remain available until ex-
16 pended.

17 “(e) INAPPLICABILITY OF ADVISORY COMMITTEE
18 ACT.—The Federal Advisory Committee Act (5 U.S.C.
19 App.) does not apply to the Advisory Committee.

20 “(f) DEFINITIONS.—In this section and sections
21 4308 through 4313 of this title:

22 “(1) The term ‘Civilian Marksmanship Pro-
23 gram’ means the rifle practice and firearms safety
24 program carried out under section 4308 of this title
25 and includes the National Matches and small-arms

1 firing schools referred to in section 4312 of this
2 title.

3 “(2) The term ‘Advisory Committee’ means the
4 Advisory Committee for the Promotion of Rifle
5 Practice and Firearms Safety.

6 “(3) The term ‘Director’ means the Director of
7 the Civilian Marksmanship Program.”.

8 (b) ACTIVITIES.—Section 4308 of such title is
9 amended to read as follows:

10 **“§ 4308. Promotion of rifle practice and firearms safe-**
11 **ty: activities**

12 “(a) INSTRUCTION, SAFETY, AND COMPETITION
13 PROGRAMS.—(1) The Civilian Marksmanship Program
14 shall provide for—

15 “(A) the operation and maintenance of indoor
16 and outdoor rifle ranges and their accessories and
17 appliances;

18 “(B) the instruction of citizens of the United
19 States in marksmanship, and the employment of
20 necessary instructors for that purpose;

21 “(C) the promotion of safe and responsible
22 practice in the use of rifled arms and the mainte-
23 nance and management of matches or competitions
24 in the use of those arms; and

1 “(D) the award to competitors of trophies,
2 prizes, badges, and other insignia.

3 “(2) In carrying out this subsection, the Civilian
4 Marksmanship Program shall give priority to activities
5 that benefit firearms safety training and competition for
6 youth and reach as many youth participants as possible.

7 “(3) Before a person may participate in any activity
8 sponsored or supported by the Civilian Marksmanship
9 Program under this subsection, the person shall be re-
10 quired to certify that the person has not violated any Fed-
11 eral or State firearms laws.

12 “(b) SALE AND ISSUANCE OF ARMS AND AMMUNI-
13 TION.—(1) The Civilian Marksmanship Program may
14 issue, without cost, the arms, ammunition (including cali-
15 ber .22 and caliber .30 ammunition), targets, and other
16 supplies and appliances necessary for activities conducted
17 under subsection (a). Issuance shall be made only to gun
18 clubs under the direction of the Director of the program
19 that provide training in the use of rifled arms to youth,
20 the Junior Reserve Officers’ Training Corps, the Boy
21 Scouts of America, 4-H Clubs, Future Farmers of Amer-
22 ica, and other youth-oriented organizations for training
23 and competition.

24 “(2) The Director of the Civilian Marksmanship Pro-
25 gram may sell at fair market value caliber .30 rifles and

1 accoutrements, caliber .22 rifles, and air rifles, and ammu-
2 nition for such rifles, to gun clubs that are under the di-
3 rection of the Director and provide training in the use of
4 rifled arms. In lieu of sales, the Director may loan such
5 rifles to such gun clubs.

6 “(3) The Director of the Civilian Marksmanship Pro-
7 gram may sell at fair market value small arms, ammuni-
8 tion, targets, and other supplies and appliances necessary
9 for target practice to citizens of the United States over
10 18 years of age who are members of a gun club under
11 the direction of the Director.

12 “(4) Before conveying any weapon or ammunition to
13 a person, whether by sale or lease, the Director shall pro-
14 vide for a criminal records check of the person with appro-
15 priate Federal and State law enforcement agencies.

16 “(c) OTHER AUTHORITIES.—The Director shall pro-
17 vide for—

18 “(1) the procurement of necessary supplies, ap-
19 pliances, trophies, prizes, badges, and other insignia,
20 clerical and other services, and labor to carry out the
21 Civilian Marksmanship Program; and

22 “(2) the transportation of employees, instruc-
23 tors, and civilians to give or to receive instruction or
24 to assist or engage in practice in the use of rifled
25 arms, and the transportation and subsistence, or an

1 allowance instead of subsistence, of members of
2 teams authorized by the Advisory Committee to par-
3 ticipate in matches or competitions in the use of ri-
4 fled arms.

5 “(d) FEES.—The Director, in consultation with the
6 Advisory Committee, may impose reasonable fees for per-
7 sons and gun clubs participating in any program or com-
8 petition conducted under the Civilian Marksmanship Pro-
9 gram for the promotion of rifle practice and firearms safe-
10 ty among civilians.

11 “(e) RECEIPT OF EXCESS ARMS AND AMMUNI-
12 TION.—(1) The Secretary of the Army shall reserve for
13 the Civilian Marksmanship Program all remaining M-1
14 Garand rifles, accoutrements, and ammunition for such ri-
15 fles, still held by the Army. After the date of the enact-
16 ment of the National Defense Authorization Act for Fiscal
17 Year 1996, the Secretary of the Army shall cease demili-
18 tarization of remaining M-1 Garand rifles in the Army
19 inventory unless such rifles are determined to be irrep-
20 arable.

21 “(2) Transfers under this subsection shall be made
22 without cost to the Civilian Marksmanship Program, ex-
23 cept for the costs of transportation for the transferred
24 small arms and ammunition.

1 “(f) PARTICIPATION CONDITIONS.—(1) All partici-
2 pants in the Civilian Marksmanship Program and activi-
3 ties sponsored or supported by the Advisory Committee
4 shall be required, as a condition of participation, to sign
5 affidavits stating that—

6 “(A) they have never been convicted of a fire-
7 arms violation under State or Federal law; and

8 “(B) they are not members of any organization
9 which advocates the violent overthrow of the United
10 States Government.

11 “(2) Any person found to have violated this sub-
12 section shall be ineligible to participate in the Civilian
13 Marksmanship Program and future activities.”.

14 (c) PARTICIPATION OF MEMBERS OF THE ARMED
15 FORCES IN INSTRUCTION AND COMPETITION.—Section
16 4310 of such title is amended to read as follows:

17 “**§ 4310. Rifle instruction and competitions: participa-**
18 **tion of members**

19 “The commander of a major command of the armed
20 forces may pay the personnel costs and travel and per
21 diem expenses of members of an active or reserve compo-
22 nent of the armed forces who participate in a competition
23 sponsored by the Civilian Marksmanship Program or who
24 provide instruction or other services in support of the Ci-
25 vilian Marksmanship Program.”.

1 (d) CONFORMING AMENDMENTS.—(1) Section
2 4312(a) of such title is amended by striking out “as pre-
3 scribed by the Secretary of the Army” and inserting in
4 lieu thereof “as part of the Civilian Marksmanship Pro-
5 gram”.

6 (2) Section 4313 of such title is amended—

7 (A) in subsection (a), by striking out “Sec-
8 retary of the Army” both places it appears and in-
9 serting in lieu thereof “Advisory Committee”; and

10 (B) in subsection (b), by striking out “Appro-
11 priated funds available for the Civilian Marksmanship
12 Program (as defined in section 4308(e) of this
13 title) may” and inserting in lieu thereof
14 “Nonappropriated funds available to the Civilian
15 Marksmanship Program shall”.

16 (e) CLERICAL AMENDMENTS.—The table of sections
17 at the beginning of chapter 401 of such title is amended
18 by striking out the items relating to sections 4307, 4308,
19 4309, and 4310 and inserting in lieu thereof the following
20 new items:

“4307. Promotion of rifle practice and firearms safety: administration.

“4308. Promotion of rifle practice and firearms safety: activities.

“4309. Rifle ranges: availability for use by members and civilians.

“4310. Rifle instruction and competitions: participation of members.”.

21 (f) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on October 1, 1995.

1 **SEC. 387. REPORT ON EFFORTS TO CONTRACT OUT CER-**
2 **TAIN FUNCTIONS OF DEPARTMENT OF DE-**
3 **FENSE.**

4 Not later than March 1, 1996, the Secretary of De-
5 fense shall submit to Congress a report describing the ad-
6 vantages and disadvantages of using contractor personnel,
7 rather than civilian employees of the Department of De-
8 fense, to perform functions of the Department that are
9 not essential to the warfighting mission of the Armed
10 Forces. The report shall specify all legislative and regu-
11 latory impediments to contracting those functions for pri-
12 vate performance.

13 **SEC. 388. IMPACT AID.**

14 (a) SPECIAL RULE FOR 1994 PAYMENTS.—The Sec-
15 retary of Education shall not consider any payment to a
16 local educational agency by the Department of Defense,
17 that is available to such agency for current expenditures
18 and used for capital expenses, as funds available to such
19 agency for purposes of making a determination for fiscal
20 year 1994 under section 3(d)(2)(B)(i) of the Act of Sep-
21 tember 30, 1950 (Public Law 874, 81st Congress) (as
22 such Act was in effect on September 30, 1994).

23 (b) PAYMENTS FOR ELIGIBLE FEDERALLY CON-
24 NECTED CHILDREN.—Subsection (f) of section 8003 of
25 such Act (20 U.S.C. 7703) is amended—

26 (1) in paragraph (2)—

1 (A) in the matter preceding clause (i) of
2 subparagraph (A), by striking “only if such
3 agency” and inserting “if such agency is eligible
4 for a supplementary payment in accordance
5 with subparagraph (B) or such agency”; and

6 (B) by adding at the end the following new
7 subparagraph:

8 “(C) A local educational agency shall only
9 be eligible to receive additional assistance under
10 this subsection if the Secretary determines
11 that—

12 “(i) such agency is exercising due dili-
13 gence in availing itself of State and other
14 financial assistance; and

15 “(ii) the eligibility of such agency
16 under State law for State aid with respect
17 to the free public education of children de-
18 scribed in subsection (a)(1) and the
19 amount of such aid are determined on a
20 basis no less favorable to such agency than
21 the basis used in determining the eligibility
22 of local educational agencies for State aid,
23 and the amount of such aid, with respect
24 to the free public education of other chil-
25 dren in the State.”; and

1 (2) in paragraph (3)—

2 (A) in subparagraph (A)—

3 (i) in the matter preceding clause (i),
4 by inserting “(other than any amount re-
5 ceived under paragraph (2)(B))” after
6 “subsection”;

7 (ii) in subclause (I) of clause (i), by
8 striking “or the average per-pupil expendi-
9 ture of all the States”;

10 (iii) by amending clause (ii) to read as
11 follows:

12 “(ii) The Secretary shall next multiply
13 the amount determined under clause (i) by
14 the total number of students in average
15 daily attendance at the schools of the local
16 educational agency.”; and

17 (iv) by amending clause (iii) to read
18 as follows:

19 “(iii) The Secretary shall next sub-
20 tract from the amount determined under
21 clause (ii) all funds available to the local
22 educational agency for current expendi-
23 tures, but shall not so subtract funds pro-
24 vided—

25 “(I) under this Act; or

1 “(II) by any department or agen-
2 cy of the Federal Government (other
3 than the Department) that are used
4 for capital expenses.”; and

5 (B) by amending subparagraph (B) to read
6 as follows:

7 “(B) SPECIAL RULE.—With respect to
8 payments under this subsection for a fiscal year
9 for a local educational agency described in
10 clause (ii) or (iii) of paragraph (2)(A), the max-
11 imum amount of payments under this sub-
12 section shall be equal to—

13 “(i) the product of—

14 “(I) the average per-pupil ex-
15 penditure in all States multiplied by
16 0.7, except that such amount may not
17 exceed 125 percent of the average per-
18 pupil expenditure in all local edu-
19 cational agencies in the State; multi-
20 plied by

21 “(II) the number of students de-
22 scribed in subparagraph (A) or (B) of
23 subsection (a)(1) for such agency;
24 minus

1 “(ii) the amount of payments such
2 agency receives under subsections (b) and
3 (d) for such year.”.

4 (c) CURRENT YEAR DATA.—Paragraph (4) of section
5 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to
6 read as follows:

7 “(4) CURRENT YEAR DATA.—For purposes of
8 providing assistance under this subsection the Sec-
9 retary—

10 “(A) shall use student and revenue data
11 from the fiscal year for which the local edu-
12 cational agency is applying for assistance under
13 this subsection; and

14 “(B) shall derive the per pupil expenditure
15 amount for such year for the local educational
16 agency’s comparable school districts by increas-
17 ing or decreasing the per pupil expenditure data
18 for the second fiscal year preceding the fiscal
19 year for which the determination is made by the
20 same percentage increase or decrease reflected
21 between the per pupil expenditure data for the
22 fourth fiscal year preceding the fiscal year for
23 which the determination is made and the per
24 pupil expenditure data for such second year.”.

1 **TITLE IV—MILITARY**
2 **PERSONNEL 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 Septem-
7 ber 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) FISCAL YEAR 1997.—The Armed Forces are au-
17 thorized strengths for active duty personnel as of Septem-
18 ber 30, 1997, as follows:

19 (1) The Army, 495,000, of which not more than
20 80,312 may be commissioned officers.

21 (2) The Navy, 409,740, of which not more than
22 56,615 may be commissioned officers.

23 (3) The Marine Corps, 174,000, of which not
24 more than 17,978 may be commissioned officers.

1 (4) The Air Force, 385,400, of which not more
2 than 76,494 may be commissioned officers.

3 **SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED**
4 **END STRENGTH LIMITATIONS FOR ACTIVE**
5 **DUTY AIR FORCE AND NAVY OFFICERS IN**
6 **CERTAIN GRADES.**

7 (a) AIR FORCE OFFICERS.—(1) In the administra-
8 tion of the limitation under section 523(a)(1) of title 10,
9 United States Code, for fiscal years 1996 and 1997, the
10 numbers applicable to officers of the Air Force serving on
11 active duty in the grades of major, lieutenant colonel, and
12 colonel shall be the numbers set forth for that fiscal year
13 in paragraph (2) (rather than the numbers determined in
14 accordance with the table in that section).

15 (2) The numbers referred to in paragraph (1) are as
16 follows:

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
1996	15,566	9,876	3,609
1997	15,645	9,913	3,627

17 (b) NAVY OFFICERS.—(1) In the administration of
18 the limitation under section 523(a)(2) of title 10, United
19 States Code, for fiscal years 1996 and 1997, the numbers
20 applicable to officers of the Navy serving on active duty
21 in the grades of lieutenant commander, commander, and
22 captain shall be the numbers set forth for that fiscal year

1 in paragraph (2) (rather than the numbers determined in
2 accordance with the table in that section).

3 (2) The numbers referred to in paragraph (1) are as
4 follows:

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant com- mander	Commander	Captain
1996	11,924	7,390	3,234
1997	11,732	7,297	3,188

5 **SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAIT-**
6 **ING RETIREMENT NOT TO BE COUNTED.**

7 (a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY
8 IN GENERAL AND FLAG OFFICER GRADES.—Section 525
9 of title 10, United States Code, is amended by adding at
10 the end the following:

11 “(d) An officer continuing to hold the grade of gen-
12 eral or admiral under section 601(b)(4) of this title after
13 relief from the position of Chairman of the Joint Chiefs
14 of Staff, Chief of Staff of the Army, Chief of Naval Oper-
15 ations, Chief of Staff of the Air Force, or Commandant
16 of the Marine Corps shall not be counted for purposes of
17 this section.”.

18 (b) NUMBER OF OFFICERS ON ACTIVE DUTY IN
19 GRADE OF GENERAL OR ADMIRAL.—Section 528(b) of
20 title 10, United States Code, is amended—

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

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

1 “(2) An officer continuing to hold the grade of gen-
2 eral or admiral under section 601(b)(4) of this title after
3 relief from the position of Chairman of the Joint Chiefs
4 of Staff, Chief of Staff of the Army, Chief of Naval Oper-
5 ations, Chief of Staff of the Air Force, or Commandant
6 of the Marine Corps shall not be counted for purposes of
7 this section.”.

8 **Subtitle B—Reserve Forces**

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

10 (a) FISCAL YEAR 1996.—The Armed Forces are au-
11 thorized strengths for Selected Reserve personnel of the
12 reserve components as of September 30, 1996, as follows:

13 (1) The Army National Guard of the United
14 States, 373,000.

15 (2) The Army Reserve, 230,000.

16 (3) The Naval Reserve, 98,894.

17 (4) The Marine Corps Reserve, 42,274.

18 (5) The Air National Guard of the United
19 States, 112,707.

20 (6) The Air Force Reserve, 73,969.

21 (7) The Coast Guard Reserve, 8,000.

22 (b) FISCAL YEAR 1997.—The Armed Forces are au-
23 thorized strengths for Selected Reserve personnel of the
24 reserve components as of September 30, 1997, as follows:

1 (1) The Army National Guard of the United
2 States, 367,000.

3 (2) The Army Reserve, 215,000.

4 (3) The Naval Reserve, 96,694.

5 (4) The Marine Corps Reserve, 42,682.

6 (5) The Air National Guard of the United
7 States, 107,151.

8 (6) The Air Force Reserve, 73,160.

9 (7) The Coast Guard Reserve, 8,000.

10 (c) WAIVER AUTHORITY.—The Secretary of Defense
11 may vary the end strength authorized by subsection (a)
12 or subsection (b) by not more than 2 percent.

13 (d) ADJUSTMENTS.—The end strengths prescribed by
14 subsection (a) or (b) for the Selected Reserve of any re-
15 serve component for a fiscal year shall be proportionately
16 reduced by—

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

21 (2) the total number of individual members not
22 in units organized to serve as units of the Selected
23 Reserve of such component who are on active duty
24 (other than for training or for unsatisfactory partici-

1 pation in training) without their consent at the end
2 of the fiscal year.

3 Whenever such units or such individual members are re-
4 leased from active duty during any fiscal year, the end
5 strength prescribed for such fiscal year for the Selected
6 Reserve of such reserve component shall be proportion-
7 ately increased by the total authorized strengths of such
8 units and by the total number of such individual members.

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 (a) FISCAL YEAR 1996.—Within the end strengths
12 prescribed in section 411(a), the reserve components of
13 the Armed Forces are authorized, as of September 30,
14 1996, the following number of Reserves to be serving on
15 full-time active duty or, in the case of members of the Na-
16 tional Guard, full-time National Guard duty for the pur-
17 pose of organizing, administering, recruiting, instructing,
18 or training the reserve components:

19 (1) The Army National Guard of the United
20 States, 23,390.

21 (2) The Army Reserve, 11,575.

22 (3) The Naval Reserve, 17,587.

23 (4) The Marine Corps Reserve, 2,559.

24 (5) The Air National Guard of the United
25 States, 10,066.

1 (6) The Air Force Reserve, 628.

2 (b) FISCAL YEAR 1997.—Within the end strengths
 3 prescribed in section 411(b), the reserve components of
 4 the Armed Forces are authorized, as of September 30,
 5 1997, the following number of Reserves to be serving on
 6 full-time active duty or, in the case of members of the Na-
 7 tional Guard, full-time National Guard duty for the pur-
 8 pose of organizing, administering, recruiting, instructing,
 9 or training the reserve components:

10 (1) The Army National Guard of the United
 11 States, 23,040.

12 (2) The Army Reserve, 11,550.

13 (3) The Naval Reserve, 17,171.

14 (4) The Marine Corps Reserve, 2,976.

15 (5) The Air National Guard of the United
 16 States, 9,824.

17 (6) The Air Force Reserve, 625.

18 **SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
 19 **GRADES AUTHORIZED TO SERVE ON ACTIVE**
 20 **DUTY IN SUPPORT OF THE RESERVES.**

21 (a) OFFICERS.—The table at the end of section
 22 12011(a) of title 10, United States Code, is amended to
 23 read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	643	140

“Grade	Army	Navy	Air Force	Marine Corps
Lieutenant Colonel or Commander	1,524	520	672	90
Colonel or Navy Captain	412	188	274	30”.

1 (b) SENIOR ENLISTED MEMBERS.—The table at the
2 end of section 12012(a) of such title is amended to read
3 as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9	603	202	366	20
E-8	2,585	429	890	94”.

4 **SEC. 414. RESERVES ON ACTIVE DUTY IN SUPPORT OF CO-**
5 **OPERATIVE THREAT REDUCTION PROGRAMS**
6 **NOT TO BE COUNTED.**

7 Section 115(d) of title 10, United States Code, is
8 amended by adding at the end the following:

9 “(8) Members of the Selected Reserve of the
10 Ready Reserve on active duty for more than 180
11 days to support programs described in section
12 1203(b) of the Cooperative Threat Reduction Act of
13 1993 (title XII of Public Law 103–160; 107 Stat.
14 1778; 22 U.S.C. 5952(b)).”.

15 **SEC. 415. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-**
16 **MILITARY CONTACTS AND COMPARABLE AC-**
17 **TIVITIES NOT TO BE COUNTED.**

18 Section 168 of title 10, United States Code, is
19 amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e) the follow-
4 ing new subsection (f):

5 “(f) ACTIVE DUTY END STRENGTHS.—(1) A member
6 of a reserve component referred to in paragraph (2) shall
7 not be counted for purposes of the following personnel
8 strength limitations:

9 “(A) The end strength for active-duty personnel
10 authorized pursuant to section 115(a)(1) of this title
11 for the fiscal year in which the member carries out
12 the activities referred to in paragraph (2).

13 “(B) The authorized daily average for members
14 in pay grades E-8 and E-9 under section 517 of
15 this title for the calendar year in which the member
16 carries out such activities.

17 “(C) The authorized strengths for commis-
18 sioned officers under section 523 of this title for the
19 fiscal year in which the member carries out such ac-
20 tivities.

21 “(2) A member of a reserve component referred to
22 in paragraph (1) is any member on active duty under an
23 order to active duty for 180 days or more who is engaged
24 in activities authorized under this section.”.

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

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

4 (a) FISCAL YEAR 1996.—For fiscal year 1996, the
5 Armed Forces are authorized average military training
6 student loads as follows:

- 7 (1) The Army, 75,013.
8 (2) The Navy, 44,238.
9 (3) The Marine Corps, 26,095.
10 (4) The Air Force, 33,232.

11 (b) FISCAL YEAR 1997.—For fiscal year 1997, the
12 Armed Forces are authorized average military training
13 student loads as follows:

- 14 (1) The Army, 79,275.
15 (2) The Navy, 44,121.
16 (3) The Marine Corps, 27,255.
17 (4) The Air Force, 35,522.

18 (c) SCOPE.—The average military training student
19 load authorized for an armed force for a fiscal year under
20 subsection (a) or (b) applies to the active and reserve com-
21 ponents of that armed force for that fiscal year.

22 (d) ADJUSTMENTS.—The average military training
23 student load authorized for a fiscal year in subsection (a)
24 or (b) shall be adjusted consistent with the end strengths
25 authorized for that fiscal year in subtitles A and B. The

1 Secretary of Defense shall prescribe the manner in which
2 such adjustments shall be apportioned.

3 **Subtitle D—Authorization of**
4 **Appropriations**

5 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
6 **TARY PERSONNEL.**

7 There is hereby authorized to be appropriated to the
8 Department of Defense for military personnel for fiscal
9 year 1996 a total of \$68,896,863,000. The authorization
10 in the preceding sentence supersedes any other authoriza-
11 tion of appropriations (definite or indefinite) for such pur-
12 pose for fiscal year 1996.

13 **TITLE V—MILITARY PERSONNEL**
14 **POLICY**

15 **Subtitle A—Officer Personnel**
16 **Policy**

17 **SEC. 501. JOINT OFFICER MANAGEMENT.**

18 (a) CRITICAL JOINT DUTY ASSIGNMENT POSI-
19 TIONS.—Section 661(d)(2)(A) of title 10, United States
20 Code, is amended by striking out “1,000” and inserting
21 in lieu thereof “500”.

22 (b) ADDITIONAL QUALIFYING JOINT SERVICE.—Sec-
23 tion 664 of such title is amended by adding at the end
24 the following:

1 “(i) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK
2 FORCE ASSIGNMENTS.—(1) The Secretary of Defense, in
3 consultation with the Chairman of the Joint Chiefs of
4 Staff, may credit an officer with having completed a full
5 tour of duty in a joint duty assignment upon the officer’s
6 completion of service described in paragraph (2) or may
7 grant credit for such service for purposes of determining
8 the cumulative service of the officer in joint duty assign-
9 ments. The credit for such service may be granted without
10 regard to the length of the service (except as provided in
11 regulations pursuant to subparagraphs (A) and (B) of
12 paragraph (4)) and without regard to whether the assign-
13 ment in which the service was performed is a joint duty
14 assignment as defined in regulations pursuant to section
15 668 of this title.

16 “(2) Service performed by an officer in a temporary
17 assignment on a joint task force or a multinational force
18 headquarters staff may be considered for credit under
19 paragraph (1) if—

20 “(A) the Secretary of Defense determines that
21 the service in that assignment provided significant
22 experience in joint matters;

23 “(B) any portion of the service in that assign-
24 ment was performed on or after the date of the en-

1 actment of the National Defense Authorization Act
2 for Fiscal Year 1996; and

3 “(C) the officer is recommended for such credit
4 by the Chief of Staff of the Army (for an officer in
5 the Army), the Chief of Naval Operations (for an of-
6 ficer in the Navy), the Chief of Staff of the Air
7 Force (for an officer in the Air Force), or the Com-
8 mandant of the Marine Corps (for an officer in the
9 Marine Corps).

10 “(3) Credit shall be granted under paragraph (1) on
11 a case-by-case basis.

12 “(4) The Secretary of Defense shall prescribe uni-
13 form criteria for determining whether to grant an officer
14 credit under paragraph (1). The criteria shall include the
15 following:

16 “(A) For an officer to be credited as having
17 completed a full tour of duty in a joint duty assign-
18 ment, the officer accumulated at least 24 months of
19 service in a temporary assignment referred to in
20 paragraph (2).

21 “(B) For an officer to be credited with service
22 in a joint duty assignment for purposes of determin-
23 ing cumulative service in joint duty assignments, the
24 officer accumulated at least 30 consecutive days of

1 service or 60 days of total service in a temporary as-
2 signment referred to in paragraph (2).

3 “(C) The service was performed in support of
4 a mission that was directed by the President or was
5 assigned by the President to United States forces in
6 the joint task force or multinational force involved.

7 “(D) The joint task force or multinational force
8 involved was constituted or designated by the Sec-
9 retary of Defense, by a commander of a combatant
10 command or of another force, or by a multinational
11 or United Nations command authority.

12 “(E) The joint task force or multinational force
13 involved conducted military combat or combat-relat-
14 ed operations or military operations other than war
15 in a unified action under joint, multinational, or
16 United Nations command and control.

17 “(5) Officers for whom joint duty credit is granted
18 pursuant to this subsection shall not be taken into account
19 for the purposes of section 661(d)(1) of this title, sub-
20 sections (a)(3) and (b) of section 662 of this title, section
21 664(a) of this title, or paragraph (7), (8), (9), (11), or
22 (12) of section 667 of this title.

23 “(6) In the case of an officer credited with having
24 completed a full tour of duty in a joint duty assignment
25 pursuant to this subsection, the Secretary of Defense may

1 waive the requirement in paragraph (1)(B) of section
2 661(c) of this title that the tour of duty in a joint duty
3 assignment be performed after the officer completes a pro-
4 gram of education referred to in paragraph (1)(A) of that
5 section.”.

6 (c) INFORMATION IN ANNUAL REPORT.—Section 667
7 of such title is amended—

8 (1) by redesignating paragraph (18) as para-
9 graph (19); and

10 (2) by inserting after paragraph (17) the fol-
11 lowing new paragraph (18):

12 “(18) The number of officers granted credit for
13 service in joint duty assignments under section
14 664(i) of this title and—

15 “(A) of those officers—

16 “(i) the number of officers credited
17 with having completed a tour of duty in a
18 joint duty assignment; and

19 “(ii) the number of officers granted
20 credit for purposes of determining cumu-
21 lative service in joint duty assignments;
22 and

23 “(B) the identity of each operation for
24 which an officer has been granted credit pursu-

1 ant to section 664(i) of this title and a brief de-
2 scription of the mission of the operation.”.

3 (d) GENERAL AND FLAG OFFICER EXEMPTION
4 FROM WAIVER LIMITS.—Section 661(c)(3)(D) of such
5 title is amended by inserting “, other than for general or
6 flag officers,” in the third sentence after “during any fis-
7 cal year”.

8 (e) LENGTH OF SECOND JOINT TOUR.—Section 664
9 of such title is amended—

10 (1) in subsection (e)(2), by inserting after sub-
11 paragraph (B) the following:

12 “(C) Service described in subsection (f)(6), ex-
13 cept that no more than 10 percent of all joint duty
14 assignments shown on the list published pursuant to
15 section 668(b)(2)(A) of this title may be so excluded
16 in any year.”; and

17 (2) in subsection (f)—

18 (A) by striking out “or” at the end of
19 paragraph (4);

20 (B) by striking out the period at the end
21 of paragraph (5) and inserting in lieu thereof “;
22 or”; and

23 (C) 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

1 not less than 2 years, without regard to whether a
2 waiver was granted for such assignment under sub-
3 section (b).”.

4 **SEC. 502. REVISION OF SERVICE OBLIGATION FOR GRAD-**
5 **UATES OF THE SERVICE ACADEMIES.**

6 (a) **MILITARY ACADEMY.**—Section 4348(a)(2)(B) of
7 such title is amended by striking out “six years” and in-
8 serting in lieu thereof “five years”.

9 (b) **NAVAL ACADEMY.**—Section 6959(a)(2)(B) of
10 such title is amended by striking out “six years” and in-
11 serting 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 in-
14 serting in lieu thereof “five years”.

15 (d) **REQUIREMENT FOR REVIEW AND REPORT.**—Not
16 later than April 1, 1996, the Secretary of Defense shall—

17 (1) review the effects that each of various peri-
18 ods of obligated active duty service for graduates of
19 the United States Military Academy, the United
20 States Naval Academy, and the United States Air
21 Force Academy would have on the number and qual-
22 ity of the eligible and qualified applicants seeking
23 appointment to such academies; and

24 (2) submit to the Committee on Armed Services
25 of the Senate and the Committee on National Secu-

1 rity of the House of Representatives a report on the
2 Secretary's findings together with any recommended
3 legislation regarding the minimum periods of obli-
4 gated active duty service for graduates of the United
5 States Military Academy, the United States Naval
6 Academy, and the United States Air Force Acad-
7 emy.

8 (e) EFFECTIVE DATE.—(1) The amendments made
9 by this section shall apply to persons who are first admit-
10 ted to military service academies after December 31,
11 1991.

12 (2) Section 511(e) of the National Defense Author-
13 ization Act for Fiscal Years 1990 and 1991 (Public Law
14 101–189; 103 Stat. 1439; 10 U.S.C. 2114 note) is amend-
15 ed—

16 (A) by striking out “amendments made by this
17 section” and inserting in lieu thereof “amendment
18 made by subsection (a)”; and

19 (B) by striking out “or one of the service acad-
20 emies”.

21 **SEC. 503. QUALIFICATIONS FOR APPOINTMENT AS SUR-**
22 **GEON GENERAL OF AN ARMED FORCE.**

23 (a) SURGEON GENERAL OF THE ARMY.—Section
24 3036 of title 10, United States Code, is amended—

1 (1) in subsection (b), by inserting after the
2 third sentence the following: “The Surgeon General
3 shall be appointed as prescribed in subsection (f).”;
4 and

5 (2) by adding at the end the following new sub-
6 section (f):

7 “(f) The President shall appoint the Surgeon General
8 from among commissioned officers in any corps of the
9 Army Medical Department who are educationally and pro-
10 fessionally qualified to furnish health care to other per-
11 sons, including doctors of medicine, dentistry, and osteop-
12 athy, nurses, and clinical psychologists.”.

13 (b) SURGEON GENERAL OF THE NAVY.—Section
14 5137 of title 10, United States Code, is amended—

15 (1) in the first sentence of subsection (a), by
16 striking out “in the Medical Corps” and inserting in
17 lieu thereof “who are educationally and profes-
18 sionally qualified to furnish health care to other per-
19 sons, including doctors of medicine, dentistry, and
20 osteopathy, nurses, and clinical psychologists”; and

21 (2) in subsection (b), by striking out “in the
22 Medical Corps” and inserting in lieu thereof “who is
23 qualified to be the Chief of the Bureau of Medicine
24 and Surgery”.

1 (c) SURGEON GENERAL OF THE AIR FORCE.—The
2 first sentence of section 8036 of title 10, United States
3 Code, is amended by striking out “designated as medical
4 officers under section 8067(a) of this title” and inserting
5 in lieu thereof “educationally and professionally qualified
6 to furnish health care to other persons, including doctors
7 of medicine, dentistry, and osteopathy, nurses, and clinical
8 psychologists”.

9 **SEC. 504. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR**
10 **FORCE.**

11 (a) TENURE AND GRADE OF DEPUTY JUDGE ADVO-
12 CATE GENERAL.—Section 8037(d)(1) of such title is
13 amended—

14 (1) by striking out “two years” in the second
15 sentence and inserting in lieu thereof “four years”,
16 and

17 (2) by striking out the last sentence and insert-
18 ing in lieu thereof the following: “An officer ap-
19 pointed as Deputy Judge Advocate General who
20 holds a lower regular grade shall be appointed in the
21 regular grade of major general.”.

22 (b) SAVINGS PROVISION.—The amendments made by
23 this section shall not apply to a person serving pursuant
24 to appointment in the position of Deputy Judge Advocate
25 General of the Air Force while such person is serving the

1 term for which the person was appointed to such position
2 before the date of the enactment of this Act and any ex-
3 tension of such term.

4 **SEC. 505. RETIRING GENERAL AND FLAG OFFICERS: APPLI-**
5 **CABILITY OF UNIFORM CRITERIA AND PRO-**
6 **CEDURES FOR RETIRING IN HIGHEST GRADE**
7 **IN WHICH SERVED.**

8 (a) **APPLICABILITY OF TIME-IN-GRADE REQUIRE-**
9 **MENTS.**—Section 1370 of title 10, United States Code, is
10 amended—

11 (1) in subsection (a)(2)(A), by striking out
12 “and below lieutenant general or vice admiral”; and

13 (2) in the first sentence of subsection (d)(2)(B),
14 as added by section 1641 of the Reserve Officer Per-
15 sonnel Management Act (title XVI of Public Law
16 103–337; 108 Stat. 2968), by striking out “and
17 below lieutenant general or vice admiral”.

18 (b) **RETIREMENT IN HIGHEST GRADE UPON CER-**
19 **TIFICATION OF SATISFACTORY SERVICE.**—Section
20 1370(c) of title 10, United States Code, is amended—

21 (1) by striking out “Upon retirement an offi-
22 cer” and inserting in lieu thereof “An officer”; and

23 (2) by striking out “may, in the discretion” and
24 all that follows and inserting in lieu thereof “may be
25 retired in the higher grade under subsection (a) only

1 after the Secretary of Defense certifies in writing to
2 the President and the Senate that the officer served
3 on active duty satisfactorily in that grade.”.

4 (c) CONFORMING AMENDMENTS.—Sections 3962(a),
5 5034, and 8962(a) of title 10, United States Code, are
6 repealed.

7 (d) TECHNICAL AND CLERICAL AMENDMENTS.—(1)
8 Sections 3962(b) and 8962(b) of such title are amended
9 by striking out “(b) Upon” and inserting in lieu thereof
10 “Upon”.

11 (2) The table of sections at the beginning of chapter
12 505 of such title is amended by striking out the item relat-
13 ing to section 5034.

14 (e) EFFECTIVE DATE FOR AMENDMENTS TO PROVI-
15 SION TAKING EFFECT IN 1996.—The amendment made
16 by subsection (a)(2) shall take effect on October 1, 1996,
17 immediately after subsection (d) of section 1370 of title
18 10, United States Code, takes effect under section
19 1691(b)(1) of the Reserve Officer Personnel Management
20 Act (108 Stat. 3026).

21 **SEC. 506. EXTENSION OF CERTAIN RESERVE OFFICER MAN-**
22 **AGEMENT AUTHORITIES.**

23 (a) GRADE DETERMINATION AUTHORITY FOR CER-
24 TAIN RESERVE MEDICAL OFFICERS.—Section 3359(b)
25 and 8359(b) of title 10, United States Code, are each

1 amended by striking out “September 30, 1995” and in-
2 serting in lieu thereof “September 30, 1996”.

3 (b) PROMOTION AUTHORITY FOR CERTAIN RESERVE
4 OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d)
5 and 8380(d) of title 10, United States Code, are each
6 amended by striking out “September 30, 1995” and in-
7 serting in lieu thereof “September 30, 1996”.

8 (c) YEARS OF SERVICE FOR MANDATORY TRANSFER
9 TO THE RETIRED RESERVE.—Section 1016(d) of the De-
10 partment of Defense Authorization Act, 1984 (10 U.S.C.
11 3360) is amended by striking out “September 30, 1995”
12 and inserting in lieu thereof “September 30, 1996”.

13 **SEC. 507. RESTRICTIONS ON WEARING INSIGNIA FOR HIGH-**
14 **ER GRADE BEFORE PROMOTION.**

15 (a) ACTIVE-DUTY LIST.—(1) Subchapter II of chap-
16 ter 36 of title 10, United States Code, is amended by in-
17 serting after section 624 the following:

18 **“§ 624a. Restrictions on frocking**

19 “(a) RESTRICTIONS.—An officer may not be frocked
20 to a grade unless—

21 “(1) the Senate has confirmed by advice and
22 consent a nomination of the officer for promotion to
23 that grade; and

1 “(2) the officer is serving in, or has been or-
2 dered to, a position for which that grade is author-
3 ized.

