

103^D CONGRESS
1ST SESSION

H. R. 2401

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1993

Mr. DELLUMS (by request) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, 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 “National Defense
5 Authorization Act for Fiscal Year 1994”.

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.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Other Matters

- Sec. 111. Repeal of requirement for separate budget request for procurement of reserve equipment.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Additional activities included in Defense Business Operations Fund.
- Sec. 304. National Security Education Trust Fund obligations.

Subtitle B—Other Matters

- Sec. 311. Amendment relating to emergency and extraordinary expense authority for Defense Inspector General.
- Sec. 312. Repeal of ceiling on employees in headquarters and non-management headquarters and support activities.
- Sec. 313. Flexibility in administering requirement for annual four percent reduction in number of civilian employees assigned to headquarters and headquarters support activities.
- Sec. 314. National defense stockpile fund management improvements.
- Sec. 315. Clarification of amendments to CINC initiative fund legislation.
- Sec. 316. Pacific battle monuments maintenance.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for selected reserve.
- Sec. 412. End strengths for reserves on active duty in support of the reserves.
- Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the reserves.

Subtitle C—Military Training Student Loads

- Sec. 421. Authorization of training student loads.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authority to delete from selection board reports and promotion lists names of officers erroneously considered by promotion selection boards.
- Sec. 502. Amendment to Warrant Officer Management Act to authorize involuntary separation of certain regular warrant officers.

Subtitle B—Reserve Component Matters

- Sec. 511. Authorization of secretarial selected reserve call up authority and expansion of 90 day call up period.
- Sec. 512. Consistency in Federal recognition qualifications for members of the National Guard.
- Sec. 513. Exception to the twelve-week basic training period requirement.
- Sec. 514. National Guard management initiatives.
- Sec. 515. Modification of the physical examination requirement for members of the Ready Reserve.

Subtitle C—Service Academies

- Sec. 521. Procedures for nominating candidates for admission to Service Academies.
- Sec. 522. Graduation leave for Service Academy graduates.

Subtitle D—Education and Training

- Sec. 531. Change to ROTC advanced course admission requirements.

Subtitle E—Other Matters

- Sec. 541. Authority for non-citizen spouse and children of non-citizen service members to reside with the member in the United States.
- Sec. 542. Reduction in the maximum number of years for a military member to be maintained on the temporary disability retired list.
- Sec. 543. Clarification of punitive UCMJ Article regarding drunken driving.
- Sec. 544. Repeal of the statutory restriction on the assignment of women in the Navy and Marine Corps.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Variable housing allowance for certain members who are required to pay child support and who are assigned to sea duty.
- Sec. 602. Pay for members of the uniformed services during times of war, hostilities, or national emergency.
- Sec. 603. Separation pay upon involuntary discharge or release from active duty.
- Sec. 604. Permanent authority for certain bonuses and special pay for nurse officer candidates, registered nurses and nurse anesthetists.
- Sec. 605. Modification of certain selected reserve bonuses.
- Sec. 606. Expiring authorities.

Subtitle B—Retired Pay and Survivor Benefits

- Sec. 611. Disability coverage for officer candidates granted excess leave.

- Sec. 612. Termination of servicemen's group life insurance when premiums are not paid.

Subtitle C—Other Matters

- Sec. 621. Authorization of payment or collection due to fluctuations of foreign currency incurred by certain military members.
- Sec. 622. Revisions to security deposit waiver program.
- Sec. 623. Extension of Desert Shield postponement of certain tax-related acts to other contingency operations.
- Sec. 624. Inclusion of victims of terrorism in certain title 37 benefits.
- Sec. 625. Permanent authorization for former prisoners of war to claim payments because of violations of the Geneva Conventions.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Management

- Sec. 701. Extension and revision of specialized treatment services program.
- Sec. 702. Revision and codification of CHAMPUS physician payment reform program.
- Sec. 703. Codification of CHAMPUS peer review organization program procedures.
- Sec. 704. Award of constructive service credit for advanced health professional degrees.
- Sec. 705. Codification of revised governance structure of the Uniformed Services University of the Health Sciences.
- Sec. 706. Clarification of authority for graduate student program of the Uniformed Services University of the Health Sciences.
- Sec. 707. Modification of date for delivery of health care services under CHAMPUS reform initiative contract.
- Sec. 708. Authority for the Armed Forces Institute of Pathology to obtain additional distinguished pathologists and scientists.

Subtitle B—Other Matters

- Sec. 711. Exclusion of experienced military physicians from medicare definition of new physician.
- Sec. 712. Repeal of the statutory restriction on use of funds for abortions.

TITLE VIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

- Sec. 801. Authorization for certain organizational changes in the Office of the Secretary of Defense.

Subtitle B—Professional Military Education

- Sec. 811. Authorization for the award of the Master of Science of national security strategy degree and the Master of Science of national resource strategy degree.

Subtitle C—Other Matters

- Sec. 821. Authority for civilian army employees to act on reports of survey.

1 (2) For weapons, including missiles and tor-
2 pedoes, \$3,040,260,000.

3 (3) For shipbuilding and conversion,
4 \$4,294,742,000.

5 (4) For other procurement, \$2,967,974,000.

6 Funds are hereby authorized to be appropriated for
7 fiscal year 1994 for procurement for the Marine Corps in
8 the amount of \$483,464,000.

9 **SEC. 103. AIR FORCE.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 1994 for procurement for the Air Force as
12 follows:

13 (1) For aircraft, \$7,300,965,000.

14 (2) For missiles, \$4,361,050,000.

15 (3) For other procurement, \$7,942,065,000.

16 **SEC. 104. DEFENSE-WIDE PROCUREMENT.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 1994 for defense-wide procurement in the
19 amount of \$1,730,164,000.

20 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 1994 for procurement for the Defense Inspec-
23 tor General in the amount of \$800,000.

1 **SEC. 106. DEFENSE HEALTH PROGRAM.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1994 for procurement for the Defense Health
4 Program in the amount of \$272,762,000.

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

6 (a) FUNDING FOR PROGRAM.—Funds are hereby au-
7 thorized to be appropriated for fiscal year 1994 for the
8 destruction of lethal chemical weapons in accordance with
9 section 1412 of the Department of Defense Authorization
10 Act, 1986 (Public Law 99–145; 99 Stat. 583, 747) in the
11 amount of \$125,486,000.

12 (b) REPEAL OF SEPARATE BUDGET ACCOUNT PRO-
13 VISION.—The second sentence of section 1412(f) of the
14 Department of Defense Authorization Act, 1986 (Public
15 Law 99–145; 99 Stat. 583, 748) is repealed.

16 **Subtitle B—Other Matters**

17 **SEC. 111. REPEAL OF REQUIREMENT FOR SEPARATE BUDG-**
18 **ET REQUEST FOR PROCUREMENT OF RE-**
19 **SERVE EQUIPMENT.**

20 Section 114(e) of title 10, United States Code, is
21 repealed.

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

3 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 1994 for the use of the Armed Forces for re-
6 search, development, test, and evaluation, as follows:

7 (1) For the Army, \$5,249,948,000.

8 (2) For the Navy, \$9,215,604,000.

9 (3) For the Air Force, \$13,694,984,000.

10 (4) For Defense-wide research, development,
11 test, and evaluation, \$10,459,791,000, of which—

12 (A) \$272,592,000 is authorized for the ac-
13 tivities of the Director, Test and Evaluation;
14 and

15 (B) \$12,650,000 is authorized for the Di-
16 rector of Operational Test and Evaluation.

17 **TITLE III—OPERATION AND**
18 **MAINTENANCE**

19 **Subtitle A—Authorization of Appropriations**

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

21 Funds are hereby authorized to be appropriated for
22 fiscal year 1994 for the use of the Armed Forces of the
23 United States and other activities and agencies of the De-
24 partment of Defense, for expenses, not otherwise provided
25 for, for operation and maintenance, in amounts as follows:

1 (1) For the Army, \$16,014,394,000.

2 (2) For the Navy, \$20,192,900,000.

3 (3) For the Marine Corps, \$1,818,000,000.

4 (4) For the Air Force, \$19,808,384,000.

5 (5) For Defense-wide operation and mainte-
6 nance, \$9,587,581,000.

7 (6) For Medical Programs, Defense,
8 \$9,080,538,000.

9 (7) For the Army Reserve, \$1,107,800,000.

10 (8) For the Naval Reserve, \$773,800,000.

11 (9) For the Marine Corps Reserve,
12 \$75,100,000.

13 (10) For the Air Force Reserve,
14 \$1,354,578,000.

15 (11) For the Army National Guard,
16 \$2,218,900,000.

17 (12) For the Air National Guard,
18 \$2,657,233,000.

19 (13) For the National Board for the Promotion
20 of Rifle Practice, \$2,483,000.

21 (14) For the Defense Inspector General,
22 \$126,801,000.

23 (15) For Drug Interdiction and Counter-drug
24 Activities, Defense-wide, \$1,168,200,000.

1 (16) For the Court of Military Appeals,
2 \$6,055,000.

3 (17) For Environmental Restoration Defense-
4 wide, \$2,309,400,000.

5 (18) For Defense-wide Global Cooperative Ini-
6 tiatives, including humanitarian assistance covered
7 by section 2551 of title 10, United States Code,
8 \$448,000,000.

9 (19) For Chemical Agents and Munitions De-
10 struction, Defense-wide, \$308,161,000.

11 (20) For Former Soviet Union Threat Reduc-
12 tion, \$400,000,000.

13 **SEC. 302. WORKING CAPITAL FUNDS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 1994 for the use of the Armed Forces of the
16 United States and other activities and agencies of the
17 Department of Defense for providing capital for working
18 capital and revolving funds in amounts as follows:

19 (1) For the Defense Business Operations Fund,
20 \$1,161,095,000.

21 (2) For the National Defense Sealift Fund,
22 \$290,800,000.

1 **SEC. 303. ADDITIONAL ACTIVITIES INCLUDED IN DEFENSE**
2 **BUSINESS OPERATIONS FUND.**

3 Section 316(b)(3) of the National Defense Authoriza-
4 tion Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208
5 note) is amended by inserting “the Defense Contract
6 Audit Agency, the Defense Contract Management Com-
7 mand,” immediately after “the Defense Finance and
8 Accounting Service,”.

9 **SEC. 304. NATIONAL SECURITY EDUCATION TRUST FUND**
10 **OBLIGATIONS.**

11 During fiscal year 1994, \$24,000,000 is authorized
12 to be obligated from the National Security Education
13 Trust Fund established by section 804(a) of the David L.
14 Boren National Security Education Act of 1991 (Public
15 Law 102-183; 105 Stat. 1271).

16 **Subtitle B—Other Matters**

17 **SEC. 311. AMENDMENT RELATING TO EMERGENCY AND EX-**
18 **TRAORDINARY EXPENSE AUTHORITY FOR DE-**
19 **FENSE INSPECTOR GENERAL.**

20 Section 127 of title 10, United States Code, is
21 amended—

22 (1) in subsection (a)—

23 (A) in the first sentence, by inserting “,
24 the Defense Inspector General,” immediately
25 after “the Secretary of Defense”; and

1 (B) in the second sentence and the third
2 sentence, by inserting “or the Defense Inspec-
3 tor General” immediately after “the Secretary
4 concerned” each place it appears; and

5 (2) in subsection (b), by inserting “, by the De-
6 fense Inspector General to any person in the Office
7 of the Inspector General,” immediately after “the
8 Department of Defense”.

9 **SEC. 312. REPEAL OF CEILING ON EMPLOYEES IN HEAD-**
10 **QUARTERS AND NON-MANAGEMENT HEAD-**
11 **QUARTERS AND SUPPORT ACTIVITIES.**

12 Section 194 of title 10, United States Code, is
13 repealed.

14 **SEC. 313. FLEXIBILITY IN ADMINISTERING REQUIREMENT**
15 **FOR ANNUAL FOUR PERCENT REDUCTION IN**
16 **NUMBER OF CIVILIAN EMPLOYEES ASSIGNED**
17 **TO HEADQUARTERS AND HEADQUARTERS**
18 **SUPPORT ACTIVITIES.**

19 (a) SHIFTING REDUCTIONS.—Section 906(a) of the
20 National Defense Authorization Act for Fiscal Year 1991
21 (Public Law 101–510; 104 Stat. 1622) is amended by
22 adding the following sentence at the end thereof: “When
23 the number of such personnel is reduced by more than
24 4 percent during any fiscal year, the number of personnel
25 reductions in excess of such 4 percent reduction may be

1 counted as part of the 4 percent reduction required under
2 this section in determining the number of personnel reduc-
3 tions required during any subsequent fiscal year.”.

4 (b) APPLICATION OF SHIFTS.—The amendment
5 made to section 906(a) by subsection (a) shall permit the
6 inclusion of excess reductions taken during fiscal years
7 1991, 1992, or 1993 in determining the number of reduc-
8 tions required to be taken during fiscal years 1994 and
9 1995.

10 **SEC. 314. NATIONAL DEFENSE STOCKPILE FUND MANAGE-**
11 **MENT IMPROVEMENTS.**

12 (a) FUND MANAGEMENT.—During fiscal year 1994
13 and thereafter, sales of stockpiled material in the National
14 Defense Stockpile may be made in amounts not to exceed
15 \$500,000,000 in any fiscal year. Receipts from such sales
16 may be transferred to any appropriation available to the
17 Department of Defense to be merged with and to be avail-
18 able for the same purposes and same time period as the
19 appropriation to which transferred.

