AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



103D CONGRESS
1ST SESSION

# H. R. 2401

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 27), 1993
Received

# AN ACT

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 1994''.

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

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Defense Health Program.
Sec. 107. Reserve components.
Sec. 108. Chemical demilitarization program.
Sec. 109. National Shipbuilding Initiative.
Sec. 110. Denial of multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.
Sec. 112. TOW missile program.

Subtitle C—Navy Programs

Sec. 121. DDG–51 destroyer and fast sealift programs.
Sec. 122. Attack submarine programs.
Sec. 123. Long-term lease authority for certain vessels.
Sec. 124. Long-term lease authority for certain roll-on/roll-off vessels.

Subtitle D—Air Force Programs (Nonstrategic)

Sec. 131. Intertheater airlift program.
Sec. 132. RC–135 aircraft program.
Sec. 133. Use of F–16 aircraft advance procurement funds for program termination costs.
Sec. 134. C–17 aircraft program.

Subtitle E—Strategic Programs

Sec. 151. B–2 bomber aircraft program.
Sec. 152. B–1 bomber aircraft program.
Sec. 153. Trident II (D–5) missile procurement.
Sec. 154. Study of Trident missile submarine program.

Subtitle F—Other Matters

Sec. 171. Chemical munitions disposal facilities, Tooele Army Depot, Utah.
Sec. 172. Authority to convey Los Alamos dry dock.
Sec. 173. Sales authority of certain working-capital funded industrial facilities of the Army.
Sec. 174. Conveyance of observation aircraft.
Sec. 175. Chemical demilitarization program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Manufacturing technology development.
Sec. 203. Reentry vehicle industrial base.
Sec. 204. Reallocation of certain R&D funds.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Demonstration program for ballistic missile post-launch destruct mechanism.
Sec. 212. Funding for certain tactical intelligence programs.
Sec. 213. Federally funded research and development centers.
Sec. 214. High Performance Computer Modernization Program.
Sec. 215. High Performance Computing and Communication Initiative.
Sec. 216. Superconducting Magnetic Energy Storage (SMES) program.
Sec. 217. Single Stage Rocket Technology.
Sec. 218. Advanced anti-radiation guided missile.
Sec. 219. DP–2 Vectored Thrust Technology Demonstration Project.
Sec. 220. Advanced Self Protection Jammer (ASPJ) Program.
Sec. 221. Electronic combat systems testing.
Sec. 222. Limitation on Department of Defense missile launches for test purposes.
Sec. 223. B–1 bomber aircraft program.

Subtitle C—Missile Defense Programs

Sec. 231. Funding for fiscal year 1994.
Sec. 232. Report on allocation of funds.
Sec. 233. Transfer authorities for ballistic missile defense.
Sec. 234. Revisions to Missile Defense Act of 1991.
Sec. 235. Patriot Advanced Capability–3 theater missile defense system.
Sec. 236. Development and testing of anti-ballistic missile systems or components to be carried out in accordance with traditional interpretation of Anti-Ballistic Missile Treaty.
Sec. 237. Theater missile defense road map.
Sec. 238. Additional BMD programs.
Sec. 239. Report on national missile defense cost.
Sec. 240. Theater missile defense interceptor testing.
Sec. 241. Arrow Tactical Anti-Missile program.
Sec. 242. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 243. Technical amendments to reflect redesignation of Strategic Defense Initiative Organization.
Sec. 244. Clementine satellite program.
Sec. 245. Tactical and theater missile defenses.

Subtitle D—Women's Health Research

Sec. 251. Defense Women's Health Research Center.
Sec. 252. Continuation of army breast cancer research program.
Sec. 253. Inclusion of women and minorities in clinical research projects.
Sec. 254. Report on research relating to female members of the uniformed services and female covered beneficiaries.

Subtitle E—Other Matters

Sec. 261. Repeal of requirement for study by Office of Technology Assessment.
Sec. 262. Comprehensive independent study of national cryptography policy.
Sec. 263. Review of assignment of defense research and development categories.
Sec. 264. One-year delay in transfer of management responsibility for Navy mine countermeasures program.
Sec. 265. Strategic Environmental Research and Development Program.
Sec. 266. Authorized use for facility constructed with prior defense grant funds.
Sec. 267. Grant to support establishment of research facility to study low-level chemical sensitivities.
Sec. 268. Lyme disease program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Fund.

Subtitle B—Limitations

Sec. 311. Notification requirement prior to transfer of certain funds.
Sec. 312. Extension of limitation on the use of certain funds for Pentagon Reservation.
Sec. 313. Prohibition on operation of the Naval Air Station, Bermuda.

Sec. 314. Limitation on the use of appropriated funds for Department of Defense golf courses.
Sec. 315. Codification of prohibition on the use of certain cost comparison studies.
Sec. 316. Location of certain prepositioning facilities.
Sec. 317. Use of funds for Navy depot backlog.
Sec. 318. Limitation on use of funds for Trident submarine force.
Sec. 319. Limitation on obligation of funds in connection with upgrades or repairs at the Army Reserve Facility in Marcus Hook, Pennsylvania.
Sec. 320. Prohibition on contracts with the Bahrain Ship Repairing and Engineering Company for ship repair.
Sec. 321. Limitation on chartering of vessels on which reflagging or conversion work has been performed in a foreign shipyard.
Sec. 322. One-year prohibition on reduction of force structure for reserve component special operations forces.
Sec. 323. Prohibition on joint use of Selfridge Air National Guard Base, Michigan, with civil aviation.
Sec. 324. Limitation on use of Government facilities for certain master ship repair agreements.

Subtitle C—Defense-Wide Funds

Sec. 331. Prohibition on use of Defense Business Operations Fund.
Sec. 332. Classification of certain competitive and noncompetitive activities of the Department of Defense; Noncompetitive Rates Board.
Sec. 333. Competitive and Regulated Business Operations Funds.
Sec. 334. Extension of limitation on obligation against Defense Business Operations Fund.

Subtitle D—Depot-Level Activities

Sec. 341. Department of Defense depot task force.
Sec. 342. Retention of depot-level maintenance workload management by the military departments.
Sec. 343. Continuation of certain percentage limitations on the performance of depot-level maintenance.
Sec. 344. Prohibition on performance of certain depot-level work by foreign contractors.
Sec. 345. Modification of limitation on the performance of depot-level maintenance of materiel.
Sec. 346. Clarification of limitation on the performance of depot-level maintenance of materiel for new weapon systems.
Sec. 347. Authority to waive certain claims of the United States.

Subtitle E—Commissaries and Military Exchanges

Sec. 351. Expansion and clarification of commissary and exchange benefits.
Sec. 352. Prohibition on operation of commissary stores by active duty members of the Armed Forces.
Sec. 353. Modernization of automated data processing capability of the Defense Commissary Agency.
Sec. 354. Operation of Stars and Stripes bookstores by the military exchanges.
Sec. 355. Availability of funds for Nexcom relocation expenses.

Subtitle F—Other Matters

Sec. 361. Emergency and extraordinary expense authority for the Inspector General of the Department of Defense.
Sec. 362. Authority for civilian Army employees to act on reports of survey.
Sec. 363. Extension of guidelines for reductions in civilian positions.
Sec. 364. Authority to extend mailing privileges.
Sec. 365. Extension and modification of pilot program to use National Guard personnel in medically underserved communities.
Sec. 366. Amendments to the Armed Forces Retirement Home Act of 1991.
Sec. 367. Required payment date under Prompt Payment Act for procurement of baked goods.
Sec. 368. Provision of facilities and services of the Department of Defense to certain educational entities.
Sec. 369. Modification of restriction on repair of certain vessels the homeport of which is planned for reassignment.
Sec. 370. Escorts and flags for civilian employees who die while serving in an armed conflict with the Armed Forces.
Sec. 371. Maintenance of Pacific battle monuments.
Sec. 372. Exclusive use of aircraft carrier for full-time training.
Sec. 373. Report on certain educational arrangements for children residing on military installations in the United States.
Sec. 374. One-year extension of certain programs.
Sec. 375. Ships' stores.