4 “(b) BENEFITS NOT TO ACCRUE.—(1) An officer
5 frocked to a grade may not, on the basis of the frocking—

6 “(A) be paid the rate of pay provided for an of-
7 ficer in that grade having the same number of years
8 of service as the frocked officer; or

9 “(B) assume any legal authority associated with
10 that grade.

11 “(2) The period for which an officer is frocked to a
12 grade may not be taken into account for any of the follow-
13 ing purposes:

14 “(A) Seniority in that grade.

15 “(B) Time of service in that grade.

16 “(c) NUMBERS OF ACTIVE-DUTY LIST OFFICERS
17 FROCKED TO GRADE O-7.—The number of officers on the
18 active-duty list who are authorized by frocking to wear the
19 insignia for the grade of brigadier general or, in the Navy,
20 rear admiral (lower half) may not exceed 35.

21 “(d) NUMBERS OF ACTIVE-DUTY LIST OFFICERS
22 FROCKED TO GRADES O-4, O-5, AND O-6.—The number
23 of officers of an armed force on the active-duty list who
24 are authorized by frocking to wear the insignia for a grade
25 to which a limitation on total number applies under sec-

1 tion 523(a) of this title for a fiscal year may not exceed
2 one percent of the total number provided for the officers
3 in that grade in that armed force in the administration
4 of the limitation under such section 523(a) for such fiscal
5 year.

6 “(e) DEFINITION.—In this section, the term ‘frock’,
7 with respect to an officer, means to authorize the officer
8 to wear the insignia of a higher grade before being pro-
9 moted to that grade.”.

10 (2) The table of sections at the beginning of sub-
11 chapter II of chapter 36 of such title is amended by insert-
12 ing after the item relating to section 624 the following:

“624a. Restrictions on frocking.”.

13 (b) TEMPORARY VARIATION OF LIMITATIONS ON
14 NUMBERS OF FROCKED OFFICERS.—(1) In the adminis-
15 tration of section 624a(c) of title 10, United States Code
16 (as added by subsection (a)), for fiscal years 1996 and
17 1997, the maximum number applicable to officers on the
18 active-duty list who are authorized by frocking to wear the
19 insignia for the grade of brigadier general or, in the Navy,
20 rear admiral (lower half) is as follows:

21 (A) During fiscal year 1996, 75 officers.

22 (B) During fiscal year 1997, 55 officers.

23 (2) In the administration of section 624a(d) of title
24 10, United States Code (as added by subsection (a)), for

1 fiscal year 1996, the percent limitation applied under that
 2 section shall be two percent instead of one percent.

3 (c) DEFINITION.—In this section, the term ‘frock’,
 4 with respect to an officer, means to authorize the officer
 5 to wear the insignia of a higher grade before being pro-
 6 moted to that grade.

7 **SEC. 508. DIRECTOR OF ADMISSIONS, UNITED STATES**
 8 **MILITARY ACADEMY: RETIREMENT FOR**
 9 **YEARS OF SERVICE.**

10 (a) AUTHORITY TO DIRECT RETIREMENT.—Section
 11 3920 of title 10, United States Code, is amended to read
 12 as follows:

13 **“§ 3920. More than thirty years: permanent profes-**
 14 **sors and the Director of Admissions of**
 15 **United States Military Academy**

16 “(a) AUTHORITY TO DIRECT RETIREMENT.—The
 17 Secretary of the Army may retire any of the personnel
 18 of the United States Military Academy described in sub-
 19 section (b) who has more than 30 years of service as a
 20 commissioned officer.

21 “(b) APPLICABILITY.—The authority under sub-
 22 section (a) may be exercised in the case of the following
 23 personnel:

24 “(1) A permanent professor.

25 “(2) The Director of Admissions.”.

1 (b) CLERICAL AMENDMENT.—The item relating to
 2 such section in the table of sections at the beginning of
 3 chapter 367 of such title is amended to read as follows:

“3920. More than thirty years: permanent professors and the Director of Admissions of United States Military Academy.”.

4 **Subtitle B—Matters Relating to**
 5 **Reserve Components**

6 **SEC. 511. MOBILIZATION INCOME INSURANCE PROGRAM**
 7 **FOR MEMBERS OF READY RESERVE.**

8 (a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E
 9 of title 10, United States Code, is amended by inserting
 10 after chapter 1213 the following new chapter:

11 **“CHAPTER 1214—READY RESERVE**
 12 **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. Department of Defense Ready Reserve Income Insurance Fund.

“12529. Board of Actuaries.

“12530. Payment of benefits.

“12531. Purchase of insurance.

“12532. Termination for nonpayment of premiums; forfeiture.

13 **“§ 12521. Definitions**

14 “In this chapter:

15 “(1) The term ‘insurance program’ means the
 16 Department of Defense Ready Reserve Income In-
 17 surance Program established under section 12522 of
 18 this title.

1 “(2) The term ‘covered service’ means active
2 duty performed by a member of a reserve component
3 under an order to active duty for a period of more
4 than 30 days which specifies that the member’s serv-
5 ice—

6 “(A) is in support of an operational mis-
7 sion for which members of the reserve compo-
8 nents have been ordered to active duty without
9 their consent; or

10 “(B) is in support of forces activated dur-
11 ing a period of war declared by Congress or a
12 period of national emergency declared by the
13 President or Congress.

14 “(3) The term ‘insured member’ means a mem-
15 ber of the Ready Reserve who is enrolled for cov-
16 erage under the insurance program in accordance
17 with section 12524 of this title.

18 “(4) The term ‘Secretary’ means the Secretary
19 of Defense.

20 “(5) The term ‘Department’ means the Depart-
21 ment of Defense.

22 “(6) The term ‘Board of Actuaries’ means the
23 Department of Defense Education Benefits Board of
24 Actuaries referred to in section 2006(e)(1) of this
25 title.

1 “(7) The term ‘Fund’ means the Department of
2 Defense Ready Reserve Income Insurance Fund es-
3 tablished by section 12528(a) of this title.

4 **“§ 12522. Establishment of insurance program**

5 “(a) ESTABLISHMENT.—The Secretary shall estab-
6 lish for members of the Ready Reserve an insurance pro-
7 gram to be known as the ‘Department of Defense Ready
8 Reserve Income Insurance Program’.

9 “(b) ADMINISTRATION.—The insurance program
10 shall be administered by the Secretary. The Secretary may
11 prescribe in regulations such rules, procedures, and poli-
12 cies as the Secretary considers necessary or appropriate
13 to carry out the insurance program.

14 **“§ 12523. Risk insured**

15 “(a) IN GENERAL.—The insurance program shall in-
16 sure members of the Ready Reserve against the risk of
17 being ordered into covered service.

18 “(b) ENTITLEMENT TO BENEFITS.—(1) An insured
19 member ordered into covered service shall be entitled to
20 payment of a benefit for each month (and fraction thereof)
21 of covered service that exceeds 30 days of covered service,
22 except that no member may be paid under the insurance
23 program for more than 12 months of covered service
24 served during any period of 18 consecutive months.

1 “(2) Payment shall be based solely on the insured
2 status of a member and on the period of covered service
3 served by the member. Proof of loss of income or of ex-
4 penses incurred as a result of covered service may not be
5 required.

6 **“§ 12524. Enrollment and election of benefits**

7 “(a) ENROLLMENT.—(1) Except as provided in sub-
8 section (f), upon first becoming a member of the Ready
9 Reserve, a member shall be automatically enrolled for cov-
10 erage under the insurance program. An automatic enroll-
11 ment of a member shall be void if within 30 days after
12 first becoming a member of the Ready Reserve the mem-
13 ber declines insurance under the program in accordance
14 with the regulations prescribed by the Secretary.

15 “(2) Promptly after the insurance program is estab-
16 lished, the Secretary shall offer to members of the reserve
17 components who are then members of the Ready Reserve
18 (other than members ineligible under subsection (f)) an
19 opportunity to enroll for coverage under the insurance pro-
20 gram. A member who fails to enroll within 30 days after
21 being offered the opportunity shall be considered as having
22 declined to be insured under the program.

23 “(3) A member of the Ready Reserve ineligible to en-
24 roll under subsection (f) shall be afforded an opportunity
25 to enroll upon being released from active duty if the mem-

1 ber has not previously had the opportunity to be enrolled
2 under paragraph (1) or (2). A member who fails to enroll
3 within 30 days after being afforded that opportunity shall
4 be considered as having declined to be insured under the
5 program.

6 “(b) ELECTION OF BENEFIT AMOUNT.—The amount
7 of a member’s monthly benefit under an enrollment shall
8 be the basic benefit under subsection (a) of section 12525
9 of this title unless the member elects a different benefit
10 under subsection (b) of such section within 30 days after
11 first becoming a member of the Ready Reserve or within
12 30 days after being offered the opportunity to enroll, as
13 the case may be.

14 “(c) ELECTIONS IRREVOCABLE.—(1) An election to
15 decline insurance pursuant to paragraph (1) or (2) of sub-
16 section (a) is irrevocable.

17 “(2) Subject to subsection (d), the amount of cov-
18 erage may not be changed after enrollment.

19 “(d) ELECTION TO TERMINATE.—A member may
20 terminate an enrollment at any time.

21 “(e) INFORMATION TO BE FURNISHED.—The Sec-
22 retary shall ensure that members referred to in subsection
23 (a) are given a written explanation of the insurance pro-
24 gram and are advised that they have the right to decline
25 to be insured and, if not declined, to elect coverage for

1 a reduced benefit or an enhanced benefit under subsection
2 (b).

3 “(f) MEMBERS INELIGIBLE TO ENROLL.—Members
4 of the Ready Reserve serving on active duty (or full-time
5 National Guard duty) are not eligible to enroll for cov-
6 erage under the insurance program. The Secretary may
7 define any additional category of members of the Ready
8 Reserve to be excluded from eligibility to purchase insur-
9 ance under this chapter.

10 **“§ 12525. Benefit amounts**

11 “(a) BASIC BENEFIT.—The basic benefit for an in-
12 sured member under the insurance program is \$1,000 per
13 month (as adjusted under subsection (d)).

14 “(b) REDUCED AND ENHANCED BENEFITS.—Under
15 the regulations prescribed by the Secretary, a person en-
16 rolled for coverage under the insurance program may
17 elect—

18 “(1) a reduced coverage benefit equal to one-
19 half the amount of the basic benefit; or

20 “(2) an enhanced benefit in the amount of
21 \$1,500, \$2,000, \$2,500, \$3,000, \$3,500, \$4,000,
22 \$4,500, or \$5,000 per month (as adjusted under
23 subsection (d)).

24 “(c) AMOUNT FOR PARTIAL MONTH.—The amount
25 of insurance payable to an insured member for any period

1 of covered service that is less than one month shall be de-
2 termined by multiplying $\frac{1}{30}$ of the monthly benefit rate
3 for the member by the number of days of the covered serv-
4 ice served by the member during such period.

5 “(d) ADJUSTMENT OF AMOUNTS.—(1) The Secretary
6 shall determine annually the effect of inflation on benefits
7 and shall adjust the amounts set forth in subsections (a)
8 and (b)(2) to maintain the constant dollar value of the
9 benefit.

10 “(2) If the amount of a benefit as adjusted under
11 paragraph (1) is not evenly divisible by \$10, the amount
12 shall be rounded to the nearest multiple of \$10, except
13 that an amount evenly divisible by \$5 but not by \$10 shall
14 be rounded to the next lower amount that is evenly divis-
15 ible by \$10.

16 **“§ 12526. Premiums**

17 “(a) ESTABLISHMENT OF RATES.—(1) The Sec-
18 retary, in consultation with the Board of Actuaries, shall
19 prescribe the premium rates for insurance under the in-
20 surance program.

21 “(2) The Secretary shall prescribe a fixed premium
22 rate for each \$1,000 of monthly insurance benefit. The
23 premium amount shall be equal to the share of the cost
24 attributable to insuring the member and shall be the same
25 for all members of the Ready Reserve who are insured

1 under the insurance program for the same benefit amount.
2 The Secretary shall prescribe the rate on the basis of the
3 best available estimate of risk and financial exposure, lev-
4 els of subscription by members, and other relevant factors.

5 “(b) LEVEL PREMIUMS.—The premium rate pre-
6 scribed for the first year of insurance coverage of an in-
7 sured member shall be continued without change for sub-
8 sequent years of insurance coverage, except that the Sec-
9 retary, after consultation with the Board of Actuaries,
10 may adjust the premium rate in order to fund inflation-
11 adjusted benefit increases on an actuarially sound basis.

12 **“§ 12527. Payment of premiums**

13 “(a) METHODS OF PAYMENT.—(1) The monthly pre-
14 mium for coverage of a member under the insurance pro-
15 gram shall be deducted and withheld from the insured
16 member’s basic pay for inactive duty training each month.

17 “(2) An insured member who does not receive pay
18 on a monthly basis shall pay the Secretary directly the
19 premium amount applicable for the level of benefits for
20 which the member is insured.

21 “(b) ADVANCE PAY FOR PREMIUM.—The Secretary
22 concerned may advance to an insured member the amount
23 equal to the first insurance premium payment due under
24 this chapter. The advance may be paid out of appropria-
25 tions for military pay. An advance to a member shall be

1 collected from the member either by deducting and with-
2 holding the amount from basic pay payable for the mem-
3 ber or by collecting it from the member directly. No dis-
4 bursing or certifying officer shall be responsible for any
5 loss resulting from an advance under this subsection.

6 “(c) PREMIUMS TO BE DEPOSITED IN FUND.—Pre-
7 mium amounts deducted and withheld from the basic pay
8 of insured members and premium amounts paid directly
9 to the Secretary shall be credited to the Fund.

10 **“§ 12528. Department of Defense Ready Reserve In-**
11 **come Insurance Fund**

12 “(a) ESTABLISHMENT.—There is established on the
13 books of the Treasury a fund to be known as the ‘Depart-
14 ment of Defense Ready Reserve Income Insurance Fund’,
15 which shall be administered by the Secretary of the Treas-
16 ury. The Fund shall be used for the accumulation of funds
17 in order to finance the liabilities of the insurance program
18 on an actuarially sound basis.

19 “(b) ASSETS OF FUND.—There shall be deposited
20 into the Fund the following:

21 “(1) Premiums paid under section 12527 of
22 this title.

23 “(2) Any amount appropriated to the Fund.

24 “(3) Any return on investment of the assets of
25 the Fund.

1 “(c) AVAILABILITY.—Amounts in the Fund shall be
2 available for paying insurance benefits under the insur-
3 ance program.

4 “(d) INVESTMENT OF ASSETS OF FUND.—The Sec-
5 retary of the Treasury shall invest such portion of the
6 Fund as is not in the judgment of the Secretary of De-
7 fense required to meet current liabilities. Such investments
8 shall be in public debt securities with maturities suitable
9 to the needs of the Fund, as determined by the Secretary
10 of Defense, and bearing interest at rates determined by
11 the Secretary of the Treasury, taking into consideration
12 current market yields on outstanding marketable obliga-
13 tions of the United States of comparable maturities. The
14 income on such investments shall be credited to the Fund.

15 “(e) ANNUAL ACCOUNTING.—At the beginning of
16 each fiscal year, the Secretary, in consultation with the
17 Board of Actuaries and the Secretary of the Treasury,
18 shall determine the following:

19 “(1) The projected amount of the premiums to
20 be collected, investment earnings to be received, and
21 any transfers or appropriations to be made for the
22 Fund 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
2 payments 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
8 Actuaries shall have the actuarial responsibility for the in-
9 surance 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
13 program and determine a premium rate methodology for
14 the Secretary to use in setting premium rates for the in-
15 surance program. The Board shall conduct the first valu-
16 ation and determine a premium rate methodology not later
17 than six months after the insurance program is estab-
18 lished.

19 “(c) EFFECTS OF CHANGED BENEFITS.—If at the
20 time of any actuarial valuation under subsection (b) there
21 has been a change in benefits under the insurance pro-
22 gram that has been made since the last such valuation
23 and such change in benefits increases or decreases the
24 present value of amounts payable from the Fund, the
25 Board of Actuaries shall determine a premium rate meth-

1 odology, and recommend to the Secretary a premium
2 schedule, for the liquidation of any liability (or actuarial
3 gain to the Fund) resulting from such change and any
4 previous such changes so that the present value of the sum
5 of the scheduled premium payments (or reduction in pay-
6 ments that would otherwise be made) equals the cumu-
7 lative increase (or decrease) in the present value of such
8 benefits.

9 “(d) ACTUARIAL GAINS OR LOSSES.—If at the time
10 of any such valuation the Board of Actuaries determines
11 that there has been an actuarial gain or loss to the Fund
12 as a result of changes in actuarial assumptions since the
13 last valuation or as a result of any differences, between
14 actual and expected experience since the last valuation, the
15 Board shall recommend to the Secretary a premium rate
16 schedule for the amortization of the cumulative gain or
17 loss to the Fund resulting from such changes in assump-
18 tions and any previous such changes in assumptions or
19 from the differences in actual and expected experience, re-
20 spectively, through an increase or decrease in the pay-
21 ments that would otherwise be made to the Fund.

22 “(e) INSUFFICIENT ASSETS.—If at any time liabil-
23 ities of the Fund exceed assets of the Fund as a result
24 of members of the Ready Reserve being ordered to active
25 duty as described in section 12521(2) of this title, and

1 funds are unavailable to pay benefits completely, the Sec-
2 retary shall request the President to submit to Congress
3 a request for a special appropriation to cover the unfunded
4 liability. If appropriations are not made to cover an un-
5 funded liability in any fiscal year, the Secretary shall re-
6 duce the amount of the benefits paid under the insurance
7 program to a total amount that does not exceed the assets
8 of the Fund expected to accrue by the end of such fiscal
9 year. Benefits that cannot be paid because of such a re-
10 duction shall be deferred and may be paid only after and
11 to the extent that additional funds become available.

12 “(f) DEFINITION OF PRESENT VALUE.—The Board
13 of Actuaries shall define the term ‘present value’ for pur-
14 poses of this subsection.

15 **“§ 12530. Payment of benefits**

16 “(a) COMMENCEMENT OF PAYMENT.—An insured
17 member who serves in excess of 30 days of covered service
18 shall be paid the amount to which such member is entitled
19 on a monthly basis beginning not later than one month
20 after the 30th day of covered service.

21 “(b) METHOD OF PAYMENT.—The Secretary shall
22 prescribe in the regulations the manner in which payments
23 shall be made to the member or to a person designated
24 in accordance with subsection (c).

1 “(c) DESIGNATED RECIPIENTS.—(1) A member may
2 designate in writing another person (including a spouse,
3 parent, or other person with an insurable interest, as de-
4 termined in accordance with the regulations prescribed by
5 the Secretary) to receive payments of insurance benefits
6 under the insurance program.

7 “(2) A member may direct that payments of insur-
8 ance benefits for a person designated under paragraph (1)
9 be deposited with a bank or other financial institution to
10 the credit of the designated person.

11 “(d) RECIPIENTS IN EVENT OF DEATH OF INSURED
12 MEMBER.—Any insurance payable under the insurance
13 program on account of a deceased member’s period of cov-
14 ered service shall be paid, upon the establishment of a
15 valid claim, to the beneficiary or beneficiaries which the
16 deceased member designated in writing. If no such des-
17 ignation has been made, the amount shall be payable in
18 accordance with the laws of the State of the member’s
19 domicile.

20 **“§ 12531. Purchase of insurance**

21 “(a) PURCHASE AUTHORIZED.—The Secretary may,
22 instead of or in addition to underwriting the insurance
23 program through the Fund, purchase from one or more
24 insurance companies a policy or policies of group insur-
25 ance in order to provide the benefits required under this

1 chapter. The Secretary may waive any requirement for full
2 and open competition in order to purchase an insurance
3 policy under this subsection.

4 “(b) ELIGIBLE INSURERS.—In order to be eligible to
5 sell insurance to the Secretary for purposes of subsection
6 (a), an insurance company shall—

7 “(1) be licensed to issue insurance in each of
8 the 50 States and in the District of Columbia; and

9 “(2) as of the most recent December 31 for
10 which information is available to the Secretary, have
11 in effect at least one percent of the total amount of
12 insurance that all such insurance companies have in
13 effect in the United States.

14 “(c) ADMINISTRATIVE PROVISIONS.—(1) An insur-
15 ance company that issues a policy for purposes of sub-
16 section (a) shall establish an administrative office at a
17 place and under a name designated by the Secretary.

18 “(2) For the purposes of carrying out this chapter,
19 the Secretary may use the facilities and services of any
20 insurance company issuing any policy for purposes of sub-
21 section (a), may designate one such company as the rep-
22 resentative of the other companies for such purposes, and
23 may contract to pay a reasonable fee to the designated
24 company for its services.

1 “(d) REINSURANCE.—The Secretary shall arrange
2 with each insurance company issuing any policy for pur-
3 poses of subsection (a) to reinsure, under conditions ap-
4 proved by the Secretary, portions of the total amount of
5 the insurance under such policy or policies with such other
6 insurance companies (which meet qualifying criteria pre-
7 scribed by the Secretary) as may elect to participate in
8 such reinsurance.

9 “(e) TERMINATION.—The Secretary may at any time
10 terminate any policy purchased under this section.

11 **“§ 12532. Termination for nonpayment of premiums;
12 forfeiture**

13 “(a) TERMINATION FOR NONPAYMENT.—The cov-
14 erage of a member under the insurance program shall ter-
15minate without prior notice upon a failure of the member
16 to make required monthly payments of premiums for two
17 consecutive months. The Secretary may provide in the reg-
18 ulations for reinstatement of insurance coverage termi-
19 nated under this subsection.

20 “(b) FORFEITURE.—Any person convicted of mutiny,
21 treason, spying, or desertion, or who refuses to perform
22 service in the armed forces or refuses to wear the uniform
23 of any of the armed forces shall forfeit all rights to insur-
24 ance under this chapter.”.

1 (2) The tables of chapters at the beginning of subtitle
 2 E, and at the beginning of part II of subtitle E, of title
 3 10, United States Code, are amended by inserting after
 4 the item relating to chapter 1213 the following new item:

“1214. Ready Reserve Income Insurance 12521”.

5 (b) EFFECTIVE DATE.—The insurance program pro-
 6 vided for in chapter 1214 of title 10, United States Code,
 7 as added by subsection (a), and the requirement for deduc-
 8 tions and contributions for that program shall take effect
 9 on September 30, 1996, or on any earlier date declared
 10 by the Secretary and published in the Federal Register.

11 **SEC. 512. ELIGIBILITY OF DENTISTS TO RECEIVE ASSIST-**
 12 **ANCE UNDER THE FINANCIAL ASSISTANCE**
 13 **PROGRAM FOR HEALTH CARE PROFES-**
 14 **SIONALS IN RESERVE COMPONENTS.**

15 Section 16201(b) of title 10, United States Code, is
 16 amended—

17 (1) by striking out “(b) PHYSICIANS IN CRITI-
 18 CAL SPECIALTIES.—” and inserting in lieu thereof
 19 “(b) PHYSICIANS AND DENTISTS IN CRITICAL SPE-
 20 CIALTIES.—”;

21 (2) in paragraph (1)—

22 (A) by inserting “or dental school” in sub-
 23 paragraph (A) after “medical school”;

24 (B) by inserting “or as a dental officer” in
 25 subparagraph (B) after “medical officer”; and

1 (C) by striking out “physicians in a medi-
2 cal specialty designated” and inserting in lieu
3 thereof “physicians or dentists in a medical spe-
4 cialty or dental specialty, respectively, that is
5 designated”; and

6 (3) in paragraph (2)(B), by inserting “or dental
7 officer” after “medical officer”.

8 **SEC. 513. LEAVE FOR MEMBERS OF RESERVE COMPO-**
9 **NENTS PERFORMING PUBLIC SAFETY DUTY.**

10 (a) ELECTION OF LEAVE TO BE CHARGED.—Sub-
11 section (b) of section 6323 of title 5, United States Code,
12 is amended by adding at the end the following: “Upon the
13 request of an employee, the period for which an employee
14 is absent to perform service described in paragraph (2)
15 may be charged to the employee’s accrued annual leave
16 or to compensatory time available to the employee instead
17 of being charged as leave to which the employee is entitled
18 under this subsection. The period of absence may not be
19 charged to sick leave.”.

20 (b) PAY FOR PERIOD OF ABSENCE.—Section 5519
21 of such title is amended by striking out “entitled to leave”
22 and inserting in lieu thereof “granted military leave”.

1 **Subtitle C—Uniform Code of**
2 **Military Justice**

3 **SEC. 521. REFERENCES TO UNIFORM CODE OF MILITARY**
4 **JUSTICE.**

5 Except as otherwise expressly provided, whenever in
6 this subtitle an amendment or repeal is expressed in terms
7 of an amendment to, or repeal of, a section or other provi-
8 sion, the reference shall be considered to be made to a
9 section or other provision of chapter 47 of title 10, United
10 States Code (the Uniform Code of Military Justice).

11 **SEC. 522. DEFINITIONS.**

12 Section 801 (article 1) is amended by inserting after
13 paragraph (14) the following new paragraphs:

14 “(15) The term ‘classified information’ means
15 any information or material that has been deter-
16 mined by an official of the United States pursuant
17 to law, an Executive order, or regulation to require
18 protection against unauthorized disclosure for rea-
19 sons of national security, and any restricted data, as
20 defined in section 11(y) of the Atomic Energy Act
21 of 1954 (42 U.S.C. 2014(y)).

22 “(16) The term ‘national security’ means the
23 national defense and foreign relations of the United
24 States.”.

1 **SEC. 523. ARTICLE 32 INVESTIGATIONS.**

2 Section 832 (article 32) is amended—

3 (1) by redesignating subsection (d) as sub-
4 section (e); and

5 (2) by inserting after subsection (c) the follow-
6 ing new subsection (d):

7 “(d) If evidence adduced in an investigation under
8 this article indicates that the accused committed an un-
9 charged offense, the investigating officer is authorized to
10 investigate the subject matter of such offense without the
11 accused having first been charged with the offense. If the
12 accused was present at such investigation, was informed
13 of the nature of each uncharged offense investigated, and
14 was afforded the opportunities for representation, cross-
15 examination, and presentation prescribed in subsection
16 (b), no further investigation of such offense or offenses
17 is necessary under this article.”.

18 **SEC. 524. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.**

19 Section 847(b) (article 47(b)) is amended—

20 (1) by inserting “indictment or” in the first
21 sentence after “shall be tried on”; and

22 (2) in the second sentence, by striking out
23 “shall be” and all that follows and inserting in lieu
24 thereof “shall be fined or imprisoned, or both, at the
25 court’s discretion.”.

1 **SEC. 525. COMMITMENT OF ACCUSED TO TREATMENT FA-**
2 **CILITY BY REASON OF LACK OF MENTAL CA-**
3 **PACITY OR MENTAL RESPONSIBILITY.**

4 (a) APPLICABLE PROCEDURES.—(1) Chapter 47 is
5 amended by inserting after section 850a (article 50a) the
6 following:

7 **“§850b. Art. 50b. Lack of mental capacity or mental**
8 **responsibility: commitment of accused**
9 **for examination and treatment**

10 “(a) PERSONS INCOMPETENT TO STAND TRIAL.—

11 (1) In the case of a person determined under this chapter
12 to be presently suffering from a mental disease or defect
13 rendering the person mentally incompetent to the extent
14 that the person is unable to understand the nature of the
15 proceedings against that person or to conduct or cooperate
16 intelligently in the defense of the case, the general court-
17 martial convening authority for that person shall commit
18 the person to the custody of the Attorney General.

19 “(2) The Attorney General shall take action in ac-
20 cordance with section 4241(d) of title 18.

21 “(3) If at the end of the period for hospitalization
22 provided for in section 4241(d) of title 18, it is determined
23 that the committed person’s mental condition has not so
24 improved as to permit the trial to proceed, action shall
25 be taken in accordance with section 4246 of such title.

1 “(4)(A) When the director of a facility in which a
2 person is hospitalized pursuant to paragraph (2) deter-
3 mines that the person has recovered to such an extent that
4 the person is able to understand the nature of the proceed-
5 ings against the person and to conduct or cooperate intel-
6 ligently in the defense of the case, the director shall
7 promptly transmit a notification of that determination to
8 the Attorney General and to the general court-martial con-
9 vening authority for the person. The director shall send
10 a copy of the notification to the person’s counsel.

11 “(B) Upon receipt of a notification, the general court-
12 martial convening authority shall promptly take custody
13 of the person unless the person covered by the notification
14 is no longer subject to this chapter. If the person is no
15 longer subject to this chapter, the Attorney General shall
16 take any action within the authority of the Attorney Gen-
17 eral that the Attorney General considers appropriate re-
18 garding the person.

19 “(C) The director of the facility may retain custody
20 of the person for not more than 30 days after transmitting
21 the notifications required by subparagraph (A).

22 “(5) In the application of section 4246 of title 18 to
23 a case under this subsection, references to the court that
24 ordered the commitment of a person, and to the clerk of
25 such court, shall be deemed to refer to the general court-

1 martial convening authority for that person. However, if
2 the person is no longer subject to this chapter at a time
3 relevant to the application of such section to the person,
4 the United States district court for the district where the
5 person is hospitalized or otherwise may be found shall be
6 considered as the court that ordered the commitment of
7 the person.

8 “(b) PERSONS FOUND NOT GUILTY BY REASON OF
9 LACK OF MENTAL RESPONSIBILITY.—(1) If a person is
10 found by a court-martial not guilty only by reason of lack
11 of mental responsibility, the person shall be committed to
12 a suitable facility until the person is eligible for release
13 in accordance with this section.

14 “(2) The court-martial shall conduct a hearing on the
15 mental condition in accordance with subsection (c) of sec-
16 tion 4243 of title 18. Subsections (b) and (d) of that sec-
17 tion shall apply with respect to the hearing.

18 “(3) A report of the results of the hearing shall be
19 made to the general court-martial convening authority for
20 the person.

21 “(4) If the court-martial fails to find by the standard
22 specified in subsection (d) of section 4243 of title 18 that
23 the person’s release would not create a substantial risk
24 of bodily injury to another person or serious damage of

1 property of another due to a present mental disease or
2 defect—

3 “(A) the general court-martial convening au-
4 thority may commit the person to the custody of the
5 Attorney General; and

6 “(B) the Attorney General shall take action in
7 accordance with subsection (e) of section 4243 of
8 title 18.

9 “(5) Subsections (f), (g), and (h) of section 4243 of
10 title 18 shall apply in the case of a person hospitalized
11 pursuant to paragraph (4)(B), except that the United
12 States district court for the district where the person is
13 hospitalized shall be considered as the court that ordered
14 the person’s commitment.

15 “(c) GENERAL PROVISIONS.—(1) Except as other-
16 wise provided in this subsection and subsection (d)(1), the
17 provisions of section 4247 of title 18 apply in the adminis-
18 tration of this section.

19 “(2) In the application of section 4247(d) of title 18
20 to hearings conducted by a court-martial under this sec-
21 tion or by (or by order of) a general court-martial conven-
22 ing authority under this section, the reference in that sec-
23 tion to section 3006A of such title does not apply.

24 “(d) APPLICABILITY.—(1) The provisions of chapter
25 313 of title 18 referred to in this section apply according

1 to the provisions of this section notwithstanding section
2 4247(j) of title 18.

3 “(2) If the status of a person as described in section
4 802 of this title (article 2) terminates while the person
5 is, pursuant to this section, in the custody of the Attorney
6 General, hospitalized, or on conditional release under a
7 prescribed regimen of medical, psychiatric, or psycho-
8 logical care or treatment, the provisions of this section es-
9 tablishing requirements and procedures regarding a per-
10 son no longer subject to this chapter shall continue to
11 apply to that person notwithstanding the change of sta-
12 tus.”.

13 (2) The table of sections at the beginning of sub-
14 chapter VII of such chapter is amended by inserting after
15 the item relating to section 850a (article 50a) the follow-
16 ing:

“850b. 50b. Lack of mental capacity or mental responsibility: commitment of
accused for examination and treatment.”.

17 (b) CONFORMING AMENDMENT.—Section 802 of title
18 10, United States Code (article 2 of the Uniform Code
19 of Military Justice), is amended by adding at the end the
20 following:

21 “(e) The provisions of this section are subject to sec-
22 tion 850b(d)(2) of this title (article 50b(d)(2)).”.

23 (c) EFFECTIVE DATE.—Section 850b of title 10,
24 United States Code (article 50b of the Uniform Code of

1 Military Justice), as added by subsection (a), shall take
2 effect 180 days after the date of the enactment of this
3 Act and shall apply with respect to charges referred to
4 courts-martial on or after that effective date.

5 **SEC. 526. FORFEITURE OF PAY AND ALLOWANCES AND RE-**
6 **DUCTION IN GRADE.**

7 (a) EFFECTIVE DATE OF PUNISHMENTS.—Section
8 857(a) (article 57(a)) is amended to read as follows:

9 “(a)(1) Any forfeiture of pay, forfeiture of allow-
10 ances, or reduction in grade included in a sentence of a
11 court-martial takes effect on the earlier of—

12 “(A) the date that is 20 days after the date on
13 which the sentence is adjudged; or

14 “(B) the date on which the sentence is ap-
15 proved by the convening authority.

16 “(2) On application by an accused, the convening au-
17 thority may defer any forfeiture of pay, forfeiture of allow-
18 ances, or reduction in grade that would otherwise become
19 effective under paragraph (1)(A) until the date on which
20 the sentence is approved by the convening authority. The
21 deferment may be rescinded at any time by the convening
22 authority.

23 “(3) A forfeiture of pay or allowances shall be col-
24 lected from pay accruing on and after the date on which
25 the sentence takes effect under paragraph (1). Periods

1 during which a sentence to forfeiture of pay or forfeiture
2 of allowances is suspended or deferred shall be excluded
3 in computing the duration of the forfeiture.

4 “(4) In this subsection, the term ‘convening author-
5 ity’, with respect to a sentence of a court-martial, means
6 any person authorized to act on the sentence under section
7 860 of this title (article 60).”.

8 (b) EFFECT OF PUNITIVE SEPARATION OR CONFINE-
9 MENT FOR ONE YEAR OR MORE.—(1) Subchapter VIII
10 is amended by inserting after section 858a (article 58a)
11 the following new section (article):

12 **“§ 858b. Art. 58b. Sentences: forfeiture of pay and al-
13 lowances**

14 “(a) A sentence adjudged by a court-martial that in-
15 cludes confinement for one year or more, death, dishonor-
16 able discharge, bad-conduct discharge, or dismissal shall
17 result in the forfeiture of all pay and allowances due that
18 member during any period of confinement or parole. The
19 forfeiture required by this section shall take effect on the
20 date determined under section 857(a) of this title (article
21 57(a)) and may be deferred in accordance with that sec-
22 tion.

23 “(b) In a case involving an accused who has depend-
24 ents, the convening authority or other person acting under
25 section 860 of this title (article 60) may waive any or all

1 of the forfeitures of pay and allowances required by sub-
2 section (a) for a period not to exceed six months. Any
3 amount of pay or allowances that, except for a waiver
4 under this subsection, would be forfeited shall be paid, as
5 the convening authority or other person taking action di-
6 rects, to the dependents of the accused.”.

7 “(c) If the sentence of a member who forfeits pay
8 and allowances under subsection (a) is set aside or dis-
9 approved or, as finally approved, does not provide for a
10 punishment referred to in subsection (a), the member shall
11 be paid the pay and allowances which the member would
12 have been paid, except for the forfeiture, for the period
13 during which the forfeiture was in effect.”.

14 (2) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of subchapter VIII of such chapter is
16 amended by adding at the end the following new item:

“858b. 58b. Sentences: forfeiture of pay and allowances.”.

17 (c) APPLICABILITY.—The amendments made by this
18 section shall apply to a case in which a sentence is ad-
19 judged by a court-martial on or after the first day of the
20 first month that begins at least 30 days after the date
21 of the enactment of this Act.

22 **SEC. 527. DEFERMENT OF CONFINEMENT.**

23 Section 857 (article 57) is amended by striking out
24 subsection (e) and inserting in lieu thereof the following:

1 “(e)(1) When an accused in the custody of a State
2 or foreign country is returned temporarily to military au-
3 thorities for trial by court-martial and is later returned
4 to that State or foreign country under the authority of
5 a mutual agreement or treaty, the convening authority of
6 the court-martial may defer the service of the sentence to
7 confinement without the consent of the accused. The
8 deferment shall terminate when the accused is released
9 permanently to military authorities by the State or foreign
10 country having custody of the accused.

11 “(2) In this subsection, the term ‘State’ includes the
12 District of Columbia and any commonwealth, territory, or
13 possession of the United States.

14 “(f) While a review of a case under section 867(a)(2)
15 of this title (article 67(a)(2)) is pending, the Secretary
16 concerned or, when designated by the Secretary, an Under
17 Secretary, an Assistant Secretary, the Judge Advocate
18 General, or a commanding officer may defer further serv-
19 ice of a sentence to confinement which has been ordered
20 executed in such case.”.

21 **SEC. 528. SUBMISSION OF MATTERS TO THE CONVENING**
22 **AUTHORITY FOR CONSIDERATION.**

23 Section 860(b)(1) (article 60(b)(1)) is amended by
24 inserting after the first sentence the following: “Any such
25 submission shall be in writing.”.

1 **SEC. 529. PROCEEDINGS IN REVISION.**

2 Section 860(e)(2) (article 60(e)(2)) is amended by
3 striking out the first sentence and inserting in lieu thereof
4 the following: “A proceeding in revision may be ordered
5 before authentication of the record of trial in order to cor-
6 rect a clerical mistake in a judgment, order, or other part
7 of the record or any error in the record arising from over-
8 sight or omission.”.