20 (b) AUTHORITY FOR ACQUISITION MORATORIUM.—
21 When determined to be necessary by the Secretary of De-
22 fense, the Secretary may impose a moratorium on the ac-
23 quisition of new material for the National Defense Stock-
24 pile for the purpose of reducing existing excess material
25 in the Stockpile.

1 **SEC. 315. CLARIFICATION OF AMENDMENTS TO CINC INI-**
2 **TIATIVE FUND LEGISLATION.**

3 The amendments made by section 934 of the Na-
4 tional Defense Authorization Act for Fiscal Year 1993
5 (Public Law 102-484; 102 Stat. 2477) to the provisions
6 of section 166a of title 10, United States Code, (relating
7 to the CINC Initiative Fund) shall be effective for all pur-
8 poses and shall supersede any conflicting provisions con-
9 tained in section 9128 of the Department of Defense Ap-
10 propriations Act, 1993 (Public Law 102-396; 102 Stat.
11 1935) (containing the text of the provisions of section 908
12 of S. 3114, 102d Congress, 2d Session, as passed by the
13 Senate on September 19, 1993). Section 9128 of the De-
14 partment of Defense Appropriations Act, 1993, is re-
15 pealed.

16 **SEC. 316. PACIFIC BATTLE MONUMENTS MAINTENANCE.**

17 (a) **AUTHORITY.**—The Commandant of the United
18 States Marine Corps may provide necessary minor mainte-
19 nance and repairs to Pacific battle monuments until such
20 time as the Secretary of the American Battle Monuments
21 Commission and the Commandant of the Marine Corps
22 agree that the repair and maintenance will be performed
23 by the American Battle Monuments Commission.

24 (b) **FUNDING TO REPAIR AND RELOCATE PACIFIC**
25 **BATTLE MONUMENTS.**—Of the amounts made available
26 to the Marine Corps for operation and maintenance in

1 each fiscal year, not more than \$15,000 each fiscal year
2 shall be available to repair and maintain Pacific battle
3 monuments. Of the amounts available to the Marine Corps
4 for operation and maintenance in fiscal year 1993,
5 \$150,000 shall be available to repair and relocate a monu-
6 ment located on Iwo Jima commemorating the sacrifice
7 of American military personnel during World War II.

8 **TITLE IV—MILITARY PERSONNEL**

9 **AUTHORIZATIONS**

10 **Subtitle A—Active Forces**

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

12 The Armed Forces are authorized strengths for active
13 duty personnel as of September 30, 1994, as follows:

- 14 (1) The Army, 540,000.
- 15 (2) The Navy, 480,800.
- 16 (3) The Marine Corps, 174,100.
- 17 (4) The Air Force, 425,700.

18 **Subtitle B—Reserve Forces**

19 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE**

20 (a) IN GENERAL.—The Armed Forces are authorized
21 strengths for Selected Reserve personnel of the reserve
22 components as of September 30, 1994, as follows:

- 23 (1) The Army National Guard of the United
24 States, 410,000.
- 25 (2) The Army Reserve, 260,000.

1 (3) The Naval Reserve, 113,400.

2 (4) The Marine Corps Reserve, 36,900.

3 (5) The Air National Guard of the United
4 States, 117,700.

5 (6) The Air Force Reserve, 81,500.

6 (7) The Coast Guard Reserve, 8,000.

7 (b) WAIVER AUTHORITY.—The Secretary of Defense
8 may vary the end strength authorized by subsection (a)
9 by not more than 2 percent.

10 (c) ADJUSTMENTS.—The end strengths prescribed by
11 subsection (a) for the Selected Reserve of any reserve com-
12 ponent shall be reduced proportionately by—

13 (1) the total authorized strength of units orga-
14 nized to serve as units of the Selected Reserve of
15 such component which are on active duty (other
16 than for training) at the end of the fiscal year, and

17 (2) the total number of individual members not
18 in units organized to serve as units of the Selected
19 Reserve of such component who are on active duty
20 (other than for training or for unsatisfactory partici-
21 pation in training) without their consent at the end
22 of the fiscal year.

23 Whenever such units or such individual members are
24 released from active duty during any fiscal year, the end
25 strength prescribed for such fiscal year for the Selected

1 Reserve of such reserve component shall be increased pro-
2 portionately by the total authorized strengths of such
3 units and by the total number of such individual members.

4 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
5 **DUTY IN SUPPORT OF THE RESERVES.**

6 Within the end strengths prescribed in section
7 402(b), the reserve components of the Armed Forces are
8 authorized, as of September 30, 1994, the following num-
9 ber of Reserves to be serving on full-time active duty or,
10 in the case of members of the National Guard, full-time
11 National Guard duty for the purpose of organizing, ad-
12 ministering, recruiting, instructing, or training the reserve
13 components:

14 (1) The Army National Guard of the United
15 States, 24,180.

16 (2) The Army Reserve, 12,542.

17 (3) The Naval Reserve, 19,369.

18 (4) The Marine Corps Reserve, 2,119.

19 (5) The Air National Guard of the United
20 States, 9,389.

21 (6) The Air Force Reserve, 648.

1 **SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
 2 **GRADES AUTHORIZED TO BE ON ACTIVE**
 3 **DUTY IN SUPPORT OF THE RESERVES.**

4 (a) SENIOR ENLISTED MEMBERS.—Effective on Oc-
 5 tober 1, 1993, the table in section 517(b) of title 10, Unit-
 6 ed States Code, is amended to read as follows:

| Grade | Army | Navy | Air Force | Marine Corps |
|-----------|-------|------|-----------|--------------|
| E-9 | 569 | 202 | 328 | 14 |
| E-8 | 2,585 | 429 | 840 | 74 |

7 (b) OFFICERS.—Effective on October 1, 1993, the
 8 table in section 524(a) of such title is amended to read
 9 as follows:

| Grade | Army | Navy | Air Force | Marine Corps |
|---------------------------------------|-------|-------|-----------|--------------|
| Major or Lieutenant Com- mander. | 3,219 | 1,071 | 575 | 110 |
| Lieutenant Colonel or Com- mander. | 1,524 | 520 | 636 | 75 |
| Colonel or Navy Captain | 372 | 188 | 274 | 25 |

10 **Subtitle C—Military Training Student Loads**

11 **SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.**

12 (a) IN GENERAL.—For fiscal year 1994, the compo-
 13 nents of the active and reserve Armed Forces are author-
 14 ized average military training student loads as follows:

- 15 (1) The Army, 75,220.
 16 (2) The Navy, 45,269.
 17 (3) The Marine Corps, 22,753.
 18 (4) The Air Force, 33,439.

1 (b) ADJUSTMENTS.—The average military training
2 student loads authorized in subsection (a) shall be ad-
3 justed consistent with the end strengths authorized in
4 parts A and B. The Secretary of Defense shall prescribe
5 the manner in which such adjustments shall be appor-
6 tioned.

7 **TITLE V—MILITARY PERSONNEL POLICY**

8 **Subtitle A—Officer Personnel Policy**

9 **SEC. 501. AUTHORITY TO DELETE FROM SELECTION BOARD**

10 **REPORTS AND PROMOTION LISTS NAMES OF**

11 **OFFICERS ERRONEOUSLY CONSIDERED BY**

12 **PROMOTION SELECTION BOARDS.**

13 (a) IN GENERAL.—Subchapter I of chapter 36 of title
14 10, United States Code, is amended by inserting after
15 section 618 the following new section:

16 **“§618a. Secretarial deletion from promotion selec-**
17 **tion board report**

18 “(a) The Secretary concerned may delete administra-
19 tively the name of a regular or reserve officer selected for
20 promotion by a selection board from the report of the se-
21 lection board or from a list of officers recommended for
22 promotion if the Secretary determines—

23 “(1) that the officer was ineligible, under sec-
24 tion 619 of this title or other applicable law (includ-
25 ing those with respect to the promotion of regular

1 officers), as implemented by regulations of the mili-
2 tary department concerned, for consideration for
3 promotion by the selection board or was not within
4 the promotion zone established for the board;

5 “(2) that a regular or reserve officer who was
6 considered for promotion by a board convened under
7 section 573 or 611 of this title is not serving on an
8 active duty list as a result of death, discharge, dis-
9 missal, resignation, retirement, or, in the case of a
10 reserve officer, as a result of release from active
11 duty or the performance of duty specified in section
12 582 or 641(1) of this title; or

13 “(3) that a reserve officer (including a reserve
14 warrant officer) not on an active duty list who was
15 selected for promotion has died, resigned, been dis-
16 charged or dismissed, or is no longer serving in an
17 active status as defined in section 267(b) of this
18 title.

19 “(b) An officer selected for promotion whose name
20 is deleted administratively under this section from the re-
21 port of a selection board or from a list of officers rec-
22 ommended for promotion shall be considered for all pur-
23 poses, other than chapter 77 of this title, not to have been
24 considered for promotion by the board concerned.”.

1 (b) CONFORMING AMENDMENT.—Such subchapter is
2 further amended by amending section 618(d) to read as
3 follows:

4 “(d) Except as provided in section 618a of this title,
5 the name of an officer selected for promotion by a selec-
6 tion board may be removed from the report of the selection
7 board only by the President.”.

8 (c) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such subchapter I of chapter 36 is
10 amended by inserting after the item relating to section
11 618 the following:

“618a. Secretarial deletion from promotion selection board report.”.

12 (d) SAVINGS PROVISION.—The enactment of this Act
13 shall not be construed to affect any action taken by the
14 Secretary of a military department concerning a report of
15 a selection board or list of officers recommended for pro-
16 motion prior to the enactment of this Act.

17 **SEC. 502. AMENDMENT TO WARRANT OFFICER MANAGE-**
18 **MENT ACT TO AUTHORIZE INVOLUNTARY**
19 **SEPARATION OF CERTAIN REGULAR WAR-**
20 **RANT OFFICERS.**

21 (a) IN GENERAL.—Chapter 33A of title 10, United
22 States Code, is amended by inserting after section 580 the
23 following new section:

1 **“§ 580a. Modification to rules for continuation on ac-**
2 **tive duty; enhanced authority for selec-**
3 **tive early discharges**

4 “(a) The Secretary of Defense may authorize the Sec-
5 retary of a military department, during the two-year pe-
6 riod beginning on October 1, 1993, to take any of the ac-
7 tions set forth in subsection (b) with respect to regular
8 warrant officers of an armed force under the jurisdiction
9 of that Secretary.

10 “(b) The Secretary of a military department may,
11 with respect to regular warrant officers of an armed force,
12 when authorized to do so under subsection (a), convene
13 selection boards under section 573(c) of this title to con-
14 sider for discharge regular warrant officers on the warrant
15 officer active-duty list—

16 “(1) who have served at least one year of active
17 duty in the grade currently held;

18 “(2) whose names are not on a list of warrant
19 officers recommended for promotion; and

20 “(3) who are not eligible to be retired under
21 any provision of law and are not within two years
22 of becoming so eligible.

23 “(c)(1) In the case of an action under subsection (b),
24 the Secretary of the military department concerned may
25 submit to a selection board convened pursuant to that sub-
26 section—

1 “(A) the names of all regular warrant officers
2 described in that subsection in a particular grade
3 and competitive category; or

4 “(B) the names of all regular warrant officers
5 described in that subsection in a particular grade
6 and competitive category who also are in particular
7 year groups or specialties, or both, within that com-
8 petitive category.

9 “(2) The Secretary concerned shall specify the total
10 number of warrant officers to be recommended for dis-
11 charge by a selection board convened pursuant to sub-
12 section (b). That number may not be more than 30 per-
13 cent of the number of officers considered—

14 “(A) in each grade in each competitive cat-
15 egory; or

16 “(B) in each grade, year group, or specialty (or
17 combination thereof) in each competitive category.

18 “(3) The total number of regular warrant officers de-
19 scribed in subsection (b) from any of the armed forces (or
20 from any of the armed forces in a particular grade) who
21 may be recommended during a fiscal year for discharge
22 by a selection board convened pursuant to the authority
23 of that subsection may not exceed 70 percent of the de-
24 crease, as compared to the preceding fiscal year, in the
25 number of warrant officers of that armed force (or the

1 number of warrant officers of that armed force in that
 2 grade) authorized to be serving on active duty as of the
 3 end of that fiscal year.

4 “(4) A warrant officer who is recommended for dis-
 5 charge by a selection board convened pursuant to the au-
 6 thority of subsection (b) and whose discharge is approved
 7 by the Secretary concerned shall be discharged on a date
 8 specified by the Secretary concerned.

9 “(5) Selection of warrant officers for discharge under
 10 this subsection shall be based on the needs of the service.

11 “(d) The discharge of any warrant officer pursuant
 12 to this section shall be considered involuntary for purposes
 13 of any other provision of law.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 at the beginning of chapter 33A is amended by inserting
 16 after the item relating to section 580 the following new
 17 item:

“580a. Modification to rules for continuation on active duty; enhanced authority
 for selective early discharges.”.