Subtitle G—Environmental Provisions

Sec. 381. Modification of annual report on environmental restoration and compliance by the Department of Defense. –
Sec. 382. Indemnification of transferees of closing defense property.
Sec. 383. Annual report on reimbursement of contractor environmental response costs for other than response action contractors.

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.
Sec. 414. Force structure allowance for Army National Guard.
Sec. 415. Personnel level for Navy Craft of Opportunity (COOP) Program.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.
Sec. 422. Student loads at war colleges and at command and general staff colleges.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Active Components

Sec. 501. Years of service for eligibility for separation pay for regular officers involuntarily discharged.
Sec. 502. Extension of eligibility for voluntary separation incentive and special separation benefits programs.
Sec. 503. Eligibility for involuntary separation benefits.
Sec. 504. Two-year extension of authority for temporary promotion of certain Navy lieutenants.
Sec. 505. Officers ineligible for consideration by early retirement boards.
Sec. 506. Remedy for ineffective counseling of officers discharged following selection by early discharge boards.

Subtitle B—Reserve Components

Sec. 511. Expansion of Selected Reserve call-up period from 90 days to 180 days.
Sec. 512. Number of full-time reserve personnel who may be assigned to ROTC duty.
Sec. 513. Repeal of mandated reduction in Army Reserve component full-time manning end strength.
Sec. 514. Two-year extension of certain Reserve Officer Management Programs.
Sec. 515. Cadre divisions.
Sec. 516. Test program for Reserve Combat Maneuver Unit integration.
Sec. 517. Revisions to pilot program for active component support of the reserves.
Sec. 518. Revision of certain deadlines under Army Guard combat reform initiative.
Sec. 519. Annual report on implementation of Army National Guard reform initiative.
Sec. 520. FFRDC study of State and Federal missions of the National Guard.
Sec. 521. Educational assistance for graduate programs for members of the Selected Reserve.
Sec. 522. Transition benefits for Coast Guard Reserve.

Subtitle C—Warrant Officers

Sec. 531. Authorization for involuntary separation of certain regular warrant officers.
Sec. 532. Determination of service for warrant officer retirement sanctuary.

Subtitle D—Women in the Service

Sec. 541. Repeal of the statutory restriction on the assignment of women in the Navy and Marine Corps.
Sec. 542. Gender-neutral occupational performance standards.
Sec. 543. Notice to Congress of changes to ground combat exclusion policy.

Subtitle E—Victims' Rights and Family Advocacy

Sec. 551. Mandatory arrests by military law enforcement officials when called to scenes of domestic violence.
Sec. 552. Improved procedures for notification of victims and witnesses of status of prisoners in military correctional facilities.
Sec. 553. Study of stalking by persons subject to UCMJ.

Sec. 554. Transitional compensation for dependents of members of the armed forces discharged for dependent abuse.

Subtitle F—Matters Relating to Military Justice

Sec. 561. Improved right of appeal in court-martial cases.
Sec. 562. Clarification of punitive UCMJ article regarding drunken driving.

Subtitle G—Other Matters

Sec. 571. Change in timing of required drug and alcohol testing and evaluation of applicants for appointment as cadet or midshipman and for ROTC graduates.
Sec. 572. Reimbursement requirements for advanced education assistance.
Sec. 573. Recognition of powers of attorney notarized by defense notary public.
Sec. 574. Policy concerning homosexuality in the Armed Forces.
Sec. 575. Foreign language proficiency test program.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1994.
Sec. 602. Variable housing allowance for certain members who are required to pay child support and who are assigned to sea duty.
Sec. 603. Pay for students at service academy preparatory schools.
Sec. 604. Advance payments in connection with the evacuation of members and dependents of members from designated places.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Permanent authority for certain bonuses and special pay for nurse officer candidates, registered nurses and nurse anesthetists.
Sec. 612. Extension and modification of certain Selected Reserve bonuses.
Sec. 613. Extensions of authorities relating to payment of other bonuses and special pays.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Authorization of payment or collection due to fluctuations of foreign currency incurred by certain military members.

Subtitle D—Other Matters

Sec. 631. Definition of dependent for purposes of allowances to include certain unmarried persons in the legal custody of a member or former member.
Sec. 632. Clarification of eligibility for tuition assistance.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Primary and preventive health-care services for women.
Sec. 702. Definition of dependent for purposes of medical and dental coverage to include certain unmarried persons in the legal custody of a member or former member.

Subtitle B—Health Care Management

Sec. 711. Extension and revision of specialized treatment services program.
Sec. 712. Codification of CHAMPUS Peer Review Organization program procedures.
Sec. 713. Federal preemption regarding contracts for medical and dental care.
Sec. 714. Delay of termination effective date for Uniformed Services Treatment Facilities.
Sec. 715. Managed-care delivery and reimbursement model for the Uniformed Services Treatment Facilities.
Sec. 716. Clarification of conditions on expansion of CHAMPUS reform initiative to other locations.
Sec. 717. Increased flexibility for personal service contracts in military medical treatment facilities.
Sec. 718. Expansion of the program for the collection of health care costs from third-party payers.
Sec. 719. Alternative resource allocation method for medical facilities of the uniformed services.
Sec. 720. Use of health maintenance organization model as option for military health care.
Sec. 721. Authorization for automated medical record capability to be included in medical information system.

Subtitle C—Other Matters

Sec. 731. Award of constructive service credit for advanced health professional degrees.
Sec. 732. Clarification of authority for graduate student program of the Uniformed Services University of the Health Sciences.
Sec. 733. Authority for the Armed Forces Institute of Pathology to obtain additional distinguished pathologists and scientists.
Sec. 734. Report on the provision of health-care services to women.
Sec. 735. Sense of Congress regarding the inclusion of chiropractic care as a type of health care authorized under CHAMPUS.
Sec. 736. Report regarding demonstration programs for the sale of pharmaceuticals.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

Sec. 801. Defense Procurement Technical Assistance Program.
Sec. 802. Historically Black colleges and universities.

Subtitle B—Provisions to Streamline Defense Acquisition Laws

Sec. 811. Repeal and amendment of obsolete, redundant, or otherwise unnecessary laws applicable to Department of Defense generally.
Sec. 812. Extension to Department of Defense generally of certain acquisition laws applicable to the Army and Air Force.
Sec. 813. Repeal and amendment of certain acquisition laws applicable to the Army and Air Force.
Sec. 814. Consolidation, repeal, and amendment of certain acquisition laws applicable to the Navy.
Sec. 815. Additional authority to contract for fuel storage and management.
Sec. 816. Additional authority relating to the acquisition of petroleum.
Sec. 817. Simplified acquisition threshold.
Sec. 818. Procurement of commercial and nondevelopmental items.

Sec. 819. Technical and clerical amendments.

Subtitle C—Other Matters

Sec. 821. Reports on contract bundling.
Sec. 822. Prohibition on competition between depot maintenance activities and small businesses for certain maintenance contracts.
Sec. 823. Clarification of requirement for domestic manufacture of propellers for ships funded under the Fast Sealift Program.
Sec. 824. Pilot program to improve pricing policies for use of major range and test facility installations of the Air Force.
Sec. 825. Compliance with Buy American Act.
Sec. 826. Sense of Congress; requirement regarding notice.
Sec. 827. Prohibition of contracts.
Sec. 828. Reciprocity.
Sec. 829. Clarification of exclusion of military architectural and engineering contracts under Small Business Competitiveness Demonstration program.
Sec. 830. Authority to dispose of equipment whose operation and support costs exceed costs of procuring replacement equipment.
Sec. 831. Reports by defense contractors of dealings with terrorist countries.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

Sec. 901. Enhanced position for Comptroller of Department of Defense.
Sec. 902. New position of Under Secretary of Defense for Personnel and Readiness.
Sec. 903. Redesignation of positions of Under Secretary and Deputy Under Secretary of Defense for Acquisition.
Sec. 904. Further conforming amendments to chapter 4 of title 10, United States Code.
Sec. 905. Director of Operational Test and Evaluation.