9 **SEC. 530. APPEAL BY THE UNITED STATES.**

10 Section 862(a)(1) (article 62(a)(1)) is amended to
11 read as follows:

12 “(a)(1)(A) In a trial by court-martial in which a mili-
13 tary judge presides and in which a punitive discharge may
14 be adjudged, the United States may appeal the following:

15 “(i) An order or ruling of the military judge
16 which terminates the proceedings with respect to a
17 charge or specification.

18 “(ii) An order or ruling which excludes evidence
19 that is substantial proof of a fact material in the
20 proceeding.

21 “(iii) An order or ruling which directs the dis-
22 closure of classified information.

23 “(iv) An order or ruling which imposes sanc-
24 tions for nondisclosure of classified information.

1 **SEC. 532. 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
5 circumstances not amounting to rape, commits an act of
6 sexual 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) In a prosecution under subsection (b), it is a
16 defense that—

17 “(1) the person with whom the accused commit-
18 ted the act of sexual intercourse had at the time of
19 the alleged offense attained the age of twelve years;
20 and

21 “(2) the accused reasonably believed that that
22 person had at the time of the alleged offense at-
23 tained the age of sixteen years.”.

1 **SEC. 533. TIME AFTER ACCESSION FOR INITIAL INSTRU-**
2 **CTION IN THE UNIFORM CODE OF MILITARY**
3 **JUSTICE.**

4 Section 937(a)(1) (article 137(a)(1)) is amended by
5 striking out “within six days” and inserting in lieu thereof
6 “within fourteen days”.

7 **SEC. 534. TECHNICAL AMENDMENT.**

8 Section 866(f) (article 66(f)) is amended by striking
9 out “Courts of Military Review” both places it appears
10 and inserting in lieu thereof “Courts of Criminal Ap-
11 peals”.

12 **SEC. 535. PERMANENT AUTHORITY CONCERNING TEM-**
13 **PORARY VACANCIES ON THE COURT OF AP-**
14 **PEALS FOR THE ARMED FORCES.**

15 Section 1301 of the National Defense Authorization
16 Act for Fiscal Years 1990 and 1991 (Public Law 101-
17 189; 103 Stat. 1569; 10 U.S.C. 942 note) is amended by
18 striking out subsection (i).

19 **SEC. 536. ADVISORY PANEL ON UCMJ JURISDICTION OVER**
20 **CIVILIANS ACCOMPANYING THE ARMED**
21 **FORCES IN TIME OF ARMED CONFLICT.**

22 (a) ESTABLISHMENT.—Not later than December 15,
23 1996, the Secretary of Defense and the Attorney General
24 shall jointly establish an advisory panel to review and
25 make recommendations on jurisdiction over civilians ac-
26 companying the Armed Forces in time of armed conflict.

1 (b) MEMBERSHIP.—The panel shall be composed of
2 at least 5 individuals, including experts in military law,
3 international law, and federal civilian criminal law. In
4 making appointments to the panel, the Secretary and the
5 Attorney General shall ensure that the members of the
6 panel reflect diverse experiences in the conduct of prosecu-
7 tion and defense functions.

8 (c) DUTIES.—The panel shall—

9 (1) review historical experiences and current
10 practices concerning the employment, training, dis-
11 cipline, and functions of civilians accompanying the
12 Armed Forces in the field;

13 (2) make specific recommendations (in accord-
14 ance with subsection (d)) concerning—

15 (A) establishing court-martial jurisdiction
16 over civilians accompanying the Armed Forces
17 in the field during time of armed conflict not
18 involving a war declared by Congress;

19 (B) revisions to the jurisdiction of the Ar-
20 ticle III courts over such persons; and

21 (C) establishment of Article I courts to ex-
22 ercise jurisdiction over such persons; and

23 (3) make such additional recommendations (in
24 accordance with subsection (d)) as the panel consid-
25 ers appropriate as a result of the review.

1 (d) REPORT.—(1) Not later than December 15,
2 1996, the advisory panel shall transmit a report on the
3 findings and recommendations of the panel to the Sec-
4 retary of Defense and the Attorney General.

5 (2) Not later than January 15, 1997, the Secretary
6 of Defense and the Attorney General shall jointly transmit
7 the report of the advisory panel to Congress. The Sec-
8 retary and the Attorney General may include in the trans-
9 mittal any joint comments on the report that they con-
10 sider appropriate, and either such official may include in
11 the transmittal any separate comments on the report that
12 such official considers appropriate.

13 (e) DEFINITIONS.—In this section:

14 (1) The term “Article I court” means a court
15 established under Article I of the Constitution.

16 (2) The term “Article III court” means a court
17 established under Article III of the Constitution.

18 (f) TERMINATION OF PANEL.—The panel shall termi-
19 nate 30 days after the date of submission of the report
20 to the Secretary of Defense and the Attorney General
21 under subsection (d).

1 **Subtitle D—Decorations and**
2 **Awards**

3 **SEC. 541. AWARD OF PURPLE HEART TO CERTAIN FORMER**
4 **PRISONERS OF WAR.**

5 (a) **AUTHORITY TO MAKE AWARD.**—The President
6 may award the Purple Heart to a person who, while serv-
7 ing in the Armed Forces of the United States before April
8 25, 1962—

9 (1) was taken prisoner or held captive—

10 (A) in an action against an enemy of the
11 United States;

12 (B) in military operations involving conflict
13 with an opposing foreign force;

14 (C) during service with friendly forces en-
15 gaged in an armed conflict against an opposing
16 armed force in which the United States was not
17 a belligerent party;

18 (D) as the result of an action of any such
19 enemy or opposing armed force; or

20 (E) as the result of an act of any foreign
21 hostile force; and

22 (2) was wounded while being taken prisoner or
23 held captive.

24 (b) **STANDARDS.**—An award of the Purple Heart may
25 be made under subsection (a) only in accordance with the

1 standards in effect on the date of the enactment of this
2 Act for the award of the Purple Heart to a member of
3 the Armed Forces who, on or after April 25, 1962, has
4 been taken prisoner and held captive under circumstances
5 described in that subsection.

6 (c) EXCEPTION FOR AIDING THE ENEMY.—An award
7 of a Purple Heart may not be made under this section
8 to any person convicted by a court of competent jurisdic-
9 tion of rendering assistance to any enemy of the United
10 States.

11 (d) COVERED WOUNDS.—A wound determined by the
12 Secretary of Veterans Affairs as being a service-connected
13 injury arising from being taken prisoner or held captive
14 under circumstances described in subsection (a) satisfies
15 the condition set forth in paragraph (2) of that subsection.

16 (e) RELATIONSHIP TO OTHER AUTHORITY TO
17 AWARD THE PURPLE HEART.—The authority under this
18 section is in addition to any other authority of the Presi-
19 dent to award the Purple Heart.

20 **SEC. 542. MERITORIOUS AND VALOROUS SERVICE DURING**
21 **VIETNAM ERA: REVIEW AND AWARDS.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) The Ia Drang Valley (Pleiku) campaign,
25 carried out by the Armed Forces of the United

1 States in the Ia Drang Valley of Vietnam from Octo-
2 ber 23, 1965, to November 26, 1965, is illustrative
3 of the many battles which pitted forces of the United
4 States against North Vietnamese Army regulars and
5 Viet Cong in vicious fighting in which many mem-
6 bers of the Armed Forces displayed extraordinary
7 heroism, sacrifice, and bravery which has not yet
8 been officially recognized through award of appro-
9 priate decorations.

10 (2) Accounts of these battles published since
11 the war ended authoritatively document repeated
12 acts of extraordinary heroism, sacrifice, and bravery
13 on the part of many members of the Armed Forces
14 who were engaged in these battles, many of whom
15 have never been officially recognized for those acts.

16 (3) In some of the battles United States mili-
17 tary units suffered substantial losses, in some cases
18 a majority of the strength of the units.

19 (4) The incidence of heavy casualties through-
20 out the war inhibited the timely collection of com-
21 prehensive and detailed information to support rec-
22 ommendations for awards for the acts of heroism,
23 sacrifice, and bravery performed.

24 (5) Requests to the Secretaries of the military
25 departments for review of award recommendations

1 for those acts have been denied because of restric-
2 tions in law and regulations that require timely fil-
3 ing of recommendations and documented justifica-
4 tion.

5 (6) Acts of heroism, sacrifice, and bravery per-
6 formed in combat by members of the Armed Forces
7 of the United States deserve appropriate and timely
8 recognition by the people of the United States.

9 (7) It is appropriate to recognize military per-
10 sonnel for acts of extraordinary heroism, sacrifice, or
11 bravery that are belatedly, but properly, documented
12 by persons who witnessed those acts.

13 (b) WAIVER OF RESTRICTIONS ON AWARDS.—(1)
14 Notwithstanding any other provision of law, the Secretary
15 of Defense or the Secretary of the military department
16 concerned may award a decoration to any person for an
17 act, an achievement, or service that the person performed
18 in a campaign while serving on active duty during the
19 Vietnam era.

20 (2) Paragraph (1) applies to any decoration (includ-
21 ing any device in lieu of a decoration) that, during or after
22 the Vietnam era and before the date of the enactment of
23 this Act, was authorized by law or under regulations of
24 the Department of Defense or the military department
25 concerned to be awarded to a person for an act, an

1 achievement, or service performed by that person while
2 serving on active duty.

3 (c) REVIEW OF AWARD RECOMMENDATIONS.—(1)
4 The Secretary of each military department shall review all
5 recommendations for awards for acts, achievements, or
6 service described in subsection (b)(1) that have been re-
7 ceived by the Secretary during the period of the review.

8 (2) The Secretaries shall begin the review within 30
9 days after the date of the enactment of this Act and shall
10 complete the review within one year after such date.

11 (3) The Secretary may use the same process for car-
12 rying out the review as the Secretary uses for reviewing
13 other recommendations for awarding decorations to mem-
14 bers of the armed force or armed forces under the Sec-
15 retary's jurisdiction for acts, achievements, or service.

16 (4)(A) Upon completing the review, the Secretary
17 shall submit a report on the review to the Committee on
18 Armed Services of the Senate and the Committee on Na-
19 tional Security of the House of Representatives.

20 (B) The report shall contain the following informa-
21 tion on each recommendation for award reviewed:

22 (i) A summary of the recommendation.

23 (ii) The findings resulting from the review.

24 (iii) The final action taken on the recommenda-
25 tion.

1 (d) DEFINITIONS.—In this section:

2 (1) The term “Vietnam era” has the meaning
3 given that term in section 101(29) of title 38, Unit-
4 ed States Code.

5 (2) The term “active duty” has the meaning
6 given such term in section 101(d)(1) of title 10,
7 United States Code.

8 **SEC. 543. MILITARY INTELLIGENCE PERSONNEL PRE-**
9 **VENTED BY SECRECY FROM BEING CONSID-**
10 **ERED FOR DECORATIONS AND AWARDS.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that the Secretaries of the military departments—

13 (1) should review the service records of Armed
14 Forces personnel and former Armed Forces person-
15 nel who performed military intelligence duties during
16 the period beginning January 1, 1940, and ending
17 December 31, 1990, in order to determine—

18 (A) whether, by reason of the secrecy asso-
19 ciated with the performance of such duties, any
20 of such personnel have not been considered or
21 fully considered before the date of the enact-
22 ment of this Act for decorations and awards for
23 the performance of such duties during that pe-
24 riod; and

1 (B) whether, without regard to applicable
2 time limitations, any of such personnel should
3 be considered for decorations or awards in rec-
4 ognition of the manner in which the personnel
5 performed such duties or the achievements at-
6 tained in performing such duties; and

7 (2) should consider, in particular, any rec-
8 ommendation for a decoration or award for any of
9 such personnel that—

10 (A) is based on the manner in which the
11 personnel performed such duties or the achieve-
12 ments attained in performing such duties; and

13 (B) is received within one year after the
14 date of the enactment of this Act.

15 (b) WAIVER OF TIME LIMITATIONS.—The Secretary
16 of a military department may approve a decoration or
17 award for any personnel referred to in subsection (a) in
18 accordance with the sense of Congress set forth in that
19 subsection without regard to any of the following restric-
20 tions:

21 (1) The following provisions of title 10, United
22 States Code:

23 (A) Section 3744(d).

24 (B) Section 6248(a).

25 (C) Section 8744(d).

1 (2) Any regulation or other administrative re-
 2 striction on the time for submitting a recommenda-
 3 tion for a decoration or award or for approving a
 4 decoration or award.

5 **Subtitle E—Other Matters**

6 **SEC. 551. DETERMINATION OF WHEREABOUTS AND STA-** 7 **TUS OF MISSING PERSONS.**

8 (a) **PURPOSE.**—The purpose of this section is to en-
 9 sure that any member of the Armed Forces is accounted
 10 for by the United States (by the return of such person
 11 alive, by the return of the remains of such person, or by
 12 the decision that credible evidence exists to support an-
 13 other determination of the status of such person) and, as
 14 a general rule, is not declared dead solely because of the
 15 passage of time.

16 (b) **IN GENERAL.**—(1) Part II of subtitle A of title
 17 10, United States Code, is amended by inserting after
 18 chapter 75 the following new chapter:

19 **“CHAPTER 76—MISSING PERSONS**

“Sec.

“1501. System for accounting for missing persons.

“1502. Missing persons: initial report.

“1503. Actions of Secretary concerned; initial board inquiry.

“1504. Subsequent board of inquiry.

“1505. Further review.

“1506. Personnel files.

“1507. Recommendation of status of death.

“1508. Return alive of person declared missing or dead.

“1509. Effect on State law.

“1510. Definitions.

1 **“§ 1501. System for accounting for missing persons**

2 “(a) OFFICE FOR MISSING PERSONNEL.—(1) The
3 Secretary of Defense shall establish within the Office of
4 the Secretary of Defense an office to have responsibility
5 for Department of Defense policy relating to missing per-
6 sons. Subject to the authority, direction, and control of
7 the Secretary of Defense, the responsibilities of the office
8 shall include—

9 “(A) policy, control, and oversight within the
10 Department of Defense of the entire process for in-
11 vestigation and recovery related to missing persons;
12 and

13 “(B) coordination for the Department of De-
14 fense with other departments and agencies of the
15 United States on all matters concerning missing per-
16 sons.

17 “(2) In carrying out the responsibilities of the office
18 established under this subsection, the head of the office
19 shall coordinate the efforts of that office with those of
20 other departments and agencies and other elements of the
21 Department of Defense for such purposes and shall be re-
22 sponsible for the coordination for such purposes within the
23 Department of Defense among the military departments,
24 the Joint Staff, and the commanders of the combatant
25 commands.

1 “(3) The office shall establish policies, which shall
2 apply uniformly throughout the Department of Defense,
3 for personnel recovery.

4 “(4) The office shall establish procedures to be fol-
5 lowed by Department of Defense boards of inquiry, and
6 by officials reviewing the reports of such boards, under
7 this chapter.

8 “(b) SEARCH AND RESCUE.—Notwithstanding sub-
9 section (a), responsibility for search and rescue policies
10 within the Department of Defense shall be established by
11 the Assistant Secretary of Defense for Special Operations
12 and Low Intensity Conflict.

13 “(c) UNIFORM DOD PROCEDURES.—(1) The Sec-
14 retary of Defense shall prescribe procedures, to apply uni-
15 formly throughout the Department of Defense, for—

16 “(A) the determination of the status of persons
17 described in subsection (e); and

18 “(B) for the systematic, comprehensive, and
19 timely collection, analysis, review, dissemination, and
20 periodic update of information related to such per-
21 sons.

22 “(2) Such procedures may provide for the delegation
23 by the Secretary of Defense of any responsibility of the
24 Secretary under this chapter to the Secretary of a military
25 department.

1 “(3) Such procedures shall be prescribed in a single
2 directive applicable to all elements of the Department of
3 Defense, other than the elements carrying out activities
4 relating to search and rescue.

5 “(4) As part of such procedures, the Secretary may
6 provide for the extension, on a case by-case basis, of any
7 time limit specified in section 1503 or 1504 of this title.
8 Any such extension may not be for a period in excess of
9 the period with respect to which the extension is provided.
10 Subsequent extensions may be provided on the same basis.

11 “(d) COAST GUARD.—(1) The Secretary of Transpor-
12 tation shall designate an officer of the Department of
13 Transportation to have responsibility within the Depart-
14 ment of Transportation for matters relating to missing
15 persons who are Coast Guard personnel.

16 “(2) The Secretary of Transportation shall prescribe
17 procedures for the determination of the status of persons
18 described in subsection (e) who are personnel of the Coast
19 Guard and for the collection, analysis, review, and update
20 of information on such persons. To the maximum extent
21 practicable, the procedures prescribed under this para-
22 graph shall be similar to the procedures prescribed by the
23 Secretary of Defense under subsection (c).

24 “(e) COVERED PERSONS.—Section 1502 of this title
25 applies in the case of any member of the armed forces

1 on active duty who becomes involuntarily absent as a re-
2 sult of a hostile action, or under circumstances suggesting
3 that the involuntary absence is a result of a hostile action,
4 and whose status is undetermined or who is unaccounted
5 for.

6 “(f) PRIMARY NEXT OF KIN.—The individual who is
7 primary next of kin of any person prescribed in subsection
8 (e) may for purposes of this chapter designate another in-
9 dividual to act on behalf of that individual as primary next
10 of kin. The Secretary concerned shall treat an individual
11 so designated as if the individual designated were the pri-
12 mary next of kin for purposes of this chapter. A designa-
13 tion under this subsection may be revoked at any time by
14 the person who made the designation.

15 “(g) TERMINATION OF APPLICABILITY OF PROCE-
16 DURES WHEN MISSING PERSON IS ACCOUNTED FOR.—
17 The provisions of this chapter relating to boards of inquiry
18 and to the actions by the Secretary concerned on the re-
19 ports of those boards shall cease to apply in the case of
20 a missing person upon the person becoming accounted for
21 or otherwise being determined to be in a status other than
22 missing.

23 **“§ 1502. Missing persons: initial report**

24 “(a) PRELIMINARY ASSESSMENT AND RECOMMENDA-
25 TION BY COMMANDER.—After receiving information that

1 the whereabouts or status of a person described in section
2 1501(e) of this title is uncertain and that the absence of
3 the person may be involuntary, the commander of the unit,
4 facility, or area to or in which the person is assigned shall
5 make a preliminary assessment of the circumstances. If,
6 as a result of that assessment, the commander concludes
7 that the person is missing, the commander shall—

8 “(1) recommend that the person be placed in a
9 missing status; and

10 “(2) transmit that recommendation to the Sec-
11 retary of Defense or the Secretary having jurisdic-
12 tion over the missing person in accordance with pro-
13 cedures prescribed under section 1501 of this title.

14 “(b) FORWARDING OF RECORDS.—The commander
15 making the initial assessment shall (in accordance with
16 procedures prescribed under section 1501 of this title)
17 safeguard and forward for official use any information re-
18 lating to the whereabouts or status of a missing person
19 that result from the preliminary assessment or from ac-
20 tions taken to locate the person.

21 **“§ 1503. Actions of Secretary concerned; initial board**
22 **inquiry**

23 “(a) DETERMINATION BY SECRETARY.—(1) Upon
24 receiving a recommendation on the status of a person

1 under section 1502(a)(2) of this title, the Secretary receiv-
2 ing the recommendation shall review the recommendation.

3 “(2) After reviewing the recommendation on the sta-
4 tus of a person, the Secretary shall—

5 “(A) make a determination whether the person
6 shall be declared missing; or

7 “(B) if the Secretary determines that a status
8 other than missing may be warranted for the person,
9 appoint a board under this section to carry out an
10 inquiry into the whereabouts or status of the person.

11 “(b) INQUIRIES INVOLVING MORE THAN ONE MISS-
12 ING PERSON.—If it appears to the Secretary who appoints
13 a board under this section that the absence or missing
14 status of two or more persons is factually related, the Sec-
15 retary may appoint a single board under this section to
16 conduct the inquiry into the whereabouts or status of such
17 persons.

18 “(c) COMPOSITION.—(1) A board appointed under
19 this section to inquire into the whereabouts or status of
20 a person shall consist of at least one military officer who
21 has experience with and understanding of military oper-
22 ations or activities similar to the operation or activity in
23 which the person disappeared.

24 “(2) An individual may be appointed as a member
25 of a board under this section only if the individual has

1 a security clearance that affords the individual access to
2 all information relating to the whereabouts and status of
3 the missing persons covered by the inquiry.

4 “(3) The Secretary who appoints a board under this
5 subsection shall, for purposes of providing legal counsel
6 to the board, assign to the board a judge advocate, or ap-
7 point to the board an attorney, who has expertise in the
8 law relating to missing persons, the determination of
9 death of such persons, and the rights of family members
10 and dependents of such persons.

11 “(d) DUTIES OF BOARD.—A board appointed to con-
12 duct an inquiry into the whereabouts or status of a miss-
13 ing person under this section shall—

14 “(1) collect, develop, and investigate all facts
15 and evidence relating to the disappearance, where-
16 abouts, or status of the person;

17 “(2) collect appropriate documentation of the
18 facts and evidence covered by the investigation;

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 de-
4 serted, to be absent without leave, or to be
5 dead.

6 “(e) BOARD PROCEEDINGS.—During the proceedings
7 of an inquiry under this section, a board shall—

8 “(1) collect, record, and safeguard all facts,
9 documents, statements, photographs, tapes, mes-
10 sages, maps, sketches, reports, and other informa-
11 tion (whether classified or unclassified) relating to
12 the whereabouts or status of each person covered by
13 the inquiry;

14 “(2) gather information relating to actions
15 taken to find the person, including any evidence of
16 the whereabouts or status of the person arising from
17 such actions; and

18 “(3) maintain a record of its proceedings.

19 “(f) ACCESS TO PROCEEDINGS.—The proceedings of
20 a board during an inquiry under this section shall be
21 closed to the public (including, with respect to the person
22 covered by the inquiry, the primary next of kin, other
23 members of the immediate family, and any other pre-
24 viously designated person of the person).

1 “(g) RECOMMENDATION ON STATUS OF MISSING
2 PERSONS.—(1) Upon completion of its inquiry, a board
3 appointed under this section shall make a recommendation
4 to the Secretary who appointed the board as to the appro-
5 priate determination of the current whereabouts or status
6 of each person whose whereabouts and status were covered
7 by the inquiry.

8 “(2)(A) A board may not recommend under para-
9 graph (1) that a person be declared dead unless the board
10 determines that the evidence before it established conclu-
11 sive proof of the death of the person.

12 “(B) In this paragraph, the term ‘conclusive proof
13 of death’ means credible evidence establishing that death
14 is the only credible explanation for the absence of the per-
15 son.

16 “(h) REPORT.—(1) A board appointed under this sec-
17 tion shall submit to the Secretary who appointed the board
18 a report on the inquiry carried out by the board. The re-
19 port shall include—

20 “(A) a discussion of the facts and evidence con-
21 sidered by the board in the inquiry;

22 “(B) the recommendation of the board under
23 subsection (g) with respect to each person covered
24 by the report; and

1 “(C) disclosure of whether classified documents
2 and information were reviewed by the board or were
3 otherwise used by the board in forming rec-
4 ommendations under subparagraph (B).

5 “(2) A board shall submit a report under this sub-
6 section with respect to the inquiry carried out by the board
7 not later than 30 days after the date of the appointment
8 of the board to carry out the inquiry.

9 “(3) A report submitted under this subsection with
10 respect to a missing person may not be made public until
11 one year after the date on which the report is submitted,
12 and not without the approval of the primary next of kin
13 of the person.

14 “(i) DETERMINATION BY SECRETARY.—(1) Not later
15 than 30 days after the receipt of a report from a board
16 under subsection (j), the Secretary receiving the report
17 shall review the report.

18 “(2) In reviewing a report under paragraph (1) the
19 Secretary shall determine whether or not the report is
20 complete and free of administrative error. If the Secretary
21 determines that the report is incomplete, or that the re-
22 port is not free of administrative error, the Secretary may
23 return the report to the board for further action on the
24 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, including whether the person shall—

6 “(A) be declared missing;

7 “(B) be declared to have deserted;

8 “(C) be declared to be absent without leave; or

9 “(D) be declared to be dead.

10 “(j) REPORT TO FAMILY MEMBERS AND OTHER IN-
11 TERESTED PERSONS.—Not later than 30 days after the
12 date on which the Secretary concerned makes a determina-
13 tion of the status of a person under subsection (a)(2) or
14 (i), the Secretary shall take reasonable actions to—

15 “(1) provide to the primary next of kin, the
16 other members of the immediate family, and any
17 other previously designated person of the person—

18 “(A) an unclassified summary of the unit
19 commander’s report with respect to the person
20 under section 1502(a) of this title; and

21 “(B) if a board was appointed to carry out
22 an inquiry into the person under this section,
23 the report of the board (including the names of
24 the members of the board) under subsection
25 (h); and

1 “(2) inform each individual referred to in para-
2 graph (1) that the United States will conduct a sub-
3 sequent inquiry into the whereabouts or status of
4 the person on or about one year after the date of the
5 first official notice of the disappearance of the per-
6 son, unless information becomes available sooner
7 that may result in a change in status of the person.

8 “(k) TREATMENT OF DETERMINATION.—Any deter-
9 mination of the status of a missing person under sub-
10 section (a)(2) or (i) shall be treated as the determination
11 of the status of the person by all departments and agen-
12 cies of the United States.

13 **“§ 1504. Subsequent board of inquiry**

14 “(a) ADDITIONAL BOARD.—If information that may
15 result in a change of status of a person covered by a deter-
16 mination under subsection (a)(2) or (i) of section 1503
17 of this title becomes available within one year after the
18 date of the transmission of a report with respect to the
19 person under section 1502(a)(2) of this title, the Secretary
20 concerned shall appoint a board under this section to con-
21 duct an inquiry into the information.

22 “(b) DATE OF APPOINTMENT.—The Secretary con-
23 cerned shall appoint a board under this section to conduct
24 an inquiry into the whereabouts and status of a missing
25 person on or about one year after the date of the trans-

1 mission of a report concerning the person under section
2 1502(a)(2) of this title.

3 “(c) COMBINED INQUIRIES.—If it appears to the Sec-
4 retary concerned that the absence or status of two or more
5 persons is factually related, the Secretary may appoint one
6 board under this section to conduct the inquiry into the
7 whereabouts or status of such persons.

8 “(d) COMPOSITION.—(1) Subject to paragraphs (2)
9 and (3), a board appointed under this section shall consist
10 of not less than three officers having the grade of major
11 or lieutenant commander or above.

12 “(2) The Secretary concerned shall designate one
13 member of a board appointed under this section as presi-
14 dent of the board. The president of the board shall have
15 a security clearance that affords the president access to
16 all information relating to the whereabouts and status of
17 each person covered by the inquiry.

18 “(3) One member of each board appointed under this
19 subsection shall be an individual who—

20 “(A) has a occupational specialty similar to
21 that of one or more of the persons covered by the
22 inquiry; and

23 “(B) has an understanding of and expertise in
24 the type of official activities that one or more such

1 persons were engaged in at the time such person or
2 persons disappeared.

3 “(4) The Secretary who appoints a board under this
4 subsection shall, for purposes of providing legal counsel
5 to the board, assign to the board a judge advocate, or ap-
6 point to the board an attorney, who has expertise in the
7 law relating to missing persons, the determination of
8 death of such persons, and the rights of family members
9 and dependents of such persons.

10 “(e) DUTIES OF BOARD.—A board appointed under
11 this section to conduct an inquiry into the whereabouts
12 or status of a person shall—

13 “(1) review the report with respect to the per-
14 son transmitted under section 1502(a)(2) of this
15 title, and the report, if any, submitted under sub-
16 section (h) of section 1503 of this title by the board
17 appointed to conduct inquiry into the status of the
18 person under such section 1503;

19 “(2) collect and evaluate any document, fact, or
20 other evidence with respect to the whereabouts or
21 status of the person that has become available since
22 the determination of the status of the person under
23 section 1503 of this title;

24 “(3) draw conclusions as to the whereabouts or
25 status of the person;

1 “(4) determine on the basis of the activities
2 under paragraphs (1) and (2) whether the status of
3 the person should be continued or changed; and

4 “(5) submit to the Secretary concerned a report
5 describing the findings and conclusions of the board,
6 together with a recommendation for a determination
7 by the Secretary concerning the whereabouts or sta-
8 tus of the person.

9 “(f) ATTENDANCE OF FAMILY MEMBERS AND CER-
10 TAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—

11 (1) With respect to any person covered by a inquiry under
12 this section, the primary next of kin, other members of
13 the immediate family, and any other previously designated
14 person of the person may attend the proceedings of the
15 board during the inquiry.

16 “(2) The Secretary concerned shall take reasonable
17 actions to notify each individual referred to in paragraph
18 (1) of the opportunity to attend the proceedings of a
19 board. Such notice shall be provided not less than 60 days
20 before the first meeting of the board.

21 “(3) An individual who receives notice under para-
22 graph (2) shall notify the Secretary of the intent, if any,
23 of that individual to attend the proceedings of the board
24 not later than 21 days after the date on which the individ-
25 ual receives the notice.

1 “(4) Each individual who notifies the Secretary under
2 paragraph (3) of the individual’s intent to attend the pro-
3 ceedings of the board—

4 “(A) in the case of a individual who is the pri-
5 mary next of kin or other member of the immediate
6 family of a missing person whose status is a subject
7 of the inquiry and whose receipt of the pay or allow-
8 ances (including allotments) of the person could be
9 reduced or terminated as a result of a revision in the
10 status of the person, may attend the proceedings of
11 the board with private counsel;

12 “(B) shall have access to the personnel file of
13 the missing person, to unclassified reports, if any, of
14 the board appointed under section 1503 of this title
15 to conduct the inquiry into the whereabouts and sta-
16 tus of the person, and to any other unclassified in-
17 formation or documents relating to the whereabouts
18 and status of the person;

19 “(C) shall be afforded the opportunity to
20 present information at the proceedings of the board
21 that such individual considers to be relevant to those
22 proceedings; and

23 “(D) subject to paragraph (5), shall be given
24 the opportunity to submit in writing an objection to

1 any recommendation of the board under subsection
2 (h) as to the status of the missing person.

3 “(5)(A) Individuals who wish to file objections under
4 paragraph (4)(D) to any recommendation of the board
5 shall—

6 “(i) submit a letter of intent to the president of
7 the board not later than 2 days after the date on
8 which the recommendations are made; and

9 “(ii) submit to the president of the board the
10 objections in writing not later than 15 days after the
11 date on which the recommendations are made.

12 “(B) The president of a board shall include any objec-
13 tions to a recommendation of the board that are submitted
14 to the president of the board under subparagraph (A) in
15 the report of the board containing the recommendation
16 under subsection (h).

17 “(6) An individual referred to in paragraph (1) who
18 attends the proceedings of a board under this subsection
19 shall not be entitled to reimbursement by the United
20 States for any costs (including travel, lodging, meals, local
21 transportation, legal fees, transcription costs, witness ex-
22 penses, and other expenses) incurred by that individual
23 in attending such proceedings.

24 “(g) AVAILABILITY OF INFORMATION TO BOARDS.—
25 (1) In conducting proceedings in an inquiry under this sec-

1 tion, a board may secure directly from any department
2 or agency of the United States any information that the
3 board considers necessary in order to conduct the proceed-
4 ings.

5 “(2) Upon written request from the president of a
6 board, the head of a department or agency of the United
7 States shall release information covered by the request to
8 the board. In releasing such information, the head of the
9 department or agency shall—

10 “(A) declassify to an appropriate degree classi-
11 fied information; or

12 “(B) release the information in a manner not
13 requiring the removal of markings indicating the
14 classified nature of the information.

15 “(3)(A) If a request for information under paragraph
16 (2) covers classified information that cannot be declas-
17 sified, cannot be removed before release from the informa-
18 tion covered by the request, or cannot be summarized in
19 a manner that prevents the release of classified informa-
20 tion, the classified information shall be made available
21 only to the president of the board making the request.

22 “(B) The president of a board shall close to persons
23 who do not have appropriate security clearances the pro-
24 ceeding of the board at which classified information is dis-
25 cussed. Participants at a proceeding of a board at which

1 classified information is discussed shall comply with all ap-
2 plicable laws and regulations relating to the disclosure of
3 classified information. The Secretary concerned shall as-
4 sist the president of a board in ensuring that classified
5 information is not compromised through board proceed-
6 ings.

7 “(h) RECOMMENDATION ON STATUS.—(1) Upon
8 completion of an inquiry under this subsection, a board
9 shall make a recommendation as to the current where-
10 abouts or status of each missing person covered by the
11 inquiry.

12 “(2) A board may not recommend under paragraph
13 (1) that a person be declared dead unless—

14 “(A) proof of death is established by the board;
15 or

16 “(B) in making the recommendation, the board
17 complies with section 1507 of this title.

18 “(i) REPORT.—A board appointed under this section
19 shall submit to the Secretary concerned a report on the
20 inquiry carried out by the board, together with the evi-
21 dence considered by the board during the inquiry. The re-
22 port may include a classified annex.

23 “(j) ACTIONS BY SECRETARY CONCERNED.—(1) Not
24 later than 30 days after the receipt of a report from a
25 board under subsection (i), the Secretary shall review—

1 “(A) the report; and

2 “(B) the objections, if any, to the report sub-
3 mitted to the president of the board under sub-
4 section (f)(5).

5 “(2) In reviewing a report under paragraph (1) (in-
6 cluding the objections described in subparagraph (B) of
7 that paragraph), the Secretary concerned shall determine
8 whether or not the report is complete and free of adminis-
9 trative error. If the Secretary determines that the report
10 is incomplete, or that the report is not free of administra-
11 tive error, the Secretary may return the report to the
12 board for further action on the report by the board.

13 “(3) Upon a determination by the Secretary that a
14 report reviewed under this subsection is complete and free
15 of administrative error, the Secretary shall make a deter-
16 mination concerning the status of each person covered by
17 the report.

18 “(k) REPORT TO FAMILY MEMBERS AND OTHER IN-
19 TERESTED PERSONS.—Not later than 60 days after the
20 date on which the Secretary concerned makes a determina-
21 tion with respect to a missing person under subsection (j),
22 the Secretary shall—

23 “(1) provide an unclassified summary of the re-
24 port reviewed by the Secretary in making the deter-
25 mination to the primary next of kin, the other mem-

1 bers of the immediate family, and any other pre-
2 viously designated person of the person; and

3 “(2) in the case of a person who continues to
4 be in a missing status, inform each individual re-
5 ferred to in paragraph (1) that the United States
6 will conduct subsequent inquiries into the where-
7 abouts or status of the person upon obtaining credi-
8 ble information that may result in a change in the
9 status of the person.

10 “(l) TREATMENT OF DETERMINATION.—Any deter-
11 mination of the status of a missing person under sub-
12 section (j) shall supersede the determination of the status
13 of the person under section 1503 of this title and shall
14 be treated as the determination of the status of the person
15 by all departments and agencies of the United States.

16 **“§ 1505. Further review**

17 “(a) SUBSEQUENT REVIEW.—(1) The Secretary con-
18 cerned shall conduct subsequent inquiries into the where-
19 abouts or status of any person determined by the Sec-
20 retary under section 1504 of this title to be in a missing
21 status.

22 “(2) The Secretary concerned shall appoint a board
23 to conduct an inquiry with respect to a person under this
24 subsection upon obtaining credible information that may
25 result in a change of status of the person.

1 “(b) CONDUCT OF PROCEEDINGS.—The appointment
2 of, and activities before, a board appointed under this sec-
3 tion shall be governed by the provisions of section 1504
4 of this title with respect to a board appointed under that
5 section.

6 **“§ 1506. Personnel files**

7 “(a) INFORMATION IN FILES.—Except as provided in
8 subsections (b), (c), and (d), the Secretary of the depart-
9 ment having jurisdiction over a missing person at the time
10 of the person’s disappearance shall, to the maximum ex-
11 tent practicable, ensure that the personnel file of the per-
12 son contains all information in the possession of the Unit-
13 ed States relating to the disappearance and whereabouts
14 or status of the person.

15 “(b) CLASSIFIED INFORMATION.—(1) The Secretary
16 concerned may withhold classified information from a per-
17 sonnel file under this section.

18 “(2) If the Secretary concerned withholds classified
19 information from a personnel file, the Secretary shall en-
20 sure that the file contains the following:

21 “(A) A notice that the withheld information ex-
22 ists.

23 “(B) A notice of the date of the most recent re-
24 view of the classification of the withheld information.

1 “(c) PROTECTION OF PRIVACY.—The Secretary con-
2 cerned shall maintain personnel files under this section,
3 and shall permit disclosure of or access to such files, in
4 accordance with the provisions of section 552a of title 5
5 and with other applicable laws and regulations pertaining
6 to the privacy of the persons covered by the files.

7 “(d) PRIVILEGED INFORMATION.—The Secretary
8 concerned shall withhold reports obtained as privileged in-
9 formation from the personnel files under this section. If
10 the Secretary withholds a report from a personnel file
11 under this subsection, the Secretary shall ensure that the
12 file contains a notice that the withheld information exists.

13 “(e) WRONGFUL WITHHOLDING.—Except as other-
14 wise provided by law, any person who knowingly and will-
15 fully withholds from the personnel file of a missing person
16 any information relating to the disappearance or where-
17 abouts or status of a missing person shall be fined as pro-
18 vided in title 18 or imprisoned not more than one year,
19 or both.