18 **Subtitle B—Reserve Component Matters**

19 **SEC. 511. AUTHORIZATION OF SECRETARIAL SELECTED RE-**

20 **SERVE CALL UP AUTHORITY AND EXPANSION**

21 **OF 90 DAY CALL UP PERIOD.**

22 (a) REVISION OF AUTHORITY TO ORDER THE SE-
 23 LECTED RESERVE TO ACTIVE DUTY TO AUGMENT AC-

1 TIVE FORCES.—Section 673b(a) of title 10, United States
2 Code, is amended to read as follows:

3 “(a) Notwithstanding the provisions of section 673(a)
4 or any other provision of law, the President may authorize
5 the Secretary of Defense, and the Secretary of Transpor-
6 tation with respect to the Coast Guard when it is not oper-
7 ating as a service in the Navy, without the consent of the
8 members concerned, to order any unit, and any member
9 not assigned to a unit organized to serve as a unit of the
10 Selected Reserve (as defined in section 268(b) of this
11 title), under their respective jurisdictions—

12 “(1) when the President determines it is nec-
13 essary to augment the active forces for any oper-
14 ational mission, to active duty (other than for train-
15 ing) for not more than a total of 180 days; or

16 “(2) when the Secretary of Defense, or the Sec-
17 retary of Transportation with respect to the Coast
18 Guard when it is not operating as a service in the
19 Navy, determines it is necessary to augment the ac-
20 tive forces, to active duty (other than for training)
21 for not more than a total of 90 days.”.

22 (b) LIMITATION TO THE SECRETARIAL CALL UP AU-
23 THORITY TO 25,000.—Section 673b(c) of such title is
24 amended to read as follows:

1 “(c) Not more than 200,000 members of the Selected
2 Reserve may be on active duty at any one time under sub-
3 section (a)(1), and not more than 25,000 members of the
4 Selected Reserve may be on active duty at any one time
5 under subsection (a)(2).”.

6 (c) REVISION TO PERIOD OF EXTENSION OF ACTIVE
7 DUTY.—Section 673b(i) of such title is amended—

8 (1) by striking out “90 additional days” and in-
9 serting in lieu thereof “a total of 180 additional
10 days”; and

11 (2) in the first sentence, by striking out “is or-
12 dered to active duty under this section” and insert-
13 ing in lieu thereof “is ordered to active duty under
14 subsection (a)(1)”.

15 (d) CONFORMING AMENDMENT.—Section 673b(f) of
16 such title is amended to read as follows:

17 “Whenever the President authorizes the Secretary of
18 Defense or the Secretary of Transportation to order any
19 unit or member of the Selected Reserve to active duty,
20 under the authority of subsection (a)(1), or when the Sec-
21 retary of Defense or the Secretary of Transportation or-
22 ders any unit or member of the Selected Reserve to active
23 duty, under the authority of subsection (a)(2), the Presi-
24 dent or respective Secretary, as the case may be, shall sub-
25 mit, within 24 hours after exercising such authority, a re-

1 port to Congress, in writing, setting forth the cir-
2 cumstances necessitating the action taken under this sec-
3 tion and describing the anticipated use of these units or
4 members.”.

5 **SEC. 512. CONSISTENCY IN FEDERAL RECOGNITION QUALI-**
6 **FICATIONS FOR MEMBERS OF THE NATIONAL**
7 **GUARD.**

8 (a) IN GENERAL.—Section 301 of title 32, United
9 States Code, is amended by inserting after the first sen-
10 tence the following new sentence: “Qualifications pre-
11 scribed by the Secretary in the preceding sentence may
12 not differ between persons solely on the basis of employ-
13 ment as a technician under section 709 of this title.”.

14 (b) REPEAL OF REQUIRED TRAINING (LEADERSHIP
15 TRAINING).—Section 523 of the National Defense Author-
16 ization Act, Fiscal Year 1989 (Public Law 100–456; 102
17 Stat. 1918, 1974; 10 U.S.C. 709 note) is repealed.

18 (c) REPEAL OF REQUIRED TRAINING (BATTLE
19 SKILLS).—Section 506 of the National Defense Author-
20 ization Act for Fiscal Years 1990 and 1991 (Public Law
21 101–189; 103 Stat. 1352, 1438; 10 U.S.C. 709 note) is
22 repealed.

1 **SEC. 513. EXCEPTION TO THE TWELVE-WEEK BASIC TRAIN-**
2 **ING PERIOD REQUIREMENT.**

3 Section 671(b) of title 10, United States Code, is
4 amended by adding at the end the following new sentence:
5 “Under regulations prescribed by the Secretary of Defense
6 that shall apply uniformly to the military departments or,
7 in the case of the Coast Guard when it is not operating
8 as a service in the Navy, by the Secretary of Transpor-
9 tation, the Secretary concerned may establish, in lieu of
10 the twelve-week training requirement in this subsection
11 and in section 4(a) of the Military Selective Service Act
12 (50 U.S.C. App. 454(a)), a shorter period of basic training
13 (or equivalent training program) for persons inducted, en-
14 listed, or appointed in an armed force who have developed
15 skills in the civilian sector that readily can be applied in
16 the armed forces.”.

17 **SEC. 514. NATIONAL GUARD MANAGEMENT INITIATIVES.**

18 (a) CLARIFICATION OF INCLUSION OF FEMALE WAR-
19 RANT OFFICERS AND ENLISTED MEMBERS OF THE NA-
20 TIONAL GUARD IN THE MILITIA.—Section 311 of title 10,
21 United States Code, is amended by inserting “, warrant
22 officers, or enlisted members” after “female citizens of the
23 United States who are commissioned officers”.

24 (b) REPEAL OF REQUIREMENT FOR PHYSICAL EX-
25 AMINATION (ARMY NATIONAL GUARD).—(1) Section 3502
26 of title 10, United States Code, is repealed.

1 (2) The table of sections at the beginning of chapter
2 341 is amended by striking out the item relating to section
3 3502.

4 (c) REPEAL OF REQUIREMENT FOR PHYSICAL EXAM-
5 INATION (AIR NATIONAL GUARD).—(1) Section 8502 of
6 title 10, United States Code, is repealed.

7 (2) The table of sections at the beginning of chapter
8 841 is amended by striking out the item relating to section
9 8502.

10 (d) INCREASE IN TIME ALLOWED FOR COMPLETION
11 OF UNIT TRAINING.—Section 502(b) of title 32, United
12 States Code, is amended by striking out “30” in the sec-
13 ond sentence and inserting in lieu thereof “90”.

14 (e) EXCEPTIONS TO 30-DAY NOTICE FOR TERMI-
15 NATION OF EMPLOYMENT OF CERTAIN TECHNICANS.—
16 Subsection 709(e)(6) of title 32, United States Code, is
17 amended to read as follows:

18 “(6) a technician shall be notified in writing of
19 the termination of employment as a technician and,
20 unless the technician is serving under a temporary
21 appointment, is serving in a trial or probationary pe-
22 riod, or has voluntarily ceased to be a member of the
23 National Guard when such membership is a condi-
24 tion of employment, such notice shall be given at

1 least thirty days before the termination date of such
2 employment.”.

3 (f) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS
4 WHO MAY BE EMPLOYED AT ANY ONE TIME.—Subsection
5 709(h) of title 32, United States Code, is repealed.

6 (g) AUTHORIZATION FOR UNSERVICEABILITY FIND-
7 INGS BY NATIONAL GUARD OFFICERS.—Subsection
8 710(f) of title 32, United States Code, is amended by
9 striking out “Regular Army or the Regular Air Force,”
10 and inserting in lieu thereof “Regular Army or a commis-
11 sioned officer of the Army National Guard who is also a
12 commissioned officer of the Army National Guard of the
13 United States, or by a commissioned officer of the Regular
14 Air Force, or a commissioned officer of the Air National
15 Guard who is also a commissioned officer of the Air Na-
16 tional Guard of the United States,”.

17 **SEC. 515. MODIFICATION OF THE PHYSICAL EXAMINATION**
18 **REQUIREMENT FOR MEMBERS OF THE**
19 **READY RESERVE.**

20 Section 1004(a)(1) of title 10, United States Code,
21 is amended by striking “four” and inserting in lieu thereof
22 “five”.

1 **Subtitle C—Service Academies**

2 **SEC. 521. PROCEDURES FOR NOMINATING CANDIDATES**

3 **FOR ADMISSION TO SERVICE ACADEMIES.**

4 Sections 4342(a), 6954(a), and 9342(a) of title 10,
5 United States Code, are amended—

6 (1) by striking “a principal candidate and nine
7 alternates” in the last sentence of each section and
8 inserting in lieu thereof “ten persons”; and

9 (2) by inserting after the last sentence as
10 amended by paragraph 1 the following new sen-
11 tences: “Nominees may be submitted without rank-
12 ing, or with a principal candidate and nine ranked
13 or unranked alternates. Qualified nominees not se-
14 lected for appointment under this subsection shall be
15 considered qualified alternates for the purposes of
16 selection under other provisions in this chapter.”.

17 **SEC. 522. GRADUATION LEAVE FOR SERVICE ACADEMY**

18 **GRADUATES.**

19 Section 702 of title 10, United States Code, is
20 amended by striking “regular” in the first sentence.

1 **Subtitle D—Education and Training**

2 **SEC. 531. CHANGE TO ROTC ADVANCED COURSE ADMIS-**
3 **SION REQUIREMENTS.**

4 Section 2104(b)(6)(A)(ii) of title 10, United States
5 Code, is amended by striking “not less than six weeks”
6 and inserting in lieu thereof “a”.

7 **Subtitle E—Other Matters**

8 **SEC. 541. AUTHORITY FOR NON-CITIZEN SPOUSE AND CHIL-**
9 **DREN OF NON-CITIZEN SERVICE MEMBERS**
10 **TO RESIDE WITH THE MEMBER IN THE UNIT-**
11 **ED STATES.**

12 Section 101(a) of the Immigration and Naturaliza-
13 tion Act (8 U.S.C. 1101(a)(15)) is amended—

14 (1) by striking out “or” at the end of subpara-
15 graph (Q);

16 (2) by striking out the period at the end of sub-
17 paragraph (R) and inserting in lieu thereof “; or”;
18 and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(S) An alien who is the spouse or child of an
22 alien serving honorably, in the United States, on ac-
23 tive duty in the Armed Forces of the United States,
24 and is accompanying, or coming to join such alien

1 service member for a period not to exceed six years,
2 which may be extended by the Attorney General.”.

3 **SEC. 542. REDUCTION IN THE MAXIMUM NUMBER OF YEARS**
4 **FOR A MILITARY MEMBER TO BE MAIN-**
5 **TAINED ON THE TEMPORARY DISABILITY RE-**
6 **TIRED LIST.**

7 (a) IN GENERAL.—(1) Section 1210(b) of title 10,
8 United States Code, is amended by striking out “five” and
9 inserting in lieu thereof “three”.

10 (2) Section 1210(h) of title 10, United States Code,
11 is amended by striking out “five” and inserting in lieu
12 thereof “three”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect for all military members
15 placed on the temporary disability retired list on or after
16 the date of enactment of this Act.

17 **SEC. 543. CLARIFICATION OF PUNITIVE UCMJ ARTICLE RE-**
18 **GARDING DRUNKEN DRIVING.**

19 Section 911(2) (article 111) of title 10, United States
20 Code, as added by section 1066 of the National Defense
21 Authorization Act for Fiscal Year 1993 (Public Law 102–
22 484; 1106 Stat. 2315, 2506), is amended by inserting “or
23 greater” after “0.10 grams” both times such term
24 appears.

1 **SEC. 544. REPEAL OF THE STATUTORY RESTRICTION ON**
2 **THE ASSIGNMENT OF WOMEN IN THE NAVY**
3 **AND MARINE CORPS.**

4 (a) IN GENERAL.—Section 6015 of title 10, United
5 States Code, is repealed.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 555, United States Code, is
8 amended by striking the item referring to section 6015.

9 **TITLE VI—COMPENSATION AND OTHER**
10 **PERSONNEL BENEFITS**
11 **Subtitle A—Pay and Allowances**

12 **SEC. 601. VARIABLE HOUSING ALLOWANCE FOR CERTAIN**
13 **MEMBERS WHO ARE REQUIRED TO PAY**
14 **CHILD SUPPORT AND WHO ARE ASSIGNED TO**
15 **SEA DUTY.**

16 Section 403a(b)(2) of title 37, United States Code,
17 is amended—

18 (1) in subparagraph (A), by striking out “or”;
19 and

20 (2) by adding at the end the following new sub-
21 paragraph:

22 “(C) the member is not a member who is
23 in a paygrade above E-6, who is assigned to
24 sea duty, and who elects not to occupy assigned
25 unaccompanied quarters; or”.