Subtitle B—Reserve Commands

Sec. 921. Army Reserve Command.
Sec. 922. Naval Reserve Command.
Sec. 923. Marine Corps Reserve Command.
Sec. 924. Air Force Reserve Command.

Subtitle C—Professional Military Education

Sec. 931. Authority for award by National Defense University of certain master of science degrees.
Sec. 932. Redesignation of Armed Forces Staff College.
Sec. 933. Location for new Joint Warfighting Center.
Sec. 934. Authority to employ civilian faculty members at George C. Marshall European Center for Security Studies.

Subtitle D—Other Matters

Sec. 941. Assignment of reserve forces.
Sec. 942. Moratorium on merger of Space Command and Strategic Command.
Sec. 943. Security clearances for civilian employees.
Sec. 944. Program for videotaping of investigative interviews.

Sec. 945. Flexibility in administering requirement for annual four percent reduction in number of personnel assigned to headquarters and headquarters support activities.
Sec. 946. Enhanced flexibility relating to requirements for service in a joint duty assignment.
Sec. 947. Flexibility for required post-education joint duty assignment.
Sec. 948. Report on options for organizational structure for imagery collection functions.
Sec. 949. Report on Department of Defense Bottom Up Review.
Sec. 950. Reinvestigation by Defense Inspector General of certain cases of death of members of the Armed Forces by self-inflicted wounds.
Sec. 951. Prohibition of transfer of Naval Academy Preparatory School.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Clarification of scope of authorizations.
Sec. 1003. Incorporation of classified annex.
Sec. 1004. Defense cooperation account.
Sec. 1005. Humanitarian and civic assistance.
Sec. 1006. Limitation on transferring defense funds to other departments and agencies.
Sec. 1007. Sense of Congress concerning defense budget process.
Sec. 1008. Funding structure for contingency operations.
Sec. 1009. Increase in amount for CINC Initiative Fund.
Sec. 1010. Report on humanitarian assistance activities.

Subtitle B—Counter-Drug Activities

Sec. 1021. Department of Defense support for counter-drug activities of other agencies.
Sec. 1022. Report on defense counter-drug program.
Sec. 1023. Requirement to establish procedures for State and local governments to buy law enforcement equipment in conjunction with Department of Defense.

Subtitle C—Other Matters

Sec. 1031. Procedures for handling war booty.
Sec. 1032. Award of purple heart to members killed or wounded in action by friendly fire.
Sec. 1033. Award of gold star lapel buttons to survivors of service members killed by terrorist acts.
Sec. 1034. Extension of authority for certain foreign governments to receive excess defense articles.
Sec. 1035. Codification of provision relating to Overseas Workload Program.
Sec. 1036. Modification of authority to conduct National Guard Civilian Youth Opportunities Program.
Sec. 1037. Sense of Congress concerning meeting of interallied confederation of reserve officers.
Sec. 1038. Semiannual report on efforts to seek compensation from Government of Peru for death and wounding of certain United States servicemen.
Sec. 1039. Basing for C–130 aircraft.

Sec. 1040. Memorial to U.S.S. Indianapolis.
Sec. 1041. Congressional notification when United States forces are placed under operational control of a foreign nation.
Sec. 1042. Identification of service in Vietnam in the computerized index of the National Personnel Records Center.
Sec. 1043. Sharing defense burdens and responsibilities.
Sec. 1044. Burdensharing contributions from designated countries and regional organizations.
Sec. 1045. Modification of certain report requirements.
Sec. 1046. Redesignation of Hanford Arid Lands Ecology Reserve.
Sec. 1047. Sense of Congress regarding United States policy on plutonium.
Sec. 1048. North Korea and the Treaty on the Non-Proliferation of Nuclear Weapons.
Sec. 1049. Aviation Leadership Program.
Sec. 1050. Public purpose extensions.
Sec. 1051. Involvement of armed forces in Somalia.
Sec. 1052. Nuclear nonproliferation.
Sec. 1053. Sense of Congress relating to the proliferation of space launch vehicle technologies.
Sec. 1054. Limitation on use of funds for certain plutonium storage by Russia.
Sec. 1055. Counterproliferation.
Sec. 1056. Report requirement.

TITLE XI—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

Sec. 1101. Designation of Army as executive agent for chemical and biological warfare defense programs.
Sec. 1102. Requirement for single oversight office for chemical-biological defense programs within the Office of the Secretary of Defense.
Sec. 1103. Consolidation of chemical and biological defense training activities.
Sec. 1104. Annual report on chemical and biological warfare defense.
Sec. 1105. Preparations for implementation of the Chemical Weapons Convention.
Sec. 1106. Sense of Congress concerning response to terrorist threats.
Sec. 1107. Sense of Congress concerning other chemical and biological defense matters.
Sec. 1108. International cooperation program.
Sec. 1109. Agreements to provide support to vaccination programs of Department of Health and Human Services.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec. 1201. Short title.
Sec. 1202. Findings on cooperative threat reduction.
Sec. 1203. Authority for programs to facilitate cooperative threat reduction.
Sec. 1204. Funding for fiscal year 1994.
Sec. 1205. Prior notice to Congress of obligation of funds.
Sec. 1206. Authorization for additional fiscal year 1993 assistance to the independent states of the former Soviet Union.
Sec. 1207. Semiannual report.
Sec. 1208. Definition.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

Sec. 1301. Short title.
Sec. 1302. Funding of defense conversion, reinvestment, and transition assistance programs for fiscal year 1994.
Sec. 1303. Annual report on defense conversion, reinvestment, and transition assistance programs.
Sec. 1304. Dissemination of list of conversion, reinvestment, and transition programs.

Subtitle A—Defense Technology Reinvestment Projects

Sec. 1311. Funding of defense technology reinvestment projects for fiscal year 1994.
Sec. 1312. Repeal and amendment of certain provisions relating to defense technology and industrial base, reinvestment, and conversion.
Sec. 1313. Expansion of objectives of defense technology reinvestment projects.
Sec. 1314. Defense technology reinvestment projects for fiscal year 1994.
Sec. 1315. Expansion of purposes of defense advanced manufacturing technology partnerships.
Sec. 1316. Defense dual-use assistance extension program.
Sec. 1317. Consistency in financial commitment requirements of non-Federal government participants in technology reinvestment projects.
Sec. 1318. Additional criteria for the selection of regional technology alliances.

Subtitle B—Community Adjustment and Assistance Programs

Sec. 1321. Adjustment and diversification assistance for States and local governments from the Office of Economic Adjustment.
Sec. 1322. Assistance for communities adversely affected by catastrophic or multiple base closures or realignments.
Sec. 1323. Continuation of pilot project to improve economic adjustment planning.
Sec. 1324. Consideration of local and regional economic needs as part of the disposition of real property and facilities under base closure laws.
Sec. 1325. Shipyard conversion and reuse studies.

Subtitle C—Personnel Adjustment, Education, and Training Programs

Sec. 1331. Continuation of teacher and teacher's aide placement programs.
Sec. 1332. Programs to place separated members of the Armed Forces in employment positions with law enforcement agencies and health care providers.
Sec. 1333. Grants to institutions of higher education to provide education and training in environmental restoration to dislocated defense workers and young adults.
Sec. 1334. Revision to improvements to employment and training assistance for dislocated workers.
Sec. 1335. Demonstration program for the training of recently discharged veterans for employment in construction and in hazardous waste remediation.
Sec. 1336. Service members occupational conversion and training.
Sec. 1337. Amendments to defense diversification program under Job Training Partnership Act.

Subtitle D—Other Matters

Sec. 1341. Encouragement of industrial diversification planning for certain defense contractors.
Sec. 1342. Encouragement for the purchase or lease of vehicles producing zero or very low exhaust emissions.
Sec. 1343. Revision to requirements for notice to contractors upon proposed or actual termination of defense programs.
Sec. 1344. Regional retraining services clearinghouses.