20 “(f) AVAILABILITY OF INFORMATION.—The Sec-
21 retary concerned shall, upon request, make available the
22 contents of the personnel file of a missing person to the
23 primary next of kin, the other members of the immediate
24 family, or any other previously designated person of the
25 person.

1 **“§ 1507. Recommendation of status of death**

2 “(a) REQUIREMENTS RELATING TO RECOMMENDA-
3 TION.—A board appointed under section 1504 or 1505 of
4 this title may not recommend that a person be declared
5 dead unless—

6 “(1) credible evidence exists to suggest that the
7 person is dead;

8 “(2) the United States possesses no credible
9 evidence that suggests that the person is alive;

10 “(3) representatives of the United States have
11 made a complete search of the area where the per-
12 son was last seen (unless, after making a good faith
13 effort to obtain access to such area, such representa-
14 tives are not granted such access); and

15 “(4) representatives of the United States have
16 examined the records of the government or entity
17 having control over the area where the person was
18 last seen (unless, after making a good faith effort to
19 obtain access to such records, such representatives
20 are not granted such access).

21 “(b) SUBMITTAL OF INFORMATION ON DEATH.—If
22 a board appointed under section 1504 or 1505 of this title
23 makes a recommendation that a missing person be de-
24 clared dead, the board shall, to the maximum extent prac-
25 ticable, include in the report of the board with respect to
26 the person under such section the following:

1 “(1) A detailed description of the location
2 where the death occurred.

3 “(2) A statement of the date on which the
4 death occurred.

5 “(3) A description of the location of the body,
6 if recovered.

7 “(4) If the body has been recovered and is not
8 identifiable through visual means, a certification by
9 a practitioner of an appropriate forensic science that
10 the body recovered is that of the missing person.

11 **“§ 1508. Return alive of person declared missing or**
12 **dead**

13 “(a) PAY AND ALLOWANCES.—Any person (except
14 for a person subsequently determined to have been absent
15 without leave or a deserter) in a missing status or declared
16 dead under the Missing Persons Act of 1942 (56 Stat.
17 143) or chapter 10 of title 37 or by a board appointed
18 under this chapter who is found alive and returned to the
19 control of the United States shall be paid for the full time
20 of the absence of the person while given that status or
21 declared dead under the law and regulations relating to
22 the pay and allowances of persons returning from a miss-
23 ing status.

24 “(b) EFFECT ON GRATUITIES PAID AS A RESULT OF
25 STATUS.—Subsection (a) shall not be interpreted to invali-

1 date or otherwise affect the receipt by any person of a
2 death gratuity or other payment from the United States
3 on behalf of a person referred to in subsection (a) before
4 the date of the enactment of this chapter.

5 **“§ 1509. Effect on State law**

6 “Nothing in this chapter shall be construed to invali-
7 date or limit the power of any State court or administra-
8 tive entity, or the power of any court or administrative
9 entity of any political subdivision thereof, to find or de-
10 clare a person dead for purposes of such State or political
11 subdivision.

12 **“§ 1510. Definitions**

13 “In this chapter:

14 “(1) The term ‘missing person’ means a mem-
15 ber of the armed forces on active duty who is in a
16 missing status.

17 “(2) The term ‘missing status’ means the sta-
18 tus of a missing person who is determined to be ab-
19 sent in a category of—

20 “(A) missing;

21 “(B) missing in action;

22 “(C) interned in a foreign country;

23 “(D) captured;

24 “(E) beleaguered;

25 “(F) besieged; or

1 “(G) detained.

2 “(3) The term ‘accounted for’, with respect to
3 a person in a missing status, means that—

4 “(A) the person is returned to United
5 States control alive;

6 “(B) the remains of the person are identi-
7 fied by competent authority; or

8 “(C) credible evidence exists to support an-
9 other determination of the person’s status.

10 “(4) The term ‘primary next of kin’, in the case
11 of a missing person, means the individual authorized
12 to direct disposition of the remains of the person
13 under section 1482(c) of this title.

14 “(5) The term ‘member of the immediate fam-
15 ily’, in the case of a missing person, means the fol-
16 lowing:

17 “(A) The spouse of the person.

18 “(B) A natural child, adopted child, step
19 child, or illegitimate child (if acknowledged by
20 the person or parenthood has been established
21 by a court of competent jurisdiction) of the per-
22 son, except that if such child has not attained
23 the age of 18 years, the term means a surviving
24 parent or legal guardian of such child.

1 “(C) A biological parent of the person, un-
2 less legal custody of the person by the parent
3 has been previously terminated by reason of a
4 court decree or otherwise under law and not re-
5 stored.

6 “(D) A brother or sister of the person, if
7 such brother or sister has attained the age of
8 18 years.

9 “(E) Any other blood relative or adoptive
10 relative of the person, if such relative was given
11 sole legal custody of the person by a court de-
12 cree or otherwise under law before the person
13 attained the age of 18 years and such custody
14 was not subsequently terminated before that
15 time.

16 “(6) The term ‘previously designated person’, in
17 the case of a missing person, means an individual
18 designated by the person under section 655 of this
19 title for purposes of this chapter.

20 “(7) The term ‘classified information’ means
21 any information determined as such under applicable
22 laws and regulations of the United States.

23 “(8) The term ‘State’ includes the District of
24 Columbia, the Commonwealth of Puerto Rico, and
25 any territory or possession of the United States.

1 “(9) The term ‘Secretary concerned’ includes
2 the Secretary of Transportation with respect to the
3 Coast Guard when it is not operating as a service
4 in the Department of the Navy.

5 “(10) The term ‘armed forces’ includes Coast
6 Guard personnel operating in conjunction with, in
7 support of, or under the command of a unified com-
8 batant command (as that term is used in section 6
9 of this title).”.

10 (2) The tables of chapters at the beginning of subtitle
11 A, and at the beginning of part II of subtitle A, of title
12 10, United States Code, are amended by inserting after
13 the item relating to chapter 75 the following new item:

 “76. Missing Persons 1501”.

14 (c) CONFORMING AMENDMENTS.—Chapter 10 of title
15 37, United States Code, is amended as follows:

16 (1) Section 555 is amended—

17 (A) in subsection (a), by striking out
18 “when a member” and inserting in lieu thereof
19 “except as provided in subsection (d), when a
20 member”; and

21 (B) by adding at the end the following new
22 subsection:

23 “(d) This section does not apply in a case to which
24 section 1502 of title 10 applies.”.

25 (2) Section 552 is amended—

1 (A) in subsection (a), by striking out “for
2 all purposes,” in the second sentence of the
3 matter following paragraph (2) and all that fol-
4 lows through the end of the sentence and in-
5 serting in lieu thereof “for all purposes.”;

6 (B) in subsection (b), by inserting “or
7 under chapter 76 of title 10” before the period
8 at the end; and

9 (C) in subsection (e), by inserting “or
10 under chapter 76 of title 10” after “section 555
11 of this title” after “section 555 of this title”.

12 (3) Section 553 is amended—

13 (A) in subsection (f), by striking out “the
14 date the Secretary concerned receives evidence
15 that” and inserting in lieu thereof “the date on
16 which, in a case covered by section 555 of this
17 title, the Secretary concerned receives evidence,
18 or, in a case covered by chapter 76 of title 10,
19 the Secretary concerned determines pursuant to
20 that chapter that”; and

21 (B) in subsection (g), by inserting “or
22 under chapter 76 of title 10” after section 555
23 of this title”.

24 (4) Section 556 is amended—

1 (A) in subsection (a), by inserting after
2 paragraph (7) the following: “Paragraphs (1),
3 (5), (6), and (7) shall only apply with respect
4 to a case to which section 555 of this title ap-
5 plies.”;

6 (B) in subsection (b), by inserting “, in a
7 case to which section 555 of this title applies,”
8 after “When the Secretary concerned”; and

9 (C) In subsection (h)—

10 (i) in the first sentence, by striking
11 out “status” and inserting in lieu thereof
12 “pay”; and

13 (ii) in the second sentence, by insert-
14 ing “in a case to which section 555 of this
15 title applies” after “under this section”.

16 (d) DESIGNATION OF INDIVIDUALS HAVING INTER-
17 EST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37
18 of title 10, United States Code, is amended by adding at
19 the end the following new section:

20 **“§655. Designation of persons having interest in sta-**
21 **tus of a missing member**

22 “(a) The Secretary concerned shall, upon the enlist-
23 ment or appointment of a person in the armed forces, re-
24 quire that the person specify in writing the person or per-
25 sons, if any, other than that person’s primary next of kin

1 or immediate family, to whom information on the where-
2 abouts or status of the member shall be provided if such
3 whereabouts or status are investigated under chapter 76
4 of this title. The Secretary shall periodically, and whenever
5 the member is deployed as part of a contingency operation
6 or in other circumstances specified by the Secretary, re-
7 quire that such designation be reconfirmed, or modified,
8 by the member.

9 “(b) The Secretary concerned shall, upon the request
10 of a member, permit the member to revise the person or
11 persons specified by the member under subsection (a) at
12 any time. Any such revision shall be in writing.”.

13 (2) The table of sections at the beginning of such
14 chapter is amended by adding at the end the following
15 new item:

“655. Designation of persons having interest in status of a missing member.”.

16 (e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CON-
17 TRACTORS OF THE UNITED STATES.—(1) The Secretary
18 of State shall carry out a comprehensive study of the Miss-
19 ing Persons Act of 1942 (56 Stat. 143), and any other
20 laws and regulations establishing procedures for the ac-
21 counting for of civilian employees of the United States or
22 contractors of the United States who serve with or accom-
23 pany the Armed Forces in the field. The purpose of the
24 study is to determine the means, if any, by which such
25 procedures may be improved.

1 (2) The Secretary of State shall carry out the study
2 required under paragraph (1) in consultation with the Sec-
3 retary of Defense, the Secretary of Transportation, the
4 Director of Central Intelligence, and the heads of such
5 other departments and agencies of the Federal Govern-
6 ment as the President shall designate for that purpose.

7 (3) In carrying out the study, the Secretary of State
8 shall examine the procedures undertaken when a civilian
9 employee referred to in paragraph (1) becomes involuntar-
10 ily absent as a result of a hostile action, or under cir-
11 cumstances suggesting that the involuntary absence is a
12 result of a hostile action, and whose status is undeter-
13 mined or who is unaccounted for, including procedures
14 for—

15 (A) search and rescue for the employee;

16 (B) determining the status of the employee;

17 (C) reviewing and changing the status of the
18 employee;

19 (D) determining the rights and benefits ac-
20 corded to the family of the employee; and

21 (E) maintaining and providing appropriate ac-
22 cess to the records of the employee and the inves-
23 tigation into the status of the employee.

24 (4) Not later than one year after the date of the en-
25 actment of this Act, the Secretary of State shall submit

1 to the Committee on Armed Services of the Senate and
2 the Committee on National Security of the House of Rep-
3 resentatives a report on the study carried out by the Sec-
4 retary under this subsection. The report shall include the
5 recommendations, if any, of the Secretary for legislation
6 to improve the procedures covered by the study.

7 **SEC. 552. SERVICE NOT CREDITABLE FOR PERIODS OF UN-**
8 **AVAILABILITY OR INCAPACITY DUE TO MIS-**
9 **CONDUCT.**

10 (a) ENLISTED SERVICE CREDIT.—Section 972 of
11 title 10, United States Code, is amended—

12 (1) by striking out paragraphs (3) and (4) and
13 inserting in lieu thereof the following:

14 “(3) is confined by military or civilian authori-
15 ties for more than one day in connection with a trial,
16 whether before, during, or after the trial; or”;

17 (2) by redesignating paragraph (5) paragraph
18 (4).

19 (b) OFFICER SERVICE CREDIT.—Chapter 49 of title
20 10, United States Code, is amended by inserting after sec-
21 tion 972 the following new section:

22 **“§ 972a. Officers: service not creditable**

23 “(a) IN GENERAL.—Except as provided in subsection
24 (b), an officer of an armed force may not receive credit

1 for service in the armed forces for any purpose for a period
2 for which the officer—

3 “(1) deserts;

4 “(2) is absent from the officer’s organization,
5 station, or duty for more than one day without prop-
6 er authority, as determined by competent authority;

7 “(3) is confined by military or civilian authori-
8 ties for more than one day in connection with a trial,
9 whether before, during, or after the trial; or

10 “(4) is unable for more than one day, as deter-
11 mined by competent authority, to perform the offi-
12 cer’s duties because of intemperate use of drugs or
13 alcoholic liquor, or because of disease or injury re-
14 sulting from the officer’s misconduct.

15 “(b) INAPPLICABILITY TO COMPUTATION OF BASIC
16 PAY.—Subsection (a) does not apply to a determination
17 of the amount of basic pay of the officer under section
18 205 of title 37.”.

19 (c) ARMY COMPUTATION OF YEARS OF SERVICE.—
20 Section 3926 of title 10, United States Code, is amended
21 by adding at the end the following new subsection:

22 “(e) A period for which service credit is denied under
23 section 972a(a) of this title may not be counted for pur-
24 poses of computing years of service under this section.”.

1 (d) NAVY COMPUTATION OF YEARS OF SERVICE.—
2 Chapter 571 of title 10, United States Code, is amended
3 by inserting after section 6327 the following new section:

4 **“§ 6328. Computation of years of service: service not**
5 **creditable**

6 “(a) ENLISTED MEMBERS.—Years of service com-
7 puted under this chapter may not include a period of un-
8 availability or incapacity to perform duties that is required
9 under section 972 of this title to be made up by perform-
10 ance of service for an additional period.

11 “(b) OFFICERS.—A period for which service credit is
12 denied under section 972a(a) of this title may not be
13 counted for purposes of computing years of service under
14 this chapter.”.

15 (e) AIR FORCE COMPUTATION OF YEARS OF SERV-
16 ICE.—Section 8926 of title 10, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(d) A period for which service credit is denied under
20 section 972a(a) of this title may not be counted for pur-
21 poses of computing years of service under this section.”.

22 (f) CLERICAL AMENDMENTS.—(1) The table of sec-
23 tions at the beginning of chapter 49 of title 10, United
24 States Code, is amended by inserting after the item relat-
25 ing to section 972 the following:

“972a. Officers: service not creditable.”.

1 (2) The table of sections at the beginning of chapter
2 571 of title 10, United States Code, is amended by insert-
3 ing after the item relating to section 6327 the following
4 new item:

“6328. Computation of years of service: service not creditable.”.

5 (g) EFFECTIVE DATE AND APPLICABILITY.—The
6 amendments made by this section shall take effect on Oc-
7 tober 1, 1995, and shall apply to occurrences on or after
8 that date of unavailability or incapacity to perform duties
9 as described in section 972 or 972a of title 10, United
10 States Code, as the case may be.

11 **SEC. 553. SEPARATION IN CASES INVOLVING EXTENDED**
12 **CONFINEMENT.**

13 (a) SEPARATION.—(1)(A) Chapter 59 of title 10,
14 United States Code, is amended by adding at the end the
15 following:

16 **“§ 1178. Persons under confinement for one year or**
17 **more**

18 “Except as otherwise provided in regulations pre-
19 scribed by the Secretary of Defense, a person sentenced
20 by a court-martial to a period of confinement for one year
21 or more may be separated from the person’s armed force
22 at any time after the sentence to confinement has become
23 final under chapter 47 of this title and the person has
24 served in confinement for a period of one year.”.

1 (B) The table of sections at the beginning of chapter
2 59 of such title is amended by inserting at the end thereof
3 the following new item:

“1178. Persons under confinement for one year or more.”.

4 (2)(A) Chapter 1221 of title 10, United States Code,
5 is amended by adding at the end the following:

6 **“§ 12687. Persons under confinement for one year or**
7 **more**

8 “Except as otherwise provided in regulations pre-
9 scribed by the Secretary of Defense, a Reserve sentenced
10 by a court-martial to a period of confinement for one year
11 or more may be separated from the person’s armed force
12 at any time after the sentence to confinement has become
13 final under chapter 47 of this title and the person has
14 served in confinement for a period of one year.”.

15 (B) The table of sections at the beginning of chapter
16 1221 of such title is amended by inserting at the end
17 thereof the following new item:

“12687. Persons under confinement for one year or more.”.

18 (b) DROP FROM ROLLS.—(1) Section 1161(b) of title
19 10, United States Code, is amended by striking out “or
20 (2)” and inserting in lieu thereof “(2) who may be sepa-
21 rated under section 1178 of this title by reason of a sen-
22 tence to confinement adjudged by a court-martial, or (3)”.

23 (2) Section 12684 of such title is amended—

1 (A) by striking out “or” at the end of para-
2 graph (1);

3 (B) by redesignating paragraph (2) as para-
4 graph (3); and

5 (C) by inserting after paragraph (1) the follow-
6 ing new paragraph (2):

7 “(2) who may be separated under section
8 12687 of this title by reason of a sentence to con-
9 finement adjudged by a court-martial; or”.

10 **SEC. 554. DURATION OF FIELD TRAINING OR PRACTICE**

11 **CRUISE REQUIRED UNDER THE SENIOR RE-**
12 **SERVE OFFICERS’ TRAINING CORPS PRO-**
13 **GRAM.**

14 Section 2104(b)(6)(A)(ii) of title 10, United States
15 Code, is amended by striking out “not less than six weeks’
16 duration” and inserting in lieu thereof “a duration”.

17 **SEC. 555. CORRECTION OF MILITARY RECORDS.**

18 (a) REVIEW OF PROCEDURES.—The Secretary of
19 each military department shall review the system and pro-
20 cedures used by the Secretary in the exercise of authority
21 under section 1552 of title 10, United States Code, in
22 order to identify potential improvements that could be
23 made in the process for correcting military records to en-
24 sure fairness, equity, and, consistent with appropriate
25 service to applicants, maximum efficiency.

1 (b) ISSUES REVIEWED.—In conducting the review,
2 the Secretary shall consider the following issues:

3 (1) The composition of the board for correction
4 of military records and of the support staff for the
5 board.

6 (2) Timeliness of final action.

7 (3) Independence of deliberations by the civilian
8 board for the correction of military records.

9 (4) The authority of the Secretary to modify
10 the recommendations of the board.

11 (5) Burden of proof and other evidentiary
12 standards.

13 (6) Alternative methods for correcting military
14 records.

15 (c) REPORT.—(1) Not later than April 1, 1996, the
16 Secretary of each military department shall submit a re-
17 port on the results of the Secretary's review under this
18 section to the Secretary of Defense. The report shall con-
19 tain the recommendations of the Secretary of the military
20 department for improving the process for correcting mili-
21 tary records in order to achieve the objectives referred to
22 in subsection (a).

23 (2) The Secretary of Defense shall immediately trans-
24 mit a copy of the report to the Committee on Armed Serv-

1 ices of the Senate and the Committee on National Security
2 of the House of Representatives.

3 **SEC. 556. LIMITATION ON REDUCTIONS IN MEDICAL PER-**
4 **SONNEL.**

5 (a) LIMITATION ON REDUCTIONS.—Unless the Sec-
6 retary of Defense makes the certification described in sub-
7 section (b) for a fiscal year, the Secretary may not reduce
8 the number of medical personnel of the Department of De-
9 fense—

10 (1) in fiscal year 1996, to a number that is less
11 than—

12 (A) 95 percent of the number of such per-
13 sonnel at the end of fiscal year 1994; or

14 (B) 90 percent of the number of such per-
15 sonnel at the end of fiscal year 1993; and

16 (2) in any fiscal year beginning after September
17 30, 1996, to a number that is less than—

18 (A) 95 percent of the number of such per-
19 sonnel at the end of the immediately preceding
20 fiscal year; or

21 (B) 90 percent of the number of such per-
22 sonnel at the end of the third fiscal year pre-
23 ceding the fiscal year.

1 (b) CERTIFICATION.—The Secretary may make a re-
2 duction described in subsection (a) if the Secretary cer-
3 tifies to Congress that—

4 (1) the number of medical personnel of the De-
5 partment that is being reduced is excess to the cur-
6 rent and projected needs of the military depart-
7 ments; and

8 (2) such reduction will not result in an increase
9 in the cost of health care services provided under the
10 Civilian Health and Medical Program of the Uni-
11 formed Services.

12 (c) REPORT ON PLANNED REDUCTIONS.—Not later
13 than March 1, 1996, the Assistant Secretary of Defense
14 having responsibility for health affairs, in consultation
15 with Surgeon General of the Army, the Surgeon General
16 of the Navy, and the Surgeon General of the Air Force,
17 shall submit to the congressional defense committees a
18 plan for the reduction of the number of medical personnel
19 of the Department of Defense over the 5-year period be-
20 ginning on October 1, 1996.

21 (d) REPEAL OF OBSOLETE PROVISIONS OF LAW.—
22 (1) Section 711 of the National Defense Authorization Act
23 for Fiscal Year 1991 (10 U.S.C. 115 note) is repealed.

24 (2) Section 718 of the National Defense Authoriza-
25 tion Act for Fiscal Years 1992 and 1993 (Public Law

1 102–190; 105 Stat. 1404; 10 U.S.C. 115 note) is amended
2 by striking out subsection (b).

3 (3) Section 518 of the National Defense Authoriza-
4 tion Act for Fiscal Year 1993 (Public Law 102–484; 106
5 Stat. 2407) is repealed.

6 (e) DEFINITION.—For purposes of this section, the
7 term “medical personnel” has the meaning given such
8 term in section 115a(g)(2) of title 10, United States Code,
9 except that such term includes civilian personnel of the
10 Department of Defense assigned to military medical facili-
11 ties.

12 **SEC. 557. REPEAL OF REQUIREMENT FOR ATHLETIC DI-**
13 **RECTOR AND NONAPPROPRIATED FUND AC-**
14 **COUNT FOR THE ATHLETICS PROGRAMS AT**
15 **THE SERVICE ACADEMIES.**

16 (a) UNITED STATES MILITARY ACADEMY.—(1) Sec-
17 tion 4357 of title 10, United States Code, is repealed.

18 (2) The table of sections at the beginning of chapter
19 403 of such title is amended by striking out the item relat-
20 ing to section 4357.

21 (b) UNITED STATES NAVAL ACADEMY.—Section 556
22 of the National Defense Authorization Act for Fiscal Year
23 1995 (Public Law 103–337; 108 Stat. 2774) is amended
24 by striking out subsections (b), (d), and (e).

1 (c) UNITED STATES AIR FORCE ACADEMY.—(1) Sec-
2 tion 9356 of title 10, United States Code, is repealed.

3 (2) The table of sections at the beginning of chapter
4 903 of such title is amended by striking out the item relat-
5 ing to section 9356.

6 **SEC. 558. PROHIBITION ON USE OF FUNDS FOR SERVICE**
7 **ACADEMY PREPARATORY SCHOOL TEST PRO-**
8 **GRAM.**

9 Notwithstanding any other provision of law, none of
10 the funds authorized to be appropriated by this Act, or
11 otherwise made available, to the Department of Defense
12 may be obligated to carry out a test program for determin-
13 ing the cost effectiveness of transferring to the private sec-
14 tor the mission of operating one or more preparatory
15 schools for the United States Military Academy, the
16 United States Naval Academy, and the United States Air
17 Force Academy.

18 **SEC. 559. CENTRALIZED JUDICIAL REVIEW OF DEPART-**
19 **MENT OF DEFENSE PERSONNEL ACTIONS.**

20 (a) ESTABLISHMENT.—Not later than December 15,
21 1996, the Secretary of Defense and the Attorney General
22 shall jointly establish an advisory panel on centralized re-
23 view of Department of Defense administrative personnel
24 actions.

1 (b) MEMBERSHIP.—(1) The panel shall be composed
2 of five members appointed as follows:

3 (A) One member appointed by the Chief Justice
4 of the United States.

5 (B) Three members appointed by the Secretary
6 of Defense.

7 (C) One member appointed by the Attorney
8 General.

9 (2) The Secretary of Defense shall designate one of
10 the members appointed under paragraph (1)(B) to serve
11 as chairman of the panel.

12 (3) All members shall be appointed not later than 30
13 days after the date of the enactment of this Act.

14 (4) The panel shall meet at the call of the chairman.
15 The panel shall hold its first meeting not later than 30
16 days after the date on which all members have been ap-
17 pointed.

18 (c) DUTIES.—The panel shall review, and provide
19 findings and recommendations in accordance with sub-
20 section (d) regarding, the following matters:

21 (1) Whether the existing practices with regard
22 to judicial review of administrative personnel actions
23 of the Department of Defense are appropriate and
24 adequate.

1 (2) Whether a centralized judicial review of ad-
2 ministrative personnel actions should be established.

3 (3) Whether the United States Court of Ap-
4 peals for the Armed Forces should conduct such re-
5 views.

6 (d) REPORT.—(1) Not later than December 15,
7 1996, the panel shall submit a report on the findings and
8 recommendations of the panel to the Secretary of Defense
9 and the Attorney General.

10 (2) Not later than January 1, 1997, the Secretary
11 of Defense and the Attorney General shall jointly transmit
12 the panel's report to Congress. The Secretary and the At-
13 torney General may include in the transmittal any joint
14 comments on the report that they consider appropriate,
15 and either such official may include in the transmittal any
16 separate comments on the report that such official consid-
17 ers appropriate.

18 (e) TERMINATION OF PANEL.—The panel shall ter-
19 minate 30 days after the date of submission of the report
20 to the Secretary of Defense and the Attorney General
21 under subsection (d).

1 **TITLE VI—COMPENSATION AND**
2 **OTHER PERSONNEL BENEFITS**
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.**

5 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any
6 adjustment required by section 1009 of title 37, United
7 States Code, in elements of compensation of members of
8 the uniformed services to become effective during fiscal
9 year 1996 shall not be made.

10 (b) INCREASE IN BASIC PAY AND BAS.—Effective on
11 January 1, 1996, the rates of basic pay and basic allow-
12 ance for subsistence of members of the uniformed services
13 are increased by 2.4 percent.

14 (c) INCREASE IN BAQ.—Effective on January 1,
15 1996, the rates of basic allowance for quarters of members
16 of the uniformed services are increased by 5.2 percent.

17 **SEC. 602. ELECTION OF BASIC ALLOWANCE FOR QUARTERS**
18 **INSTEAD OF ASSIGNMENT TO INADEQUATE**
19 **QUARTERS.**

20 (a) ELECTION AUTHORIZED.—Section 403(b) of title
21 37, United States Code, is amended—

22 (1) by inserting “(1)” after “(b)”;

23 (2) by designating the second sentence as para-
24 graph (2) and, as so designated, by striking out

1 “However, subject” and inserting in lieu thereof
2 “Subject”; and

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

4 “(3) A member without dependents who is in pay
5 grade E-6 and who is assigned to quarters of the United
6 States that do not meet the minimum adequacy standards
7 established by the Department of Defense for members
8 in such pay grade, or to a housing facility under the juris-
9 diction of a uniformed service that does not meet such
10 standards, may elect not to occupy such quarters or facil-
11 ity and instead to receive the basic allowance for quarters
12 prescribed for his pay grade by this section.”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on July 1, 1996.

15 **SEC. 603. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS**
16 **TO MEMBERS OF THE UNIFORMED SERVICES**
17 **IN PAY GRADE E-6 WHO ARE ASSIGNED TO**
18 **SEA DUTY.**

19 (a) PAYMENT AUTHORIZED.—Section 403(c)(2) of
20 title 37, United States Code, is amended—

21 (1) in the first sentence, by striking out “E-7”
22 and inserting in lieu thereof “E-6”; and

23 (2) in the second sentence, by striking out “E-
24 6” and inserting in lieu thereof “E-5”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on July 1, 1996.

3 **SEC. 604. LIMITATION ON REDUCTION OF VARIABLE HOUS-**
4 **ING ALLOWANCE FOR CERTAIN MEMBERS.**

5 (a) LIMITATION ON REDUCTION IN VHA.—Sub-
6 section (c)(3) of section 403a of title 37, United States
7 Code, is amended by adding at the end the following new
8 sentence: “However, on and after January 1, 1996, the
9 monthly amount of a variable housing allowance under
10 this section for a member of a uniformed service with re-
11 spect to an area may not be reduced so long as the mem-
12 ber retains uninterrupted eligibility to receive a variable
13 housing allowance within that area and the member’s cer-
14 tified housing costs are not reduced, as indicated by cer-
15 tifications provided by the member under subsection
16 (b)(4).”.

17 (b) EFFECT ON TOTAL AMOUNT AVAILABLE FOR
18 VHA.—Subsection (d)(3) of such section is amended by
19 inserting after the first sentence the following new sen-
20 tence: “In addition, the total amount determined under
21 paragraph (1) shall be adjusted to ensure that sufficient
22 amounts are available to allow payment of any additional
23 amounts of variable housing allowance necessary as a re-
24 sult of the requirements of the second sentence of sub-
25 section (c)(3).”.

1 (c) REPORT ON IMPLEMENTATION.—Not later than
2 June 1, 1996, the Secretary of Defense shall submit to
3 Congress a report describing the procedures to be used
4 to implement the amendments made by this section and
5 the costs of such amendments.

6 **SEC. 605. CLARIFICATION OF LIMITATION ON ELIGIBILITY**
7 **FOR FAMILY SEPARATION ALLOWANCE.**

8 Section 427(b)(4) of title 37, United States Code, is
9 amended by inserting “paragraph (1)(A) of” after “not
10 entitled to an allowance under” in the first sentence.

11 **Subtitle B—Bonuses and Special**
12 **and Incentive Pays**

13 **SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE**
14 **FORCES.**

15 (a) SELECTED RESERVE REENLISTMENT BONUS.—
16 Section 308b(f) of title 37, United States Code, is amend-
17 ed by striking out “September 30, 1996” and inserting
18 in lieu thereof “September 30, 1997”.

19 (b) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
20 tion 308c(e) of title 37, United States Code, is amended
21 by striking out “September 30, 1996” and inserting in
22 lieu thereof “September 30, 1997”.

23 (c) SELECTED RESERVE AFFILIATION BONUS.—Sec-
24 tion 308e(e) of title 37, United States Code, is amended

1 by striking out “September 30, 1996” and inserting in
2 lieu thereof “September 30, 1997”.

3 (d) READY RESERVE ENLISTMENT AND REENLIST-
4 MENT BONUS.—Section 308h(g) of title 37, United States
5 Code, is amended by striking out “September 30, 1996”
6 and inserting in lieu thereof “September 30, 1997”.

7 (e) PRIOR SERVICE ENLISTMENT BONUS.—Section
8 308i(i) 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 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
12 **PAY FOR NURSE OFFICER CANDIDATES, REG-**
13 **ISTERED NURSES, AND NURSE ANES-**
14 **THETISTS.**

15 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
16 GRAM.—Section 2130a(a)(1) of title 10, United States
17 Code, is amended by striking out “September 30, 1996”
18 and inserting in lieu thereof “September 30, 1997”.

19 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
20 Section 302d(a)(1) of title 37, United States Code, is
21 amended by striking out “September 30, 1996” and in-
22 serting in lieu thereof “September 30, 1997”.

23 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
24 THETISTS.—Section 302e(a)(1) of title 37, United States

1 Code, is amended by striking out “September 30, 1996”
2 and inserting in lieu thereof “September 30, 1997”.

3 **SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAY-**
4 **MENT OF OTHER BONUSES AND SPECIAL**
5 **PAYS.**

6 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
7 tion 301b(a) of title 37, United States Code, is amended
8 by striking out “September 30, 1996,” and inserting in
9 lieu thereof “September 30, 1997”.

10 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
11 BERS.—Section 308(g) of title 37, United States Code, is
12 amended by striking out “September 30, 1996” and in-
13 serting in lieu thereof “September 30, 1997”.

14 (c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—
15 Sections 308a(c) and 308f(c) of title 37, United States
16 Code, are each amended by striking out “September 30,
17 1996” and inserting in lieu thereof “September 30,
18 1997”.

19 (d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE
20 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-
21 ORITY UNITS.—Section 308d(c) of title 37, United States
22 Code, is amended by striking out “September 30, 1996”
23 and inserting in lieu thereof “September 30, 1997”.

24 (e) REPAYMENT OF EDUCATION LOANS FOR CER-
25 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-

1 LECTED RESERVE.—Section 16302(d) of title 10, United
2 States Code, is amended by striking out “October 1,
3 1996” and inserting in lieu thereof “October 1, 1997”.

4 (f) SPECIAL PAY FOR CRITICALLY SHORT WARTIME
5 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—
6 Section 613(d) of the National Defense Authorization Act,
7 Fiscal Year 1989 (37 U.S.C. 302 note) is amended by
8 striking out “September 30, 1996” and inserting in lieu
9 thereof “September 30, 1997”.

10 (g) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-
11 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
12 312(e) of title 37, United States Code, is amended by
13 striking out “September 30, 1996” and inserting in lieu
14 thereof “September 30, 1997”.

15 (h) NUCLEAR CAREER ACCESSION BONUS.—Section
16 312b(c) of title 37, United States Code, is amended by
17 striking out “September 30, 1996” and inserting in lieu
18 thereof “September 30, 1997”.

19 (i) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—
20 Section 312c(d) of title 37, United States Code, is amend-
21 ed by striking out “October 1, 1996” and inserting in lieu
22 thereof “October 1, 1997”.

1 **SEC. 614. HAZARDOUS DUTY INCENTIVE PAY FOR WAR-**
 2 **RANT OFFICERS AND ENLISTED MEMBERS**
 3 **SERVING AS AIR WEAPONS CONTROLLERS.**

4 Section 301 of title 37, United States Code, is
 5 amended—

6 (1) in subsection (a)(11), by striking out “an
 7 officer (other than a warrant officer)” and inserting
 8 in lieu thereof “a member of a uniformed service”;
 9 and

10 (2) in subsection (c)(2)—

11 (A) by striking out “an officer” each place
 12 it appears and inserting in lieu thereof “a mem-
 13 ber”;

14 (B) in subparagraph (A), by striking out
 15 the table and inserting in lieu thereof the fol-
 16 lowing:

"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

"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	
"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";

1 and

2 (C) in subparagraph (B), by striking out
3 "the officer" each place it appears and insert-
4 ing in lieu thereof "the member".

5 **SEC. 615. AVIATION CAREER INCENTIVE PAY.**

6 (a) YEARS OF OPERATIONAL FLYING DUTIES RE-
7 REQUIRED.—Paragraph (4) of section 301a(a) of title 37,
8 United States Code, is amended in the first sentence by
9 striking out "9" and inserting in lieu thereof "8".

10 (b) EXERCISE OF WAIVER AUTHORITY.—Paragraph
11 (5) of such section is amended by inserting after the sec-
12 ond sentence the following new sentence: "The Secretary
13 concerned may not delegate the authority in the preceding
14 sentence to permit the payment of incentive pay under this
15 subsection."

16 **SEC. 616. CLARIFICATION OF AUTHORITY TO PROVIDE**
17 **SPECIAL PAY FOR NURSES.**

18 Section 302c(d)(1) of title 37, United States Code,
19 is amended—

20 (1) by striking out "or an officer" and inserting
21 in lieu thereof "an officer"; and

22 (2) by inserting before the semicolon the follow-
23 ing: ", an officer of the Nurse Corps of the Army

1 or Navy, or an officer of the Air Force designated
2 as a nurse”.

3 **SEC. 617. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY**
4 **FOR CREW MEMBERS OF SHIPS DESIGNATED**
5 **AS TENDERS.**

6 Section 305a(d)(1) of title 37, United States Code,
7 is amended by striking out subparagraph (A) and insert-
8 ing in lieu thereof the following:

9 “(A) while permanently or temporarily assigned
10 to a ship, ship-based staff, or ship-based aviation
11 unit and—

12 “(i) while serving on a ship the primary
13 mission of which is accomplished while under
14 way;

15 “(ii) while serving as a member of the off-
16 crew of a two-crewed submarine; or

17 “(iii) while serving as a member of a ten-
18 der-class ship (with the hull classification of
19 submarine or destroyer); or”.

20 **SEC. 618. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY**
21 **ASSIGNMENT PAY FOR ENLISTED MEMBERS**
22 **SERVING AS RECRUITERS.**

23 (a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—
24 Section 307(a) of title 37, United States Code, is amended
25 by adding at the end the following new sentence: “In the

1 case of a member who is serving as a military recruiter
 2 and is eligible for special duty assignment pay under this
 3 subsection by reason of such duty, the Secretary con-
 4 cerned may increase the monthly rate of special duty as-
 5 signment pay for the member to not more than \$375.”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall take effect on January 1, 1996.

8 **Subtitle C—Travel and** 9 **Transportation Allowances**

10 **SEC. 621. CALCULATION ON BASIS OF MILEAGE TABLES OF** 11 **SECRETARY OF DEFENSE: REPEAL OF RE-** 12 **QUIREMENT.**

13 Section 404(d)(1)(A) of title 37, United States Code,
 14 is amended by striking out “, based on distances estab-
 15 lished over the shortest usually traveled route, under mile-
 16 age tables prepared under the direction of the Secretary
 17 of Defense”.

18 **SEC. 622. DEPARTURE ALLOWANCES.**

19 (a) ELIGIBILITY WHEN EVACUATION AUTHORIZED
 20 BUT NOT ORDERED.—Section 405a(a) of title 37, United
 21 States Code, is amended by striking out “ordered” each
 22 place it appears and inserting in lieu thereof “authorized
 23 or ordered”.

24 (b) EFFECTIVE DATE AND APPLICABILITY.—The
 25 amendment made by subsection (a) shall take effect on

1 October 1, 1995, and shall apply to persons authorized
2 or ordered to depart as described in section 405a(a) of
3 title 37, United States Code, on or after such date.