1 **SEC. 602. PAY FOR MEMBERS OF THE UNIFORMED SERV-**
2 **ICES DURING TIMES OF WAR, HOSTILITIES,**
3 **OR NATIONAL EMERGENCY**

4 (a) IN GENERAL.—Chapter 19 of title 37, United
5 States Code, relating to administration of pay for mem-
6 bers of the uniformed services, is amended—

7 (1) In section 1005, by striking out “Members”
8 and inserting in lieu thereof “Except as provided in
9 section 1013 of this title, members”; and

10 (2) by adding at the end of such chapter the
11 following new section:

12 **“§ 1013. Pay: periods of war, hostilities, or national**
13 **emergency**

14 “In time of war, hostilities, or national emergency de-
15 clared by Congress or the President, the Secretary con-
16 cerned may limit the direct pay, or a portion thereof, to
17 a member of a uniformed service when the member is serv-
18 ing on active duty in an area prescribed for this purpose
19 by the Secretary of Defense. Any amount of pay and al-
20 lowances due but not paid directly to such member may
21 be paid through allotments or assignments as prescribed
22 by the member or credited to the member’s account and
23 paid upon the member’s return or departure from the pre-
24 scribed area. The Secretary concerned shall ensure prompt
25 payment of all pay and allowance.”.

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:

“1013. Pay: periods of war, hostilities, or national emergency.”.

4 **SEC. 603. SEPARATION PAY UPON INVOLUNTARY DIS-**
5 **CHARGE OR RELEASE FROM ACTIVE DUTY.**

6 Section 1174 of title 10, United States Code, is
7 amended in subsection (a)(1), by striking out “five” and
8 inserting in lieu thereof “six”.

9 **SEC. 604. PERMANENT AUTHORITY FOR CERTAIN BONUSES**
10 **AND SPECIAL PAY FOR NURSE OFFICER CAN-**
11 **DIDATES, REGISTERED NURSES AND NURSE**
12 **ANESTHETISTS.**

13 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
14 GRAM.—Section 2130a(a)(1) of title 10 United States
15 Code, is amended by striking out “during the period be-
16 ginning on November 29, 1989, and ending on September
17 30, 1993,” and inserting in lieu thereof “on or after Octo-
18 ber 1, 1993,”.

19 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
20 Section 302d of title 37, United States Code, is amended
21 by striking out “during the period beginning on November
22 29, 1989, and ending on September 30, 1993,” and insert-
23 ing in lieu thereof “on or after October 1, 1993,”.

24 (c) INCENTIVE SPECIAL PAY FOR CERTIFIED REG-
25 ISTERED NURSE ANESTHETISTS.—Section 302e(a) of title

1 37, United States Code, is amended by striking out “dur-
2 ing the period beginning on November 29, 1989, and end-
3 ing on September 30, 1993,” and inserting in lieu thereof
4 “on or after October 1, 1993,”.

5 **SEC. 605. MODIFICATION OF CERTAIN SELECTED RESERVE**
6 **BONUSES.**

7 (a) **SELECTED RESERVE ENLISTMENT BONUS.**—Sec-
8 tion 308c(b)(1) of title 37, United States Code, is amend-
9 ed by striking out “one-half of the bonus shall be paid”
10 and inserting in lieu thereof “an amount not to exceed
11 one-half of the bonus may be paid”.

12 (b) **SELECTED RESERVE AFFILIATION BONUS.**—Sec-
13 tion 308e(c)(2) of title 37, United States Code, is amend-
14 ed—

15 (A) by striking out “fifth anniversary” and in-
16 serting in lieu thereof “sixth anniversary”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(3) In lieu of the procedures set out above, the
20 Secretary concerned may pay the bonus in monthly
21 installments in amounts determined by the Sec-
22 retary. Such monthly payments will begin after the
23 first month of satisfactory service and are payable
24 only for those months the member serves satisfac-

1 torily. Satisfactory service will be determined under
2 regulations prescribed by the Secretary of Defense.”.

3 **SEC. 606. EXPIRING AUTHORITIES.**

4 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
5 tion 301b(a) of title 37, United States Code, is amended
6 by striking out “September 30, 1993” and inserting in
7 lieu thereof “September 30, 1995”.

8 (b) SPECIAL PAY FOR ENLISTED MEMBERS OF THE
9 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-
10 ORITY UNITS.—Section 308d(c) of title 37, United States
11 Code, is amended by striking out “September 30, 1993”
12 and inserting in lieu thereof “September 30, 1995”.

13 (c) YEARS OF SERVICE FOR MANDATORY TRANSFER
14 TO THE RETIRED RESERVE.—Sections 3360(b), 3360(c),
15 3853, and 8359 of title 10, United States Code, are each
16 amended by striking out “September 30, 1993” and in-
17 serting in lieu thereof in each instance “September 30,
18 1995”.

19 (d) GRADE DETERMINATION AUTHORITY FOR CER-
20 TAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b)
21 and 8359(b) of title 10, United States Code, are each
22 amended by striking out “September 30, 1993” and in-
23 serting in lieu thereof in each instance “September 30,
24 1995”.

1 (e) PROMOTION AUTHORITY FOR CERTAIN RESERVE
2 OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d)
3 and 8380(d) of title 10, United States Code, are each
4 amended by striking out “September 30, 1993” and in-
5 serting in lieu thereof in each instance “September 30,
6 1995”.

7 (f) AUTHORITY FOR TEMPORARY PROMOTIONS OF
8 CERTAIN NAVY LIEUTENANTS.—Section 5721(f) of title
9 10, United States Code, is repealed.

10 (g) REPAYMENT OF EDUCATION LOANS FOR CER-
11 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
12 LECTED RESERVE.—Section 2172(d) of title 10, United
13 States Code, is amended by striking out “October 1,
14 1993”, and inserting in lieu thereof “October 1, 1995”.

15 (h) SPECIAL PAY FOR REENLISTMENT BONUS FOR
16 ACTIVE MEMBERS.—Section 308(g) of title 37, United
17 States Code, is amended by striking out “September 30,
18 1993” and inserting in lieu thereof “September 30,
19 1995”.

20 (i) SPECIAL PAY FOR ENLISTMENT BONUS FOR
21 CRITICAL SKILLS.—Section 308a(c) of title 37, United
22 States Code, is amended by striking out “September 30,
23 1993” and inserting in lieu thereof “September 30,
24 1995”.

1 (j) EXTENSION OF RESERVE ENLISTMENT AND RE-
2 ENLISTMENT BONUS AUTHORITIES.—Sections 308b(f),
3 308c(e), 308e(e), 308h(g) and 308i(i) of title 37, United
4 States Code, are each amended by striking out “Septem-
5 ber 30, 1993” and inserting in lieu thereof in each in-
6 stance “September 30, 1995”.

7 (k) SPECIAL PAY FOR CRITICALLY SHORT WARTIME
8 HEALTH SPECIALIST IN THE SELECTED RESERVES.—
9 Section 613(d) of the National Defense Authorization Act,
10 Fiscal Year 1989 (37 U.S.C. 302 note) is amended by
11 striking out “September 30, 1993” and inserting in lieu
12 thereof “September 30, 1995”.

13 (l) CONSERVATION ACTIVITIES ON MILITARY IN-
14 STALLATIONS.—Sections 106(b) and 106(c) of Public Law
15 86–797 (16 U.S.C. 670f(b) and (c)) are each amended
16 by striking out “and 1993,” and inserting in lieu thereof
17 in each instance “1993, 1994, and 1995.”.

18 (m) REDUCTION IN TIME-IN-GRADE REQUIREMENT
19 FOR RETENTION OF GRADE UPON VOLUNTARY RETIRE-
20 MENT.—Section 1370(a)(2) of title 10, United States
21 Code, is amended by striking out “five-year period” and
22 inserting in lieu thereof “ten-year period”.

23 (n) REQUIRED LENGTH OF COMMISSIONED SERVICE
24 FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Section
25 6323(a)(2) of title 10, United States Code, is amended

1 by striking out “five-year period” and inserting in lieu
2 thereof “ten-year period”.

3 (o) JOINT DUTY EXEMPTION FOR NUCLEAR PRO-
4 PULSION OFFICER.—Section 619(e)(1) of title 10, United
5 States Code, is amended by striking out “January 1,
6 1994” and inserting in lieu thereof “January 1, 1996”.

7 (p) MODIFICATION OF RULES FOR CONTINUATION
8 ON ACTIVE DUTY.—Section 638a of title 10, United
9 States Code, is amended by striking out “five-year period”
10 and inserting in lieu thereof “ten-year period”.

11 (q) RETIREMENT OF CERTAIN LIMITED DUTY OFFI-
12 CERS OF THE NAVY.—Title 10, United States Code, as
13 amended by section 504 of the National Defense Author-
14 ization Act for Fiscal Year 1993 (Public Law 102-484;
15 1106 Stat. 2315, 2403), is amended—

16 (1) in section 633, by striking out in the last
17 sentence “and ending on October 1, 1995,”;

18 (2) in section 634, by striking out in the last
19 sentence “and ending on October 1, 1995,”;

20 (3) in section 6383(a) by striking out para-
21 graph 5 and inserting in lieu thereof the following:
22 “(5) Paragraphs (2) through (4) shall be effective
23 July 1, 1993.”; and

24 (4) in section 6383(i), by striking out in the
25 last sentence “During the period beginning on July

1 1, 1993, and ending on October 1, 1995,” and in-
2 sserting in lieu thereof “Beginning on July 1, 1993,”.

3 (r) EXTENSION OF LIMITATION ON PERIOD OF MAN-
4 AGEMENT OF DEFENSE BUSINESS OPERATIONS FUND.—
5 Section 316(a) of the National Defense Authorization Act
6 for Fiscal Years 1992 and 1993 (Public Law 102-190;
7 105 Stat. 1338; 10 U.S.C. 2208 note) is amended by
8 striking out “April 15, 1994” and inserting in lieu thereof
9 “April 15, 1995”.

10 **Subtitle B—Retired Pay and Survivor**

11 **Benefits**

12 **SEC. 611. DISABILITY COVERAGE FOR OFFICER CAN-** 13 **DIDATES GRANTED EXCESS LEAVE.**

14 (a) INCLUSION OF OFFICER CANDIDATES IN ELIGI-
15 BILITY FOR RETIRED PAY.—That portion of section 1201
16 of title 10, United States Code, which precedes paragraph
17 (1) is amended to read as follows:

18 “Upon a determination by the Secretary concerned
19 that a member of a regular component of the armed forces
20 entitled to basic pay; any other member of the armed
21 forces entitled to basic pay who has been called or ordered
22 to active duty (other than for training under section
23 270(b) of this title) for a period of more than 30 days;
24 or a member of the armed forces who is not entitled to
25 basic pay because he is authorized by the Secretary con-

1 cerned under section 502(b) of title 37 to participate in
2 a program leading to appointment, designation, or assign-
3 ment in an officer category, is unfit to perform the duties
4 of his office, grade, rank, or rating because of physical
5 disability incurred while entitled to basic pay, or while not
6 entitled to basic pay because he is authorized by the Sec-
7 retary concerned under section 502(b) of title 37 to par-
8 ticipate in a program leading to appointment, designation,
9 or assignment in an officer category, the Secretary may
10 retire the member, with retired pay computed under sec-
11 tion 1401 of this title, if the Secretary also determines
12 that—”.

13 (b) INCLUSION OF OFFICER CANDIDATES IN ELIGI-
14 BILITY FOR ASSIGNMENT TO THE TEMPORARY DISABIL-
15 ITY RETIRED LIST.—Section 1202 of title 10, United
16 States Code, is amended to read as follows:

17 “Upon a determination by the Secretary concerned
18 that a member of a regular component of the armed forces
19 entitled to basic pay; any other member of the armed
20 forces entitled to basic pay who has been called or ordered
21 to active duty (other than for training under section
22 270(b) of this title) for a period of more than 30 days;
23 or a member of the armed forces who is not entitled to
24 basic pay because he is authorized by the Secretary con-
25 cerned under section 502(b) of title 37 to participate in

1 a program leading to appointment, designation, or assign-
2 ment in an officer category, would be qualified for retire-
3 ment under section 1201 of this title but for the fact that
4 his disability is not determined to be of a permanent na-
5 ture, the Secretary shall, if he also determines that accept-
6 ed medical principles indicate that the disability may be
7 of a permanent nature, place the member's name on the
8 temporary disability retired list, with retired pay computed
9 under section 1401 of this title.”.

10 (c) INCLUSION OF OFFICER CANDIDATES IN ELIGI-
11 BILITY FOR DISABILITY SEPARATION PAY.—That portion
12 of section 1203 of title 10, United States Code, that pre-
13 cedes paragraph (1) is amended to read as follows:

14 “Upon a determination by the Secretary concerned
15 that a member of a regular component of the armed forces
16 entitled to basic pay; any other member of the armed
17 forces entitled to basic pay who has been called or ordered
18 to active duty (other than for training under section
19 270(b) of this title) for a period of more than 30 days;
20 or a member of the armed forces who is not entitled to
21 basic pay because he is authorized by the Secretary con-
22 cerned under section 502(b) of title 37 to participate in
23 a program leading to appointment, designation, or assign-
24 ment in an officer category, is unfit to perform the duties
25 of his office, rank or rating because of physical disability

1 incurred while entitled to basic pay, or while not entitled
2 to basic pay because he is authorized by the Secretary con-
3 cerned under section 502(b) of title 37 to participate in
4 a program leading to appointment, designation, or assign-
5 ment in an officer category, the member may be separated
6 from his armed force with severance pay computed under
7 section 1212 of this title, if the Secretary also determines
8 that—”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall be effective on the date of enactment and
11 shall apply to any physical disability that may be incurred
12 by a member who is not entitled to basic pay because he
13 is authorized by the Secretary concerned under section
14 502(b) of title 37, United States Code, to participate in
15 a program leading to the appointment, designation, or as-
16 signment in an officer category on and after such date.