Subtitle E—National Shipbuilding Initiative

Sec. 1351. Short title.
Sec. 1352. National shipbuilding initiative.
Sec. 1353. Department of Defense program management through Advanced Research Projects Agency.
Sec. 1354. Advanced Research Projects Agency functions.
Sec. 1355. Eligible shipyards.
Sec. 1356. Loan guarantees for export vessels.
Sec. 1357. Loan guarantees for shipyard modernization and improvement.
Sec. 1358. Funding for certain loan guarantee commitments for fiscal year 1994.
Sec. 1359. Authorizations of appropriations.
Sec. 1360. Restriction on use of defense conversion funds for the sale or transfer of defense articles or defense services.

TITLE XIV—NATIONAL COMMISSION ON ROLES AND MISSIONS OF THE ARMED FORCES

Sec. 1401. Short title.
Sec. 1402. Findings.
Sec. 1403. Establishment of Commission.
Sec. 1404. Duties of Commission.
Sec. 1405. Reports.
Sec. 1406. Powers.
Sec. 1407. Commission procedures.
Sec. 1408. Personnel matters.
Sec. 1409. Miscellaneous administrative provisions.
Sec. 1410. Payment of Commission expenses.
Sec. 1411. Termination of the Commission.

TITLE XV—NATIONAL COMMISSION ON ARMS CONTROL

Sec. 1501. Short title.
Sec. 1502. Findings.
Sec. 1503. Establishment.
Sec. 1504. Duties.
Sec. 1505. Membership.
Sec. 1506. Director and staff; experts and consultants.
Sec. 1507. Powers.
Sec. 1508. Report.
Sec. 1509. Termination.
Sec. 1510. Authorization of appropriations.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Construction of chemical munitions disposal facilities.

TITLE XXII—NAVY

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

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Relocation of Air Force activities from Sierra Army Depot, California, to Beale Air Force Base, California.
Sec. 2306. Combat arms training and maintenance facility relocation from Wheeler Air Force Base, Hawaii, to United States Army Schofield Barracks Open Range, Hawaii.
Sec. 2307. Authority to transfer funds as part of the improvement of Dysart Channel, Luke Air Force Base, Arizona.
Sec. 2308. Authority to transfer funds for school construction for Lackland Air Force Base, Texas.
Sec. 2309. Authority to transfer funds as part of the replacement family housing project at Scott Air Force Base, Illinois.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Termination of authority to carry out land acquisition for Army National Guard Training Area in Muskingum County, Ohio.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1991 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1990 projects.

Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in the maximum amount authorized to be obligated for emergency construction in a fiscal year.
Sec. 2802. Military family housing leasing programs.
Sec. 2803. Sale of electricity from alternate energy and cogeneration production facilities.
Sec. 2804. Energy savings at military installations.
Sec. 2805. Authorization to acquire existing facilities in lieu of carrying out construction authorized by law.
Sec. 2806. Clarification of participation in Department of State housing pools.
Sec. 2807. Navy housing investment agreements and Housing Investment Board.

Subtitle B—Defense Base Closure and Realignment

Sec. 2811. Base closure account management flexibility.
Sec. 2812. Authority to contract for certain functions at installations being closed or realigned.
Sec. 2813. Increased funding sources for environmental restoration at military installations to be closed.
Sec. 2814. Testimony before Defense Base Closure and Realignment Commission.
Sec. 2815. Expansion of conveyance authority regarding financial facilities on closed military installations to include all depository institutions.
Sec. 2816. Authority to transfer property at military installations to be closed to persons paying the cost of environmental restoration activities on the property.
Sec. 2817. Authority to lease property pending final disposition.
Sec. 2818. Electric power allocation and economic development at certain military installations to be closed in the State of California.
Sec. 2819. Expansion of base closure law to include consideration of military installations outside the United States for closure and realignment.
Sec. 2820. Limitations on the removal or disposal of personal property and equipment in connection with the closure or major realignment of military installations.
Sec. 2821. Preference for local and small businesses.
Sec. 2822. Pilot program to convey closed military installations to neighboring communities.
Sec. 2823. Base disposal management cooperative agreement.

Subtitle C—Land Transactions

Sec. 2824. Modification of land conveyance, New London, Connecticut.
Sec. 2825. Land conveyance, Broward County, Florida.
Sec. 2826. Land conveyance, Naval Air Station, Oceana, Virginia.
Sec. 2827. Release of reversionary interest, Old Spanish Trail Armory, Harris County, Texas.
Sec. 2828. Lease and joint use of certain real property, Marine Corps Base, Camp Pendleton, California.

Sec. 2829. Land conveyance, Craney Island Fuel Depot, Naval Supply Center, Virginia.
Sec. 2830. Land conveyance, Portsmouth, Virginia.
Sec. 2831. Transfer of natural gas distribution system at Fort Belvoir, Virginia, to the Washington Gas Company.
Sec. 2832. Transfer of water distribution system at Fort Lee, Virginia, to the American Water Company.
Sec. 2833. Transfer of waste water treatment facility at Fort Pickett, Virginia, to Blackstone, Virginia.
Sec. 2834. Transfer of water distribution system and reservoir at Stewart Army Subpost to New Windsor, New York.
Sec. 2835. Expansion of land transaction authority involving Hunters Point Naval Shipyard, San Francisco, California.
Sec. 2836 Modification of lease authority, Naval Supply Center, Oakland, California.
Sec. 2837. Land conveyance, Iowa Army Ammunition Plant, Iowa.
Sec. 2838. Transfer of electric power distribution system at Naval Air Station, Alameda, California, to the City of Alameda Bureau of Electricity.
Sec. 2839. Conveyance of surplus real property, Fort Ord, California.

Subtitle D—Other Matters

Sec. 2841. Flood control project.
Sec. 2842. Use of Army Corps of Engineers to manage military construction projects in Hawaii.
Sec. 2843. Special rule for military construction on certain lands in the State of Hawaii.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Nuclear materials support and other defense programs.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Funding uses and limitations.

Subtitle B—Recurring General Provisions

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

Subtitle C—Other Provisions

Sec. 3131. Improved congressional oversight of Department of Energy special access programs.
Sec. 3132. Baseline environmental management reports.
Sec. 3133. Expansion of authority to loan personnel and facilities.
Sec. 3134. Modification of payment provision.
Sec. 3135. Stockpile stewardship program.
Sec. 3136. Counter-proliferation program.
Sec. 3137. Limitations on the receipt and storage of spent nuclear fuel from foreign research reactors.
Sec. 3138. Contract goal for small disadvantaged businesses and certain institutions of higher education.
Sec. 3139. Prohibition on conduct of Safeguard C program.
Sec. 3140. Transfer or lease of property at Department of Energy weapon production facilities.
Sec. 3141. Prohibition on use of funds for advanced liquid metal reactor.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Disposal of obsolete and excess materials contained in the National Defense Stockpile.
Sec. 3303. Modification of notice and wait requirements for deviations from annual materials plan.
Sec. 3304. Continuation of limitations on the disposal of chromite and manganese ores and chromium and manganese ferro.
Sec. 3305. Conversion of chromium ore to high purity electrolytic chromium metal.

TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.
Sec. 3402. Modernization of the civil defense system.

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

For purposes of this Act, the term ''congressional defense committees'' means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

# DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

# TITLE I—PROCUREMENT

## Subtitle A—Authorization of Appropriations

**SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,506,537,000.

(2) For missiles, $1,084,315,000.

(3) For weapons and tracked combat vehicles, $876,997,000.

(4) For ammunition, $665,466,000.

(5) For other procurement, $2,946,362,000.

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

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $5,759,827,000.

(2) For weapons, including missiles and torpedoes, $2,764,824,000.

(3) For shipbuilding and conversion, $4,160,188,000.

(4) For other procurement, $2,861,480,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $471,021,000.

(c) ADDITIONAL AMOUNT FOR PRODUCTION DESIGN SUPPORT FOR DDG–51 PROGRAM.—Within the amount provided in subsection (a)(3) for shipbuilding and conversion—

(1) the amount available for Production Design Support for the DDG–51 program is hereby increased by $38,459,000; and

(2) the amount available for Outfitting is hereby reduced by $38,459,000.

**SEC. 103. AIR FORCE.**

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

(1) For aircraft, $7,223,502,000.

(2) For missiles, $3,620,871,000.