4 **SEC. 623. DISLOCATION ALLOWANCE FOR MOVES RESULT-**
5 **ING FROM A BASE CLOSURE OR REALIGN-**
6 **MENT.**

7 Section 407(a) of title 37, United States Code, is
8 amended by—

9 (1) by striking out “or” at the end of para-
10 graph (3);

11 (2) by striking out the period at the end of
12 paragraph (4) and inserting in lieu thereof “; or”;
13 and

14 (3) by adding at the end the following:

15 “(5) the member is ordered to move in connec-
16 tion with the closure or realignment of a military in-
17 stallation and, as a result, the member’s dependents
18 actually move or, in the case of a member without
19 dependents, the member actually moves.”.

20 **SEC. 624. TRANSPORTATION OF NONDEPENDENT CHILD**
21 **FROM SPONSOR’S STATION OVERSEAS AFTER**
22 **LOSS OF DEPENDENT STATUS WHILE OVER-**
23 **SEAS.**

24 Section 406(h)(1) of title 37, United States Code, is
25 amended by striking out the last sentence and inserting

1 in lieu thereof the following new sentence: “If a member
 2 receives for an unmarried child of the member transpor-
 3 tation in kind to the member’s station outside the United
 4 States or in Hawaii or Alaska, reimbursement therefor,
 5 or a monetary allowance in place thereof and, while the
 6 member is serving at that station, the child ceases to be
 7 a dependent of the member by reason of ceasing to satisfy
 8 an age requirement in section 401(a)(2) of this title or
 9 ceasing to be enrolled in an institution of higher education
 10 as described in subparagraph (C) of such section, the child
 11 shall be treated as a dependent of the member for pur-
 12 poses of this subsection.”.

13 **Subtitle D—Commissaries and**
 14 **Nonappropriated Fund Instru-**
 15 **mentalities**

16 **SEC. 631. USE OF COMMISSARY STORES BY MEMBERS OF**
 17 **THE READY RESERVE.**

18 (a) PERIOD OF USE.—Section 1063 of title 10, Unit-
 19 ed States Code, is amended—

20 (1) in subsection (a)(1)—

21 (A) by inserting “for a period of one year
 22 on the same basis as members on active duty”
 23 before the period at the end of the first sen-
 24 tence; and

25 (B) by striking out the second sentence;

- 1 (2) by striking out subsection (b); and
 2 (3) by redesignating subsection (c) as sub-
 3 section (b).

4 (b) CONFORMING AND CLERICAL AMENDMENTS.—

- 5 (1) The heading for such section is amended to read as
 6 follows:

7 **“§ 1063. Commissary stores: use by members of the**
 8 **Ready Reserve”.**

- 9 (2) The item relating to such section in the table of
 10 sections at the beginning of chapter 54 of title 10, United
 11 State Code, is amended to read as follows:

 “1063. Commissary stores: use by members of the Ready Reserve.”.

12 **SEC. 632. USE OF COMMISSARY STORES BY RETIRED RE-**
 13 **SERVES UNDER AGE 60 AND THEIR SURVI-**
 14 **VORS.**

- 15 (a) ELIGIBILITY.—Section 1064 of title 10, United
 16 States Code, is amended to read as follows:

17 **“§ 1064. Commissary stores: use by retired Reserves**
 18 **under age 60 and their survivors**

19 “(a) RETIRED RESERVES UNDER AGE 60.—Mem-
 20 bers of the reserve components under 60 years of age who,
 21 but for age, would be eligible for retired pay under chapter
 22 1223 of this title (or under chapter 67 of this title as in
 23 effect before December 1, 1994) shall be authorized to use
 24 commissary stores of the Department of Defense on the
 25 same basis as members and former members of the armed

1 forces who have retired entitled to retired or retainer pay
2 under chapter 367, 571, or 867 of this title.

3 “(b) SURVIVORS.—If a person authorized to use com-
4 missary stores under subsection (a) dies before attaining
5 60 years of age, the surviving dependents of the deceased
6 person shall be authorized to use commissary stores of the
7 Department of Defense on the same basis as the surviving
8 dependents of persons who die after being retired entitled
9 to retired or retainer pay under chapter 367, 571, or 867
10 of this title.

11 “(c) USE SUBJECT TO REGULATIONS.—Use of com-
12 missary stores under this section is subject to regulations
13 prescribed by the Secretary of Defense.”.

14 (b) CLERICAL AMENDMENT.—The item relating to
15 such section in the table of sections at the beginning of
16 chapter 54 of title 10, United States Code, is amended
17 to read as follows:

“1064. Commissary stores: use by retired Reserves under age 60 and their sur-
vivors.”.

18 **SEC. 633. USE OF MORALE, WELFARE, AND RECREATION**
19 **FACILITIES BY MEMBERS OF RESERVE COM-**
20 **ONENTS AND DEPENDENTS: CLARIFICATION**
21 **OF ENTITLEMENT.**

22 Section 1065 of title 10, United States Code, is
23 amended to read as follows:

1 **“§ 1065. Use of certain morale, welfare, and recre-**
2 **ation facilities by members of reserve**
3 **components and dependents**

4 “(a) MEMBERS OF THE SELECTED RESERVE.—Mem-
5 bers of the Selected Reserve in good standing (as deter-
6 mined by the Secretary concerned) shall be permitted to
7 use MWR retail facilities on the same basis as members
8 on active duty.

9 “(b) MEMBERS OF READY RESERVE NOT IN SE-
10 LECTED RESERVE.—Subject to such regulations as the
11 Secretary of Defense may prescribe, members of the
12 Ready Reserve (other than members of the Selected Re-
13 serve) may be permitted to use MWR retail facilities on
14 the same basis as members serving on active duty.

15 “(c) RETIREES UNDER AGE 60.—Members of the re-
16 serve components under 60 years of age who, but for age,
17 would be eligible for retired pay under chapter 1223 of
18 this title (or under chapter 67 of this title as in effect
19 before December 1, 1994) shall be permitted to use MWR
20 retail facilities on the same basis as members and former
21 members of the armed forces who have retired entitled to
22 retired or retainer pay under chapter 367, 571, or 867
23 of this title.

24 “(d) DEPENDENTS.—(1) Dependents of members re-
25 ferred to in subsection (a) shall be permitted to use MWR

1 retail facilities on the same basis as dependents of mem-
2 bers on active duty.

3 “(2) Dependents of members referred to in sub-
4 section (c) shall be permitted to use MWR retail facilities
5 on the same basis as dependents of members and former
6 members of the armed forces who have retired entitled to
7 retired or retainer pay under chapter 367, 571, or 867
8 of this title.

9 “(e) MWR RETAIL FACILITY DEFINED.—In this sec-
10 tion, the term ‘MWR retail facilities’ means exchange
11 stores and other revenue generating facilities operated by
12 nonappropriated fund activities of the Department of De-
13 fense for the morale, welfare, and recreation of members
14 of the armed forces.”.

15 **Subtitle E—Other Matters**

16 **SEC. 641. COST-OF-LIVING INCREASES FOR RETIRED PAY.**

17 (a) MODIFICATION OF DELAYS.—Clause (ii) of sec-
18 tion 1401a(b)(2)(B) of title 10, United States Code, is
19 amended—

20 (1) by striking out “1994, 1995, 1996, or
21 1997” and inserting in lieu thereof “1994 or 1995”;
22 and

23 (2) by striking out “September” and inserting
24 in lieu thereof “March”.

1 (b) CONFORMING AMENDMENT.—The captions for
2 such section 1401a(2)(B) and for clause (ii) of such sec-
3 tion are amended by striking out “THROUGH 1998” and
4 inserting in lieu thereof “THROUGH 1996”.

5 (c) REPEAL OF SUPERSEDED PROVISION.—Section
6 8114A of Public Law 103–335 (108 Stat. 2648) is re-
7 pealed.

8 **SEC. 642. ELIGIBILITY FOR RETIRED PAY FOR NON-REGU-**
9 **LAR SERVICE DENIED FOR MEMBERS RE-**
10 **CEIVING CERTAIN SENTENCES IN COURTS-**
11 **MARTIAL.**

12 Section 12731 of title 10, United States Code, is
13 amended—

14 (1) by redesignating subsections (d), (e), and
15 (f) as subsections (e), (f), and (g), respectively; and

16 (2) by inserting after subsection (c) the follow-
17 ing new subsection:

18 “(d) A person who is convicted of an offense under
19 the Uniform Code of Military Justice (chapter 47 of this
20 title), and whose executed sentence includes death, a dis-
21 honorable discharge, a bad conduct discharge, or (in the
22 case of an officer) a dismissal is not eligible for retired
23 pay under this chapter.”.

1 **SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN**
2 **GARNISHMENT ACTIONS.**

3 (a) IN GENERAL.—Subsection (j) of section 5520a of
4 title 5, United States Code, is amended by striking out
5 paragraph (2) and inserting in lieu thereof the following
6 new paragraph (2):

7 “(2) Such regulations shall provide that an agency’s
8 administrative costs in executing legal process to which
9 the agency is subject under this section shall be deducted
10 from the amount withheld from the pay of the employee
11 concerned pursuant to the legal process.”.

12 (b) INVOLUNTARY ALLOTMENTS OF PAY OF MEM-
13 BERS OF THE UNIFORMED SERVICES.—Subsection (k) of
14 such section is amended—

15 (1) by redesignating paragraph (3) as para-
16 graph (4); and

17 (2) by inserting after paragraph (2) the follow-
18 ing new paragraph (3):

19 “(3) Regulations under this subsection may also pro-
20 vide that the administrative costs in establishing and
21 maintaining an involuntary allotment be deducted from
22 the amount withheld from the pay of the member of the
23 uniformed services concerned pursuant to such regula-
24 tions.”.

1 (c) DISPOSITION OF AMOUNTS WITHHELD FOR AD-
2 MINISTRATIVE EXPENSES.—Such section is further
3 amended by adding at the end the following:

4 “(l) The amount of an agency’s administrative costs
5 deducted under regulations prescribed pursuant to sub-
6 section (j)(2) or (k)(2) shall be credited to the appropria-
7 tion, fund, or account from which such administrative
8 costs were paid.”.

9 **SEC. 644. AUTOMATIC MAXIMUM COVERAGE UNDER SERV-**
10 **ICEMEN’S GROUP LIFE INSURANCE.**

11 Section 1967 of title 38, United States Code, is
12 amended—

13 (1) in subsections (a) and (c), by striking out
14 “\$100,000” each place it appears and inserting in
15 lieu thereof in each instance “\$200,000”;

16 (2) by striking out subsection (e); and

17 (3) by redesignating subsection (f) as sub-
18 section (e).

19 **SEC. 645. TERMINATION OF SERVICEMEN’S GROUP LIFE IN-**
20 **SURANCE FOR MEMBERS OF THE READY RE-**
21 **SERVE WHO FAIL TO PAY PREMIUMS.**

22 Section 1968(a)(4) of title 38, United States Code,
23 is amended—

1 (1) by striking out the period at the end of sub-
2 paragraph (C) and inserting in lieu thereof a semi-
3 colon; and

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

5 “except that, if the member fails to make a direct
6 remittance of a premium for the insurance to the
7 Secretary when required to do so, the insurance
8 shall cease with respect to the member 120 days
9 after the date on which the Secretary transmits a
10 notification of the termination by mail addressed to
11 the member at the member’s last known address,
12 unless the Secretary accepts from the member full
13 payment of the premiums in arrears within such
14 120-day period.”.

15 **SEC. 646. REPORT ON EXTENDING TO JUNIOR NON-**
16 **COMMISSIONED OFFICERS PRIVILEGES PRO-**
17 **VIDED FOR SENIOR NONCOMMISSIONED OF-**
18 **FICERS.**

19 (a) REPORT REQUIRED.—Not later than February 1,
20 1996, the Secretary of Defense shall submit to Congress
21 a report containing the determinations of the Secretary
22 regarding whether, in order to improve the working condi-
23 tions of noncommissioned officers in pay grades E-5 and
24 E-6, any of the privileges afforded noncommissioned offi-
25 cers in any of the pay grades above E-6 should be ex-

1 tended to noncommissioned officers in pay grades E-5 and
2 E-6.

3 (b) SPECIFIC RECOMMENDATION REGARDING ELEC-
4 TION OF BAS.—The Secretary shall include in the report
5 a determination on whether noncommissioned officers in
6 pay grades E-5 and E-6 should be afforded the same
7 privilege as noncommissioned officers in pay grades above
8 E-6 to elect to mess separately and receive the basic al-
9 lowance for subsistence.

10 (c) ADDITIONAL MATTERS.—The report shall also
11 contain a discussion of the following matters:

12 (1) The potential costs of extending additional
13 privileges to noncommissioned officers in pay grades
14 E-5 and E-6.

15 (2) The effects on readiness that would result
16 from extending the additional privileges.

17 (3) The options for extending the privileges on
18 an incremental basis over an extended period.

19 (d) RECOMMENDED LEGISLATION.—The Secretary
20 shall include in the report any recommended legislation
21 that the Secretary considers necessary in order to author-
22 ize extension of a privilege as determined appropriate
23 under subsection (a).

1 **SEC. 647. PAYMENT TO SURVIVORS OF DECEASED MEM-**
2 **BERS OF THE UNIFORMED SERVICES FOR**
3 **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:

10 “(2) The limitations in the second sentence of sub-
11 section (b)(3), subsection (f), and the second sentence of
12 subsection (g) shall not apply with respect to a payment
13 made under this subsection.”.

14 (b) CONFORMING AMENDMENT.—Section 501(f) of
15 such title is amended by striking out “, (d),” in the first
16 sentence.

17 **SEC. 648. ANNUITIES FOR CERTAIN MILITARY SURVIVING**
18 **SPOUSES.**

19 (a) SURVIVOR ANNUITY.—(1) The Secretary con-
20 cerned shall pay an annuity to the qualified surviving
21 spouse of each member of the uniformed services who—

22 (A) died before March 21, 1974, and was enti-
23 tled to retired or retainer pay on the date of death;

24 or

25 (B) was a member of a reserve component of
26 the Armed Forces during the period beginning on

1 September 21, 1972, and ending on October 1,
2 1978, and at the time of his death would have been
3 entitled to retired pay under chapter 67 of title 10,
4 United States Code (as in effect before December 1,
5 1994), but for the fact that he was under 60 years
6 of age.

7 (2) A qualified surviving spouse for purposes of this
8 section is a surviving spouse who has not remarried and
9 who is not eligible for an annuity under section 4 of Public
10 Law 92-425 (10 U.S.C. 1448 note).

11 (b) AMOUNT OF ANNUITY.—(1) An annuity under
12 this section shall be paid at the rate of \$165 per month,
13 as adjusted from time to time under paragraph (3).

14 (2) An annuity paid to a surviving spouse under this
15 section shall be reduced by the amount of any dependency
16 and indemnity compensation (DIC) to which the surviving
17 spouse is entitled under section 1311(a) of title 38, United
18 States Code.

19 (3) Whenever after the date of the enactment of this
20 Act retired or retainer pay is increased under section
21 1401a(b)(2) of title 10, United States Code, each annuity
22 that is payable under this section shall be increased at
23 the same time and by the same total percent. The amount
24 of the increase shall be based on the amount of the month-
25 ly annuity payable before any reduction under this section.

1 (c) APPLICATION REQUIRED.—No benefit shall be
2 paid to any person under this section unless an application
3 for such benefit is filed with the Secretary concerned by
4 or on behalf of such person.

5 (d) DEFINITIONS.—For purposes of this section:

6 (1) The terms “uniformed services” and “Sec-
7 retary concerned” have the meanings given such
8 terms in section 101 of title 37, United States Code.

9 (2) The term “surviving spouse” has the mean-
10 ing given the terms “widow” and “widower” in para-
11 graphs (3) and (4) of section 1447 of title 10, Unit-
12 ed States Code.

13 (e) PROSPECTIVE APPLICABILITY.—(1) Annuities
14 under this section shall be paid for months beginning after
15 the month in which this Act is enacted.

16 (2) No benefit shall accrue to any person by reason
17 of the enactment of this section for any period before the
18 first month referred to in paragraph (1).

19 **SEC. 649. TRANSITIONAL COMPENSATION FOR DEPEND-**
20 **ENTS OF MEMBERS OF THE ARMED FORCES**
21 **SEPARATED FOR DEPENDENT ABUSE: CLARI-**
22 **FICATION OF ENTITLEMENT.**

23 Section 1059(d) of title 10, United States Code, is
24 amended by striking out “of a separation from active duty
25 as” in the first sentence.

1 **TITLE VII—HEALTH CARE**
 2 **Subtitle A—Health Care Services**

3 **SEC. 701. MEDICAL CARE FOR SURVIVING DEPENDENTS OF**
 4 **RETIRED RESERVES WHO DIE BEFORE**
 5 **AGE 60.**

6 Section 1076(b) of title 10, United States Code, is
 7 amended—

8 (1) in clause (2)—

9 (A) by striking out “death (A) would” and
 10 inserting in lieu thereof “death would”; and

11 (B) by striking out “, and (B) had elected
 12 to participate in the Survivor Benefit Plan es-
 13 tablished under subchapter II of chapter 73 of
 14 this title”; and

15 (2) in the second sentence, by striking out
 16 “without regard to subclause (B) of such clause”.

17 **SEC. 702. DENTAL INSURANCE FOR MEMBERS OF THE SE-**
 18 **LECTED RESERVE.**

19 (a) PROGRAM AUTHORIZATION.—(1) Chapter 55 of
 20 title 10, United States Code, is amended by inserting after
 21 section 1076a the following new section:

22 **“§ 1076b. Selected Reserve dental insurance**

23 “(a) AUTHORITY TO ESTABLISH PLAN.—The Sec-
 24 retary of Defense shall establish a dental insurance plan
 25 for members of the Selected Reserve of the Ready Reserve.

1 The plan shall provide for voluntary enrollment and for
2 premium sharing between the Department of Defense and
3 the members enrolled in the plan. The plan shall be ad-
4 ministered under regulations prescribed by the Secretary
5 of Defense.

6 “(b) PREMIUM SHARING.—(1) A member enrolling in
7 the dental insurance plan shall pay a share of the premium
8 charged for the insurance coverage. The member’s share
9 may not exceed \$25 per month.

10 “(2) The Secretary of Defense may reduce the
11 monthly premium required to be paid by enlisted members
12 under paragraph (1) if the Secretary determines that the
13 reduction is appropriate in order to assist enlisted mem-
14 bers to participate in the dental insurance plan.

15 “(3) A member’s share of the premium for coverage
16 by the dental insurance plan shall be deducted and with-
17 held from the basic pay payable to the member for inactive
18 duty training and from the basic pay payable to the mem-
19 ber for active duty.

20 “(4) The Secretary of Defense shall pay the portion
21 of the premium charged for coverage of a member under
22 the dental insurance plan that exceeds the amount paid
23 by the member.

24 “(c) BENEFITS AVAILABLE UNDER THE PLAN.—The
25 dental insurance plan shall provide benefits for basic den-

1 tal care and treatment, including diagnostic services, pre-
2 ventative services, basic restorative services, and emer-
3 gency oral examinations.

4 “(d) TERMINATION OF COVERAGE.—The coverage of
5 a member by the dental insurance plan shall terminate
6 on the last day of the month in which the member is dis-
7 charged, transfers to the Individual Ready Reserve,
8 Standby Reserve, or Retired Reserve, or is ordered to ac-
9 tive duty for a period of more than 30 days.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by inserting after the item relating
12 to section 1076a the following:

“1076b. Selected Reserve dental insurance.”.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
14 funds authorized to be appropriated under section
15 301(16), \$9,000,000 shall be available to pay the Depart-
16 ment of Defense share of the premium required for mem-
17 bers covered by the dental insurance plan established pur-
18 suant to section 1076b of title 10, United States Code,
19 as added by subsection (a).

20 **SEC. 703. MODIFICATION OF REQUIREMENTS REGARDING**
21 **ROUTINE PHYSICAL EXAMINATIONS AND IM-**
22 **MUNIZATIONS UNDER CHAMPUS.**

23 Section 1079(a) of title 10, United States Code, is
24 amended by striking out paragraph (2) and inserting in
25 lieu thereof the following new paragraph:

1 “(2) consistent with such regulations as the
2 Secretary of Defense may prescribe regarding the
3 content of health promotion and disease prevention
4 visits, the schedule of pap smears and mammo-
5 grams, and the types and schedule of immuniza-
6 tions—

7 “(A) for dependents under six years of age,
8 both health promotion and disease prevention
9 visits and immunizations may be provided; and

10 “(B) for dependents six years of age or
11 older, health promotion and disease prevention
12 visits may be provided in connection with im-
13 munizations or with diagnostic or preventive
14 pap smears and mammograms;”.

15 **SEC. 704. PERMANENT AUTHORITY TO CARRY OUT SPE-**
16 **cialized Treatment Facility Program.**

17 Section 1105 of title 10, United States Code, is
18 amended by striking out subsection (h).

19 **SEC. 705. WAIVER OF MEDICARE PART B LATE ENROLL-**
20 **MENT PENALTY AND ESTABLISHMENT OF**
21 **SPECIAL ENROLLMENT PERIOD FOR CER-**
22 **TAIN MILITARY RETIREES AND DEPENDENTS.**

23 Section 1837 of the Social Security Act (42 U.S.C.
24 1395p) is amended by adding at the end the following new
25 subsection:

1 “(j)(1) The Secretary shall make special provisions
2 for the enrollment of an individual who is a covered bene-
3 ficiary under chapter 55 of title 10, United States Code,
4 and who is affected adversely by the closure of a military
5 medical treatment facility of the Department of Defense
6 pursuant to a closure or realignment of a military installa-
7 tion.

8 “(2) The special enrollment provisions required by
9 paragraph (1) shall be established in regulations issued
10 by the Secretary. The regulations shall—

11 “(A) identify individuals covered by paragraph
12 (1) in accordance with regulations providing for such
13 identification that are prescribed by the Secretary of
14 Defense;

15 “(B) provide for a special enrollment period of
16 at least 90 days to be scheduled at some time proximi-
17 mate to the date on which the military medical
18 treatment facility involved is scheduled to be closed;
19 and

20 “(C) provide that, with respect to individuals
21 who enroll pursuant to paragraph (1), the increase
22 in premiums under section 1839(b) due to late en-
23 rollment under this part shall not apply.

24 “(3) For purposes of this subsection—

1 “(A) the term ‘covered beneficiary’ has the
2 meaning given such term in section 1072(5) of title
3 10, United States Code;

4 “(B) the term ‘military medical treatment facil-
5 ity’ means a facility of a uniformed service referred
6 to in section 1074(a) of title 10, United States Code,
7 in which health care is provided; and

8 “(C) the terms ‘military installation’ and ‘re-
9 alignment’ have the meanings given such terms—

10 “(i) in section 209 of the Defense Author-
11 ization Amendments and Base Closure and Re-
12 alignment Act (10 U.S.C. 2687 note), in the
13 case of a closure or realignment under title II
14 of such Act;

15 “(ii) in section 2910 of the Defense Base
16 Closure and Realignment Act of 1990 (title
17 XXIX of Public Law 101–510; 10 U.S.C. 2687
18 note), in the case of a closure or realignment
19 under such Act; or

20 “(iii) in subsection (e) of section 2687 of
21 title 10, United States Code, in the case of a
22 closure or realignment under such section.”.

1 **Subtitle B—TRICARE Program**

2 **SEC. 711. DEFINITION OF TRICARE PROGRAM AND OTHER**
3 **TERMS.**

4 In this subtitle:

5 (1) The term “TRICARE program” means the
6 managed health care program that is established by
7 the Secretary of Defense under the authority of
8 chapter 55 of title 10, United States Code, prin-
9 cipally section 1097 of such title, and includes the
10 competitive selection of contractors to financially un-
11 derwrite the delivery of health care services under
12 the Civilian Health and Medical Program of the
13 Uniformed Services.

14 (2) The term “covered beneficiary” means a
15 beneficiary under chapter 55 of title 10, United
16 States Code, including a beneficiary under section
17 1074(a) of such title.

18 (3) The term “Uniformed Services Treatment
19 Facility” means a facility deemed to be a facility of
20 the uniformed services by virtue of section 911(a) of
21 the Military Construction Authorization Act, 1982
22 (42 U.S.C. 248c(a)).

23 (4) The term “administering Secretaries” has
24 the meaning given such term in section 1072(3) of
25 title 10, United States Code.

1 **SEC. 712. PROVISION OF TRICARE UNIFORM BENEFITS BY**
2 **UNIFORMED SERVICES TREATMENT FACILI-**
3 **TIES.**

4 (a) REQUIREMENT.—Subject to subsection (b), upon
5 the implementation of the TRICARE program in the
6 catchment area served by a Uniformed Services Treatment
7 Facility, the facility shall provide to the covered bene-
8 ficiaries enrolled in a health care plan of such facility the
9 same health care benefits (subject to the same conditions
10 and limitations) as are available to covered beneficiaries
11 in that area under the TRICARE program.

12 (b) EFFECT ON CURRENT ENROLLEES.—(1) A cov-
13 ered beneficiary who has been continuously enrolled on
14 and after January 1, 1995, in a health care plan offered
15 by a Uniformed Services Treatment Facility pursuant to
16 a contract between the Secretary of Defense and the facil-
17 ity may elect to continue to receive health care benefits
18 in accordance with the plan instead of benefits in accord-
19 ance with subsection (a).

20 (2) The Uniform Services Treatment Facility con-
21 cerned shall continue to provide benefits to a covered bene-
22 ficiary in accordance with an election of benefits by that
23 beneficiary under paragraph (1). The requirement to do
24 so shall terminate on the effective date of any contract
25 between the Secretary of Defense and the facility that—

1 (A) is entered into on or after the date of the
2 election; and

3 (B) requires the health care plan offered by the
4 facility for covered beneficiaries to provide health
5 care benefits in accordance with subsection (a).

6 **SEC. 713. SENSE OF SENATE ON ACCESS OF MEDICARE ELI-**
7 **GIBLE BENEFICIARIES OF CHAMPUS TO**
8 **HEALTH CARE UNDER TRICARE.**

9 It is the sense of the Senate—

10 (1) that the Secretary of Defense should de-
11 velop a program to ensure that covered beneficiaries
12 who are eligible for medicare under title XVIII of
13 the Social Security Act (42 U.S.C. 1395 et seq.) and
14 who reside in a region in which the TRICARE pro-
15 gram has been implemented have adequate access to
16 health care services after the implementation of the
17 TRICARE program in that region; and

18 (2) to support strongly, as a means of ensuring
19 such access, the reimbursement of the Department
20 of Defense by the Secretary of Health and Human
21 Services for health care services provided such bene-
22 ficiaries at the medical treatment facilities of the
23 Department of Defense.

1 **SEC. 714. PILOT PROGRAM OF INDIVIDUALIZED RESIDEN-**
2 **TIAL MENTAL HEALTH SERVICES.**

3 (a) PROGRAM REQUIRED.—During fiscal year 1996,
4 the Secretary of Defense, in consultation with the other
5 administering Secretaries, shall carry out a pilot program
6 for providing wraparound services to covered beneficiaries
7 who are children in need of mental health services. The
8 Secretary shall carry out the pilot program in one region
9 in which the TRICARE program has been implemented
10 as of the beginning of such fiscal year.

11 (b) WRAPAROUND SERVICES DEFINED.—For pur-
12 poses of this section, wraparound services are individual-
13 ized mental health services that a provider provides, prin-
14 cipally in a residential setting but also with follow-up serv-
15 ices, in return for payment on a case rate basis. For pay-
16 ment of the case rate for a patient, the provider incurs
17 the risk that it will be necessary for the provider to provide
18 the patient with additional mental health services inter-
19 mittently or on a longer term basis after completion of
20 the services provided on a residential basis under a treat-
21 ment plan.

22 (c) PILOT PROGRAM AGREEMENT.—Under the pilot
23 program the Secretary of Defense shall enter into an
24 agreement with a provider of mental health services that
25 requires the provider—

1 (1) to provide wraparound services to covered
2 beneficiaries referred to in subsection (a);

3 (2) to continue to provide such services to each
4 beneficiary as needed during the period of the agree-
5 ment even if the patient relocates outside the
6 TRICARE program region involved (but inside the
7 United States) during that period; and

8 (3) to accept as payment for such services an
9 amount not in excess of the amount of the standard
10 CHAMPUS residential treatment clinic benefit pay-
11 able with respect to the covered beneficiary con-
12 cerned (as determined in accordance with section 8.1
13 of chapter 3 of volume II of the CHAMPUS policy
14 manual).

15 (d) REPORT.—Not later than March 1, 1997, the
16 Secretary of Defense shall submit to the Committee on
17 Armed Services of the Senate and the Committee on Na-
18 tional Security of the House of Representatives a report
19 on the program carried out under this section. The report
20 shall contain—

21 (1) an assessment of the effectiveness of the
22 program; and

23 (2) the Secretary's views regarding whether the
24 program should be implemented in all regions where
25 the TRICARE program is carried out.

1 **Subtitle C—Uniformed Services**
2 **Treatment Facilities**

3 **SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN**
4 **FACILITIES AS UNIFORMED SERVICES**
5 **TREATMENT FACILITIES.**

6 Section 1252(e) of the Department of Defense Au-
7 thorization Act, 1984 (42 U.S.C. 248d(e)) is amended by
8 striking out “December 31, 1996” in the first sentence
9 and inserting in lieu thereof “September 30, 1997”.

10 **SEC. 722. APPLICABILITY OF FEDERAL ACQUISITION REG-**
11 **ULATION TO PARTICIPATION AGREEMENTS**
12 **WITH UNIFORMED SERVICES TREATMENT FA-**
13 **CILITIES.**

14 Section 718(c) of the National Defense Authorization
15 Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.
16 1587) is amended—

17 (1) in the second sentence of paragraph (1), by
18 striking out “A participation agreement” and insert-
19 ing in lieu thereof “Except as provided in paragraph
20 (4), a participation agreement”;

21 (2) by redesignating paragraph (4) as para-
22 graph (5); and

23 (3) by inserting after paragraph (3) the follow-
24 ing new paragraph:

1 “(4) APPLICABILITY OF FEDERAL ACQUISITION
2 REGULATION.—On and after the date of enactment
3 of the National Defense Authorization Act for Fiscal
4 Year 1996, the Federal Acquisition Regulation is-
5 sued pursuant to section 25(c) of the Office of Fed-
6 eral Procurement Policy Act (41 U.S.C. 421(c))
7 shall apply to any action to modify an existing par-
8 ticipation agreement and to any action by the Sec-
9 retary of Defense and a Uniformed Services Treat-
10 ment Facility to enter into a new participation
11 agreement.”.

12 **SEC. 723. AMOUNT PAYABLE BY UNIFORMED SERVICES**
13 **TREATMENT FACILITIES FOR HEALTH CARE**
14 **SERVICES PROVIDED OUTSIDE THE**
15 **CATCHMENT AREAS OF THE FACILITIES.**

16 Section 1074 of title 10, United States Code, is
17 amended by adding at the end the following:

18 “(d)(1) A Uniformed Services Treatment Facility
19 shall be responsible for paying charges imposed by a pri-
20 vate facility or health care provider for providing care out-
21 side the catchment area of the Uniformed Services Treat-
22 ment Facility to a member of the uniformed services who
23 is enrolled in a health care plan of the Uniformed Services
24 Treatment Facility.

1 **“§ 1071a. Availability of appropriations**

2 “Of the total amount authorized to be appropriated
3 for a fiscal year for programs and activities carried out
4 under this chapter, the amount equal to three percent of
5 such total amount is authorized to be appropriated to re-
6 main available until the end of the following fiscal year.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 55 of title 10, United States
9 Code, is amended by inserting after the item relating to
10 section 1071 the following:

“1071a. Availability of appropriations.”.

11 **SEC. 732. REVISION AND CODIFICATION OF LIMITATIONS**

12 **ON PHYSICIAN PAYMENTS UNDER CHAMPUS.**

13 (a) IN GENERAL.—Section 1079(h) of title 10,
14 United States Code, is amended to read as follows:

15 “(h)(1) Subject to paragraph (2), payment for a
16 charge for services by an individual health care profes-
17 sional (or other noninstitutional health care provider) for
18 which a claim is submitted under a plan contracted for
19 under subsection (a) shall be limited to the lesser of—

20 “(A) the amount equivalent to the 80th per-
21 centile of billed charges, as determined by the Sec-
22 retary of Defense in consultation with the other ad-
23 ministering Secretaries, for similar services in the
24 same locality during a 12-month base period that

1 the Secretary shall define and may adjust as fre-
2 quently as the Secretary considers appropriate; or

3 “(B) the amount payable for charges for such
4 services (or similar services) under title XVIII of the
5 Social Security Act (42 U.S.C. 1395 et seq.) as de-
6 termined in accordance with the reimbursement
7 rules applicable to payments for medical and other
8 health services under that title.

9 “(2) The amount to be paid to an individual health
10 care professional (or other noninstitutional health care
11 provider) shall be determined under regulations prescribed
12 by the Secretary of Defense in consultation with the other
13 administering Secretaries. Such regulations—

14 “(A) may provide for such exceptions from the
15 limitation on payments set forth in paragraph (1) as
16 the Secretary determines necessary to ensure that
17 covered beneficiaries have adequate access to health
18 care services, including payment of amounts greater
19 than the amounts otherwise payable under that
20 paragraph when enrollees in managed care programs
21 obtain covered emergency services from
22 nonparticipating providers; and

23 “(B) shall establish limitations (similar to those
24 established under title XVIII of the Social Security
25 Act) on beneficiary liability for charges of an indi-

1 vidual health care professional (or other
2 noninstitutional health care provider).”.

3 (b) TRANSITION.—In prescribing regulations under
4 paragraph (2) of section 1079(h) of title 10, United States
5 Code, as amended by subsection (a), the Secretary of De-
6 fense shall provide—

7 (1) for a period of transition between the pay-
8 ment methodology in effect under section 1079(h) of
9 such title, as such section was in effect on the day
10 before the date of the enactment of this Act, and the
11 payment methodology under section 1079(h) of such
12 title, as so amended; and

13 (2) that the amount payable under such section
14 1079(h), as so amended, for a charge for a service
15 under a claim submitted during the period may not
16 be less than 85 percent of the maximum amount
17 that was payable under such section 1079(h), in ef-
18 fect on the day before the date of the enactment of
19 this Act, for charges for the same service during the
20 1-year period (or a period of other duration that the
21 Secretary considers appropriate) ending on the day
22 before such date.

1 **SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL**
2 **TREATMENT FACILITIES OF THE COAST**
3 **GUARD.**

4 (a) CONTRACTING AUTHORITY.—Section 1091(a) of
5 title 10, United States Code, is amended—

6 (1) by inserting after “Secretary of Defense”
7 the following: “, with respect to medical treatment
8 facilities of the Department of Defense, and the Sec-
9 retary of Transportation, with respect to medical
10 treatment facilities of the Coast Guard when the
11 Coast Guard is not operating as a service in the
12 Navy,”; and

13 (2) by striking out “medical treatment facilities
14 of the Department of Defense” and inserting in lieu
15 thereof “such facilities”.

16 (b) RATIFICATION OF EXISTING CONTRACTS.—Any
17 exercise of authority under section 1091 of title 10, United
18 States Code, to enter into a personal services contract on
19 behalf of the Coast Guard before the effective date of the
20 amendments made by subsection (a) is hereby ratified.

21 (c) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall take effect on the earlier of the date
23 of the enactment of this Act or October 1, 1995.

1 **SEC. 734. DISCLOSURE OF INFORMATION IN MEDICARE**
2 **AND MEDICAID COVERAGE DATA BANK TO**
3 **IMPROVE COLLECTION FROM RESPONSIBLE**
4 **PARTIES FOR HEALTH CARE SERVICES FUR-**
5 **NISHED UNDER CHAMPUS.**

6 (a) PURPOSE OF DATA BANK.—Subsection (a) of
7 section 1144 of the Social Security Act (42 U.S.C. 1320b-
8 14) is amended—

9 (1) by striking out “and” at the end of the
10 paragraph (1);

11 (2) by striking out the period at the end of
12 paragraph (2) and inserting in lieu thereof “, and”;
13 and

14 (3) by adding at the end the following:

15 “(3) assist in the identification of, and collec-
16 tion from, third parties responsible for the reim-
17 bursement of the costs incurred by the United
18 States for health care services furnished to individ-
19 uals who are covered beneficiaries under chapter 55
20 of title 10, United States Code, upon request by the
21 administering Secretaries.”.

22 (b) AUTHORITY TO DISCLOSE INFORMATION.—Sub-
23 section (b)(2) of such section is amended—

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

1 ices by nurses in the Armed Forces (hereafter in this sec-
2 tion referred to as ‘military nursing research’). A program
3 carried out under this section shall be known as the
4 ‘TriService Nursing Research Program’.

5 “(b) TRISERVICE RESEARCH GROUP.—(1) The
6 TriService Nursing Research Program shall be adminis-
7 tered by a TriService Nursing Research Group composed
8 of Army, Navy, and Air Force nurses who are involved
9 in military nursing research and are designated by the
10 Secretary concerned to serve as members of the group.

11 “(2) The TriService Nursing Research Group shall—

12 “(A) develop for the Department of Defense
13 recommended guidelines for requesting, reviewing,
14 and funding proposed military nursing research
15 projects; and

16 “(B) make available to Army, Navy, and Air
17 Force nurses and Department of Defense officials
18 concerned with military nursing research—

19 “(i) information about nursing research
20 projects that are being developed or carried out
21 in the Army, Navy, and Air Force; and

22 “(ii) expertise and information beneficial to
23 the encouragement of meaningful nursing re-
24 search.