17 **SEC. 612. TERMINATION OF SERVICEMEN’S GROUP LIFE IN-**
18 **SURANCE WHEN PREMIUMS ARE NOT PAID.**

19 Section 1969(a)(2) of title 38, United States Code,
20 is amended by adding at the end the following new sen-
21 tence: “Notwithstanding the provisions of section
22 1968(a)(4) of this title, a member who is required to make
23 a direct remittance of costs to one of the Armed Forces
24 and who fails to make a timely payment of premiums as
25 required will be deemed to have made a written request

1 for discontinuance of his or her Servicemen’s Group Life
2 Insurance as required by section 1968(a) of this title. The
3 Secretary concerned shall not terminate the insurance of
4 such members without first providing written notification
5 at least 60 days in advance of the proposed termination
6 date.”.

7 **Subtitle C—Other Matters**

8 **SEC. 621. AUTHORIZATION OF PAYMENT OR COLLECTION** 9 **DUE TO FLUCTUATIONS OF FOREIGN CUR-** 10 **RENCY INCURRED BY CERTAIN MILITARY** 11 **MEMBERS.**

12 (a) IN GENERAL.—Section 405(d) of title 37, United
13 States Code, is amended to read as follows:

14 “(d) In the case of a member of the uniformed serv-
15 ices authorized to receive a per diem allowance under sub-
16 section (a), the Secretary concerned may make a lump-
17 sum payment for nonrecurring expenses incurred by the
18 member in occupying private household outside of the
19 United States if authorized or approved under regulations
20 prescribed by the Secretary concerned, including losses ex-
21 perienceed by a member upon the return of refundable
22 housing related deposits or as a result of other trans-
23 actions necessary to secure housing where losses are in-
24 curred solely as the result of fluctuation in the relative
25 values of United States and foreign currencies. Any cur-

1 rency fluctuation gains made by the member upon the re-
2 turn of a refundable housing-related deposit shall be re-
3 coupled by the Secretary concerned. Expenses for which
4 payments are made under this subsection may not be con-
5 sidered for purposes of determining the per diem allow-
6 ance of the member under subsection (a).”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall take effect on October 1, 1993.

9 **SEC. 622. REVISIONS TO SECURITY DEPOSIT WAIVER**
10 **PROGRAM.**

11 Section 1055(c) of title 10, United States Code, is
12 amended—

13 (1) by striking out paragraph (2); and

14 (2) by striking out “(1)” at the beginning of
15 the first paragraph.

16 **SEC. 623. EXTENSION OF DESERT SHIELD POSTPONEMENT**
17 **OF CERTAIN TAX-RELATED ACTS TO OTHER**
18 **CONTINGENCY OPERATIONS.**

19 Section 7508 of the Internal Revenue Code of 1986
20 is amended—

21 (1) in subsection (f), by striking out “Desert
22 Shield services” each place such phrase appears and
23 inserting in lieu thereof “contingency operation serv-
24 ices” in each instance;

1 (2) by amending subsection (f)(2)(A) to read as
2 follows:

3 “(A) such services are performed in the
4 area designated by the Secretary of Defense
5 pursuant to this subparagraph as a contingency
6 operation area, and”; and

7 (3) by amending subsection (f)(2)(B) to read as
8 follows:

9 “(B) such services are performed during
10 the period designated by the Secretary of De-
11 fense as the period of contingency operations in
12 the area designated referred to in subparagraph
13 (A).”.

14 **SEC. 624. INCLUSION OF VICTIMS OF TERRORISM IN CER-**
15 **TAIN TITLE 37 BENEFITS.**

16 (a) IN GENERAL.—Section 559 of title 37, United
17 States Code, is amended—

18 (1) by amending the section heading to read as
19 follows:

20 **“§ 559. Benefits: victims of terrorism; members held**
21 **as captives”;**

22 and

23 (2) in subsection (a)(1), by striking out “if
24 Congress provides to such a member, in an Act en-

1 acted after August 27, 1986, monetary payment in
2 respect of such period of captivity”.

3 (b) CLERICAL AMENDMENT.—The item relating to
4 section 559 in the table of sections at the beginning of
5 chapter 10 of title 37, United States Code, is amended
6 to read as follows:

“559. Benefits: victims of terrorism; members held as captives.”.

7 **SEC. 625. PERMANENT AUTHORITY FOR FORMER PRIS-**
8 **ONERS OF WAR TO CLAIM PAYMENTS BE-**
9 **CAUSE OF VIOLATION OF THE GENEVA CON-**
10 **VENTIONS.**

11 Section 6 of the War Claims Act of 1948 (50 App.
12 U.S.C. 2005) is amended by inserting after subsection (g)
13 the following new subsection:

14 “(h)(1) As used in the subsection, the term ‘prisoner
15 of war’ means any regularly appointed, enrolled, enlisted,
16 or inducted member of the Armed Forces of the United
17 States who was held in captivity as a prisoner of war for
18 any period that, unless the Congress so determines first
19 by concurrent resolution, the President determines for
20 purposes of this subsection to have been a period of con-
21 flict with a force hostile to the United States, except any
22 such member who, at any time, voluntarily, knowingly,
23 and without duress gave aid to or collaborated with, or
24 in any manner served, such hostile force.

1 “(2) The Commission is authorized to receive and to
2 determine, according to the law, the amount and validity,
3 and provide for payment of any claim filed by any prisoner
4 of war for compensation for the failure of the hostile force
5 by which he was held as a prisoner of war, or its agents,
6 to furnish him the quantity or quality of food prescribed
7 for prisoners of war under the terms of the Geneva Con-
8 vention of August 12, 1949. Each claimant is required to
9 bear all burdens of proof under this section. The com-
10 pensation allowed to any prisoner of war under the provi-
11 sions of this paragraph shall be one-half of the food por-
12 tion of the world wide average per diem rate for each day
13 on which he was held as a prisoner of war and on which
14 such hostile force, or its agents, failed to furnish him such
15 quantity or quality food.

16 “(3) The Commission is authorized to receive and de-
17 termine according to law, the amount and validity and to
18 provide for the payment of any claim filed by any prisoner
19 of war for compensation—

20 “(A) for the failure of the hostile force by which
21 he was held as a prisoner of war, or its agents, to
22 meet the conditions and requirements prescribed
23 under Part III, section III, of the Geneva Conven-
24 tion of August 12, 1949, relating to labor of pris-
25 oners of war; or

1 “(B) for inhumane treatment by the hostile
2 force by which he was held, or its agents. The term
3 ‘inhumane treatment’ as used in this subparagraph
4 shall include, but not be limited to, failure of such
5 hostile force, or its agents, to meet the conditions
6 and requirements of one or more of the provisions
7 of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27,
8 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89,
9 90, 97 or 98 of the Geneva Convention of August
10 12, 1949.

11 Compensation shall be allowed to any prisoner of war
12 under this paragraph up to one-half of the full world wide
13 per diem rate, minus one-half of the food portion, for each
14 day on which he was held as a prisoner of war and with
15 respect to which he alleges and proves in a manner accept-
16 able to the Commission the failure to meet the conditions
17 and requirements described in subparagraph (A) of this
18 paragraph or the inhumane treatment described in sub-
19 paragraph (B) of this paragraph. In no event shall the
20 compensation allowed to any prisoner of war under this
21 paragraph exceed one-half of world wide per diem rate
22 with respect to any one day.

23 “(4) Any claim allowed by the Commission under this
24 subsection shall be certified to the Secretary of the Treas-
25 ury for payment out of funds appropriated pursuant to

1 this subsection and shall be paid by the Secretary of the
2 Treasury to the person entitled thereto, and shall, in the
3 case of death or determination of death of the persons who
4 are entitled, be paid only to or for the benefit of the per-
5 sons specified, and in the order established, by subsection
6 (d)(4) of this section.

7 “(5) Each claim filed under this subsection must be
8 filed not later than three years from whichever of the fol-
9 lowing dates last occurs:

10 “(A) The date the prisoner of war by whom the
11 claim is filed returned to the jurisdiction of the
12 Armed Forces of the United States; or

13 “(B) The date upon which the Department of
14 Defense makes a determination that the prisoner of
15 war has actually died or is presumed to be dead, in
16 the case of any prisoner of war who has not re-
17 turned to the jurisdiction of the Armed Forces of
18 the United States.

19 The Commission shall complete its determinations with re-
20 spect to each claim filed under this subsection at the earli-
21 est practicable date, but in no event later than one year
22 after the date on which such claim was filed.

23 “(6)(A) An action may not be instituted upon a claim
24 hereunder unless the claimant first shall have presented
25 the claim to the Commission and such claim shall have

1 been finally denied by the Commission in writing and sent
2 by certified or registered mail. The failure of the Commis-
3 sion to make a final disposition of a claim within one year
4 after it is filed shall, at the option of the claimant any
5 time within two years thereafter, be deemed a final denial
6 of the claim for the purposes of this paragraph. The provi-
7 sions of this paragraph shall not apply to such claims as
8 may be asserted under the Federal Rules of Civil Proce-
9 dure by third party complaint, cross-claim, or counter-
10 claim.

11 “(B) The acceptance by the claimant of any award,
12 compromise, or settlement shall be final and conclusive on
13 the claimant, and shall constitute a complete release of
14 any claim against the United States by reason of the sub-
15 ject matter of the claim.

16 “(C) An action instituted under this subsection must
17 be filed not later than two years from whichever of the
18 following dates first occurs:

19 “(i) The date on which the claim was finally de-
20 nied by the Commission in writing; or

21 “(ii) The first anniversary of the date on which
22 the claim was filed if the Commission fails to make
23 final disposition of a claim within one year after it
24 is filed.

1 “(D) An action under this paragraph shall be insti-
2 tuted only in the United States Court of Federal Claims.
3 The Attorney General or his designee may arbitrate, com-
4 promise, or settle any claim cognizable under this sub-
5 section, after commencement of an action thereon. Attor-
6 ney fees shall be limited to not more than 20 percent of
7 any award.

8 “(E) Action under this paragraph shall not be insti-
9 tuted for any sum in excess of the amount of the claim
10 presented to the Commission, except where the increased
11 amount is based upon newly discovered evidence not rea-
12 sonably discoverable at the time of presenting the claim
13 to the Commission, or upon allegation and proof of inter-
14 vening facts relating to the amount of the claim.

15 “(F) Disposition of any claim by the Attorney Gen-
16 eral or the Commission shall not be competent evidence
17 of liability or amount of damages.

18 “(7) Any claim allowed under the provisions of this
19 subsection shall be paid from funds appropriated pursuant
20 to paragraph (8) of this subsection.

21 “(8) There are authorized to be appropriated such
22 amounts as may be necessary to carry out the purposes
23 of this subsection, including necessary administrative
24 expense.”.

1 **TITLE VII—HEALTH CARE PROVISIONS**

2 **Subtitle A—Health Care Management**

3 **SEC. 701. EXTENSION AND REVISION OF SPECIALIZED**
4 **TREATMENT SERVICES PROGRAM.**

5 (a) EXTENSION OF PROGRAM.—Section
6 1079(a)(7)(B) of title 10, United States Code, is amended
7 by striking out “October 1, 1993” and inserting in lieu
8 thereof, “October 1, 1995”.

9 (b) INCLUSION OF FACILITIES PURSUANT TO CON-
10 TRACT OR AGREEMENT.—Section 1105 of title 10, United
11 States Code, is amended—

12 (1) by redesignating the current text as sub-
13 section (a); and

14 (2) by striking out “within the area served by
15 that facility” in the redesignated subsection (a); and

16 (3) by adding at the end the following new sub-
17 sections (b), (c), and (d):

18 “(b) The Secretary of Defense, after consulting with
19 the other administering Secretaries, shall promulgate reg-
20 ulations to implement this section.

21 “(c) The regulations required by subsection (b) shall
22 include standards for service areas comparable in size to
23 service areas designated for facilities of the uniformed
24 services pursuant to section 1079(a)(7), 1080, and
25 1086(e).

1 “(d) The regulations required by subsection (b) may
2 provide for full or partial reimbursement of reasonable ex-
3 penses for long distance transportation for a covered bene-
4 ficiary to or from a health care facility (including a facility
5 of the uniformed services or a facility referred to in sub-
6 section (a)) at which specialized health care services are
7 provided pursuant to this chapter and long distance trans-
8 portation, temporary lodging and meals (not to exceed the
9 applicable per diem rate) for a non-medical attendant (in-
10 cluding an active duty member) to accompany such bene-
11 ficiary when the Secretary determines that such reim-
12 bursement will permit the health care services to be pro-
13 vided at less total cost to the Department of Defense than
14 if the services were otherwise provided pursuant to this
15 chapter. In lieu of reimbursement for such expenses, the
16 use, when available, of Department of Defense transpor-
17 tation, meals and lodging is authorized.”.