(3) For other procurement, $7,621,793,000.

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

Funds are hereby authorized to be appropriated for fiscal year 1994 for defense-wide procurement in the amount of $2,177,082,000.

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

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Inspector General in the amount of $800,000.

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

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

**SEC. 107. RESERVE COMPONENTS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $289,675,000.

(2) For the Air National Guard, $170,000,000.

(3) For the Army Reserve, $81,300,000.

(4) For the Naval Reserve, $156,800,000.

(5) For the Air Force Reserve, $230,000,000.

(6) For the Marine Corps Reserve, $65,500,000.

(b) MULTIPLE-LAUNCH ROCKET SYSTEM.—Of the total number of Multiple-Launch Rocket System units acquired with funds appropriated pursuant to the authorization of appropriations in section 101 for the Army, the

Secretary of the Army shall ensure that one battalion set shall be authorized for and made available to the Army National Guard.

**SEC. 108. CHEMICAL DEMILITARIZATION PROGRAM.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapons stockpile in the amount of $114,500,000.

**SEC. 109. NATIONAL SHIPBUILDING INITIATIVE.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for the National Shipbuilding Initiative under subtitle F of title XIII of this Act in the amount of $200,000,000.

**SEC. 110. DENIAL OF MULTIYEAR PROCUREMENT AUTHORIZATION.**

The Secretary of the Navy may not enter into a multiyear procurement contract under section 2306(h) of title 10, United States Code, for the F/A–18C/D aircraft program.

# Subtitle B—Army Programs

**SEC. 111. PROCUREMENT OF HELICOPTERS.**

(a) AH–64 AIRCRAFT.—The prohibition in section 132(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1382) does not apply to the obligation of funds in amounts not to exceed $150,000,000 for the procurement of not more than 10 AH–64 aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

(b) OH–58D AHIP AIRCRAFT.—The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $225,000,000 for the procurement of not more than 36 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

**SEC. 112. TOW MISSILE PROGRAM.**

(a) IN GENERAL.—(1) The Secretary of Defense shall terminate the TOW missile program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of TOW missiles.

(b) EXCEPTIONS.—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, TOW missiles described in paragraph (2);

(B) completion of new production missiles described in paragraph (2)(B); and

(C) the obligation of not more than $75,282,000 from funds made available pursuant to section 101(2) for the procurement of not more than 2,000 missiles and for payment of costs necessary to terminate the TOW program.

(2) The missiles referred to in paragraph (1)(A) are—

(A) TOW missiles acquired by the Department of Defense on or before the date of the enactment of this Act;

(B) TOW new production missiles for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of the enactment of this Act and which are delivered to the Department of Defense on or after that date; and

(C) 2,000 new production missiles for which funds are available in accordance with subsection (b)(1)(C).

## Subtitle C—Navy Programs

### SEC. 121. DDG–51 DESTROYER AND FAST SEALIFT PROGRAMS.

None of the funds appropriated pursuant to section 102 for shipbuilding and conversion for the Navy for fiscal year 1994 may be obligated for the DDG–51 guided missile destroyer program until—

(1) contracts for conversion of seven cargo vessels specified under the National Sealift Program have been awarded; and

(2) the Secretary of the Navy has transmitted to the congressional defense committees notice that those contracts have been awarded.

### SEC. 122. ATTACK SUBMARINE PROGRAMS.

(a) SEAWOLF SUBMARINE PROGRAM COSTS.—(1) None of the funds described in subsection (b) may be obligated until the Secretary of Defense submits to the congressional defense committees a report concerning the latest and best estimated cost of producing the SSN–21 and SSN–22 Seawolf attack submarines, determined as of the date of the enactment of this Act. The report shall state the full cost for production of each vessel and shall identify

the amount and source of funds available to the Navy for each such vessel from funds appropriated for fiscal years before fiscal year 1994.

(2) If the report under paragraph (1) discloses a shortfall of available funds for either or both of the SSN–21 and SSN–22 vessels that is not funded by another source identified by the Secretary of Defense, the Secretary of Defense shall, subject to the provisions of appropriations Acts, use the funds described in subsection (b)(1) to the extent necessary to complete production of those two vessels.

(b) FUNDS SUBJECT TO LIMITATION.—Funds subject to the limitation under subsection (a) are the following:

(1) Any unobligated funds remaining from the amount of $540,200,000 originally appropriated for fiscal year 1992 for the SSN–21 program and made available under Public Law 102–298 for the purposes of preserving the industrial base for submarine construction (as specified at page 27 of the report of the committee of conference to accompany the conference report on H.R. 4990 of the 102d Congress (House Report 102–530)).

(2) Funds appropriated pursuant to section 201 for research, development, test, and evaluation for

the Navy for fiscal year 1994 that are available for the new SSN (attack submarine) program for the research and development stages designated as 6.3 and 6.4.

(c) NEW ATTACK SUBMARINE PROGRAM.—In addition to the limitation under subsection (a)(1), the funds described in subsection (b)(2) may not be obligated until the Secretary of Defense submits to the congressional defense committees a certification that the Cost and Operational Effectiveness Analysis (COEA) process for the new SSN (attack submarine) program has been completed. The Secretary shall include with such certification a copy of the analysis.

(d) REPORT ON PROPOSED USE OF FISCAL YEAR 1992 FUNDS.—(1) In addition to the limitation under subsection (a)(1), funds described in subsection (b)(1) that remain available after any use of such funds under subsection (a)(2) may not be obligated until the Secretary of Defense submits to the congressional defense committees a report describing the Secretary's plan for the use of those funds and 30 days of continuous session of Congress have expired following the date on which that report is transmitted to Congress.

(2) For purposes of paragraph (1), the continuity of a session of Congress is broken only by an adjournment

of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

(e) RETROACTIVE AUTHORIZATION.—The amount referred to in subsection (b)(1) shall be treated for all purposes as having been authorized by law for fiscal year 1992 in accordance with section 114(a) of title 10, United States Code.

**SEC. 123. LONG-TERM LEASE AUTHORITY FOR CERTAIN VESSELS.**

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for a vessel described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to any double-hull tanker or oceanographic vessel constructed in a United States shipyard after the date of the enactment of this Act using assistance provided under the National Shipbuilding Initiative.

(c) CONDITIONS ON OBLIGATION OF FUNDS.—A contract entered into for a lease or charter pursuant to subsection (a) shall include the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or project.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter for that fiscal year.

(3) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.

(d) DEFINITION.—For purposes of subsection (a), the term ''long-term lease or charter'' has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

**SEC. 124. LONG-TERM LEASE AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.**

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for not more than five vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to roll-on/roll-off (RO/RO) vessels which are required by the Department of Defense for prepositioning or related point-to-point service and which, in the case of vessels for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, have such work performed in a United States shipyard.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—The Secretary may not enter into a contract for a lease or charter pursuant to subsection (a) unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract

when and to the extent that funds are appropriated for that lease or charter for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) DEFINITION.—For purposes of subsection (a), the term ''long-term lease or charter'' has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

## Subtitle D—Air Force Programs (Nonstrategic)

### SEC. 131. INTERTHEATER AIRLIFT PROGRAM.

(a) LIMITATION.—None of the funds appropriated pursuant to section 103 for procurement of airlift aircraft for the Air Force for fiscal year 1994 may be obligated until 45 days after the date on which the Secretary of Defense submits to the congressional defense committees the report referred to in subsection (b).

(b) REPORT REQUIREMENT.—A report under subsection (a) is a report in which the Secretary of Defense provides—

(1) the Secretary's recommendation for the aircraft or mix of aircraft to be procured for the intertheater airlift mission; and

(2) the results of the activities under subsections (c), (d), and (e).

(c) ESTABLISHMENT OF INTERTHEATER AIRLIFT REQUIREMENTS.—The Secretary of Defense, after the date of the enactment of this Act, shall establish the qualitative and quantitative intertheater airlift requirements of the Department of Defense.