1 “(c) RESEARCH TOPICS.—For purposes of this sec-
2 tion, military nursing research includes research on the
3 following issues:

4 “(1) Issues regarding how to improve the re-
5 sults of nursing care and services provided in the
6 armed forces in time of peace.

7 “(2) Issues regarding how to improve the re-
8 sults of nursing care and services provided in the
9 armed 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
16 of training nursing personnel.

17 “(6) Clinical nursing issues, including such is-
18 sues 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
2 at the beginning of chapter 104 of such title is amended
3 by adding at the end the following:

“2116. Research on the furnishing of care and services by nurses of the armed
forces.”.

4 **SEC. 742. FISHER HOUSE TRUST FUNDS.**

5 (a) ESTABLISHMENT.—(1) Chapter 131 of title 10,
6 United States Code, is amended by adding at the end the
7 following:

8 **“§ 2221. Fisher House trust funds**

9 “(a) ESTABLISHMENT.—The following trust funds
10 are established on the books of the Treasury:

11 “(1) The Fisher House Trust Fund, Depart-
12 ment of the Army.

13 “(2) The Fisher House Trust Fund, Depart-
14 ment of the Air Force.

15 “(b) INVESTMENT.—Funds in the trust funds may
16 be invested in securities of the United States. Earnings
17 and gains realized from the investment of funds in a trust
18 fund shall be credited to the trust fund.

19 “(c) USE OF FUNDS.—(1) Amounts in the Fisher
20 House Trust Fund, Department of the Army, that are at-
21 tributable to earnings or gains realized from investments
22 shall be available for operation and maintenance of Fisher
23 houses that are located in proximity to medical treatment
24 facilities of the Army.

1 “(2) Amounts in the Fisher House Trust Fund, De-
2 partment of the Air Force, that are attributable to earn-
3 ings or gains realized from investments shall be available
4 for operation and maintenance of Fisher houses that are
5 located in proximity to medical treatment facilities of the
6 Air Force.

7 “(3) The use of funds under this section is subject
8 to the requirements of section 1321(b)(2) of title 31.

9 “(d) FISHER HOUSES DEFINED.—For purposes of
10 this section, Fisher houses are housing facilities that are
11 located in proximity to medical treatment facilities of the
12 Army or Air Force and are available for residential use
13 on a temporary basis by patients at such facilities, mem-
14 bers of the family of such patients, and others providing
15 the equivalent of familial support for such patients.”.

16 (2) The table of sections at the beginning of such
17 chapter is amended by adding at the end the following:

“2221. Fisher House trust funds.”.

18 (b) CORPUS OF TRUST FUNDS.—(1) The Secretary
19 of the Treasury shall—

20 (A) close the accounts established with the
21 funds that were required by section 8019 of Public
22 Law 102–172 (105 Stat. 1175) and section 9023 of
23 Public Law 102–396 (106 Stat. 1905) to be trans-
24 ferred to an appropriated trust fund; and

1 (B) transfer the amounts in such accounts to
2 the Fisher House Trust Fund, Department of the
3 Army, established by subsection (a)(1) of section
4 2221 of title 10, United States Code, as added by
5 subsection (a).

6 (2) The Secretary of the Air Force shall transfer to
7 the Fisher House Trust Fund, Department of the Air
8 Force, established by subsection (a)(2) of section 2221 of
9 title 10, United States Code (as added by section (a)), all
10 amounts in the accounts for Air Force installations and
11 other facilities that, as of the date of the enactment of
12 this Act, are available for operation and maintenance of
13 Fisher houses (as defined in subsection (c) of such section
14 2221).

15 (c) CONFORMING AMENDMENTS.—Section 1321 of
16 title 31, United States Code, is amended—

17 (1) by adding at the end of subsection (a) the
18 following:

19 “(92) Fisher House Trust Fund, Department
20 of the Army.

21 “(93) Fisher House Trust Fund, Department
22 of 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
3 the trust fund ‘Armed Forces Retirement Home
4 Trust Fund’)” and inserting in lieu thereof
5 “Except as provided in paragraph (2), amounts
6 accruing 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
10 shall be made only under annual appropriations and only
11 if the 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. 743. APPLICABILITY OF LIMITATION ON PRICES OF**
4 **PHARMACEUTICALS PROCURED FOR COAST**
5 **GUARD.**

6 Section 8126(b) of title 38, United States Code, is
7 amended by adding at the end the following:

8 “(4) The Coast Guard.”.

9 **TITLE VIII—ACQUISITION POL-**
10 **ICY, ACQUISITION MANAGE-**
11 **MENT, AND RELATED MAT-**
12 **TERS**

13 **Subtitle A—Acquisition Reform**

14 **SEC. 801. WAIVERS FROM CANCELLATION OF FUNDS.**

15 Notwithstanding section 1552(a) of title 31, United
16 States Code, funds appropriated for any fiscal year after
17 fiscal year 1995 that are administratively reserved or com-
18 mitted for satellite on-orbit incentive fees shall remain
19 available for obligation and expenditure until the fee is
20 earned, but only if and to the extent that section 1512
21 of title 31, United States Code, the Impoundment Control
22 Act (2 U.S.C. 681 et seq.), and other applicable provisions
23 of law are complied with in the reservation and commit-
24 ment of funds for that purpose

1 **SEC. 802. PROCUREMENT NOTICE POSTING THRESHOLDS.**

2 Section 18(a)(1)(B) of the Office of Federal Procure-
3 ment Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—

4 (1) by striking out “subsection (f)—” and all
5 that follows through the end of the subparagraph
6 and inserting in lieu thereof “subsection (b); and”;
7 and

8 (2) by inserting after “property or services” the
9 following: “for a price expected to exceed \$10,000,
10 but not to exceed \$25,000,”

11 **SEC. 803. PROMPT RESOLUTION OF AUDIT RECOMMENDA-**
12 **TIONS.**

13 Section 6009 of the Federal Acquisition Streamlining
14 Act of 1994 (Public Law 103–355; 108 Stat. 3367, Octo-
15 ber 14, 1994) is amended to read as follows:

16 **“SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLE-**
17 **MENTATION OF AUDIT RECOMMENDATIONS.**

18 “(a) MANAGEMENT DECISIONS.—(1) The head of a
19 Federal agency shall make management decisions on all
20 findings and recommendations set forth in an audit report
21 of the inspector general of the agency within a maximum
22 of six months after the issuance of the report.

23 “(2) The head of a Federal agency shall make man-
24 agement decisions on all findings and recommendations
25 set forth in an audit report of any auditor from outside
26 the Federal Government within a maximum of six months

1 after the date on which the head of the agency receives
2 the report.

3 “(b) COMPLETIONS OF ACTIONS.—The head of a
4 Federal agency shall complete final action on each man-
5 agement decision required with regard to a recommenda-
6 tion in an inspector general’s report under subsection
7 (a)(1) within 12 months after the date of the inspector
8 general’s report. If the head of the agency fails to complete
9 final action with regard to a management decision within
10 the 12-month period, the inspector general concerned shall
11 identify the matter in each of the inspector general’s semi-
12 annual reports pursuant to section 5(a)(3) of the Inspec-
13 tor General Act of 1978 (5 U.S.C. App.) until final action
14 on the management decision is completed.”.

15 **SEC. 804. TEST PROGRAM FOR NEGOTIATION OF COM-**
16 **PREHENSIVE SUBCONTRACTING PLANS.**

17 (a) REVISION OF AUTHORITY.—Subsection (a) of
18 section 834 of National Defense Authorization Act for
19 Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is
20 amended by striking out paragraph (1) and inserting in
21 lieu thereof the following:

22 “(1) The Secretary of Defense shall establish a test
23 program under which contracting activities in the military
24 departments and the Defense Agencies are authorized to
25 undertake one or more demonstration projects to deter-

1 mine whether the negotiation and administration of com-
2 prehensive subcontracting plans will reduce administrative
3 burdens on contractors while enhancing opportunities pro-
4 vided under Department of Defense contracts for small
5 business concerns and small business concerns owned and
6 controlled by socially and economically disadvantaged indi-
7 viduals. In selecting the contracting activities to undertake
8 demonstration projects, the Secretary shall take such ac-
9 tion as is necessary to ensure that a broad range of the
10 supplies and services acquired by the Department of De-
11 fense are included in the test program.”.

12 (b) COVERED CONTRACTORS.—Subsection (b) of
13 such section is amended by striking out paragraph (3) and
14 inserting in lieu thereof the following:

15 “(3) A Department of Defense contractor referred to
16 in paragraph (1) is, with respect to a comprehensive sub-
17 contracting plan negotiated in any fiscal year, a business
18 concern that, during the immediately preceding fiscal year,
19 furnished the Department of Defense with supplies or
20 services (including professional services, research and de-
21 velopment services, and construction services) pursuant to
22 at least three Department of Defense contracts having an
23 aggregate value of at least \$5,000,000.”.

24 (c) TECHNICAL AMENDMENTS.—Such section is
25 amended—

- 1 (1) by striking out subsection (g); and
2 (2) by redesignating subsection (h) as sub-
3 section (g).

4 **SEC. 805. NAVAL SALVAGE FACILITIES.**

5 Chapter 637 of title 10, United States Code, is
6 amended to read as follows:

7 **“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.

8 **“§ 7361. Authority to provide for necessary salvage**
9 **facilities**

10 “(a) **AUTHORITY.**—The Secretary of the Navy may
11 contract or otherwise provide for necessary salvage facili-
12 ties for public and private vessels.

13 “(b) **COORDINATION WITH SECRETARY OF TRANS-**
14 **PORTATION.**—The Secretary shall submit to the Secretary
15 of Transportation for comment each proposed salvage con-
16 tract that affects the interests of the Department of
17 Transportation.

18 “(c) **LIMITATION.**—The Secretary of the Navy may
19 enter into a contract under subsection (a) only if the Sec-
20 retary determines that available commercial salvage facili-
21 ties are inadequate to meet the Navy’s requirements and
22 provides public notice of the intent to enter into such a
23 contract.

1 **“§ 7362. Acquisition and transfer of vessels and**
2 **equipment**

3 “(a) AUTHORITY.—The Secretary of the Navy may
4 acquire or transfer such vessels and equipment for oper-
5 ation by private salvage companies as the Secretary con-
6 siders necessary.

7 “(b) AGREEMENT ON USE.—A private recipient of
8 any salvage vessel or gear shall agree in writing that such
9 vessel or gear will be used to support organized offshore
10 salvage facilities for as many years as the Secretary shall
11 consider appropriate.

12 **“§ 7363. Settlement of claims**

13 “The Secretary of the Navy, or the Secretary’s des-
14 ignee, may settle and receive payment for any claim by
15 the United States for salvage services rendered by the De-
16 partment of the Navy.

17 **“§ 7364. Disposition of receipts**

18 “Amounts received under this chapter shall be cred-
19 ited to appropriations for maintaining naval salvage facili-
20 ties. However, any amount received in excess of naval sal-
21 vage costs incurred by the Navy in that fiscal year shall
22 be deposited into the general fund of the Treasury.”.

1 **SEC. 806. AUTHORITY TO DELEGATE CONTRACTING AU-**
2 **THORITY.**

3 (a) REPEAL OF DUPLICATIVE AUTHORITY AND RE-
4 STRICTION.—Section 2356 of title 10, United States Code,
5 is repealed.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 139 of title 10, United States
8 Code, is amended by striking out the item relating to sec-
9 tion 2356.

10 **SEC. 807. COORDINATION AND COMMUNICATION OF DE-**
11 **FENSE RESEARCH ACTIVITIES.**

12 Section 2364 of title 10, United States Code, is
13 amended—

14 (1) in subsection (b)(5), by striking out “mile-
15 stone O, milestone I, and milestone II” and insert-
16 ing in lieu thereof “acquisition program”; and

17 (2) in subsection (c), by striking out para-
18 graphs (2), (3), and (4) and inserting in lieu thereof
19 the following:

20 “(2) The term ‘acquisition program decision’
21 has the meaning prescribed by the Secretary of De-
22 fense in regulations.”.

23 **SEC. 808. PROCUREMENT OF ITEMS FOR EXPERIMENTAL**
24 **OR TEST PURPOSES.**

25 Section 2373(b) of title 10, United States Code, is
26 amended by inserting “only” after “applies”.

1 **SEC. 809. QUALITY CONTROL IN PROCUREMENTS OF CRITI-**
2 **CAL AIRCRAFT AND SHIP SPARE PARTS.**

3 (a) REPEAL.—Section 2383 of title 10, United States
4 Code, is repealed.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 141 of such title is amended
7 by striking out the item relating to section 2383.

8 **SEC. 810. USE OF FUNDS FOR ACQUISITION OF DESIGNS,**
9 **PROCESSES, TECHNICAL DATA, AND COM-**
10 **PUTER SOFTWARE.**

11 Section 2386(3) of title 10, United States Code, is
12 amended to read as follows:

13 “(3) Design and process data, technical data,
14 and computer software.”.

15 **SEC. 811. INDEPENDENT COST ESTIMATES FOR MAJOR DE-**
16 **FENSE ACQUISITION PROGRAMS.**

17 Section 2434(b)(1)(A) of title 10, United States
18 Code, is amended to read as follows:

19 “(A) be prepared—

20 “(i) by an office or other entity that
21 is not under the supervision, direction, or
22 control of the military department, Defense
23 Agency, or other component of the Depart-
24 ment of Defense that is directly responsible
25 for carrying out the development or acqui-
26 sition of the program; or

1 “(ii) if the decision authority for the
2 program has been delegated to an official
3 of a military department, Defense Agency,
4 or other component of the Department of
5 Defense, by an office or other entity that
6 is not directly responsible for carrying out
7 the development or acquisition of the pro-
8 gram; and”.

9 **SEC. 812. FEES FOR CERTAIN TESTING SERVICES.**

10 Section 2539b(c) of title 10, United States Code, is
11 amended by inserting “and indirect” after “recoup the di-
12 rect”.

13 **SEC. 813. CONSTRUCTION, REPAIR, ALTERATION, FURNISH-**
14 **ING, AND EQUIPPING OF NAVAL VESSELS.**

15 (a) **INAPPLICABILITY OF CERTAIN LAWS.**—Chapter
16 633 of title 10, United States Code, is amended by insert-
17 ing after section 7297 the following:

18 **“§ 7299. Contracts: applicability of Walsh-Healey Act**

19 “Each contract for the construction, alteration, fur-
20 nishing, or equipping of a naval vessel is subject to the
21 Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the Presi-
22 dent determines that this requirement is not in the inter-
23 est of national defense.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the item relating to section 7297 the following:

“7299. Contracts: applicability of Walsh-Healey Act.”.

4 **SEC. 814. CIVIL RESERVE AIR FLEET.**

5 Section 9512 of title 10, United States Code, is
 6 amended by striking out “full Civil Reserve Air Fleet”
 7 both places it appears in subsections (b)(2) and (e) and
 8 inserting in lieu thereof “Civil Reserve Air Fleet”.

9 **Subtitle B—Other Matters**

10 **SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
 11 **GRAMS.**

12 (a) FUNDING.—Of the amount authorized to be ap-
 13 propriated under section 301(5), \$12,000,000 shall be
 14 available for carrying out the provisions of chapter 142
 15 of title 10, United States Code.

16 (b) SPECIFIC PROGRAMS.—Of the amounts made
 17 available pursuant to subsection (a), \$600,000 shall be
 18 available for fiscal year 1996 for the purpose of carrying
 19 out programs sponsored by eligible entities referred to in
 20 subparagraph (D) of section 2411(1) of title 10, United
 21 States Code, that provide procurement technical assist-
 22 ance in distressed areas referred to in subparagraph (B)
 23 of section 2411(2) of such title. If there is an insufficient
 24 number of satisfactory proposals for cooperative agree-
 25 ments in such distressed areas to allow effective use of

1 the funds made available in accordance with this sub-
2 section in such areas, the funds shall be allocated among
3 the Defense Contract Administration Services regions in
4 accordance with section 2415 of such title.

5 **SEC. 822. TREATMENT OF DEPARTMENT OF DEFENSE**
6 **CABLE TELEVISION FRANCHISE AGREE-**
7 **MENTS.**

8 For purposes of part 49 of the Federal Acquisition
9 Regulation, a cable television franchise agreement of the
10 Department of Defense shall be considered a contract for
11 telecommunications services.

12 **TITLE IX—DEPARTMENT OF DE-**
13 **FENSE ORGANIZATION AND**
14 **MANAGEMENT**

15 **SEC. 901. REDESIGNATION OF THE POSITION OF ASSIST-**
16 **ANT TO THE SECRETARY OF DEFENSE FOR**
17 **ATOMIC ENERGY.**

18 (a) IN GENERAL.—(1) Section 142 of title 10, United
19 States Code, is amended—

20 (A) by striking out the section heading and in-
21 serting in lieu thereof the following:

1 **“§ 142. Assistant to the Secretary of Defense for Nu-**
2 **clear and Chemical and Biological De-**
3 **fense Programs”;**

4 (B) in subsection (a), by striking out “Assistant
5 to the Secretary of Defense for Atomic Energy” and
6 inserting in lieu thereof “Assistant to the Secretary
7 of Defense for Nuclear and Chemical and Biological
8 Defense Programs”; and

9 (C) by striking out subsection (b) and inserting
10 in lieu thereof the following:

11 “(b) The Assistant to the Secretary shall—

12 “(1) advise the Secretary of Defense on nuclear
13 energy, nuclear weapons, and chemical and biological
14 defense;

15 “(2) serve as the Staff Director of the Nuclear
16 Weapons Council established by section 179 of this
17 title; and

18 “(3) perform such additional duties as the Sec-
19 retary may prescribe.”.

20 (2) The table of sections at the beginning of chapter
21 4 of such title is amended by striking out the item relating
22 to section 142 and inserting in lieu thereof the following:

“142. Assistant to the Secretary of Defense for Nuclear and Chemical and Bio-
logical Defense Programs.”.

23 (b) CONFORMING AMENDMENTS.—(1) Section
24 179(c)(2) of title 10, United States Code, is amended by

1 striking out “The Assistant to the Secretary of Defense
2 for Atomic Energy” and inserting in lieu thereof “The As-
3 sistant to the Secretary of Defense for Nuclear and Chem-
4 ical and Biological Defense Programs.”.

5 (2) Section 5316 of title 5, United States Code, is
6 amended by striking out “The Assistant to the Secretary
7 of Defense for Atomic Energy, Department of Defense.”
8 and inserting in lieu thereof the following:

9 “Assistant to the Secretary of Defense for Nu-
10 clear and Chemical and Biological Defense Pro-
11 grams, Department of Defense.”.

12 **TITLE X—GENERAL PROVISIONS**

13 **Subtitle A—Financial Matters**

14 **SEC. 1001. TRANSFER AUTHORITY.**

15 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

16 (1) Upon determination by the Secretary of Defense that
17 such action is necessary in the national interest, the Sec-
18 retary may transfer amounts of authorizations made avail-
19 able to the Department of Defense in this division for fis-
20 cal year 1996 between any such authorizations for that
21 fiscal year (or any subdivisions thereof). Amounts of au-
22 thorizations so transferred shall be merged with and be
23 available for the same purposes as the authorization to
24 which transferred.

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

4 (b) LIMITATIONS.—The authority provided by this
5 section to transfer authorizations—

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

9 (2) may not be used to provide authority for an
10 item that has been denied authorization by Con-
11 gress.

12 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
13 transfer made from one account to another under the au-
14 thority of this section shall be deemed to increase the
15 amount authorized for the account to which the amount
16 is transferred by an amount equal to the amount trans-
17 ferred.

18 (d) NOTICE TO CONGRESS.—The Secretary shall
19 promptly notify Congress of each transfer made under
20 subsection (a).

21 **SEC. 1002. DISBURSING 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) by striking out “With the approval of
5 the Secretary of a military department when
6 the Secretary considers it necessary, a disburs-
7 ing official of the military department” and in-
8 serting in lieu thereof “Subject to paragraph
9 (3), a disbursing official of the Department of
10 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
16 of a military department, the Secretary of that military
17 department.”; 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 VOUCH-
23 ERS.—Section 3325(b) of title 31, United States Code, is
24 amended to read as follows:

1 “(b) In addition to officers and employees referred
2 to in subsection (a)(1)(B) of this section as having author-
3 ization to certify vouchers, members of the armed forces
4 under the jurisdiction of the Secretary of Defense may cer-
5 tify vouchers when authorized, in writing, by the Secretary
6 to do so.”.

7 (c) CONFORMING AMENDMENTS.—(1) Section 1012
8 of title 37, United States Code, is amended by striking
9 out “Secretary concerned” both places it appears and in-
10 serting 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
20 was 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
7 Code, 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
11 (a)”;

12 (B) by striking out “records,” and inserting in
13 lieu thereof “records, or a payment described in sec-
14 tion 3528(a)(4)(A) of this title,”;

15 (C) by redesignating subparagraphs (A), (B),
16 and (C) as clauses (i), (ii), and (iii), and realigning
17 such clauses four ems from the left margin;

18 (D) by inserting before clause (i), as redesign-
19 dated by subparagraph (C), the following:

20 “(A) in the case of a physical loss or defi-
21 ciency—”;

22 (E) in clause (iii), as redesignated by subpara-
23 graph (C), by striking out the period at the end and
24 inserting in lieu thereof “; or”; and

25 (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 appropriate Secretary of the military
4 department of the Department of Defense, after tak-
5 ing a diligent collection action, finds that the criteria
6 of section 3528(b)(1) of this title are satisfied.”.

7 **SEC. 1003. DEFENSE MODERNIZATION ACCOUNT.**

8 (a) ESTABLISHMENT AND USE.—(1) Chapter 131 of
9 title 10, United States Code, is amended by adding at the
10 end the following:

11 **“§ 2221. Defense Modernization Account**

12 “(a) ESTABLISHMENT.—There is established in the
13 Treasury a special account to be known as the ‘Defense
14 Modernization Account’.

15 “(b) CREDITS TO ACCOUNT.—(1) Under regulations
16 prescribed by the Secretary of Defense, the Secretary con-
17 cerned may transfer to the Defense Modernization Ac-
18 count during any fiscal year—

19 “(A) any amount of the funds available to the
20 Secretary for procurements that, as a result of
21 economies, efficiencies, and other savings achieved in
22 the procurements, are excess to the funding require-
23 ments of the procurements; and

24 “(B) any amount of the funds available to the
25 Secretary for support of installations and facilities

1 that, as a result of economies, efficiencies, and other
2 savings, are excess to the funding requirements for
3 support of installations and facilities.

4 “(2) Funds referred to in paragraph (1) may not be
5 transferred to the Defense Modernization Account by a
6 Secretary concerned if the funds are necessary for pro-
7 grams, projects, and activities that, as determined by the
8 Secretary, have a higher priority than the purposes for
9 which the funds would be available if transferred to that
10 account.

11 “(3) Amounts credited to the Defense Modernization
12 Account shall remain available until expended.

13 “(c) ATTRIBUTION OF FUNDS.—The funds trans-
14 ferred to the Defense Modernization Account by a military
15 department, Defense Agency, or other element of the De-
16 partment of Defense shall be available in accordance with
17 subsections (f) and (g) only for that military department,
18 Defense Agency, or element.

19 “(d) USE OF FUNDS.—Funds available from the De-
20 fense Modernization Account pursuant to subsection (f)
21 or (g) may be used for the following purposes:

22 “(1) For increasing, subject to subsection (e),
23 the quantity of items and services procured under a
24 procurement program in order to achieve a more ef-
25 ficient production or delivery rate.

1 “(2) For research, development, test and eval-
2 uation and procurement necessary for modernization
3 of an existing system or of a system being procured
4 under an ongoing procurement program.

5 “(e) LIMITATIONS.—(1) Funds from the Defense
6 Modernization Account may not be used to increase the
7 quantity of an item or services procured under a particular
8 procurement program to the extent that doing so would—

9 “(A) result in procurement of a total quantity
10 of items or services in excess of—

11 “(i) a specific limitation provided in law on
12 the quantity of the items or services that may
13 be procured; or

14 “(ii) the requirement for the items or serv-
15 ices as approved by the Joint Requirements
16 Oversight Council and reported to Congress by
17 the Secretary of Defense; or

18 “(B) result in an obligation or expenditure of
19 funds in excess of a specific limitation provided in
20 law on the amount that may be obligated or ex-
21 pended, respectively, for the procurement program.

22 “(2) Funds from the Defense Modernization Account
23 may not be used for a purpose for which Congress has
24 denied funds.

1 “(f) TRANSFER OF FUNDS.—(1) Funds in the De-
2 fense Modernization Account may be transferred in any
3 fiscal year to appropriations available for use for purposes
4 set forth in subsection (d) in a total amount not exceeding
5 \$500,000,000.

6 “(2) Before funds in the Defense Modernization Ac-
7 count are transferred under paragraph (1), the Secretary
8 concerned shall transmit to the Committees on Armed
9 Services and Appropriations of the Senate and the Com-
10 mittees on National Security and Appropriations of the
11 House of Representatives a notification of the proposed
12 transfer.

13 “(g) AVAILABILITY OF FUNDS FOR APPROPRIA-
14 TION.—Funds in the Defense Modernization Account may
15 be appropriated for purposes set forth in subsection (d)
16 to the extent provided in Acts authorizing appropriations
17 for the Department of the Defense.

18 “(h) SECRETARY TO ACT THROUGH COMPTROL-
19 LER.—In exercising authority under this section, the Sec-
20 retary of Defense shall act through the Under Secretary
21 of Defense (Comptroller).

22 “(i) QUARTERLY REPORT.—Not later than 15 days
23 after the end of each calendar quarter, the Secretary of
24 Defense shall submit to the Committees on Armed Serv-
25 ices and on Appropriations of the Senate and the Commit-

1 tees on National Security and on Appropriations of the
2 House of Representatives a report on the amounts cred-
3 ited to the Defense Modernization Account during the
4 quarter and the amounts transferred, obligated, or ex-
5 pended from the account during the quarter.

6 “(j) DEFINITION.—In this section, the term ‘Sec-
7 retary concerned’ includes the Secretary of Defense.

8 “(k) INAPPLICABILITY TO COAST GUARD.—This sec-
9 tion does not apply to the Coast Guard when it is not
10 operating as a service in the Navy.”.

11 (2) The table of sections at the beginning of chapter
12 131 of such title is amended by adding at the end the
13 following:

“2221. Defense Modernization Account.”.

14 (b) EFFECTIVE DATE.—Section 2221 of title 10,
15 United States Code (as added by subsection (a)), shall
16 take effect on October 1, 1995, and shall apply only to
17 funds appropriated for fiscal years beginning on or after
18 that date.

19 **SEC. 1004. AUTHORIZATION OF PRIOR EMERGENCY SUP-**
20 **PLEMENTAL APPROPRIATIONS FOR FISCAL**
21 **YEAR 1995.**

22 (a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—
23 Amounts authorized to be appropriated to the Department
24 of Defense for fiscal year 1995 in the National Defense
25 Authorization Act for Fiscal Year 1995 (Public Law 103–

1 337) are hereby adjusted, with respect to any such author-
2 ized amount, by the amount by which appropriations pur-
3 suant to such authorization were increased (by a supple-
4 mental appropriation) or decreased (by a rescission), or
5 both, in title I of the Emergency Supplemental Appropria-
6 tions and Rescissions for the Department of Defense to
7 Preserve and Enhance Military Readiness Act of 1995
8 (Public Law 104–6).

9 (b) NEW AUTHORIZATION.—The appropriation pro-
10 vided in section 104 of such Act is hereby authorized.

11 **SEC. 1005. LIMITATION ON USE OF AUTHORITY TO PAY FOR**
12 **EMERGENCY AND EXTRAORDINARY EX-**
13 **PENSES.**

14 Section 127 of title 10, United States Code, is
15 amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

18 (2) by inserting after subsection (b) the follow-
19 ing new subsection (c):

20 “(c)(1) Funds may not be obligated or expended in
21 an amount in excess of \$500,000 under the authority of
22 subsection (a) or (b) until the Secretary of Defense has
23 notified the Committees on Armed Services and Appro-
24 priations of the Senate and the Committees on National

1 Security and Appropriations of the House of Representa-
2 tives of the intent to obligate or expend the funds, and—

3 “(A) in the case of an obligation or expenditure
4 in excess of \$1,000,000, 15 days have elapsed since
5 the date of the notification; or

6 “(B) in the case of an obligation or expenditure
7 in excess of \$500,000, but not in excess of
8 \$1,000,000, 5 days have elapsed since the date of
9 the notification.

10 “(2) Subparagraph (A) or (B) of paragraph (1) shall
11 not apply to an obligation or expenditure of funds other-
12 wise covered by such subparagraph if the Secretary of De-
13 fense determines that the national security objectives of
14 the United States will be compromised by the application
15 of the subparagraph to the obligation or expenditure. If
16 the Secretary makes a determination with respect to an
17 expenditure under the preceding sentence, the Secretary
18 shall notify the committees referred to in paragraph (1)
19 not later than the later of—

20 “(A) 30 days after the date of the expenditure;
21 or

22 “(B) the date on which the activity for which
23 the expenditure is made is completed.

1 “(3) A notification under this subsection shall include
2 the amount to be obligated or expended, as the case may
3 be, and the purpose of the obligation or expenditure.”.

4 **SEC. 1006. TRANSFER AUTHORITY REGARDING FUNDS**
5 **AVAILABLE FOR FOREIGN CURRENCY FLUC-**
6 **TUATIONS.**

7 (a) TRANSFERS TO MILITARY PERSONNEL AC-
8 COUNTS AUTHORIZED.—Section 2779 of title 10, United
9 States Code, is amended by adding at the end the follow-
10 ing:

11 “(c) TRANSFERS TO MILITARY PERSONNEL AC-
12 COUNTS.—(1) The Secretary of Defense may transfer
13 funds to military personnel appropriations for a fiscal year
14 out of funds available to the Department of Defense for
15 that fiscal year under the appropriation ‘Foreign Currency
16 Fluctuations, Defense’.

17 “(2) This subsection applies with respect to appro-
18 priations for fiscal years beginning after September 30,
19 1994.”.

20 (b) REVISION AND CODIFICATION OF AUTHORITY
21 FOR TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS
22 ACCOUNT.—Section 2779 of such title, as amended by
23 subsection (a), is further amended by adding at the end
24 the following:

1 “(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUA-
2 TIONS ACCOUNT.—(1) The Secretary of Defense may
3 transfer to the appropriation ‘Foreign Currency Fluctua-
4 tions, Defense’ unobligated amounts of funds appropriated
5 for operation and maintenance and unobligated amounts
6 of funds appropriated for military personnel.

7 “(2) Any transfer from an appropriation under para-
8 graph (1) shall be made not later than the end of the sec-
9 ond fiscal year following the fiscal year for which the ap-
10 propriation is provided.

11 “(3) Any transfer made pursuant to the authority
12 provided in this subsection shall be limited so that the
13 amount in the appropriation ‘Foreign Currency Fluctua-
14 tions, Defense’ does not exceed \$970,000,000 at the time
15 such transfer is made.

16 “(4) This subsection applies with respect to appro-
17 priations for fiscal years beginning after September 30,
18 1993.”.

19 (c) CONDITIONS OF AVAILABILITY FOR TRANS-
20 FERRED FUNDS.—Section 2779 of such title, as amended
21 by subsection (b), is further amended by adding at the
22 end the following:

23 “(e) CONDITIONS OF AVAILABILITY FOR TRANS-
24 FERRED FUNDS.—Amounts transferred under subsection
25 (c) or (d) shall be merged with and be available for the

1 same purposes and for the same period as the appropria-
2 tions to which transferred.”.

3 (d) CONFORMING AND TECHNICAL AMENDMENTS.—

4 (1) Section 767A of Public Law 96–527 (94 Stat. 3093)
5 is repealed.

6 (2) Section 791 of the Department of Defense Appro-
7 priation Act, 1983 (enacted in section 101(c) of Public
8 Law 97–377; 96 Stat. 1865) is repealed.

9 (3) Section 2779 of title 10, United States Code, is
10 amended—

11 (A) in subsection (a), by striking out “(a)(1)”
12 and inserting in lieu thereof “(a) TRANSFERS BACK
13 TO FOREIGN CURRENCY FLUCTUATIONS APPRO-
14 PRIATION.—(1) ”; and

15 (B) in subsection (b), by striking out “(b)(1)”
16 and inserting in lieu thereof “(b) FUNDING FOR
17 LOSSES IN MILITARY CONSTRUCTION AND FAMILY
18 HOUSING.—(1)”.

19 **SEC. 1007. REPORT ON BUDGET SUBMISSION REGARDING**
20 **RESERVE COMPONENTS.**

21 (a) SPECIAL REPORT.—The Secretary of Defense
22 shall submit to the congressional defense committees, at
23 the same time that the President submits the budget for
24 fiscal year 1997 under section 1105(a) of title 31, United

1 States Code, a special report on funding for the reserve
2 components of the Armed Forces.

3 (b) CONTENT.—The report shall contain the follow-
4 ing:

5 (1) The actions taken by the Department of
6 Defense to enhance the Army National Guard, the
7 Air National Guard, and each of the other reserve
8 components.

9 (2) A separate listing, with respect to the Army
10 National Guard, the Air National Guard, and each
11 of the other reserve components, of each of the fol-
12 lowing:

13 (A) The specific amount requested for each
14 major weapon system.

15 (B) The specific amount requested for
16 each item of equipment.

17 (C) The specific amount requested for each
18 military construction project, together with the
19 location of each such project.

20 **Subtitle B—Naval Vessels**

21 **SEC. 1011. IOWA CLASS BATTLESHIPS.**

22 (a) RETURN TO NAVAL VESSEL REGISTER.—The
23 Secretary of the Navy shall list on the Naval Vessel Reg-
24 ister, and maintain on such register, at least two of the

1 Iowa class battleships that were stricken from the register
2 in February 1995.

3 (b) SELECTION OF SHIPS.—The Secretary shall se-
4 lect for listing on the register under subsection (a) the
5 Iowa class battleships that are in the best material condi-
6 tion. In determining which battleships are in the best ma-
7 terial condition, the Secretary shall take into consideration
8 the findings of the Board of Inspection and Survey of the
9 Navy, the extent to which each battleship has been mod-
10 ernized during the last period of active service of the bat-
11 tleship, and the military utility of each battleship after the
12 modernization.

13 (c) SUPPORT.—The Secretary shall retain the exist-
14 ing logistical support necessary for support of at least two
15 operational Iowa class battleships in active service, includ-
16 ing technical manuals, repair and replacement parts, and
17 ordnance.

18 (d) REPLACEMENT CAPABILITY.—The requirements
19 of this section shall cease to be effective 60 days after the
20 Secretary certifies in writing to the Committee on Armed
21 Services of the Senate and the Committee on National Se-
22 curity of the House of Representatives that the Navy has
23 within the fleet an operational surface fire support capa-
24 bility that equals or exceeds the fire support capability
25 that the Iowa class battleships listed on the Naval Vessel

1 Register pursuant to subsection (a) would, if in active
2 service, be able to provide for Marine Corps amphibious
3 assaults and operations ashore.

4 **SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN**
5 **FOREIGN COUNTRIES.**

6 (a) **AUTHORITY.**—The Secretary of the Navy is au-
7 thorized to transfer—

8 (1) to the Government of Bahrain the Oliver
9 Hazard Perry class guided missile frigate Jack Wil-
10 liams (FFG 24);

11 (2) to the Government of Egypt the Oliver Haz-
12 ard Perry class frigates Duncan (FFG 10) and
13 Copeland (FFG 25);

14 (3) to the Government of Oman the Oliver Haz-
15 ard Perry class guided missile frigate Mahlon S. Tis-
16 dale (FFG 27);

17 (4) to the Government of Turkey the Oliver
18 Hazard Perry class frigates Clifton Sprague (FFG
19 16), Antrim (FFG 20), and Flatley (FFG 21); and

20 (5) to the Government of the United Arab
21 Emirates the Oliver Hazard Perry class guided mis-
22 sile frigate Gallery (FFG 26).

23 (b) **FORMS OF TRANSFER.**—(1) A transfer under
24 paragraph (1), (2), (3), or (4) of subsection (a) shall be

1 on a grant basis under section 516 of the Foreign Assist-
2 ance Act of 1961 (22 U.S.C. 2321j).

3 (2) A transfer under paragraph (5) of subsection (a)
4 shall be on a lease basis under section 61 of the Arms
5 Export Control Act (22 U.S.C. 2796).

6 (c) WAIVER OF CONGRESSIONAL NOTIFICATION RE-
7 QUIREMENTS.—The following provisions do not apply with
8 respect to the transfers authorized by subsection (a):

9 (1) In the case of a grant under section 516 of
10 the Foreign Assistance Act of 1961, subsection (c)
11 of such section and any similar provision of law.

12 (2) In the case of a lease under section 61 of
13 the Arms Export Control Act, section 62 of that Act
14 (except that section 62 of that Act shall apply to any
15 renewal of the lease).

16 (d) COSTS OF TRANSFERS.—Any expense incurred by
17 the United States in connection with a transfer authorized
18 by subsection (a) shall be charged to the recipient.

19 (e) EXPIRATION OF AUTHORITY.—The authority to
20 transfer a vessel under subsection (a) shall expire at the
21 end of the 2-year period beginning on the date of the en-
22 actment of this Act, except that a lease entered into dur-
23 ing that period under subsection (b)(2) may be renewed.