18 **SEC. 702. REVISION AND CODIFICATION OF CHAMPUS PHY-**

19 **SICIAN PAYMENT REFORM PROGRAM.**

20 Section 1079(h) of title 10, United States Code, is
21 amended to read as follows:

22 “(h)(1) Beginning in fiscal year 1994, payment for
23 a charge for services by an individual health care profes-
24 sional (or other non-institutional health care provider) for
25 which a claim is submitted under a plan contracted for

1 under subsection (a) may not exceed the amounts allowed
2 in fiscal year 1993 for similar services, except that—

3 “(A) for services for which the Secretary of De-
4 fense determines an increase is justified by economic
5 circumstances, the allowable amounts may be in-
6 creased in accordance with appropriate economic
7 index data similar to that used pursuant to title
8 XVIII of the Social Security Act; and

9 “(B) for services the Secretary determines are
10 overpriced in comparison to amounts allowed pursu-
11 ant to title XVIII of the Social Security Act, the al-
12 lowable amounts shall be reduced by not more than
13 15 percent.

14 “(2) In implementing the requirements of paragraph
15 (1), the following shall apply:

16 “(A) Any reduction required by paragraph
17 (1)(B) may be waived by the Secretary if the Sec-
18 retary determines that such reduction would impair
19 adequate access to health care services for bene-
20 ficiaries.

21 “(B) The Secretary shall adopt a limitation,
22 similar to that used pursuant to title XVIII of the
23 Social Security Act, on the extent to which a pro-
24 vider may bill a beneficiary an actual charge in ex-
25 cess of the amount allowed under paragraph (1).

1 “(C) The Secretary shall consult with the other
2 administering Secretaries and solicit public comment
3 prior to promulgating regulations to implement this
4 section.”.

5 **SEC. 703. CODIFICATION OF CHAMPUS PEER REVIEW ORGA-**
6 **NIZATION PROGRAM PROCEDURES.**

7 Section 1079 of title 10, United States Code, is fur-
8 ther amended by adding at the end thereof the following
9 new subsection:

10 “(o) Health care services provided pursuant to this
11 section or section 1086 of this title shall not include serv-
12 ices determined under the CHAMPUS Peer Review Orga-
13 nization program to be not medically or psychologically
14 necessary. The Secretary of Defense, after consulting with
15 the other administering Secretaries, may adopt by regula-
16 tion any quality and utilization review requirements and
17 procedures in effect for the Peer Review Organization pro-
18 gram under title XVIII of the Social Security Act (Medi-
19 care) that the Secretary determines necessary, and may
20 adapt the Medicare requirements and procedures to the
21 circumstances of the CHAMPUS PRO program as the
22 Secretary determines appropriate.”.

1 **SEC. 704. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR**
2 **ADVANCED HEALTH PROFESSIONAL DE-**
3 **GREES.**

4 (a) CREDIT ON ORIGINAL APPOINTMENT.—Section
5 533(b)(1) of title 10, United States Code, is amended—

6 (1) in subparagraph (A)—

7 (A) by inserting “professional” in the first
8 sentence after “One year for each year of
9 advanced”;

10 (B) by striking out “Except as provided in
11 clause (E), in” at the beginning of the second
12 sentence and inserting in lieu thereof “In”; and

13 (C) by striking out “postsecondary edu-
14 cation in excess of four that are” in the second
15 sentence and inserting in lieu thereof “advanced
16 education”;

17 (2) by striking out subparagraph (E); and

18 (3) by redesignating subparagraph (F) as sub-
19 paragraph “(E)”.

20 (b) CREDIT AS RESERVE OF THE ARMY.—Section
21 3353(b)(1) of title 10, United States Code, is amended—

22 (1) in subparagraph (A)—

23 (A) by inserting “professional” in the first
24 sentence after “One year for each year of ad-
25 vanced”;

1 (B) by striking out “Except as provided in
2 clause (E), in ” at the beginning of the second
3 sentence and inserting in lieu thereof “In”; and

4 (C) by striking out “postsecondary edu-
5 cation in excess of four that are” in the second
6 sentence and inserting in lieu thereof “advanced
7 education”;

8 (2) by striking out subparagraph (E); and

9 (3) by redesignating subparagraph (F) as sub-
10 paragraph “(E)”.

11 (c) CREDIT IN THE NAVAL RESERVE AND MARINE
12 CORPS RESERVE.—Section 5600(b)(1) of title 10, United
13 States Code, is amended—

14 (1) in subparagraph (A)—

15 (A) by inserting “professional” in the first
16 sentence after “One year for each year of ad-
17 vanced”;

18 (B) by striking out “Except as provided in
19 clause (E), in” at the beginning of the second
20 sentence and inserting in lieu thereof “In”; and

21 (C) by striking out “postsecondary edu-
22 cation in excess of four that are” in the second
23 sentence and inserting in lieu thereof “advanced
24 education”;

25 (2) by striking out subparagraph (E); and

1 (3) by redesignating subparagraph (F) as sub-
2 paragraph “(E)”.

3 (d) CREDIT AS RESERVE OF THE AIR FORCE.—Sec-
4 tion 8353(b)(1) of title 10, United States Code, is amend-
5 ed—

6 (1) in subparagraph (A)—

7 (A) by inserting “professional” in the first
8 sentence after “One year for each year of ad-
9 vanced”;

10 (B) by striking out “Except as provided in
11 clause (E), in” at the beginning of the second
12 sentence and inserting in lieu thereof “In”; and

13 (C) by striking out “postsecondary edu-
14 cation in excess of four that are” in the second
15 sentence and inserting in lieu thereof “advanced
16 education”;

17 (2) by striking out subparagraph (E); and

18 (3) by redesignating subparagraph (F) as sub-
19 paragraph “(E)”.

20 **SEC. 705. CODIFICATION OF REVISED GOVERNANCE STRUC-**
21 **TURE OF THE UNIFORMED SERVICES UNI-**
22 **VERSITY OF THE HEALTH SERVICES.**

23 (a) IN GENERAL.—Section 2113 of title 10, United
24 States Code, is amended—

1 (1) by amending the section heading to read as
2 follows:

3 **“§2113. Authority of Secretary; Board of Regents”;**

4 (2) by amending subsections (a) and (b) to read
5 as follows:

6 “(a) The business of the University shall be con-
7 ducted by the Secretary of Defense.

8 “(b)(1) There shall be a Board of Regents (herein-
9 after in this chapter referred to as the “Board”), which
10 shall serve as an advisory board to the Secretary of De-
11 fense, especially concerning academic affairs of the Uni-
12 versity. The Board shall consist of—

13 “(A) nine persons outstanding in the fields of
14 health, health education, or other fields, who shall be
15 appointed from civilian life by the President of the
16 United States;

17 “(B) the surgeons general of the uniformed
18 services, who shall be ex officio members; and

19 “(C) the President of the University, who shall
20 be an ex officio member.

21 “(2) The term of each member of the Board (other
22 than ex officio members) shall be six years except that—

23 “(A) any member appointed to fill a vacancy oc-
24 ccurring before the expiration of the term for which

1 his predecessor was appointed shall be appointed for
2 the remainder of such term; and

3 “(B) any member whose term of office has ex-
4 pired shall continue to serve until his successor is
5 appointed.”;

6 (3) in subsection (c), by inserting “of the Unit-
7 ed States” after “President”;

8 (4) by amending subsection (d) to read as fol-
9 lows:

10 “(d) The Secretary shall appoint a President of the
11 University, who shall also serve as a nonvoting ex officio
12 member of the Board.”;

13 (5) in subsection (e), by striking out “\$100”
14 and inserting in lieu thereof “\$300”;

15 (6) in subsection (f)—

16 (A) by striking out “Board” each time it
17 appears and inserting in lieu thereof “Sec-
18 retary”; and

19 (B) in paragraph (1), by striking out
20 “after considering the recommendations of the
21 Dean,”;

22 (7) in subsection (g)—

23 (A) by striking out “Board” each time it
24 appears and inserting in lieu thereof “Sec-
25 retary”; and

1 (B) by striking out “subject to the ap-
2 proval of the Secretary of Defense” in the last
3 sentence;

4 (8) in subsection (h), by striking out “Board”
5 and inserting in lieu thereof “Secretary”;

6 (9) in subsection (i), by striking out “Board”
7 and inserting in lieu thereof “Secretary”; and

8 (10) in subsection (j)—

9 (A) by striking out “Board” each time it
10 appears and inserting in lieu thereof in each in-
11 stance “Secretary”; and

12 (B) in paragraph (1)(A), by inserting “or
13 cooperative agreements” after “contracts”.

14 (b) CLERICAL AMENDMENT.—The item relating to
15 section 2113 in the table of sections at the beginning of
16 chapter 104 of title 10, United States Code, is amended
17 to read as follows:

“2113. Authority of Secretary; Board of Regents.”.

18 **SEC. 706. CLARIFICATION OF AUTHORITY FOR GRADUATE**
19 **STUDENT PROGRAM OF THE UNIFORMED**
20 **SERVICES UNIVERSITY OF THE HEALTH**
21 **SCIENCES.**

22 Section 2114 of title 10, United States Code, is
23 amended—

1 **SEC. 708. AUTHORITY FOR THE ARMED FORCES INSTITUTE**
2 **OF PATHOLOGY TO OBTAIN ADDITIONAL DIS-**
3 **TINGUISHED PATHOLOGISTS AND SCI-**
4 **ENTISTS.**

5 Section 176(c) of title 10, United States Code, is
6 amended by adding at the end the following new sentence:
7 “The Secretary of Defense, on a case-by-case basis, may
8 waive the limitation of six distinguished pathologists or
9 scientists if the Secretary determines that such waiver is
10 in the best interest of the Department of Defense.”.

11 **Subtitle B—Other Matters**

12 **SEC. 711. EXCLUSION OF EXPERIENCED MILITARY PHYSI-**
13 **CIANS FROM MEDICARE DEFINITION OF NEW**
14 **PHYSICIAN.**

15 (a) CHARGES IN RURAL AREAS; EFFECT OF
16 UNIFORMED SERVICE EXPERIENCE.—Section
17 1842(b)(4)(F)(i) of the Social Security Act (42 U.S.C.
18 1395u(b)(4)(F)) is amended by adding at the end the fol-
19 lowing new sentence: “The preceding sentence shall not
20 apply to any health care practitioner who has served at
21 least four years as a health care practitioner in one of
22 the uniformed services.”.

23 (b) CHARGES BY NEW PHYSICIANS; EFFECT OF UNI-
24 FORMED SERVICE EXPERIENCE.—Section 1848(a)(4) of
25 the Social Security Act (42 U.S.C. 1395w4(a)(4)) is
26 amended by inserting “, or to any physician who has

1 served at least four years as a physician in one of the uni-
2 formed services” before the period at the end of the second
3 sentence.

4 **SEC. 712. REPEAL OF THE STATUTORY RESTRICTION ON**
5 **USE OF FUNDS FOR ABORTIONS.**

6 (a) IN GENERAL.—Section 1093 of title 10, United
7 States Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of Chapter 55, United States Code, is
10 amended by striking the item referring to section 1093.

11 **TITLE VIII—DEPARTMENT OF DEFENSE**

12 **ORGANIZATION AND MANAGEMENT**

13 **Subtitle A—Office of the Secretary of Defense**

14 **SEC. 801. AUTHORIZATION FOR CERTAIN ORGANIZATIONAL**
15 **CHANGES IN THE OFFICE OF THE SEC-**
16 **RETARY OF DEFENSE.**

17 (a) REORGANIZATION OF THE OFFICE OF THE SEC-
18 RETARY OF DEFENSE.—Chapter 4 of title 10, United
19 States Code, is amended—

20 (1) by redesignating sections 135, 136, 138,
21 139, 140, and 141 as sections 137, 138, 139, 140,
22 141, and 142, respectively;

23 (2) by redesignating section 137 as section 135;

24 (3) by inserting after section 135, as redesign-
25 nated by paragraph (2), the following new section:

1 **“§ 136. Under Secretary of Defense for Personnel and**
2 **Readiness**

3 “(a) There is an Under Secretary of Defense for Per-
4 sonnel and Readiness, appointed from civilian life by the
5 President, by and with the consent of the Senate.

6 “(b) Subject to the authority, direction, and control
7 of the Secretary of Defense, the Under Secretary of De-
8 fense for Personnel and Readiness shall perform such du-
9 ties and exercise such powers as the Secretary of Defense
10 may prescribe in the areas of military readiness, total
11 force management, military and civilian personnel require-
12 ments, military and civilian personnel training, military
13 and civilian family matters, personnel requirements for
14 weapons support, National Guard and Reserve compo-
15 nents, and health affairs.

16 “(c) The Under Secretary of Defense for Personnel
17 and Readiness takes precedence in the Department of De-
18 fense after the Comptroller.”;

19 (4) by amending subsection 131(b) to read as
20 follows:

21 “(b) The Office of the Secretary of Defense is com-
22 posed of the following:

23 “(1) The Deputy Secretary of Defense.

24 “(2) The Under Secretary of Defense for Ac-
25 quisition and Technology.

1 “(3) The Under Secretary of Defense for Pol-
2 icy.

3 “(4) The Comptroller.

4 “(5) The Under Secretary of Defense for Per-
5 sonnel and Readiness.

6 “(6) The Director of Defense Research and En-
7 gineering.

8 “(7) The Assistant Secretaries of Defense.

9 “(8) The Director of Operational Test and
10 Evaluation.

11 “(9) The General Counsel of the Department of
12 Defense.