(d) COST AND OPERATIONAL EFFECTIVENESS ANALYSIS.—The Secretary of Defense, after the date of the enactment of this Act, shall conduct a Cost and Operational Effectiveness Analysis to determine the most cost effective intertheater airlift alternative to satisfy the requirements established pursuant to subsection (c). In carrying out such analysis, the Secretary—

(1) shall consider all reasonable aircraft and mixes of aircraft for the intertheater airlift mission, including procurement of additional C–17 aircraft, procurement of additional C–5 aircraft, procurement of additional C–141 aircraft, carrying out a Service-Life Extension Program (SLEP) for existing C–141 aircraft, and procurement of commercial wide-body aircraft; and

(2) for the C–17 program, shall include appropriate restructure (or ''work out'') costs and the expected cost of claims against the Government.

(e) DAB REVIEW.—After the activities described in subsections (c) and (d) have been completed, the Secretary shall conduct a Defense Acquisition Board review based on the results under those subsections.

**SEC. 132. RC–135 AIRCRAFT PROGRAM.**

(a) FISCAL YEAR 1994 FUNDS.—Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force for fiscal year 1994, $93,200,000 shall be available for reengining and modifying two existing C–135 aircraft to the latest RC–135 Rivet Joint configuration plus improvements necessary to support unique Navy requirements.

(b) FISCAL YEAR 1993 FUNDS.—(1) The amount of $56,962,000 made available under section 141 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2338) for modernizing either Navy EP–3 aircraft or Air Force RC–135 aircraft shall be made available for improvements to existing RC–135 aircraft as though that aircraft had been selected by the Secretary of Defense under section 141(b)(2) of such Act.

(2) The amount of $65,700,000 made available under section 131(3) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2334) to reengine three existing RC–135 aircraft, if the

RC–135 was selected by the Secretary of Defense under section 141(b)(2) of such Act, shall be made available for RC–135 reengining as though that aircraft had been so selected.

**SEC. 133. USE OF F–16 AIRCRAFT ADVANCE PROCUREMENT FUNDS FOR PROGRAM TERMINATION COSTS.**

(a) FUNDS FOR PROGRAM TERMINATION COSTS.—Of the amount provided in section 103 for procurment of aircraft for the Air Force, the amount of $70,800,000 shall be available only for program termination costs for the F–16 aircraft program.

(b) PROHIBITION OF FUNDS FOR ADVANCE PROCUREMENT.—None of the amount provided in section 103 for procurement of aircraft for the Air Force shall be available for advance procurement of F–16 aircraft for fiscal year 1995.

**SEC. 134. C–17 AIRCRAFT PROGRAM.**

(a) WITHHOLDING OF PAYMENTS FOR SOFTWARE NONCOMPLIANCE.—In accepting further delivery of C–17 aircraft that in accordance with existing C–17 contracts require a waiver for software noncompliance, the Secretary of Defense shall withhold from the unliquidated portion of the progress payments for such aircraft an amount not less than 1 percent of the total cost of such aircraft. The withholding shall continue until the Secretary submits to

each of the congressional committees named in subsection (e) a report in which the Secretary certifies each of the following:

(1) That C–17 software testing and avionics integration have been completed.

(2) That the costs of waivers for software noncompliance have been identified and are in accordance with the terms of existing C–17 contracts.

(b) CORRECTION OF WING DEFECTS.—Within 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report in which the Secretary certifies that, in accordance with the terms of existing C–17 contracts, the contractor has identified and is bearing each of the following:

(1) The costs related to wing structural deficiencies (including the costs of redesign, static wing failure repair, and retrofit for existing wing sets).

(2) The costs for required redesign, retesting, and manufacture of C–17 slats and flaps to correct identified deficiencies.

(c) ANALYSIS OF RANGE/PAYLOAD DEFICIENCY.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the

congressional committees named in subsection (e) a report containing the following:

(1) An analysis of the operational impacts caused by deficiencies in the range/payload specification, as defined by the C–17 Lot III production contract, including projected operational and maintenance costs, such as the costs of required airborne refueling due to range shortfalls.

(2) A schedule for securing from the contractor, in accordance with the terms of existing C–17 contracts, an equitable recovery for the operational impacts caused by deficiencies in the range/payload specification identified in the analysis required by this section.

(d) REPORT CONTENTS.—Each report required by this section shall include an itemization of the estimated effect on total production costs caused by software noncompliance, wing defects, or range/payload deficiency, as applicable.

(e) CONGRESSIONAL COMMITTEES.—The committees of Congress to which a report required by this section is to be submitted are the following:

(1) The Committees on Armed Services of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

## Subtitle E—Strategic Programs

**SEC. 151. B–2 BOMBER AIRCRAFT PROGRAM.**

(a) AMOUNT FOR PROGRAM.—Of the amount appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $911,300,000 may be obligated for procurement for the B–2 bomber aircraft program.

(b) B–2 BUYOUT AND TERMINATION.—The funds referred to in subsection (a) may be obligated only for the purpose of procurement associated with closing out the B–2 bomber aircraft program, including amounts for procurement of spares and parts for that aircraft.

(c) REAFFIRMATION OF LIMITATION ON NUMBER OF B–2 AIRCRAFT.—As provided in section 151(c) of Public Law 102–484 (106 Stat. 2339), the Secretary of the Air Force may not procure more than 20 deployable B–2 aircraft (plus one test aircraft which may not be made operational).

(d) LIMITATION ON OBLIGATION OF FY94 FUNDS.—None of the funds appropriated pursuant to section 103

for the Air Force for fiscal year 1994 may be obligated for the B–2 bomber aircraft program until each of the conditions specified in paragraphs (1), (2), and (3) of section 151(d) of Public Law 102–484 (106 Stat. 2339), including the condition requiring the enactment of an Act which permits the obligation of certain funds for the procurement of B–2 bomber aircraft, has been satisfied.

(e) DENIAL OF INTERIM NEAR-PRECISE MUNITIONS PROGRAM.—(1) The Secretary of the Air Force may not use any funds appropriated for fiscal year 1994 or any prior fiscal year for the development, integration, or acquisition of an interim near-precise munitions capability for the B–2 aircraft.

(2) For the purposes of paragraph (1):

(A) The term ''near-precise munitions capability'' means the capability that the Secretary of the Air Force has proposed for the B–2 aircraft to be produced by the Global Positioning System-aided targeting system and Global Positioning System-aided munitions.

(B) The term ''interim'', with respect to a munitions capability for the B–2 aircraft, means a capability proposed for the period before the availability of the Joint Direct Attack Munition for that aircraft.

**SEC. 152. B–1 BOMBER AIRCRAFT PROGRAM.**

(a) INTERIM NEAR-PRECISE MUNITIONS PROGRAM.—The Secretary of the Air Force shall initiate a program for the production of Global Positioning System-aided munitions (GAM) for 10 B–1 bomber aircraft. It shall be the goal of the program to achieve an interim near-precise munitions capability on 10 B–1 aircraft by 1996.

(b) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, $263,355,000 shall be available for procurement for B–1B aircraft, of which $100,808,000 shall be available for modification of inservice aircraft. Of the amount available for modification of inservice aircraft, $50,000,000 shall be available for the purchase of GAM kits to achieve the munitions capability described in subsection (a).

**SEC. 153. TRIDENT II (D–5) MISSILE PROCUREMENT.**

(a) FINAL PRODUCTION.—Of amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994—

(1) not more than $983,300,000 may be obligated for procurement of Trident II (D–5) missiles; and

(2) not more than $145,251,000 may be obligated for advance procurement for production of D–5 missiles for a fiscal year after fiscal year 1994.

(b) OPTIONS FOR ACHIEVING SLBM WARHEAD LIMITATIONS.—Not later than April 1, 1994, the Secretary of Defense shall submit to Congress a report on options available for achieving the limitations on submarine-launched ballistic missile (SLBM) warheads imposed by the START II treaty at significantly reduced costs from the costs planned during fiscal year 1994. The report shall include an examination of the implications for those options of further reductions in the number of such warheads under further strategic arms reduction treaties.