1 **Subtitle C—Counter-Drug**
2 **Activities**

3 **SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY**
4 **FOR FEDERAL SUPPORT OF DRUG INTERDIC-**
5 **TION AND COUNTER-DRUG ACTIVITIES OF**
6 **THE NATIONAL GUARD.**

7 (a) FUNDING ASSISTANCE.—Subsection (a) of sec-
8 tion 112 of title 32, United States Code, is amended—

9 (1) by striking out “submits a plan to the Sec-
10 retary under subsection (b)” in the matter above
11 paragraph (1) and inserting in lieu thereof “submits
12 to the Secretary a State drug interdiction and
13 counter-drug activities plan satisfying the require-
14 ments of subsection (c)”;

15 (2) by redesignating paragraph (2) as para-
16 graph (3); and

17 (3) by striking out paragraph (1) and inserting
18 in lieu thereof the following:

19 “(1) the pay, allowances, clothing, subsistence,
20 gratuities, travel, and related expenses, as author-
21 ized by State law, of personnel of the National
22 Guard of that State used, while not in Federal serv-
23 ice, for the purpose of drug interdiction and counter-
24 drug activities;

1 “(2) the operation and maintenance of the
2 equipment and facilities of the National Guard of
3 that State used for the purpose of drug interdiction
4 and counter-drug activities; and”.

5 (b) USE OF PERSONNEL PERFORMING FULL-TIME
6 NATIONAL GUARD DUTY.—Section 112 of such title is
7 amended—

8 (1) by striking out subsection (e);

9 (2) by redesignating subsections (b), (c), (d),
10 and (f) as subsections (c), (d), (f), and (g), respec-
11 tively; and

12 (3) by inserting after subsection (a) the follow-
13 ing new subsection (b):

14 “(b) USE OF PERSONNEL PERFORMING FULL TIME
15 NATIONAL GUARD DUTY.—(1) Subject to subsection (e),
16 personnel of the National Guard of a State may be ordered
17 to perform full-time National Guard duty under section
18 502(f) of this title for the purpose of carrying out drug
19 interdiction and counter-drug activities.

20 “(2) Under regulations prescribed by the Secretary
21 of Defense, the Governor of a State may, in accordance
22 with the State drug interdiction and counter-drug activi-
23 ties plan referred to in subsection (c), request that person-
24 nel of the National Guard of the State be ordered to per-
25 form full-time National Guard duty under section 502(f)

1 of this title for the purpose of carrying out drug interdic-
2 tion and counter-drug activities.”.

3 (c) STATE PLAN.—Subsection (c) of such section, as
4 redesignated by subsection (b)(2), is amended—

5 (1) in the matter above paragraph (1), by strik-
6 ing out “A plan” and inserting in lieu thereof “A
7 State drug interdiction and counter-drug activities
8 plan”;

9 (2) by striking out “and” at the end of para-
10 graph (2); and

11 (3) in paragraph (3)—

12 (A) by striking out “annual training” and
13 inserting in lieu thereof “training”;

14 (B) by striking out the period at the end
15 and inserting in lieu thereof a semicolon; and

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

17 “(4) include a certification by the Attorney
18 General of the State (or, in the case of a State with
19 no position of Attorney General, a civilian official of
20 the State equivalent to a State attorney general)
21 that the use of the National Guard of the State for
22 the activities proposed under the plan is authorized
23 by, and is consistent with, State law; and

24 “(5) certify that the Governor of the State or
25 a 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)
6 of such section, as redesignated by subsection (b)(2), is
7 amended—

8 (1) in paragraph (1)—

9 (A) by inserting after “Before funds are
10 provided to the Governor of a State under this
11 section” the following: “and before members of
12 the National Guard of that State are ordered to
13 full-time National Guard duty as authorized in
14 subsection (b)(1)”; and

15 (B) by striking out “subsection (b)” and
16 inserting in lieu thereof “subsection (c)”; and

17 (2) in paragraph (3)—

18 (A) by striking out “subsection (b)” in
19 subparagraph (A) 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
25 in accordance with subsection (a) or personnel of the

1 National Guard of the State were ordered to per-
2 form full-time National Guard duty in accordance
3 with subsection (b).”.

4 (e) END STRENGTH LIMITATION.—Such section is
5 amended by inserting after subsection (d), as redesignated
6 by subsection (b)(2), the following new subsection (e):

7 “(e) END STRENGTH LIMITATION.—(1) Except as
8 provided in paragraph (2), at the end of a fiscal year there
9 may not be more than 4000 members of the National
10 Guard—

11 “(A) on full-time National Guard duty under
12 section 502(f) of this title to perform drug interdic-
13 tion or counter-drug activities pursuant to an order
14 to duty for a period of more than 180 days; or

15 “(B) on duty under State authority to perform
16 drug interdiction or counter-drug activities pursuant
17 to an order to duty for a period of more than 180
18 days with State pay and allowances being reim-
19 bursed with funds provided under subsection (a)(1).

20 “(2) The Secretary of Defense may increase the end
21 strength authorized under paragraph (1) by not more than
22 20 percent for any fiscal year if the Secretary determines
23 that such an increase is necessary in the national security
24 interests of the United States.”.

1 (f) DEFINITIONS.—Subsection (g) of such section, as
2 redesignated by subsection (b)(2), is amended by striking
3 out paragraph (1) and inserting in lieu thereof the follow-
4 ing:

5 “(1) The term ‘drug interdiction and counter-
6 drug activities’, with respect to the National Guard
7 of a State, means the use of National Guard person-
8 nel in drug interdiction and counter-drug law en-
9 forcement activities authorized by the law of the
10 State and requested by the Governor of the State.”.

11 **SEC. 1022. NATIONAL DRUG INTELLIGENCE CENTER.**

12 (a) LIMITATION ON USE OF FUNDS.—Except as pro-
13 vided in subsection (b), funds appropriated or otherwise
14 made available for the Department of Defense pursuant
15 to this or any other Act may not be obligated or expended
16 for the National Drug Intelligence Center, Johnstown,
17 Pennsylvania.

18 (b) EXCEPTION.—If the Attorney General operates
19 the National Drug Intelligence Center using funds avail-
20 able for the Department of Justice, the Secretary of De-
21 fense may continue to provide Department of Defense in-
22 telligence personnel to support intelligence activities at the
23 Center. The number of such personnel providing support
24 to the Center after the date of the enactment of this Act
25 may not exceed the number of the Department of Defense

1 intelligence personnel who are supporting intelligence ac-
2 tivities at the Center on the day before such date.

3 **SEC. 1023. ASSISTANCE TO CUSTOMS SERVICE.**

4 (a) NONINTRUSIVE INSPECTION SYSTEMS.—The
5 Secretary of Defense shall, using funds available pursuant
6 to subsection (b), either—

7 (1) procure nonintrusive inspection systems and
8 transfer the systems to the United States Customs
9 Service; or

10 (2) transfer the funds to the Secretary of the
11 Treasury for use to procure nonintrusive inspection
12 systems for the United States Customs Service.

13 (b) FUNDING.—Of the amounts authorized to be ap-
14 propriated under section 301(15), \$25,000,000 shall be
15 available for carrying out subsection (a).

16 **Subtitle D—Department of Defense**
17 **Education Programs**

18 **SEC. 1031. CONTINUATION OF THE UNIFORMED SERVICES**

19 **UNIVERSITY OF THE HEALTH SCIENCES.**

20 (a) POLICY.—Congress reaffirms—

21 (1) the prohibition set forth in subsection (a) of
22 section 922 of the National Defense Authorization
23 Act for Fiscal Year 1995 (Public Law 103–337; 108
24 Stat. 2829; 10 U.S.C. 2112 note) regarding closure

1 of the Uniformed Services University of the Health
2 Sciences; 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 uni-
6 versity.

7 (b) PERSONNEL STRENGTH.—During the 5-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 **SEC. 1032. ADDITIONAL GRADUATE SCHOOLS AND PRO-**
13 **GRAMS AT THE UNIFORMED SERVICES UNI-**
14 **VERSITY OF THE HEALTH SCIENCES.**

15 Section 2113 of title 10, United States Code, is
16 amended by striking out subsection (h) and inserting in
17 lieu thereof the following:

18 “(h) The Board may establish the following edu-
19 cational programs:

20 “(1) Postdoctoral, postgraduate, and techno-
21 logical institutes.

22 “(2) A graduate school of nursing.

23 “(3) Other schools or programs that the Board
24 determines necessary in order to operate the Univer-
25 sity in a cost-effective manner.”.

1 **SEC. 1033. FUNDING FOR BASIC ADULT EDUCATION PRO-**
2 **GRAMS FOR MILITARY PERSONNEL AND DE-**
3 **PENDENTS OUTSIDE THE UNITED STATES.**

4 Of the amounts authorized to be appropriated pursu-
5 ant to section 301, \$600,000 shall be available to carry
6 out adult education programs, consistent with the Adult
7 Education Act (20 U.S.C. 1201 et seq.), for—

8 (1) members of the Armed Forces who are serv-
9 ing in locations that are outside the United States
10 and not described in subsection (b) of such section
11 313; and

12 (2) the dependents of such members.

13 **SEC. 1034. SCOPE OF EDUCATION PROGRAMS OF COMMU-**
14 **NITY COLLEGE OF THE AIR FORCE.**

15 Section 9315(a)(1) of title 10, United States Code,
16 is amended by striking out “for enlisted members of the
17 armed forces” and inserting in lieu thereof “for enlisted
18 members of the Air Force”.

19 **SEC. 1035. DATE FOR ANNUAL REPORT ON SELECTED RE-**
20 **SERVE EDUCATIONAL ASSISTANCE PRO-**
21 **GRAM.**

22 Section 16137 of title 10, United States Code, is
23 amended by striking out “December 15 of each year” and
24 inserting in lieu thereof “March 1 of each year”.

1 **Subtitle E—Cooperative Threat Re-**
2 **duction With States of the**
3 **Former Soviet Union**

4 **SEC. 1041. COOPERATIVE THREAT REDUCTION PROGRAMS**
5 **DEFINED.**

6 For purposes of this subtitle, Cooperative Threat Re-
7 duction programs are the programs described in section
8 1203(b) of the Cooperative Threat Reduction Act of 1993
9 (title XII of Public Law 103–160; 107 Stat. 1778; 22
10 U.S.C. 5952(b)).

11 **SEC. 1042. FUNDING MATTERS.**

12 (a) **LIMITATION.**—Funds authorized to be appro-
13 priated under section 301(18) may not be obligated for
14 any program established primarily to assist nuclear weap-
15 ons scientists in States of the former Soviet Union until
16 30 days after the date on which the Secretary of Defense
17 certifies in writing to Congress that the funds to be obli-
18 gated will not be used to contribute to the modernization
19 of the strategic nuclear forces of such States or for re-
20 search, development, or production of weapons of mass de-
21 struction.

22 (b) **REIMBURSEMENT OF PAY ACCOUNTS.**—Funds
23 authorized to be appropriated under section 301(18) may
24 be transferred to military personnel accounts for reim-
25 bursement of those accounts for the pay and allowances

1 paid to reserve component personnel for service while en-
2 gaged in any activity under a Cooperative Threat Reduc-
3 tion program.

4 **SEC. 1043. LIMITATION RELATING TO OFFENSIVE BIOLOGI-**
5 **CAL WARFARE PROGRAM OF RUSSIA.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Even though the President of Russia and
9 other senior leaders of the Russian government have
10 committed Russia to comply with the Biological
11 Weapons Convention, a June 1995 United States
12 Government report asserts that official United
13 States concern remains about the Russian biological
14 warfare program.

15 (2) In reviewing the President's budget request
16 for fiscal year 1996 for Cooperative Threat Reduc-
17 tion, and consistent with the finding in section
18 1207(a)(5) of the National Defense Authorization
19 Act for Fiscal Year 1995 (Public Law 103-337; 108
20 Stat. 2884), the Senate has taken into consideration
21 the questions and concerns about Russia's biological
22 warfare program and Russia's compliance with the
23 obligations under the Biological Weapons Conven-
24 tion.

1 (b) LIMITATION ON USE OF FUNDS FOR COOPERA-
2 TIVE THREAT REDUCTION.—Of the amount available
3 under section 301(18) for Cooperative Threat Reduction
4 programs, \$50,000,000 shall be reserved and not obligated
5 until the President certifies to Congress that Russia is in
6 compliance with the obligations under the Biological
7 Weapons Convention.

8 **Subtitle F—Matters Relating to**
9 **Other Nations**

10 **SEC. 1051. 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 inserting “or a NATO
18 organization” after “a cooperative project”.

19 **SEC. 1052. NATIONAL SECURITY IMPLICATIONS OF UNITED**
20 **STATES EXPORT CONTROL POLICY.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Export controls remain an important ele-
24 ment of the national security policy of the United
25 States.

1 (2) It is in the national interest that United
2 States export control policy prevent the transfer, to
3 potential adversaries or combatants of the United
4 States, of technology that threatens the national se-
5 curity or defense of the United States.

6 (3) It is in the national interest that the United
7 States monitor aggressively the export of technology
8 in order to prevent its diversion to potential adver-
9 saries or combatants of the United States.

10 (4) The Department of Defense relies increas-
11 ingly on commercial and dual-use technologies, prod-
12 ucts, and processes to support United States mili-
13 tary capabilities and economic strength.

14 (5) The Department of Defense evaluates li-
15 cense applications for the export of commodities
16 whose export is controlled for national security rea-
17 sons if such commodities are exported to certain
18 countries, but the Department does not evaluate li-
19 cense applications for the export of such commod-
20 ities if such commodities are exported to other coun-
21 tries.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the maintenance of the military advantage
25 of the United States depends on effective export con-

1 trols on dual-use items and technologies that are
2 critical to the military capabilities of the Armed
3 Forces;

4 (2) the Government should identify the dual-use
5 items and technologies that are critical to the mili-
6 tary capabilities of the Armed Forces, including the
7 military use made of such items and technologies,
8 and should reevaluate the export control policy of
9 the United States in light of such identification; and

10 (3) the Government should utilize unilateral ex-
11 port controls on dual-use items and technologies that
12 are critical to the military capabilities of the Armed
13 Forces (regardless of the availability of such items
14 or technologies overseas) with respect to the coun-
15 tries that—

16 (A) pose a threat to the national security
17 interests of the United States; and

18 (B) are not members in good standing of
19 bilateral or multilateral agreements to which
20 the United States is a party on the use of such
21 items and technologies.

22 (c) REPORT REQUIRED.—(1) Not later than Decem-
23 ber 1, 1995, the Secretary of Defense shall submit to Con-
24 gress a report on the effect of the export control policy

1 of the United States on the national security interests of
2 the United States.

3 (2) The report shall include the following:

4 (A) A list setting forth each country determined
5 to be a rogue nation or potential adversary or com-
6 batant of the United States.

7 (B) For each country so listed, a list of—

8 (i) the categories of items that should be
9 prohibited for export to the country;

10 (ii) the categories of items that should be
11 exported to the country only under an individ-
12 ual license with conditions; and

13 (iii) the categories of items that may be ex-
14 ported to the country under a general distribu-
15 tion license.

16 (C) For each category of items listed under
17 clauses (ii) and (iii) of subparagraph (B)—

18 (i) a statement whether export controls on
19 the category of items are to be imposed under
20 a multilateral international agreement or a uni-
21 lateral decision of the United States; and

22 (ii) a justification for the decision not to
23 prohibit the export of the items to the country.

24 (D) A description of United States policy on
25 sharing satellite imagery that has military signifi-

1 cance and a discussion of the criteria for determin-
2 ing the imagery that has that significance.

3 (E) A description of the relationship between
4 United States policy on the export of space launch
5 vehicle technology and the Missile Technology Con-
6 trol Regime.

7 (F) An assessment of United States efforts to
8 support the inclusion of additional countries in the
9 Missile Technology Control Regime.

10 (G) An assessment of the on-going efforts made
11 by potential participant countries in the Missile
12 Technology Control Regime to meet the guidelines
13 established by the Missile Technology Control Re-
14 gime.

15 (H) A brief discussion of the history of the
16 space launch vehicle programs of other countries, in-
17 cluding a discussion of the military origins and pur-
18 poses of such programs and the current level of mili-
19 tary involvement in such programs.

20 (3) The Secretary shall submit the report in unclassi-
21 fied form but may include a classified annex.

22 (4) In this subsection, the term “Missile Technology
23 Control Regime” means the policy statement between the
24 United States , the United Kingdom, the Federal Republic
25 of Germany, France, Italy, Canada, and Japan, an-

1 nounced on April 16, 1987, to restrict sensitive missile-
2 relevant transfers based on the Missile Technology Control
3 Regime Annex, and any amendments thereto.

4 (d) DEPARTMENT OF DEFENSE REVIEW OF EXPORT
5 LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.—(1)
6 Notwithstanding any other provision of law, the Secretary
7 of Defense shall, in consultation with appropriate elements
8 of the intelligence community, review each application that
9 is submitted to the Secretary of Commerce for an individ-
10 ual validated license for the export of a class 2, class 3,
11 or class 4 biological pathogen to a country known or sus-
12 pected to have an offensive biological weapons program.
13 The purpose of the review is to determine if the export
14 of the pathogen pursuant to the license would be contrary
15 to the national security interests of the United States.

16 (2) The Secretary of Defense, in consultation with
17 the Secretary of State and the intelligence community,
18 shall periodically inform the Secretary of Commerce as to
19 the countries known or suspected to have an offensive bio-
20 logical weapons program.

21 (3) In order to facilitate the review of an application
22 for an export license by appropriate elements of the intel-
23 ligence committee under paragraph (1), the Secretary of
24 Defense shall submit a copy of the application to such ap-
25 propriate elements.

1 (4) The Secretary of Defense shall carry out the re-
2 view of an application under this subsection not later than
3 30 days after the date on which the Secretary of Com-
4 merce forwards a copy of the application to the Secretary
5 of Defense for review.

6 (5) Upon completion of the review of an application
7 for an export license under this subsection, the Secretary
8 of Defense shall notify the Secretary of Commerce if the
9 export of a biological pathogen pursuant to the license
10 would be contrary to the national security interests of the
11 United States.

12 (6) Notwithstanding any other provision of law, upon
13 receipt of a notification with respect to an application for
14 an export license under paragraph (5), the Secretary of
15 Commerce shall deny the application.

16 (7) In this subsection:

17 (A) The term “class 2, class 3, or class 4 bio-
18 logical pathogen” means any biological pathogen
19 characterized as a class 2, class 3, or class 4 biologi-
20 cal pathogen by the Centers for Disease Control.

21 (B) The term “intelligence community” has the
22 meaning given such term in section 3(4) of the Na-
23 tional Security Act of 1947 (50 U.S.C. 401a(4)).

1 **SEC. 1053. DEFENSE EXPORT LOAN GUARANTEES.**

2 (a) ESTABLISHMENT OF PROGRAM.—(1) Chapter
3 148 of title 10, United States Code, is amended by adding
4 at the end the following new subchapter:

5 “SUBCHAPTER VI—DEFENSE EXPORT LOAN
6 GUARANTEES

“Sec.

“2540. Establishment of loan guarantee program.

“2540a. Transferability.

“2540b. Limitations.

“2540c. Fees charged and collected.

“2540d. Definitions.

7 **“§ 2540. Establishment of loan guarantee program**

8 “(a) ESTABLISHMENT.—In order to meet the na-
9 tional security objectives in section 2501(a) of this title,
10 the Secretary of Defense shall establish a program under
11 which the Secretary may issue guarantees assuring a lend-
12 er against losses of principal or interest, or both principal
13 and interest, arising out of the financing of the sale or
14 long-term lease of defense articles, defense services, or de-
15 sign and construction services to a country referred to in
16 subsection (b).

17 “(b) COVERED COUNTRIES.—The authority under
18 subsection (a) applies with respect to the following coun-
19 tries:

20 “(1) A member nation of the North Atlantic
21 Treaty Organization (NATO).

1 “(2) A country designated as of March 31,
2 1995, as a major non-NATO ally pursuant to sec-
3 tion 2350a(i)(3) of this title.

4 “(3) A country in Central Europe that, as de-
5 termined by the Secretary of State—

6 “(A) has changed its form of national gov-
7 ernment from a nondemocratic form of govern-
8 ment to a democratic form of government since
9 October 1, 1989; or

10 “(B) is in the processing of changing its
11 form of national government from a
12 nondemocratic form of government to a demo-
13 cratic form of government.

14 “(4) A noncommunist country that was a mem-
15 ber nation of the Asia Pacific Economic Cooperation
16 (APEC) as of October 31, 1993.

17 “(c) AUTHORITY SUBJECT TO PROVISIONS OF AP-
18 PROPRIATIONS.—The Secretary may guarantee a loan
19 under this subchapter only as provided in appropriations
20 Acts.

21 **“§ 2540a. Transferability**

22 “A guarantee issued under this subchapter shall be
23 fully and freely transferable.

1 **“§ 2540b. Limitations**

2 “(a) TERMS AND CONDITIONS OF LOAN GUARAN-
3 TEES.—In issuing a guarantee under this subchapter for
4 a medium-term or long-term loan, the Secretary may not
5 offer terms and conditions more beneficial than those that
6 would be provided to the recipient by the Export-Import
7 Bank of the United States under similar circumstances
8 in conjunction with the provision of guarantees for
9 nondefense articles and services.

10 “(b) LOSSES ARISING FROM FRAUD OR MISREPRE-
11 SENTATION.—No payment may be made under a guaran-
12 tee issued under this subchapter for a loss arising out of
13 fraud or misrepresentation for which the party seeking
14 payment is responsible.

15 “(c) NO RIGHT OF ACCELERATION.—The Secretary
16 of Defense may not accelerate any guaranteed loan or in-
17 crement, and may not pay any amount, in respect of a
18 guarantee issued under this subchapter, other than in ac-
19 cordance with the original payment terms of the loan.

20 **“§ 2540c. Fees charged and collected**

21 “(a) IN GENERAL.—The Secretary of Defense shall
22 charge a fee (known as ‘exposure fee’) for each guarantee
23 issued under this subchapter.

24 “(b) AMOUNT.—To the extent that the cost of the
25 loan guarantees under this subchapter is not otherwise
26 provided for in appropriations Acts, the fee imposed under

1 this section with respect to a loan guarantee shall be fixed
 2 in an amount determined by the Secretary to be sufficient
 3 to meet potential liabilities of the United States under the
 4 loan guarantee.

5 “(c) PAYMENT TERMS.—The fee for each guarantee
 6 shall become due as the guarantee is issued. In the case
 7 of a guarantee for a loan which is disbursed incrementally,
 8 and for which the guarantee is correspondingly issued in-
 9 crementally as portions of the loan are disbursed, the fee
 10 shall be paid incrementally in proportion to the amount
 11 of the guarantee that is issued.

12 **“§ 2540d. Definitions**

13 “In this subchapter:

14 “(1) The terms ‘defense article’, ‘defense serv-
 15 ices’, and ‘design and construction services’ have the
 16 meanings given those terms in section 47 of the
 17 Arms Export Control Act (22 U.S.C. 2794).

18 “(2) The term ‘cost’, with respect to a loan
 19 guarantee, has the meaning given that term in sec-
 20 tion 502 of the Congressional Budget and Impound-
 21 ment Control Act of 1974 (2 U.S.C. 661a).”.

22 (2) The table of subchapters at the beginning of such
 23 chapter is amended by adding at the end the following
 24 new item:

“VI. Defense Export Loan Guarantees 2540”.

1 (b) REPORT.—(1) Not later than two years after the
2 date of the enactment of this Act, the President shall sub-
3 mit to Congress a report on the loan guarantee program
4 established pursuant to section 2540 of title 10, United
5 States Code, as added by subsection (a).

6 (2) The report shall include—

7 (A) an analysis of the costs and benefits of the
8 loan guarantee program; and

9 (B) any recommendations for modification of
10 the program that the President considers appro-
11 priate, including—

12 (i) any recommended addition to the list of
13 countries for which a guarantee may be issued
14 under the program; and

15 (ii) any proposed legislation necessary to
16 authorize a recommended modification.

17 **SEC. 1054. LANDMINE CLEARING ASSISTANCE PROGRAM.**

18 (a) REVISION OF AUTHORITY.—Section 1413 of the
19 National Defense Authorization Act for Fiscal Year 1995
20 (Public Law 103–337; 108 Stat. 2913; 10 U.S.C. 401
21 note) is amended by adding at the end the following:

22 “(f) SPECIAL REQUIREMENTS FOR FISCAL YEAR
23 1996.—Funds available for fiscal year 1996 for the pro-
24 gram under subsection (a) may not be obligated for in-
25 volvement of members of the Armed Forces in an activity

1 under the program until the date that is 30 days after
2 the date on which the Secretary of Defense certifies to
3 Congress, in writing, that the involvement of such person-
4 nel in the activity satisfies military training requirements
5 for such personnel.

6 “(g) TERMINATION OF AUTHORITY.—The Secretary
7 of Defense may not provide assistance under subsection
8 (a) after September 30, 1996.”.

9 (b) REVISION OF DEFINITION OF LANDMINE.—Sec-
10 tion 1423(d)(3) of the National Defense Authorization Act
11 for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
12 1831) is amended by striking out “by remote control or”.

13 (c) FISCAL YEAR 1996 FUNDING.—Of the amount
14 authorized to be appropriated by section 301 for Overseas
15 Humanitarian, Disaster, and Civic Aid (OHDACA) pro-
16 grams of the Department of Defense, not more than
17 \$20,000,000 shall be available for the program of assist-
18 ance under section 1413 of the National Defense Author-
19 ization Act for Fiscal Year 1995 (Public Law 103–337;
20 108 Stat. 2913; 10 U.S.C. 401 note).

21 **SEC. 1055. STRATEGIC COOPERATION BETWEEN THE**
22 **UNITED STATES AND ISRAEL.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) The President and Congress have repeat-
2 edly declared the long-standing United States com-
3 mitment to maintaining the qualitative superiority of
4 the Israel Defense Forces over any combination of
5 potential adversaries.

6 (2) Congress continues to recognize the many
7 benefits to the United States from its strategic rela-
8 tionship with Israel, including that of enhanced re-
9 gional stability and technical cooperation.

10 (3) Despite the historic peace effort in which
11 Israel and its neighbors are engaged, Israel contin-
12 ues to face severe potential threats to its national se-
13 curity that are compounded by terrorism and by the
14 proliferation of weapons of mass destruction and
15 ballistic missiles.

16 (4) Congress supports enhanced United States
17 cooperation with Israel in all fields and, especially,
18 in finding new ways to deter or counter mutual
19 threats.

20 (b) UNITED STATES POLICY.—It shall be the policy
21 of the United States that—

22 (1) the President should ensure that any con-
23 ventional defense system or technology offered by
24 the United States for sale to any member nation of
25 the North Atlantic Treaty Organization (NATO) or

1 to any major non-NATO ally is concurrently made
2 available for purchase by Israel unless the President
3 determines that it would not be in the national secu-
4 rity interests of the United States to do so; and

5 (2) the President should make available to Is-
6 rael, within existing technology transfer laws, regula-
7 tions, and policies, advanced United States tech-
8 nology necessary for achieving continued progress in
9 cooperative United States-Israel research and devel-
10 opment of theater missile defenses.

11 **SEC. 1056. SUPPORT SERVICES FOR THE NAVY AT THE**
12 **PORT OF HAIFA, ISRAEL.**

13 It is the sense of Congress that the Secretary of the
14 Navy should promptly undertake such actions as are nec-
15 essary—

16 (1) to improve the services available to the
17 Navy at the Port of Haifa, Israel; and

18 (2) to ensure that the continuing increase in
19 commercial activities at the Port of Haifa does not
20 adversely affect the availability to the Navy of the
21 services required by the Navy at the port.

1 **SEC. 1057. PROHIBITION ON ASSISTANCE TO TERRORIST**
2 **COUNTRIES.**

3 (a) PROHIBITION.—Subchapter I of chapter 134 of
4 title 10, United States Code, is amended by adding at the
5 end the following:

6 **“§ 2249a. Prohibition on assistance to terrorist coun-**
7 **tries**

8 “(a) PROHIBITION.—Funds available to the Depart-
9 ment of Defense may not be obligated or expended to pro-
10 vide financial assistance to—

11 “(1) any country with respect to which the Sec-
12 retary of State has made a determination under sec-
13 tion 6(j)(1)(A) of the Export Administration Act of
14 1979 (50 App. 2405(j));

15 “(2) any country identified in the latest report
16 submitted to Congress under section 140 of the For-
17 eign Relations Authorization Act, Fiscal Years 1988
18 and 1989 (22 U.S.C. 2656f), as providing signifi-
19 cant support for international terrorism; or

20 “(3) any other country that, as determined by
21 the President—

22 “(A) grants sanctuary from prosecution to
23 any individual or group that has committed an
24 act of international terrorism; or

25 “(B) otherwise supports international ter-
26 rorism.

1 “(b) WAIVER.—(1) The President may waive the ap-
2 plication of subsection (a) to a country if the President
3 determines that it is in the national security interests of
4 the United States to do so or that the waiver should be
5 granted for humanitarian reasons.

6 “(2) The President shall—

7 “(A) notify the Committees on Armed Services
8 and Foreign Relations of the Senate and the Com-
9 mittees on National Security and on International
10 Relations of the House of Representatives at least
11 15 days before the waiver takes effect; and

12 “(B) publish a notice of the waiver in the Fed-
13 eral Register.

14 “(c) DEFINITION.—In this section, the term ‘inter-
15 national terrorism’ has the meaning given that term in
16 section 140(d) of the Foreign Relations Authorization Act,
17 Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of subchapter I of such chapter is amend-
20 ed by adding at the end the following:

“2249a. Prohibition on assistance to terrorist countries.”.

21 **SEC. 1058. INTERNATIONAL MILITARY EDUCATION AND**
22 **TRAINING.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) it is in the national security interest of the
2 United States to promote military professionalism
3 (including an understanding of and respect for the
4 proper role of the military in a civilian-led demo-
5 cratic society), the effective management of defense
6 resources, the recognition of internationally recog-
7 nized human rights, and an effective military justice
8 system within the armed forces of allies of the Unit-
9 ed States and of countries friendly to the United
10 States;

11 (2) it is in the national security interest of the
12 United States to foster rapport, understanding, and
13 cooperation between the Armed Forces of the United
14 States and the armed forces of allies of the United
15 States and of countries friendly to the United
16 States;

17 (3) the international military education and
18 training program is a low-cost method of promoting
19 military professionalism within the armed forces of
20 allies of the United States and of countries friendly
21 to the United States and fostering better relations
22 between the Armed Forces of the United States and
23 those armed forces;

24 (4) the dissolution of the Soviet Union and the
25 Warsaw Pact alliance and the spread of democracy

1 in the Western Hemisphere have created an oppor-
2 tunity to promote the military professionalism of the
3 armed forces of the affected nations;

4 (5) funding for the international military edu-
5 cation and training program of the United States
6 has decreased dramatically in recent years;

7 (6) the decrease in funding for the international
8 military education and training program has re-
9 sulted in a major decrease in the participation of
10 personnel from Asia, Latin America, and Africa in
11 the program;

12 (7) the Chairman of the Joint Chiefs of Staff
13 and the commanders in chief of the regional combat-
14 ant commands have consistently testified before con-
15 gressional committees that the international military
16 education and training program fosters cooperation
17 with and improves military management, civilian
18 control over the military forces, and respect for
19 human rights within foreign military forces; and

20 (8) the delegation by the President to the Sec-
21 retary of Defense of authority to perform functions
22 relating to the international military education and
23 training program is appropriate and should be con-
24 tinued.

1 (b) ACTIVITIES AUTHORIZED.—(1) Part I of subtitle
2 A of title 10, United States Code, is amended by adding
3 at the end the following:

4 **“CHAPTER 23—CONTACTS UNDER PRO-**
5 **GRAMS IN SUPPORT OF FOREIGN**
6 **MILITARY FORCES**

“Sec.

“461. Military-to-military contacts and comparable activities.

“462. International military education and training.

7 **“§ 462. International military education and training**

8 “(a) PROGRAM AUTHORITY.—Subject to the provi-
9 sions of chapter 5 of part II of the Foreign Assistance
10 Act of 1961 (22 U.S.C. 2347 et seq.), the Secretary of
11 Defense, upon the recommendation of a commander of a
12 combatant command, or, with respect to a geographic area
13 or areas not within the area of responsibility of a com-
14 mander of a combatant command, upon the recommenda-
15 tion of the Chairman of the Joint Chiefs of Staff, may
16 pay a portion of the costs of providing international mili-
17 tary education and training to military personnel of for-
18 eign countries and to civilian personnel of foreign coun-
19 tries who perform national defense functions.

20 “(b) RELATIONSHIP TO OTHER FUNDING.—Any
21 amount provided pursuant to subsection (a) shall be in
22 addition to amounts otherwise available for international
23 military education and training for that fiscal year.”.

1 (2) Section 168 of title 10, United States Code, is
2 redesignated as section 461, is transferred to chapter 23
3 (as added by paragraph (1)), and is inserted after the
4 table of sections at the beginning of such chapter.

5 (3)(A) The tables of chapters at the beginning of sub-
6 title A of such title and the beginning of part I of such
7 subtitle are amended by inserting after the item relating
8 to chapter 22 the following:

“23. Contacts Under Programs in Support of Foreign Military Forces 461”.

9 (B) The table of sections at the beginning of chapter
10 6 of title 10, United States Code, is amended by striking
11 out the item relating to section 168.

12 (c) FISCAL YEAR 1996 FUNDING.—Of the amount
13 authorized to be appropriated under section 301(5),
14 \$20,000,000 shall be available to the Secretary of Defense
15 for the purposes of carrying out activities under section
16 462 of title 10, United States Code, as added by sub-
17 section (b).

18 **SEC. 1059. REPEAL OF LIMITATION REGARDING AMERICAN**
19 **DIPLOMATIC FACILITIES IN GERMANY.**

20 Section 1432 of the National Defense Authorization
21 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
22 1833) is repealed.

1 **SEC. 1060. IMPLEMENTATION OF ARMS CONTROL AGREE-**
2 **MENTS.**

3 (a) FUNDING.—Of the amounts authorized to be ap-
4 propriated under sections 102, 103, 104, 201, and 301,
5 \$228,900,000 shall be available for implementing arms
6 control agreements to which the United States is a party.

7 (b) LIMITATION.—(1) Except as provided in para-
8 graph (2), none of the funds authorized to be appropriated
9 under subsection (a) for the costs of implementing an
10 arms control agreement may be used to reimburse ex-
11 penses incurred by any other party to the agreement for
12 which, without regard to any executive agreement or any
13 policy not part of an arms control agreement—

14 (A) the other party is responsible under the
15 terms of the arms control agreement; and

16 (B) the United States has no responsibility
17 under the agreement.

18 (2) The limitation in paragraph (1) does not apply
19 to a use of funds to fulfill a policy of the United States
20 to reimburse expenses incurred by another party to an
21 arms control agreement if—

22 (A) the policy does not modify any obligation
23 imposed by the arms control agreement;

24 (B) the President—

25 (i) issued or approved the policy before the
26 date of the enactment of this Act; or

1 (ii) has entered into an agreement on the
2 policy with the government of another country
3 or has approved an agreement on the policy en-
4 tered into by an official of the United States
5 and the government of another country; and

6 (C) the President has notified the congressional
7 defense committees of the policy or the policy agree-
8 ment (as the case may be), in writing, at least 30
9 days before the date on which the President issued
10 or approved the policy or has entered into or ap-
11 proved the policy agreement.

12 (c) DEFINITIONS.—In this section:

13 (1) The term “arms control agreement” means
14 an arms control treaty or other form of international
15 arms control agreement.

16 (2) The term “executive agreement” is an inter-
17 national agreement entered into by the President
18 that is not authorized by statute or approved by the
19 Senate under Article II, section 2, clause 2 of the
20 Constitution.

21 **SEC. 1061. SENSE OF CONGRESS ON LIMITING THE PLAC-**
22 **ING OF UNITED STATES FORCES UNDER**
23 **UNITED NATIONS COMMAND OR CONTROL.**

24 (a) FINDINGS.—Congress finds that—

1 (1) the President has made United Nations
2 peace operations a major component of the foreign
3 and security policies of the United States;

4 (2) the President has committed United States
5 military personnel under United Nations operational
6 control to missions in Haiti, Croatia, and Macedonia
7 that could endanger those personnel;

8 (3) the President has committed the United
9 States to deploy as many as 25,000 military person-
10 nel to Bosnia-Herzegovina as peacekeepers under
11 United Nations command and control in the event
12 that the parties to that conflict reach a peace agree-
13 ment;

14 (4) although the President has insisted that he
15 will retain command of United States forces at all
16 times, in the past this has meant administrative con-
17 trol of United States forces only, while operational
18 control has been ceded to United Nations command-
19 ers, some of whom were foreign nationals;

20 (5) the experience of United States forces par-
21 ticipating in combined United States-United Nations
22 operations in Somalia, and in combined United Na-
23 tions-NATO operations in the former Yugoslavia,
24 demonstrate that prerequisites for effective military
25 operations such as unity of command and clarity of

1 mission have not been met by United Nations com-
2 mand and control arrangements; and

3 (6) despite the many deficiencies in the conduct
4 of United Nations peace operations, there may be
5 occasions when it is in the national security interests
6 of the United States to participate in such oper-
7 ations.