13 “(10) The Inspector General of the Department
14 of Defense.

15 “(11) Such other offices and officials as may be
16 established by law or the Secretary of Defense may
17 establish or designate in the Office.”;

18 (5) in section 133, by striking out “Under Sec-
19 retary of Defense for Acquisition” each place such
20 term appears, to include the heading for the section,
21 and by inserting in lieu thereof in each instance, to
22 include the heading for such section, “Under Sec-
23 retary of Defense for Acquisition and Technology”;

24 (6) in section 133a, by striking out “Deputy
25 Under Secretary of Defense for Acquisition” each

1 place such term appears, to include the heading for
 2 such section, and by inserting in lieu thereof in each
 3 instance, to include the heading for such section,
 4 “Deputy Under Secretary of Defense for Acquisition
 5 and Technology”;

6 (7) in section 138, as redesignated by this sec-
 7 tion (formerly section 136)—

8 (A) in subsection (a), by striking out “elev-
 9 en” and inserting in lieu thereof “nine”; and

10 (B) in subsection (d), by inserting “and
 11 Comptroller” after “Under Secretaries of De-
 12 fense”; and

13 (8) by amending the table of sections at the be-
 14 ginning of such chapter to read as follows:

“Sec.

“131. Office of the Secretary of Defense.

“132. Deputy Secretary of Defense.

“133. Under Secretary of Defense for Acquisition and Technology.

“133a. Deputy Under Secretary of Defense for Acquisition and Technology.

“134. Under Secretary of Defense for Policy.

“134a. Deputy Under Secretary of Defense for Policy.

“135. Comptroller.

“136. Under Secretary of Defense for Personnel and Readiness.

“137. Director of Defense Research and Engineering.

“138. Assistant Secretaries of Defense.

“139. Director for Operational Test and Evaluation.

“140. General Counsel.

“141. Inspector General.

“142. Assistant to the Secretary of Defense for Atomic Energy.”.

15 (b) ADDITION OF TWO POSITIONS AT LEVEL III OF
 16 THE EXECUTIVE SCHEDULE AND THREE CONFORMING
 17 AMENDMENTS TO THE EXECUTIVE SCHEDULE.—Sub-

1 chapter II of chapter 53 of title 5, United States Code,
2 is amended—

3 (1) in section 5313 (positions at level II), by
4 striking out “Under Secretary of Defense for Acqui-
5 sition” and inserting in lieu thereof “Under Sec-
6 retary of Defense for Acquisition and Technology”;

7 (2) in section 5314 (positions at level III)—

8 (A) by inserting after “Under Secretary of
9 Defense for Policy” the following:

10 “Comptroller of the Department of Defense.

11 “Under Secretary of Defense for Personnel and
12 Readiness.”; and

13 (B) by striking out “Deputy Under Sec-
14 retary of Defense for Acquisition” and inserting
15 in lieu thereof “Deputy Under Secretary of De-
16 fense for Acquisition and Technology.”; and

17 (3) in section 5315 (positions at level IV), by
18 striking out “Assistant Secretaries of Defense (11).”
19 and inserting in lieu thereof “Assistant Secretaries
20 of Defense (9).”.

21 (c) CONFORMING AMENDMENTS TO REFLECT NEW
22 TITLE FOR UNDER SECRETARY OF DEFENSE FOR ACQUI-
23 SITION AND TECHNOLOGY.—Title 10, United States Code,
24 is amended—

1 (1) in section 134(c), by striking out “Under
2 Secretary of Defense for Acquisition” and inserting
3 in lieu thereof “Under Secretary of Defense for Ac-
4 quisition and Technology”;

5 (2) in section 137(b), as redesignated by this
6 Act, by striking out “Under Secretary of Defense for
7 Acquisition” and inserting in lieu thereof “Under
8 Secretary of Defense for Acquisition and Tech-
9 nology”;

10 (3) in section 140, as redesignated by this Act,
11 by striking out “Under Secretary of Defense for Ac-
12 quisition” each place it appears and inserting in lieu
13 thereof, in each instance, “Under Secretary of De-
14 fense for Acquisition and Technology”;

15 (4) in section 171(a), by striking out “Under
16 Secretary of Defense for Acquisition” and inserting
17 in lieu thereof “Under Secretary of Defense for Ac-
18 quisition and Technology”;

19 (5) in section 179(a), by striking out “Under
20 Secretary of Defense for Acquisition” and inserting
21 in lieu thereof “Under Secretary of Defense for Ac-
22 quisition and Technology”;

23 (6) in section 1702, to include the catchline for
24 such section, by striking out “Under Secretary of
25 Defense for Acquisition” and inserting in lieu there-

1 of “Under Secretary of Defense for Acquisition and
2 Technology”;

3 (7) in the table of sections for subchapter I of
4 chapter 87, in the item for section 1702, by striking
5 out “Under Secretary of Defense for Acquisition”
6 and inserting in lieu thereof “Under Secretary of
7 Defense for Acquisition and Technology”;

8 (8) in section 1703, by striking out “Under
9 Secretary of Defense for Acquisition” and inserting
10 in lieu thereof “Under Secretary of Defense for Ac-
11 quisition and Technology”;

12 (9) in section 1707(a), by striking out “Under
13 Secretary of Defense for Acquisition” and inserting
14 in lieu thereof “Under Secretary of Defense for Ac-
15 quisition and Technology”;

16 (10) in section 1722, by striking out “Under
17 Secretary of Defense for Acquisition”, each place it
18 appears, and inserting in lieu thereof at each place
19 “Under Secretary of Defense for Acquisition and
20 Technology”;

21 (11) in section 1735(c), by striking out “Under
22 Secretary of Defense for Acquisition” and inserting
23 in lieu thereof “Under Secretary of Defense for Ac-
24 quisition and Technology”;

1 (12) in section 1737(c), by striking out “Under
2 Secretary of Defense for Acquisition”, each place it
3 appears and inserting in lieu thereof at each place
4 “Under Secretary of Defense for Acquisition and
5 Technology”;

6 (13) in section 1741(b), by striking out “Under
7 Secretary of Defense for Acquisition” and inserting
8 in lieu thereof “Under Secretary of Defense for Ac-
9 quisition and Technology”;

10 (14) in section 1746(a), by striking out “Under
11 Secretary of Defense for Acquisition” and inserting
12 in lieu thereof “Under Secretary of Defense for Ac-
13 quisition and Technology”;

14 (15) in section 1761(b), by striking out “Under
15 Secretary of Defense for Acquisition” and inserting
16 in lieu thereof “Under Secretary of Defense for Ac-
17 quisition and Technology”;

18 (16) in section 1762(a), by striking out “Under
19 Secretary of Defense for Acquisition” each place it
20 appears and inserting in lieu thereof in each place
21 “Under Secretary of Defense for Acquisition and
22 Technology”;

23 (17) in section 1763, by striking out “Under
24 Secretary of Defense for Acquisition” and inserting

1 in lieu thereof “Under Secretary of Defense for Ac-
2 quisition and Technology”;

3 (18) in section 2304(f), by striking out “Under
4 Secretary of Defense for Acquisition” each place it
5 appears and inserting in lieu thereof at each place
6 “Under Secretary of Defense for Acquisition and
7 Technology”;

8 (19) in section 2308(b), by striking out “Under
9 Secretary of Defense for Acquisition” each place it
10 appears and inserting in lieu thereof at each place
11 “Under Secretary of Defense for Acquisition and
12 Technology”;

13 (20) in section 2325(b), by striking out “Under
14 Secretary of Defense for Acquisition” and inserting
15 in lieu thereof “Under Secretary of Defense for Ac-
16 quisition and Technology”;

17 (21) in section 2329, by striking out “Under
18 Secretary of Defense for Acquisition” each place it
19 appears and inserting in lieu thereof at each place
20 “Under Secretary of Defense for Acquisition and
21 Technology”;

22 (22) in section 2350a, by striking out “Under
23 Secretary of Defense for Acquisition” each place it
24 appears and inserting in lieu thereof at each place

1 “Under Secretary of Defense for Acquisition and
2 Technology”;

3 (23) in section 2369, by striking out “Under
4 Secretary of Defense for Acquisition” each place it
5 appears and inserting in lieu thereof at each place
6 “Under Secretary of Defense for Acquisition and
7 Technology”;

8 (24) in section 2399(b), by striking out “Under
9 Secretary of Defense for Acquisition” and inserting
10 in lieu thereof “Under Secretary of Defense for Ac-
11 quisition and Technology”;

12 (25) in section 2435(b), by striking out “Under
13 Secretary of Defense for Acquisition” and inserting
14 in lieu thereof “Under Secretary of Defense for Ac-
15 quisition and Technology”;

16 (26) in section 2436(d), by striking out “Under
17 Secretary of Defense for Acquisition” and inserting
18 in lieu thereof “Under Secretary of Defense for Ac-
19 quisition and Technology”;

20 (27) in section 2438(c), by striking out “Under
21 Secretary of Defense for Acquisition” each place it
22 appears and inserting in lieu thereof at each place
23 “Under Secretary of Defense for Acquisition and
24 Technology”;

1 (28) in section 2503(b), by striking out “Under
2 Secretary of Defense for Acquisition” and inserting
3 in lieu thereof “Under Secretary of Defense for Ac-
4 quisition and Technology”;

5 (29) in section 2523(a), by striking out “Under
6 Secretary of Defense for Acquisition” and inserting
7 in lieu thereof “Under Secretary of Defense for Ac-
8 quisition and Technology”;

9 (30) in section 2534(b), by striking out “Under
10 Secretary of Defense for Acquisition” and inserting
11 in lieu thereof “Under Secretary of Defense for Ac-
12 quisition and Technology”; and

13 (31) in section 171(a), by striking out “Deputy
14 Under Secretary of Defense for Acquisition” and in-
15 serting in lieu thereof “Deputy Under Secretary of
16 Defense for Acquisition and Technology”.

17 **Subtitle B—Professional Military Education**

18 **SEC. 811. AUTHORIZATION FOR THE AWARD OF THE MAS-**
19 **TER OF SCIENCE OF NATIONAL SECURITY**
20 **STRATEGY DEGREE AND THE MASTER OF**
21 **SCIENCE OF NATIONAL RESOURCE STRAT-**
22 **EGY DEGREE.**

23 (a) IN GENERAL.—Chapter 108 of title 10, United
24 States Code, is amended by inserting after section 2162
25 the following new section:

1 **“§2163. National Defense University: master of**
2 **science of national security strategy and**
3 **master of science of national resource**
4 **strategy**

5 “(a) MASTER OF SCIENCE OF NATIONAL SECURITY
6 STRATEGY.—Under regulations prescribed by the Sec-
7 retary of Defense, and upon recommendation by the fac-
8 ulty and commandant of the National War College, the
9 President of the National Defense University may confer
10 the degree of master of science of national security strat-
11 egy upon graduates of the National War college who have
12 fulfilled the requirements for that degree.

13 “(b) MASTER OF SCIENCE OF NATIONAL RESOURCE
14 STRATEGY.—Under regulations prescribed by the Sec-
15 retary of Defense, and upon recommendation by the fac-
16 ulty and commandant of the Industrial College of the
17 Armed Forces, the President of the National Defense Uni-
18 versity may confer the degree of master of science of na-
19 tional resource strategy upon graduates of the Industrial
20 College of the Armed Forces who have fulfilled the re-
21 quirements for that degree.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting

1 after the item relating to section 2162 the following new
2 item:

“2163. National Defense University: master of science of national security strategy and master of science of national resource strategy.”.

3 **Subtitle C—Other Matters**

4 **SEC. 821. AUTHORITY FOR CIVILIAN ARMY EMPLOYEES TO**
5 **ACT ON REPORTS OF SURVEY.**

6 Section 4835 of title 10, United States Code, is
7 amended—

8 (1) in subsection (a), by inserting “or any civil-
9 ian employee of the Department of the Army” after
10 “any officer of the Army”; and

11 (2) in subsection (b), by striking out “an officer
12 of the Army designated by him.” and inserting in
13 lieu thereof “his designee. The Secretary may des-
14 ignate officers of the Army or civilian employees
15 of the Department of the Army to approve such
16 action.”.

17 **SEC. 822. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES**
18 **WHO DIE WHILE SERVING IN AN ARMED CON-**
19 **FLICT WITH THE ARMED FORCES.**

20 (a) IN GENERAL.—Title 10, United States Code, is
21 amended by inserting after section 1482 the following new
22 section:

1 **“§ 1482a. Expenses incident to death of civilian em-**
2 **ployees serving in a contingency oper-**
3 **ation**

4 “(a) The Secretary of Defense, the Secretary of
5 Transportation, and the Secretaries concerned may pay
6 the following expenses incident to the death of a civilian
7 employee who dies while serving with an armed force in
8 a contingency operation:

9 “(1) Round-trip transportation and prescribed
10 allowances for one person to escort the remains of
11 the employee to the place authorized under section
12 5742(b)(1) of title 5.

13 “(2) Presentation of a flag of the United States
14 to the next of kin of the employee.

15 “(3) Presentation of a flag of equal size to the
16 flag presented under paragraph (2) to the parents or
17 parent, if the person to be presented a flag under
18 paragraph (2) is other than the parent of the de-
19 ceased. For the purposes of this paragraph, the term
20 ‘parent’ has the meaning given that term in section
21 1482(a)(11) of this title.