**SEC. 154. STUDY OF TRIDENT MISSILE SUBMARINE PROGRAM.**

The Secretary of Defense shall submit to the congressional defense committees, not later than April 1, 1994, a report comparing (1) modifying Trident I submarines to enable those submarines to be deployed with D–5 missiles, with (2) retaining the Trident I (C–4) missile on the Trident I submarine. In preparing the report, the Secretary shall include considerations of cost effectiveness, force structure requirements, and future strategic flexibility of the Trident I and Trident II submarine programs.

# Subtitle F—Other Matters

**SEC. 171. CHEMICAL MUNITIONS DISPOSAL FACILITIES, TOOELE ARMY DEPOT, UTAH.**

(a) LIMITATION PENDING CERTIFICATION.—After January 1, 1994, none of the funds appropriated to the Department of Defense for fiscal year 1993 or 1994 may be obligated for the systemization of chemical munitions disposal facilities at Tooele Army Depot, Utah, until the Secretary of Defense submits to Congress a certification described in subsection (b).

(b) CERTIFICATION REQUIREMENT.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the recommendations for the realignment of Tooele Army Depot contained in the recommendations of the Defense Base Closure and Realignment Commission approved by the President on July 6, 1993, will not jeopardize the health, safety, or welfare of the community surrounding Tooele Army Depot; and

(2) adequate base support, management, oversight, and security personnel to ensure the public safety in the operation of chemical munitions disposal facilities constructed and operated at Tooele Army Depot will remain at that depot after the com-

pletion of the realignment of that depot in accordance with those recommendations.

(c) SUPPORTING REPORT.—The Secretary of Defense shall include with a certification under this section a report specifying by job title and category all base support, management, oversight, and security personnel to be retained at Tooele Army Depot after the realignment of that depot is completed in accordance with the recommendations of the Defense Base Closure and Realignment Commission referred to in subsection (b)(1).

(d) EXCEPTION.—Subsection (a) shall not apply if the recommendations of the Defense Base Closure and Realignment Commission approved by the President on July 6, 1993, are disapproved by law enacted in accordance with section 2904(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

**SEC. 172. AUTHORITY TO CONVEY LOS ALAMOS DRY DOCK.**

(a) AUTHORITY.—The Secretary of the Navy may convey to the Brownsville Navigation District of Brownsville, Texas, all right, title, and interest of the United States in and to the dry dock designated as Los Alamos (AFDB7).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Brownsville Navigation District shall permit the Secretary of the Navy—

(1) to use real property which is (A) located on and near a ship channel, (B) under the ownership or control of the Brownsville Navigation District, and (C) not used by the Brownsville Navigation District, except that such use shall be only for training purposes and shall be permitted for a five-year period beginning on the date of the transfer;

(2) to use such property under paragraph (1) without reimbursement from the Secretary of the Navy; and

(3) to use the dock for dockage services, without reimbursement from the Secretary of the Navy, except that such use shall be for not more than 45 days each year during the period referred to in paragraph (1) and shall be subject to all applicable Federal and State laws, including laws on maintenance and dredging.

(c) EXTENSION OF USE.—At the end of the five-year period referred to in subsection (b)(1), the Secretary of the Navy and the chief executive officer of the Brownsville Navigation District may enter into an agreement to extend

the period during which the Secretary may use real property and dockage under subsection (b).

(d) CONDITION.—As a condition of the conveyance authorized by subsection (a), the Secretary shall enter into an agreement with the Brownsville Navigation District under which the Brownsville Navigation District agrees to hold the United States harmless for any claim arising with respect to the drydock after the conveyance of the drydock other than as a result of use of the dock by the Navy pursuant to subsection (b) or an agreement under subsection (c).

**SEC. 173. SALES AUTHORITY OF CERTAIN WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE ARMY.**

(a) IN GENERAL.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense**

''(a) AUTHORITY TO SELL OUTSIDE DOD.—Regulations under section 2208(h) of this title shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms,

ammunition, munitions, or components thereof to sell manufactured nondefense-related commercial articles or services to a person outside the Department of Defense if—

''(1) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

''(A) for use in developing new products;

''(B) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

''(C) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

''(D) for use in commercial products;

''(2) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

''(3) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

''(4) in the case of services, the services are related to an article authorized to be sold under this section and are to be performed in the United States for the purchaser.

''(b) ADDITIONAL REQUIREMENTS.—The regulations shall also—

''(1) require that the authority to sell articles or services under the regulations be exercised at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned;

''(2) authorize a purchaser of articles or services to use advance incremental funding to pay for the articles or services; and

''(3) in the case of a sale of commercial articles or commercial services in accordance with subsection (a) by a facility that manufactures large caliber cannons, gun mounts, or recoil mechanisms, or components thereof, authorize such facility—

''(A) to charge the buyer, at a minimum, the variable costs that are associated with the commercial articles or commercial services sold;

''(B) to enter into a firm, fixed-price contract or, if agreed by the buyer, a cost reimbursement contract for the sale; and

"(C) to develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the commercial articles or commercial services sold.

"(c) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'commercial article' means an article that is usable for a nondefense purpose.

"(2) The term 'commercial service' means a service that is usable for a nondefense purpose.

"(3) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the

articles or the performance of the services, as the case may be; and

''(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

''(4) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

''(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

''(B) in the case of services, the extent of the services sold.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense.''.

(b) CONFORMING AMENDMENT.—Subsection (i) of section 2208 of such title is amended to read as follows:

''(i) For provisions relating to sales outside the Department of Defense of manufactured articles and services by a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mecha-

nisms, ammunition, munitions, or components thereof, see section 4543 of this title.''.

(c) DEADLINE FOR REGULATIONS.—Regulations under subsection (b) of section 4543 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 30 days after the date of the enactment of this Act.

**SEC. 174. CONVEYANCE OF OBSERVATION AIRCRAFT.**

(a) AUTHORITY TO CONVEY.—(1) The Secretary of Defense may convey without consideration all right, title, and interest of the United States in not more than four light observation aircraft to the organization known as Hermanos al Rescate, a nonprofit organization in the State of Florida consisting of volunteer pilots who fly search and rescue missions from southern Florida over the Florida Straits (hereinafter in this section referred to as the ''recipient'').

(2) For purposes of paragraph (1), light observation aircraft are the OV–2, the OV–10, or any comparable observation aircraft.

(b) CONDITION.—As a condition of conveying an aircraft to the recipient pursuant to the authority provided in subsection (a), the Secretary shall enter into an agreement with the recipient under which the recipient agrees—

(1) to use that aircraft solely for search and rescue missions and related activities;

(2) to use that aircraft solely for nonprofit activities; and

(3) to hold the United States harmless for any claim arising with respect to that aircraft after the conveyance of that aircraft.

(c) LIMITATION ON FUTURE TRANSFERS.—In the case of an aircraft conveyed under the authority provided in subsection (a), the instruments provided for the conveyance shall require that any further conveyance of an interest in that aircraft may not be made without the approval in advance of the Secretary of Defense. If the Secretary determines that an interest in an aircraft was conveyed without such approval, then all right, title, and interest in that aircraft shall revert to the United States and the United States shall have the right to immediate possession of the aircraft. The recipient shall pay the United States for its costs incurred in recovering the aircraft for such a violation.

(d) FORFEITURE UPON VIOLATION OF TERMS.—If the Secretary determines that the recipient violated subsection (b)(1) or (b)(2) with respect to any aircraft conveyed under subsection (a), then all right, title, and interest in each such aircraft shall revert to the United States

and the United States shall have the right to immediate possession of all of the aircraft. The recipient shall pay the United States for its costs incurred in recovering the aircraft for a violation of those conditions.

(e) DELIVERY OF AIRCRAFT.—The Secretary shall deliver each aircraft conveyed under subsection (a)—

(1) at the place where the aircraft is located on the date of the conveyance;

(2) in its condition on that date; and

(3) without cost to the United States.

(f) EXPIRATION OF AUTHORITY TO CONVEY.—The authority of the Secretary under subsection (a) to convey aircraft shall expire on the date that is two years after the date of the enactment of this Act.