8 (b) POLICY.—It is the sense of Congress that—

9 (1) the President should consult closely with
10 Congress regarding any United Nations peace oper-
11 ation that could involve United States combat forces,
12 and that such consultations should continue
13 throughout the duration of such activities;

14 (2) the President should consult with Congress
15 prior to a vote within the United Nations Security
16 Council on any resolution which would authorize, ex-
17 tend, or revise the mandates for such activities;

18 (3) in view of the complexity of United Nations
19 peace operations and the difficulty of achieving unity
20 of command and expeditious decisionmaking, the
21 United States should participate in such operations
22 only when it is clearly in the national security inter-
23 est to do so;

24 (4) United States combat forces should be
25 under the operational control of qualified command-

1 ers and should have clear and effective command
2 and control arrangements and rules of engagement
3 (which do not restrict their self-defense in any way)
4 and clear and unambiguous mission statements; and

5 (5) none of the Armed Forces of the United
6 States should be under the operational control of
7 foreign nationals in United Nations peace enforce-
8 ment operations except in the most extraordinary
9 circumstances.

10 (c) DEFINITIONS.—For purposes of this section—

11 (1) the term “United Nations peace enforce-
12 ment operations” means any international peace en-
13 forcement or similar activity that is authorized by
14 the United Nations Security Council under chapter
15 VII of the Charter of the United Nations; and

16 (2) the term “United Nations peace operations”
17 means any international peacekeeping, peacemaking,
18 peace enforcement, or similar activity that is author-
19 ized by the United Nations Security Council under
20 chapter VI or VII of the Charter of the United Na-
21 tions.

1 **Subtitle G—Repeal of Certain**
2 **Reporting Requirements**

3 **SEC. 1071. REPORTS REQUIRED BY TITLE 10, UNITED**
4 **STATES CODE.**

5 (a) ANNUAL REPORT ON RELOCATION ASSISTANCE
6 PROGRAMS.—Section 1056 of title 10, United States
7 Code, is amended—

- 8 (1) by striking out subsection (f); and
9 (2) by redesignating subsection (g) as sub-
10 section (f).

11 (b) NOTICE OF SALARY INCREASES FOR FOREIGN
12 NATIONAL EMPLOYEES.—Section 1584 of such title is
13 amended—

- 14 (1) by striking out subsection (b); and
15 (2) in subsection (a), by striking out “(a)
16 WAIVER OF EMPLOYMENT RESTRICTIONS FOR CER-
17 TAIN PERSONNEL.—”.

18 (c) NOTICE OF INVOLUNTARY REDUCTIONS OF CI-
19 VILIAN POSITIONS.—Section 1597 of such title is amend-
20 ed by striking out subsection (e).

21 (d) NOTIFICATION OF REQUIREMENT FOR AWARD OF
22 CONTRACTS TO COMPLY WITH COOPERATIVE AGREE-
23 MENTS.—Section 2350b(d) of such title is amended—

- 24 (1) by striking out paragraph (1);

1 (2) by redesignating paragraphs (2) and (3) as
2 paragraphs (1) and (2), respectively; and

3 (3) in paragraph (1), as so redesignated, by
4 striking out “shall also notify” and inserting in lieu
5 thereof “shall notify”.

6 (e) NOTICE REGARDING CONTRACTS PERFORMED
7 FOR PERIODS EXCEEDING 10 YEARS.—(1) Section 2352
8 of such title is repealed.

9 (2) The table of sections at the beginning of chapter
10 139 of such title is amended by striking out the item relat-
11 ing to section 2352.

12 (f) ANNUAL REPORT ON BIOLOGICAL DEFENSE RE-
13 SEARCH PROGRAM.—(1) Section 2370 of such title is re-
14 pealed.

15 (2) The table of sections at the beginning of chapter
16 139 of such title is amended by striking out the item relat-
17 ing to section 2370.

18 (g) ANNUAL REPORT ON MILITARY BASE REUSE
19 STUDIES AND PLANNING ASSISTANCE.—Section 2391 of
20 such title is amended—

21 (1) by striking out subsection (c); and

22 (2) by redesignating subsections (d) and (e) as
23 subsections (c) and (d), respectively.

1 (h) COMPILATION OF REPORTS FILED BY EMPLOY-
2 EES OR FORMER EMPLOYEES OF DEFENSE CONTRAC-
3 TORS.—Section 2397 of such title is amended—

4 (1) by striking out subsection (e); and

5 (2) by redesignating subsection (f) as sub-
6 section (e).

7 (i) REPORT ON LOW-RATE PRODUCTION UNDER
8 NAVAL VESSEL AND MILITARY SATELLITE PROGRAMS.—
9 Section 2400(c) of such title is amended—

10 (1) by striking out paragraph (2); and

11 (2) in paragraph (1)—

12 (A) by striking out “(1)”; and

13 (B) by redesignating clauses (A) and (B)
14 as clauses (1) and (2), respectively.

15 (j) REPORT ON WAIVERS OF PROHIBITION ON EM-
16 PLOYMENT OF FELONS.—Section 2408(a)(3) of such title
17 is amended by striking out the second sentence.

18 (k) REPORT ON DETERMINATION NOT TO DEBAR
19 FOR FRAUDULENT USE OF LABELS.—Section 2410f(a) of
20 such title is amended by striking out the second sentence.

21 (l) ANNUAL REPORT ON WAIVERS OF PROHIBITION
22 RELATING TO SECONDARY ARAB BOYCOTT.—Section
23 2410i(c) of such title is amended by striking out the sec-
24 ond sentence.

1 (m) REPORT ON ADJUSTMENT OF AMOUNTS DEFIN-
2 ING MAJOR DEFENSE ACQUISITION PROGRAMS.—Section
3 2430(b) of such title is amended by striking out the sec-
4 ond sentence.

5 (n) BUDGET DOCUMENTS ON WEAPONS DEVELOP-
6 MENT AND PROCUREMENT SCHEDULES.—(1) Section
7 2431 of such title is repealed.

8 (2) The table of sections at the beginning of chapter
9 144 of such title is amended by striking out the item relat-
10 ing to section 2431.

11 (o) SELECTED ACQUISITION REPORTS.—(1) Section
12 2432 of such title is repealed.

13 (2) The table of sections at the beginning of chapter
14 144 of such title is amended by striking out the item relat-
15 ing to section 2432.

16 (p) NOTICE OF WAIVER OF LIMITATION ON PER-
17 FORMANCE OF DEPOT-LEVEL MAINTENANCE.—Section
18 2466(c) of such title is amended by striking out “and noti-
19 fies Congress regarding the reasons for the waiver”.

20 (q) ANNUAL REPORT ON INFORMATION ON FOREIGN-
21 CONTROLLED CONTRACTORS.—Section 2537 of such title
22 is amended—

23 (1) by striking out subsection (b); and

24 (2) by redesignating subsection (c) as sub-
25 section (b).

1 (r) ANNUAL REPORT ON REAL PROPERTY TRANS-
2 ACTIONS.—Section 2662 of such title is amended—

3 (1) by striking out subsection (b); and

4 (2) by redesignating subsections (c), (d), (e),
5 and (f) as subsections (b), (c), (d), and (e), respec-
6 tively.

7 (s) NOTIFICATIONS AND REPORTS ON ARCHITEC-
8 TURAL AND ENGINEERING SERVICES AND CONSTRUCTION
9 DESIGN.—Section 2807 of such title is amended—

10 (1) by striking out subsections (b) and (c); and

11 (2) by redesignating subsection (d) as sub-
12 section (c).

13 (t) REPORT ON CONSTRUCTION PROJECTS FOR EN-
14 VIRONMENTAL RESPONSE ACTIONS.—Section 2810 of
15 such title is amended—

16 (1) in subsection (a), by striking out “Subject
17 to subsection (b), the Secretary” and inserting in
18 lieu thereof “The Secretary”;

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

20 (3) by redesignating subsection (c) as sub-
21 section (b).

22 (u) NOTICE OF MILITARY CONSTRUCTION CON-
23 TRACTS ON GUAM.—Section 2864(b) of such title is
24 amended by striking out “after the 21-day period” and

1 all that follows through the period at the end and inserting
2 in lieu thereof a period.

3 (v) ANNUAL REPORT ON ENERGY SAVINGS AT MILI-
4 TARY INSTALLATIONS.—Section 2865 of such title is
5 amended by striking out subsection (f).

6 **SEC. 1072. REPORTS REQUIRED BY TITLE 37, UNITED**
7 **STATES CODE, AND RELATED PROVISIONS OF**
8 **DEFENSE AUTHORIZATION ACTS.**

9 (a) ANNUAL REPORT ON TRAVEL AND TRANSPOR-
10 TATION ALLOWANCES FOR DEPENDENTS.—Section 406
11 of title 37, United States Code, is amended by striking
12 out subsection (i).

13 (b) REPORT ON ANNUAL REVIEW OF PAY AND AL-
14 LOWANCES.—Section 1008(a) of such title is amended by
15 striking out the second sentence.

16 (c) REPORT ON QUADRENNIAL REVIEW OF ADJUST-
17 MENTS IN COMPENSATION.—Section 1009(f) of such title
18 is amended by striking out “of this title,” and all that
19 follows through the period at the end and inserting in lieu
20 thereof “of this title.”.

21 (d) PUBLIC LAW 101–189 REQUIREMENT FOR RE-
22 PORT REGARDING SPECIAL PAY FOR ARMY, NAVY, AND
23 AIR FORCE PSYCHOLOGISTS.—Section 704 of the Na-
24 tional Defense Authorization Act for Fiscal Years 1990
25 and 1991 (Public Law 101–189; 103 Stat. 1471; 37

1 U.S.C. 302c note) is amended by striking out subsection
2 (d).

3 (e) PUBLIC LAW 101-510 REQUIREMENT FOR RE-
4 PORT REGARDING SPECIAL PAY FOR NURSE ANES-
5 THETISTS.—Section 614 of the National Defense Author-
6 ization Act for Fiscal Year 1991 (Public Law 101-510;
7 104 Stat. 1577; 37 U.S.C. 302e note) is amended by strik-
8 ing out subsection (c).

9 **SEC. 1073. REPORTS REQUIRED BY OTHER DEFENSE AU-**
10 **THORIZATION AND APPROPRIATIONS ACTS.**

11 (a) PUBLIC LAW 98-94 REQUIREMENT FOR ANNUAL
12 REPORT ON CHAMPUS AND USTF MEDICAL CARE.—
13 Section 1252 of the Department of Defense Authorization
14 Act, 1984 (Public Law 98-94; 42 U.S.C. 248d) is amend-
15 ed by striking out subsection (d).

16 (b) PUBLIC LAW 99-661 REQUIREMENT FOR RE-
17 PORT ON FUNDING FOR NICARAGUAN DEMOCRATIC RE-
18 SISTANCE.—Section 1351 of the National Defense Au-
19 thorization Act for Fiscal Year 1987 (Public Law 99-661;
20 100 Stat. 3995; 10 U.S.C. 114 note) is amended—

21 (1) by striking out subsection (b); and

22 (2) in subsection (a), by striking out “(a) LIM-
23 TATION.—”.

24 (c) PUBLIC LAW 101-189 REQUIREMENT FOR NOTI-
25 FICATION OF CLOSURE OF MILITARY CHILD DEVELOP-

1 MENT CENTERS.—Section 1505(f) of the National De-
2 fense Authorization Act for Fiscal Years 1990 and 1991
3 (Public Law 101–189; 103 Stat. 1594; 10 U.S.C. 113
4 note) is amended by striking out paragraph (3).

5 (d) PUBLIC LAW 101–510 REQUIREMENT FOR AN-
6 NUAL REPORT ON OVERSEAS MILITARY FACILITY IN-
7 VESTMENT RECOVERY ACCOUNT.—Section 2921 of the
8 Military Construction Authorization Act for Fiscal Year
9 1991 (division B of Public Law 101–510; 10 U.S.C. 2687
10 note) is amended—

11 (1) by striking out subsection (f); and

12 (2) by redesignating subsections (g) and (h) as
13 subsections (f) and (g), respectively.

14 (e) PUBLIC LAW 102–190 REQUIREMENT FOR
15 SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION
16 MASTER PLAN.—Section 829 of the National Defense Au-
17 thorization Act for Fiscal Years 1992 and 1993 (Public
18 Law 102–190; 105 Stat. 1444; 10 U.S.C. 2192 note) is
19 repealed.

20 (f) PUBLIC LAW 102–484 REQUIREMENT FOR RE-
21 PORT RELATING TO USE OF CLASS I OZONE-DEPLETING
22 SUBSTANCES IN MILITARY PROCUREMENTS.—Section
23 326(a) of the National Defense Authorization Act for Fis-
24 cal Year 1993 (Public Law 102–484; 106 Stat. 2370; 10

1 U.S.C. 2301 note) is amended by striking out paragraph
2 (5).

3 (g) PUBLIC LAW 103-139 REQUIREMENT FOR RE-
4 PORT REGARDING HEATING FACILITY MODERNIZATION
5 AT KAISERSLAUTERN.—Section 8008 of the Department
6 of Defense Appropriations Act, 1994 (Public Law 103-
7 139; 107 Stat. 1438), is amended by inserting “but with-
8 out regard to the notification requirement in subsection
9 (b)(2) of such section,” after “section 2690 of title 10,
10 United States Code,”.

11 **SEC. 1074. REPORTS REQUIRED BY OTHER NATIONAL SECUR-**
12 **RITY LAWS.**

13 (a) ARMS EXPORT CONTROL ACT REQUIREMENT
14 FOR QUARTERLY REPORT ON PRICE AND AVAILABILITY
15 ESTIMATES.—Section 28 of the Arms Export Control Act
16 (22 U.S.C. 2768) is repealed.

17 (b) NATIONAL SECURITY AGENCY ACT OF 1959 RE-
18 QUIREMENT FOR ANNUAL REPORT ON NSA EXECUTIVE
19 PERSONNEL.—Section 12(a) of the National Security
20 Agency Act of 1959 (50 U.S.C. 402 note) is amended by
21 striking out paragraph (5).

22 (c) PUBLIC LAW 85-804 REQUIREMENT FOR RE-
23 PORT ON OMISSION OF CONTRACT CLAUSE UNDER SPE-
24 CIAL NATIONAL DEFENSE CONTRACTING AUTHORITY.—
25 Section 3(b) of the Act of August 28, 1958 (50 U.S.C.

1 1433(b)), is amended by striking out the matter following
2 paragraph (2).

3 **SEC. 1075. REPORTS REQUIRED BY OTHER PROVISIONS OF**
4 **THE UNITED STATES CODE.**

5 (a) TITLE 31 REQUIREMENTS FOR REPORTS ON
6 LOBBYING ACTIVITIES.—Section 1352(f) of title 31,
7 United States Code, is amended—

8 (1) by inserting “(1)” after “(f)”;

9 (2) by striking out the second sentence; and

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

11 “(2) Subsections (a)(6) and (d) do not apply to the
12 Department of Defense.”.

13 (b) TITLE 38 REQUIREMENT FOR ANNUAL REPORT
14 ON SHARING OF VETERANS AND DEFENSE HEALTH CARE
15 RESOURCES.—Section 8111 of title 38, United States
16 Code, is amended by striking out subsection (f).

17 **SEC. 1076. REPORTS REQUIRED BY OTHER PROVISIONS OF**
18 **LAW.**

19 (a) PANAMA CANAL ACT OF 1979 REQUIREMENT
20 FOR ANNUAL REPORT REGARDING UNITED STATES
21 TREATY RIGHTS AND OBLIGATIONS.—Section 3301 of the
22 Panama Canal Act of 1979 (22 U.S.C. 3871) is repealed.

23 (b) PUBLIC LAW 91-611 REQUIREMENT FOR AN-
24 NUAL REPORT ON WATER RESOURCES PROJECT AGREE-

1 MENTS.—Section 221 of the Flood Control Act of 1970
2 (42 U.S.C. 1962d–5b) is amended—

3 (1) by striking out subsection (e); and

4 (2) by redesignating subsection (f) as sub-
5 section (e).

6 (c) PUBLIC LAW 94–587 REQUIREMENT FOR AN-
7 NUAL REPORT ON CONSTRUCTION OF TENNESSEE-
8 TOMBIGBEE WATERWAY.—Section 185 of the Water Re-
9 sources Development Act of 1976 (Public Law 94–587;
10 33 U.S.C. 544c) is amended by striking out the second
11 sentence.

12 (d) PUBLIC LAW 100–333 REQUIREMENT FOR AN-
13 NUAL REPORT ON MONITORING OF NAVY HOME PORT
14 WATERS.—Section 7 of the Organotin Antifouling Paint
15 Control Act of 1988 (Public Law 100–333; 33 U.S.C.
16 2406) is amended—

17 (1) by striking out subsection (d); and

18 (2) by redesignating subsections (e) and (f) as
19 subsections (d) and (e), respectively.

20 **SEC. 1077. REPORTS REQUIRED BY JOINT COMMITTEE ON**
21 **PRINTING.**

22 Requirements for submission of the following reports
23 imposed in the exercise of authority under section 103 of
24 title 44, United States Code, do not apply to the Depart-
25 ment of Defense:

1 (1) A notice of intent to apply new printing
2 processes.

3 (2) A report on equipment acquisition or trans-
4 fer.

5 (3) A printing plant report.

6 (4) A report on stored equipment.

7 (5) A report on jobs which exceed Joint Com-
8 mittee on Printing duplicating limitations.

9 (6) A notice of intent to contract for printing
10 services.

11 (7) Research and development plans.

12 (8) A report on commercial printing.

13 (9) A report on collator acquisition.

14 (10) An annual plant inventory.

15 (11) An annual map or chart plant report.

16 (12) A report on activation or moving a print-
17 ing plant.

18 (13) An equipment installation notice.

19 (14) A report on excess equipment.

20 **Subtitle H—Other Matters**

21 **SEC. 1081. GLOBAL POSITIONING SYSTEM.**

22 The Secretary of Defense shall turn off the selective
23 availability feature of the global positioning system by
24 May 1, 1996, unless the Secretary submits to the Commit-
25 tee on Armed Services of the Senate and the Committee

1 on National Security of the House of Representatives a
2 plan that—

3 (1) provides for development and acquisition
4 of—

5 (A) effective capabilities to deny hostile
6 military forces the ability to use the global posi-
7 tioning system without hindering the ability of
8 United States military forces and civil users to
9 exploit the system; and

10 (B) global positioning system receivers and
11 other techniques for weapons and weapon sys-
12 tems that provide substantially improved resist-
13 ance to jamming and other forms of electronic
14 interference or disruption; and

15 (2) includes a specific date by which the Sec-
16 retary of Defense intends to complete the acquisition
17 of the capabilities described in paragraph (1).

18 **SEC. 1082. LIMITATION ON RETIREMENT OR DISMANTLE-**
19 **MENT OF STRATEGIC NUCLEAR DELIVERY**
20 **SYSTEMS.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that, unless and until the START II Treaty enters
23 into force, the Secretary of Defense should not take any
24 action to retire or dismantle, or to prepare to retire or

1 dismantle, any of the following strategic nuclear delivery
2 systems:

- 3 (1) B-52H bomber aircraft.
- 4 (2) Trident ballistic missile submarines.
- 5 (3) Minuteman III intercontinental ballistic
6 missiles.
- 7 (4) Peacekeeper intercontinental ballistic mis-
8 siles.

9 (b) LIMITATION ON USE OF FUNDS.—Funds avail-
10 able to the Department of Defense may not be obligated
11 or expended during fiscal year 1996 for retiring or dis-
12 mantling, or for preparing to retire or dismantle, any of
13 the strategic nuclear delivery systems specified in sub-
14 section (a).

15 **SEC. 1083. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**
16 **TIES PILOT PROGRAM.**

17 Section 1091(a) of the National Defense Authoriza-
18 tion Act for Fiscal Year 1993 (Public Law 102-484; 32
19 U.S.C. 501 note) is amended by striking out “through
20 1995” and inserting in lieu thereof “through 1997”.

21 **SEC. 1084. REPORT ON DEPARTMENT OF DEFENSE BOARDS**
22 **AND COMMISSIONS.**

23 (a) REPORT ON BOARDS AND COMMISSIONS RECEIV-
24 ING DEPARTMENT SUPPORT.—Not later than April 1,
25 1996, the Secretary of Defense shall submit to the Com-

1 mittee on Armed Services of the Senate and the Commit-
2 tee on National Security of the House of Representatives
3 a report containing the following:

4 (1) A list of the boards and commissions de-
5 scribed in subsection (b) that received support (in-
6 cluding funds, equipment, materiel, or other assets,
7 or personnel) from the Department of Defense in
8 last full fiscal year preceding the date of the report.

9 (2) A list of the boards and commissions re-
10 ferred to in paragraph (1) that are determined by
11 the Secretary to merit continued support from the
12 Department.

13 (3) A description, for each board and commis-
14 sion listed under paragraph (2), of—

15 (A) the purpose of the board or commis-
16 sion;

17 (B) the nature and cost of the support pro-
18 vided by the Department to the board or com-
19 mission in the last full fiscal year preceding the
20 date of the report;

21 (C) the nature and duration of the support
22 that the Secretary proposes to provide to the
23 board or commission;

24 (D) the anticipated cost to the Department
25 of providing such support; and

1 (E) a justification of the determination
2 that the board or commission merits the sup-
3 port of the Department.

4 (4) A list of the boards and commissions re-
5 ferred to in paragraph (1) that are determined by
6 the Secretary not to merit continued support from
7 the Department.

8 (5) A description, for each board and commis-
9 sion listed under paragraph (4), of—

10 (A) the purpose of the board or commis-
11 sion;

12 (B) the nature and cost of the support pro-
13 vided by the Department to the board or com-
14 mission in the last full fiscal year preceding the
15 date of the report; and

16 (C) a justification of the determination
17 that the board or commission does not merit
18 the support of the Department.

19 (b) COVERED BOARDS.—Subsection (a)(1) applies to
20 the boards and commissions, including boards and com-
21 missions authorized by law, operating within or for the
22 Department of Defense that—

23 (1) provide only policy-making assistance or ad-
24 visory services for the Department; or

1 (2) carry out activities that are not routine ac-
2 tivities, on-going activities, or activities necessary to
3 the routine, on-going operations of the Department.

4 **SEC. 1085. REVISION OF AUTHORITY FOR PROVIDING**
5 **ARMY SUPPORT FOR THE NATIONAL SCIENCE**
6 **CENTER FOR COMMUNICATIONS AND ELEC-**
7 **TRONICS.**

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

17 (b) AUTHORITY FOR SUPPORT.—Subsection (c) of
18 such section is amended to read a follows:

19 “(c) NATIONAL SCIENCE CENTER.—(1) The Sec-
20 retary may manage, operate, and maintain facilities at the
21 center under terms and conditions prescribed by the Sec-
22 retary for the purpose of conducting educational outreach
23 programs in accordance with chapter 111 of title 10, Unit-
24 ed States Code.

1 “(2) The Foundation, or NSC Discovery Center, In-
2 corporated, shall submit to the Secretary for review and
3 approval all matters pertaining to the acquisition, design,
4 renovation, equipping, and furnishing of the center, in-
5 cluding all plans, specifications, contracts, sites, and mate-
6 rials for the center.”.

7 (c) AUTHORITY FOR ACCEPTANCE OF GIFTS AND
8 FUNDRAISING.—Subsection (d) of such section is amend-
9 ed to read as follows:

10 “(d) GIFTS AND FUNDRAISING.—(1) Subject to para-
11 graph (3), the Secretary may accept a conditional dona-
12 tion of money or property that is made for the benefit
13 of, or in connection with, the center.

14 “(2) Notwithstanding any other provision of law, the
15 Secretary may endorse, promote, and assist the efforts of
16 the Foundation and NSC Discovery Center, Incorporated,
17 to obtain—

18 “(A) funds for the management, operation, and
19 maintenance of the center; and

20 “(B) donations of exhibits, equipment, and
21 other property for use in the center.

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

24 “(A) any condition that is inconsistent with an
25 applicable law or regulation; or

1 “(B) except to the extent provided in appropria-
2 tions Acts, any condition that would necessitate an
3 expenditure of appropriated funds.

4 “(4) The Secretary shall prescribe in regulations the
5 criteria to be used in determining whether to accept a do-
6 nation. The Secretary shall include criteria to ensure that
7 acceptance of a donation does not establish an unfavorable
8 appearance regarding the fairness and objectivity with
9 which the Secretary or any other officer or employee of
10 the Department of Defense performs official responsibil-
11 ities and does not compromise or appear to compromise
12 the integrity of a Government program or any official in-
13 volved in that program.”.

14 (d) AUTHORIZED USES.—Such section is amended—

15 (1) by striking out subsection (f);

16 (2) by redesignating subsection (g) as sub-
17 section (f); and

18 (3) in subsection (f), as redesignated by para-
19 graph (2), by inserting “areas designated for Army
20 use in” after “The Secretary may make”.

21 (e) ALTERNATIVE OF ADDITIONAL DEVELOPMENT
22 AND MANAGEMENT.—Such section, as amended by sub-
23 section (d), is further amended by adding at the end the
24 following:

1 “(g) ALTERNATIVE OR ADDITIONAL DEVELOPMENT
2 AND MANAGEMENT OF THE CENTER.—(1) The Secretary
3 may enter into an agreement with NSC Discovery Center,
4 Incorporated, a nonprofit corporation of the State of Geor-
5 gia, to develop, manage, and maintain a national science
6 center under this section. In entering into an agreement
7 with NSC Discovery Center, Incorporated, the Secretary
8 may agree to any term or condition to which the Secretary
9 is authorized under this section to agree for purposes of
10 entering into an agreement with the Foundation.

11 “(2) The Secretary may exercise the authority under
12 paragraph (1) in addition to, or instead of, exercising the
13 authority provided under this section to enter into an
14 agreement with the Foundation.”.

15 **SEC. 1086. AUTHORITY TO SUSPEND OR TERMINATE COL-**
16 **LECTION ACTIONS AGAINST DECEASED MEM-**
17 **BERS.**

18 Section 3711 of title 31, United States Code, is
19 amended by adding at the end the following:

20 “(g)(1) The Secretary of Defense may suspend or ter-
21 minate an action by the Department of Defense under this
22 section to collect a claim against the estate of a person
23 who died while serving on active duty as a member of the
24 armed forces if the Secretary determines that, under the

1 circumstances applicable with respect to the deceased per-
2 son, it is appropriate to do so.

3 “(2) For purposes of this subsection, the terms
4 ‘armed forces’ and ‘active duty’ have the meanings given
5 such terms in section 101 of title 10.”.

6 **SEC. 1087. DAMAGE OR LOSS TO PERSONAL PROPERTY**
7 **DUE TO EMERGENCY EVACUATION OR EX-**
8 **TRAORDINARY CIRCUMSTANCES.**

9 (a) SETTLEMENT OF CLAIMS OF PERSONNEL.—Sec-
10 tion 3721(b)(1) of title 31, United States Code, is amend-
11 ed by inserting after the first sentence the following: “If,
12 however, the claim arose from an emergency evacuation
13 or from extraordinary circumstances, the amount settled
14 and paid under the authority of the preceding sentence
15 may exceed \$40,000, but may not exceed \$100,000.”.

16 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
17 ment made by subsection (a) shall take effect as of June
18 1, 1991, and shall apply with respect to claims arising on
19 or after that date.

20 **SEC. 1088. CHECK CASHING AND EXCHANGE TRANS-**
21 **ACTIONS FOR DEPENDENTS OF UNITED**
22 **STATES GOVERNMENT PERSONNEL.**

23 (a) AUTHORITY TO CARRY OUT TRANSACTIONS.—
24 Subsection (b) of section 3342 of title 31, United States
25 Code, is amended—

1 (1) by redesignating paragraphs (3), (4), and
2 (5) as paragraphs (4), (5), and (6), respectively; and

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

5 “(3) a dependent of personnel of the Govern-
6 ment, but only—

7 “(A) at a United States installation at
8 which adequate banking facilities are not avail-
9 able; and

10 “(B) in the case of negotiation of nego-
11 tiable instruments, if the dependent’s sponsor
12 authorizes, in writing, the presentation of nego-
13 tiable instruments to the disbursing official for
14 negotiation.”.

15 (b) PAY OFFSET.—Subsection (c) of such section is
16 amended—

17 (1) by redesignating paragraph (3) as para-
18 graph (4); and

19 (2) by inserting after paragraph (2) the follow-
20 ing new paragraph (3):

21 “(3) The amount of any deficiency resulting from
22 cashing a check for a dependent under subsection (b)(3),
23 including any charges assessed against the disbursing offi-
24 cial by a financial institution for insufficient funds to pay

1 the check, may be offset from the pay of the dependent's
2 sponsor.”.

3 (c) DEFINITIONS.—Such section is further amended
4 by adding at the end the following:

5 “(e) The Secretary of Defense shall define in regula-
6 tions the terms ‘dependent’ and ‘sponsor’ for the purposes
7 of this section. In the regulations, the term ‘dependent’,
8 with respect to a member of a uniformed service, shall
9 have the meaning given that term in section 401 of title
10 37.”.

11 **SEC. 1089. TRAVEL OF DISABLED VETERANS ON MILITARY**
12 **AIRCRAFT.**

13 (a) LIMITED ENTITLEMENT.—Chapter 157 of title
14 10, United States Code, is amended by inserting after sec-
15 tion 2641 the following new section:

16 **“§2641a. Travel of disabled veterans on military air-**
17 **craft**

18 “(a) LIMITED ENTITLEMENT.—A veteran entitled
19 under laws administered by the Secretary of Veterans Af-
20 fairs to receive compensation for a service-connected dis-
21 ability rated as total by the Secretary is entitled, in the
22 same manner and to the same extent as retired members
23 of the armed forces, to transportation (on a space-avail-
24 able basis) on unscheduled military flights within the con-

1 tidental United States and on scheduled overseas flights
2 operated by the Military Airlift Command.

3 “(b) DEFINITIONS.—In this section, the terms ‘vet-
4 eran’, ‘compensation’, and ‘service-connected’ have the
5 meanings given such terms in section 101 of title 38.”.

6 (b) CLERICAL AMENDMENT.—The table of sections,
7 at the beginning of such chapter, is amended by inserting
8 after the item relating to section 2641 the following new
9 item:

“2641a. Travel of disabled veterans on military aircraft.”.

10 **SEC. 1090. TRANSPORTATION OF CRIPPLED CHILDREN IN**
11 **PACIFIC RIM REGION TO HAWAII FOR MEDI-**
12 **CAL CARE.**

13 (a) TRANSPORTATION AUTHORIZED.—Chapter 157
14 of title 10, United States Code, is amended by adding at
15 the end the following new section:

16 **“§2643. Transportation of crippled children in Pa-**
17 **cific Rim region to Hawaii for medical**
18 **care**

19 “(a) TRANSPORTATION AUTHORIZED.—Subject to
20 subsection (c), the Secretary of Defense may provide per-
21 sons eligible under subsection (b) with round trip trans-
22 portation in an aircraft of the Department of Defense, on
23 a space-available basis, between an airport in the Pacific
24 Rim region and the State of Hawaii. No charge may be
25 imposed for transportation provided under this section.

1 “(b) PERSONS COVERED.—Persons eligible to be pro-
2 vided transportation under this section are as follows:

3 “(1) A child under 18 years of age who (A) re-
4 sides in the Pacific Rim region, (B) is a crippled
5 child in need of specialized medical care for the
6 child’s condition as a crippled child, which may in-
7 clude any associated or related condition, (C) upon
8 arrival in Hawaii, is to be admitted to receive such
9 medical care, at no cost to the patient, at a medical
10 facility in Honolulu, Hawaii, that specializes in pro-
11 viding such medical care, and (D) is unable to afford
12 the costs of transportation to Hawaii.

13 “(2) One adult attendant accompanying a child
14 transported under this section.

15 “(c) CONDITIONS.—The Secretary may provide
16 transportation under subsection (a) only if the Secretary
17 determines that—

18 “(1) it is not inconsistent with the foreign pol-
19 icy of the United States to do so;

20 “(2) the transportation is for humanitarian
21 purposes;

22 “(3) the health of the child to be transported is
23 sufficient for the child to endure safely the stress of
24 travel for the necessary distance in the Department
25 of Defense aircraft involved;

1 “(4) all authorizations, permits, and other doc-
2 uments necessary for admission of the child at the
3 medical treatment facility referred to in subsection
4 (b)(1)(C) are in order;

5 “(5) all necessary passports and visas necessary
6 for departure from the residences of the persons to
7 be transported and from the airport of departure,
8 for entry into the United States, for reentry into the
9 country of departure, and for return to the persons’
10 residences are in proper order; and

11 “(6) arrangements have been made to ensure
12 that—

13 “(A) the persons to be transported will
14 board the aircraft on the schedule established
15 by the Secretary; and

16 “(B) the persons—

17 “(i) will be met and escorted to the
18 medical treatment facility by appropriate
19 personnel of the facility upon the arrival of
20 the aircraft in Hawaii; and

21 “(ii) will be returned to the airport in
22 Hawaii for transportation (on the schedule
23 established by the Secretary) back to the
24 country of departure.”.

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

“2643. Transportation of crippled children in Pacific Rim region to Hawaii for
medical care.”.

4 **SEC. 1091. STUDENT INFORMATION FOR RECRUITING PUR-**
5 **POSES.**

6 (a) SENSE OF SENATE.—It is the sense of the Senate
7 that—

8 (1) educational institutions, including secondary
9 schools, should not have a policy of denying, or oth-
10 erwise effectively preventing, the Secretary of De-
11 fense from obtaining for military recruiting pur-
12 poses—

13 (A) entry to any campus or access to stu-
14 dents on any campus equal to that of other em-
15 ployers; or

16 (B) access to directory information per-
17 taining to students (other than in a case in
18 which an objection has been raised as described
19 in paragraph (2));

20 (2) an educational institution that releases di-
21 rectory information should—

22 (A) give public notice of the categories of
23 such information to be released; and

1 (B) allow a reasonable period after such
2 notice has been given for a student or (in the
3 case of an individual younger than 18 years of
4 age) a parent to inform the institution that any
5 or all of such information should not be re-
6 leased without obtaining prior consent from the
7 student or the parent, as the case may be; and

8 (3) the Secretary of Defense should prescribe
9 regulations that contain procedures for determining
10 if and when an educational institution has denied or
11 prevented access to students or information as de-
12 scribed in paragraph (1).

13 (b) DEFINITIONS.—In this section:

14 (1) The term “directory information” means,
15 with respect to a student, the student’s name, ad-
16 dress, telephone listing, date and place of birth, level
17 of education, degrees received, and (if available) the
18 most recent previous educational program enrolled
19 in by the student.

20 (2) The term “student” means an individual
21 enrolled in any program of education who is 17
22 years of age or older.

1 **SEC. 1092. STATE RECOGNITION OF MILITARY ADVANCE**
2 **MEDICAL DIRECTIVES.**

3 (a) IN GENERAL.—(1) Chapter 53 of title 10, United
4 States Code, is amended by inserting after section 1044b
5 the following new section:

6 **“§1044c. Advance medical directives of armed forces**
7 **personnel and dependents: requirement**
8 **for recognition by States**

9 “(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT
10 WITHOUT REGARD TO STATE LAW.—An advance medical
11 directive executed by a person eligible for legal assist-
12 ance—

13 “(1) is exempt from any requirement of form,
14 substance, formality, or recording that is provided
15 for advance medical directives under the laws of a
16 State; and

17 “(2) shall be given the same legal effect as an
18 advance medical directive prepared and executed in
19 accordance with the laws of the State concerned.

20 “(b) ADVANCE MEDICAL DIRECTIVES COVERED.—
21 For purposes of this section, an advance medical directive
22 is any written declaration that—

23 “(1) sets forth directions regarding the provi-
24 sion, withdrawal, or withholding of life-prolonging
25 procedures, including hydration and sustenance, for
26 the declarant whenever the declarant has a terminal

1 physical condition or is in a persistent vegetative
2 state; or

3 “(2) authorizes another person to make health
4 care decisions for the declarant, under circumstances
5 stated in the declaration, whenever the declarant is
6 incapable of making informed health care decisions.

7 “(c) STATEMENT TO BE INCLUDED.—(1) Under reg-
8 ulations prescribed by the Secretary concerned, each ad-
9 vance medical directive prepared by an attorney author-
10 ized to provide legal assistance shall contain a statement
11 that sets forth the provisions of subsection (a).

12 “(2) Paragraph (1) shall not be construed to make
13 inapplicable the provisions of subsection (a) to an advance
14 medical directive that does not include a statement de-
15 scribed in that paragraph.

16 “(d) STATES NOT RECOGNIZING ADVANCE MEDICAL
17 DIRECTIVES.—Subsection (a) does not make an advance
18 medical directive enforceable in a State that does not oth-
19 erwise recognize and enforce advance medical directives
20 under the laws of the State.

21 “(e) DEFINITIONS.—In this section:

22 “(1) The term ‘State’ includes the District of
23 Columbia, the Commonwealth of Puerto Rico, and a
24 possession of the United States.

1 report an explanation of the failure of such Secretaries
 2 to submit the report in accordance with such subsection
 3 (a) and with all other previous requirements for the sub-
 4 mittal of the report.

5 **SEC. 1094. EXTENSION OF PERIOD OF VIETNAM ERA.**

6 (a) EXTENSION.—Section 101(29) of title 38, United
 7 States Code, is amended by inserting before the period at
 8 the end the following: “, except that, in the case of a vet-
 9 eran who served in the active military, naval, or air service
 10 in the Vietnam theater of operations (as defined in regula-
 11 tions prescribed by the Secretary) during the period begin-
 12 ning July 1, 1958, and ending on August 4, 1964, the
 13 term includes that period”.

14 (b) PROSPECTIVE APPLICABILITY.—No benefits shall
 15 accrue for periods before the date of the enactment of this
 16 Act by reason of the amendment made by subsection (a).



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