22 “(b) The Secretary of Defense shall prescribe regula-
23 tions to implement this section. The Secretary of Trans-
24 portation shall prescribe regulations to implement this sec-
25 tion with regard to civilian employees of the Department

1 of Transportation. Such regulations shall be uniform to
2 the extent possible.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 75 of this title is amended
5 by inserting after the item relating to section 1482 the
6 following new item:

“1482a. Expenses incident to death of civilian employees serving in a contin-
gency operation.”.

7 **SEC. 823. PROVIDING FLEXIBILITY IN THE OFFICE OF THE**
8 **INSPECTORS GENERAL OF THE UNITED**
9 **STATES ARMY AND AIR FORCE.**

10 (a) ARMY.—Section 3020(e) of title 10, United
11 States Code, is amended by striking “shall be” in the last
12 sentence and inserting in lieu thereof “may be either (1)
13 a civilian appointed in the competitive service or in the
14 Senior Executive Service as a career appointee, or (2)”.

15 (b) AIR FORCE.—Section 8020(e) of title 10, United
16 States Code, is amended by striking “shall be” in the last
17 sentence and inserting in lieu thereof “may be either (1)
18 a civilian appointed in the competitive service or in the
19 Senior Executive Service as a career appointee, or (2)”.

1 **TITLE IX—GENERAL PROVISIONS**

2 **SEC. 901. AWARDING OF GOLD STAR LAPEL BUTTONS TO**
3 **SURVIVORS OF UNITED STATES SERVICE**
4 **MEMBERS KILLED BY TERRORIST ACTS.**

5 Section 1126 of title 10, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking out “or” at the end of
9 paragraph (1);

10 (B) by striking out the period at the end
11 of paragraph (2)(iii) and inserting in lieu there-
12 of a semicolon; and

13 (C) by inserting after paragraph (2) the
14 following new paragraphs:

15 “(3) who lost or lose their lives after March 28,
16 1973, as a result of an international terrorist attack
17 against the United States or a foreign nation friend-
18 ly to the United States, recognized as such an attack
19 by the Secretary of the department concerned, or
20 jointly by the Secretaries of the departments con-
21 cerned if persons from more than one departments
22 are killed in the attack; or

23 “(4) who lost or lose their lives after March 28,
24 1973, as a result of military operations, while serv-

1 ing outside the territory of the United States as part
2 of a peace keeping force.”; and

3 (2) in subsection (d), by inserting after para-
4 graph (6) the following new paragraphs:

5 “(7) The term ‘military operations’ includes
6 military personnel assisting in United States govern-
7 ment sponsored training of foreign nations’ military
8 personnel.

9 “(8) The term ‘Peace Keeping Force’ includes
10 authorized United Nations peace keeping oper-
11 ations.”.

12 **SEC. 902. AVIATION LEADERSHIP PROGRAM.**

13 (a) IN GENERAL.—Title 10, United States Code, is
14 amended by inserting after chapter 903 the following new
15 chapter:

CHAPTER 905—AVIATION LEADERSHIP PROGRAM

“Sec.

“9381. Findings.

“9382. Establishment of program.

“9383. Supplies and clothing.

“9384. Allowances.

“9385. Coordination with the Secretary of State.

16 **“§ 9381. Findings**

17 “The Congress finds—

18 “(1) that the training of pilots from the air
19 forces of friendly foreign nations in the United
20 States furthers United States interests, promotes
21 closer relations, and advances the national security;

1 “(2) that many friendly foreign nations cannot
2 afford to reimburse the United States for the cost
3 of such training provided; and

4 “(3) that it is in the national interest to author-
5 ize the Secretary of the Air Force to establish a pro-
6 gram of pilot training for personnel of the air forces
7 of friendly, less developed foreign nations.

8 **“§ 9382. Establishment of program**

9 “The Secretary of the Air Force may establish and
10 maintain an Aviation Leadership Program which will pro-
11 vide undergraduate pilot training and necessary related
12 training (including, but not limited to, language training
13 and programs to promote better awareness and under-
14 standing of the democratic institutions and social frame-
15 work of the United States) to selected personnel of the
16 air forces of friendly, less-developed foreign nations.

17 **“§ 9383. Supplies and clothing**

18 “(a) Under such conditions as he may prescribe, the
19 Secretary of the Air Force may provide to persons receiv-
20 ing training under this chapter—

21 “(1) transportation incident to such training;

22 “(2) supplies and equipment for the use of such
23 persons during training;

24 “(3) flight clothing and other special clothing
25 required for training; and

1 “(4) billeting, food, and health services.

2 “(b) The Secretary may authorize such expenditures
3 from the appropriations of the Air Force as he considers
4 necessary for the efficient and effective maintenance of the
5 Program in accordance with this chapter.

6 **“§ 9384. Allowances**

7 “The Secretary of the Air Force may pay to persons
8 receiving training under this chapter a living allowance at
9 a rate to be prescribed by him, taking into account the
10 amount of living allowances authorized for members of the
11 United States Armed Forces under similar circumstances.

12 **“§ 9385. Coordination with the Secretary of State**

13 “Each proposal for training under this chapter shall
14 be planned and implemented in coordination with the Sec-
15 retary of State.”.

16 (b) CLERICAL AMENDMENT.—(1) The table of con-
17 tents of title 10, United States Code, at the beginning of
18 such title, is amended—

19 (A) in part III of subtitle D the first occasion
20 it appears, by inserting after the item relating to
21 chapter 903 the following new item:

“905. Aviation Leadership Program 9381”;

22 and

23 (B) in part III of subtitle D the second occa-
24 sion it appears, by inserting after the item relating
25 to section 9355 the following new items:

1 **“CHAPTER 905—AVIATION LEADERSHIP**
 2 **PROGRAM**

“Sec.

“9381. Findings.

“9382. Establishment of program.

“9383. Supplies and clothing.

“9384. Allowances.

“9385. Coordination with the Secretary of State.”.

3 (2) The table of chapters of subtitle D of title
 4 10, United States Code, at the beginning of such
 5 subtitle, and the table of chapters of part III of sub-
 6 title D of title 10, United States Code, at the begin-
 7 ning of such part, are amended by inserting after
 8 the item relating to chapter 903 in both instances
 9 the following new item:

“905. Aviation Leadership Program. 9381”.

10 **TITLE X—MATTERS RELATING TO ALLIES**
 11 **AND OTHER NATIONS**

12 **SEC. 1001. EXCHANGE OF PERSONNEL BETWEEN THE UNIT-**
 13 **ED STATES ARMED FORCES AND FOREIGN**
 14 **DEFENSE DEPARTMENTS OR MINISTRIES.**

15 (a) AUTHORIZATION FOR PERSONNEL EX-
 16 CHANGES.—Chapter 53 of title 10, United States Code,
 17 is amended by inserting after section 1051 the following
 18 new section:

1 **“§ 1052. Exchange of personnel of the United States**
2 **Armed Forces with foreign defense de-**
3 **partments or ministries**

4 “(a) Subject to any other provision of law, the Sec-
5 retary of Defense may enter into agreements with the gov-
6 ernments of allied and friendly foreign countries for the
7 exchange of military and civilian personnel of the United
8 States Armed Forces and such personnel of the defense
9 departments or ministries of such foreign governments.
10 Pursuant to these agreements, personnel of foreign de-
11 fense departments or ministries may be assigned to posi-
12 tions in the United States Armed Forces, and personnel
13 of the United States Armed Forces may be assigned to
14 positions in foreign defense departments or ministries. In
15 the case of agreements for the exchange of personnel en-
16 gaged in research and development activities, such agree-
17 ments may provide for assignments to positions in private
18 industry which support the foreign defense departments
19 or ministries. The specific positions and the individuals to
20 be assigned must be acceptable to both governments.
21 These agreements shall be based on the principle of reci-
22 procity such that each government will provide personnel
23 of essentially equal qualifications, training, and skill. Sal-
24 ary, per diem, cost of living, travel, cost of language or
25 other training, and other costs (except for cost of tem-
26 porary duty directed by the host government and costs in-

1 cident to the use of host government facilities in the per-
2 formance of assigned duties) shall be paid by each govern-
3 ment for its own personnel in accordance with its laws
4 and regulations.

5 “(b) Personnel assigned to the United States and
6 United States personnel assigned to a foreign government
7 under subsection (a) shall not be required to take an oath
8 of allegiance to their host nation and shall hold no official
9 capacity in the host nation.

10 “(c) The foregoing shall not limit the authority of the
11 Secretaries of the military departments to conclude agree-
12 ments for the exchange of active duty military personnel
13 pursuant to proper legal authority upon the same condi-
14 tions of reciprocity and cost as specified herein and in con-
15 formance with such regulations as the Secretary of
16 Defense may promulgate.”; and

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after the item relating to section 1051 the following new
20 item:

“1052. Exchange of personnel of the United States Armed Forces with foreign
defense departments or ministries.”.

1 **SEC. 1002. TRANSFER OF CERTAIN DEFENSE ARTICLES IN**
2 **THE WAR RESERVE ALLIES STOCKPILE TO**
3 **THE REPUBLIC OF KOREA.**

4 Subject to any other provision of law and notwith-
5 standing section 514 of the Foreign Assistance Act of
6 1961 (22 U.S.C. 2321h), the Secretary of Defense is au-
7 thorized to transfer to the Republic of Korea, in return
8 for concessions to be negotiated by the Secretary, all or
9 any part of obsolete or surplus (no longer used by the
10 United States) equipment, tanks, weapons, repair parts,
11 and ammunition in the inventory of the Department of
12 Defense which is intended for use as reserve stocks for
13 the Republic of Korea and is located, or is subject to being
14 located, in a stockpile in the Republic of Korea on the
15 date of enactment of this Act. The concessions (including
16 cash compensation, services, waiver of charges otherwise
17 payable by the United States, and other items of value)
18 to be negotiated by the Secretary shall not be less than
19 the fair market value of the items transferred.

20 **SEC. 1003. REPORT REQUIREMENT REPEALED.**

21 Section 1002(d)(2)(A) of the Department of Defense
22 Authorization Act, 1985 (Public Law 98-525; 98 Stat.
23 2575), relating to a report on the status and cost of the
24 United States commitment to NATO, is repealed.

1 **SEC. 1004. BURDEN SHARING CONTRIBUTIONS BY JAPAN,**
2 **KUWAIT, AND THE REPUBLIC OF KOREA.**

3 (a) IN GENERAL.—Subchapter II of chapter 138 of
4 title 10, United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 2350j. Burden sharing contributions**

7 “(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Not-
8 withstanding section 1306 of title 31, United States Code,
9 the Secretary of Defense may accept cash contributions
10 from Japan, Kuwait, and the Republic of Korea for the
11 purposes specified in subsection (c).

12 “(b) CREDITS.—Contributions accepted under sub-
13 section (a) shall be credited to appropriations of the De-
14 partment of Defense. The contributions so credited shall
15 be merged with the appropriations and funds to which
16 they are credited.

17 “(c) AVAILABILITY OF CONTRIBUTIONS.—Contribu-
18 tions accepted under subsection (a) shall be available only
19 for payment of the following costs:

20 “(1) Compensation for local national employees.

21 “(2) Military construction projects.

22 “(3) Supplies and services.

23 “(d) AUTHORIZATION OF MILITARY CONSTRUC-
24 TION.—Contributions credited under subsection (b) to an
25 appropriation account of the Department of Defense may
26 be used—

1 “(1) by the Secretary of Defense to carry out
2 a military construction project that is consistent
3 with the purposes for which the contribution was
4 made and is not otherwise authorized by law; or

5 “(2) by the Secretary of a military department,
6 with the approval of the Secretary of Defense, to
7 carry out such a project.

8 “(e) NOTICE AND WAIT REQUIREMENTS.—(1) When
9 a decision is made to carry out a military construction
10 project under subsection (d), the Secretary of Defense
11 shall submit a report to the congressional defense commit-
12 tees containing—

13 “(A) an explanation of the need for the project;

14 “(B) the then current estimate of the cost of
15 the project; and

16 “(C) a justification for carrying out the project
17 under that subsection.

18 “(2) The Secretary of Defense or the Secretary of
19 a military department may not commence a military con-
20 struction project under subsection (d) until the end of the
21 21-day period beginning on the date on which the Sec-
22 retary of Defense submits the report under paragraph (1)
23 regarding the project.”.

1 “(b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of subchapter II of such chapter 138 is
 3 amended by adding at the end the following new item:

“2350j. Burden sharing contributions.”.

4 “(c) REPORTING REQUIREMENT.—Not later than 30
 5 days after the end of each quarter of fiscal year 1994,
 6 the Secretary of Defense shall submit to the congressional
 7 defense committees a report specifying separately for
 8 Japan, Kuwait, and the Republic of Korea—

9 “(1) the amount of the contributions accepted
 10 by the Secretary during the preceding quarter under
 11 section 2350j of title 10, United States Code, and
 12 the purposes for which the contributions were made;
 13 and

14 “(2) the amount of the contributions expended
 15 by the Secretary during the preceding quarter and
 16 the purposes for which the contributions were ex-
 17 pended.

○

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