**SEC. 175. CHEMICAL DEMILITARIZATION PROGRAM.**

(a) SUBMISSION OF REPORTS ON ALTERNATIVE TECHNOLOGIES.—Section 173(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2343) is amended by striking out the period at the end and inserting in lieu thereof ''and a period of 90 days has passed following the submission of the report. During such 90-day period, each Chemical Demilitarization Citizens' Advisory Commission in existence on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994 may submit such

comments on the report as it considers appropriate to the Committees on Armed Services of the Senate and House of Representatives.''.

(b) EXTENSION OF DEADLINE FOR SUBMISSION OF REVISED CONCEPT PLAN.—Section 175(d) of such Act (106 Stat. 2344) is amended by striking out ''not later than 180 days'' and all that follows and inserting in lieu thereof ''during the 180-day period beginning at the end of the 90-day period following the submission of the report of the Secretary required under section 173.''.

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

## Subtitle A—Authorizations

### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for research, development, test, and evaluation, as follows:

(1) For the Army, $5,417,141,000.

(2) For the Navy, $8,736,970,000.

(3) For the Air Force, $13,446,635,000.

(4) For Defense-wide activities, $10,284,652,000, of which—

(A) $232,592,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

**SEC. 202. MANUFACTURING TECHNOLOGY DEVELOPMENT.**

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $315,000,000 shall be available for, and may be obligated only for, manufacturing technology development as follows:

(1) For the Army: $50,000,000.

(2) For the Navy, $120,000,000.

(3) For the Air Force, $110,000,000.

(4) For the Defense Logistics Agency, $35,000,000, of which $15,000,000 is available only for the establishment of a pilot program for the metalcasting industry.

(b) INDUSTRIAL MODERNIZATION IMPROVEMENT PROGRAM.—The Secretary shall reestablish the Industrial Modernization Improvement Program (IMIP) of the Department of Defense carried out through the Manufacturing Technology programs and shall provide sufficient funding for that program for fiscal year 1994 from funds referred to in subsection (a).

(c) WORKER SKILLS.—Manufacturing technology development programs conducted by or for the Department of Defense, including those programs for which funds are made available pursuant to subsection (a), shall include a focus on production technologies designed to build on and expand existing worker skills and experience in manufacturing production.

**SEC. 203. REENTRY VEHICLE INDUSTRIAL BASE.**

Of the amount authorized to be appropriated pursuant to section 201 for the Navy, $5,000,000 shall be available for the contribution of the Navy for fiscal year 1994 to the Reentry Vehicle industrial base.

**SEC. 204. REALLOCATION OF CERTAIN R&D FUNDS.**

(a) INCREASE IN AMOUNT FOR ARMY.—The amount provided in section 201 for the Army is hereby increased by $10,000,000, of which—

(1) $2,000,000 is for a study of the requirements for the incorporation of an electronics software upgrade into the M1A2 tank; and

(2) $8,000,000 is for Horizontal Battlefield Integration to expand the demonstration of technology interfaces needed to verify the compatibility of digital electronics in various Army Combat Systems.

(b) LIMITATION.—None of the funds described in subsection (a)(2) or otherwise made available to the De-

partment of Defense for fiscal year 1994 may be obligated for Horizontal Battlefield Integration until the Secretary of the Army submits to the congressional defense committees a report containing a revised demonstration plan for that program. The revised plan shall include program milestones and funding requirements.

(c) REDUCTION IN AMOUNT FOR DEFENSE-WIDE ACTIVITIES.—The amount provided in section 201 for Defense-wide activities is hereby reduced by $10,000,000, to be derived from amounts for acquisition of foreign equipment for test and analysis purposes.

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

### SEC. 211. DEMONSTRATION PROGRAM FOR BALLISTIC MISSILE POST-LAUNCH DESTRUCT MECHANISM.

(a) DEMONSTRATION PROGRAM.—The Secretary of Defense shall conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism. The program shall be carried out through the Advanced Research Projects Agency.

(b) FUNDING.—The amount expended for the demonstration program may not exceed $15,000,000. Subject to the provisions of appropriations Acts, the Secretary may provide $5,000,000 for the program from unexpended

balances remaining available for obligation from funds appropriated to the Department of Defense for fiscal year 1993.

**SEC. 212. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.**

(a) AUTHORIZATION.—Of the funds appropriated pursuant to section 201 for Defense-wide activities, $288,518,000 shall be available for airborne reconnaissance programs.

(b) LIMITATION.—None of the funds referred to in subsection (a) or funds appropriated for fiscal year 1994 for the Navy for research, development, test, and evaluation may be obligated for Navy EP–3 aircraft modifications.

**SEC. 213. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.**

(a) LIMITATION.—During each of fiscal year 1994 and fiscal year 1995, the Secretary of Defense may not obligate funds for expenditure at a federally funded research and development center described in subsection (b) in excess of 90 percent of the amount obligated by the Secretary for expenditure at that center during fiscal year 1993.

(b) COVERED ENTITIES.—Subsection (a) applies with respect to any federally funded research and develop-

ment center (other than a center that performs applied scientific research under laboratory conditions) that during fiscal years 1991 through 1993 had average annual expenditures of funds derived from the Department of Defense in excess of $25,000,000.

**SEC. 214. HIGH PERFORMANCE COMPUTER MODERNIZATION PROGRAM.**

Funds made available for fiscal year 1994 for the Department of Defense High Performance Computer (HPC) Modernization Program for Department of Defense research centers and laboratories may be used only for—

(1) the execution of upgrade options under an existing contract for installed supercomputer facilities that have not kept technically current; or

(2) the conduct of competitive procurement for supercomputers that are architecturally stable and production compatible and that can be successfully demonstrated using statistically valid samples of the current workloads of the research centers and laboratories that will be using the supercomputers without substantive reprogramming or program conversion.

**SEC. 215. HIGH PERFORMANCE COMPUTING AND COMMUNICATION INITIATIVE.**

(a) INDEPENDENT STUDY.—The Secretary of Defense shall request the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive study of the inter-agency High Performance Computing and Communications Initiative (HPCCI), with emphasis on the elements of the program supported by the Department of Defense and the relationship of those elements to other elements of the program.

(b) MATTERS TO BE INCLUDED.—The study shall address (at a minimum) the following aspects of the High Performance Computing and Communications Initiative:

(1) The basic underlying rationale for the initiative.

(2) The appropriateness of the goals and directions of the initiative.

(3) The balance between various elements of the initiative.

(4) The likelihood that the various goals of the initiative will be achieved.

(5) The management and coordination of the initiative.

(c) COOPERATION WITH STUDY.—The Secretary of Defense shall direct all relevant defense agencies to cooperate fully with the National Research Council in all as-

pects of this study, and shall request similar cooperation from the heads of all other appropriate Federal agencies.

(d) FUNDING.—The sum of $800,000 shall be made available from the Department's High Performance Computing and Communications Program to provide funds for the National Research Council to conduct the study under subsection (a).

(e) REPORT.—A report on the results of the study under subsection (a) shall be submitted to the Secretary of Defense not later than July 1, 1995. The Secretary shall promptly submit the report of the study to the Committees on Armed Services of the Senate and House of Representatives. The report shall be submitted to the committees in unclassified form with classified annexes as necessary.

**SEC. 216. SUPERCONDUCTING MAGNETIC ENERGY STORAGE (SMES) PROGRAM.**

(a) PROGRAM OFFICE.—The Secretary of Defense shall establish within the Department of the Navy a program office to facilitate research and design studies leading to possible construction of Superconducting Magnetic Energy Storage (SMES) test models.

(b) SCIENCE ADVISORY GROUP.—(1) The Secretary of Defense shall establish an advisory committee in the Department of Defense for Superconducting Magnetic En-

ergy Storage activities. The advisory committee shall be established as a science advisory group and shall be independent of the Department of the Navy.

(2) The membership of the advisory committee shall include representatives from the President's Office of Science and Technology Policy, the Department of Defense, the Department of Energy, the Environmental Protection Agency, the Army Corps of Engineers, and private industry.

(3) The advisory committee shall conduct a review every two years of the progress of the Department of Defense program for Superconducting Magnetic Energy Storage development. The advisory committee shall submit a report on each such review to the Secretary as directed by the Secretary. Such report shall include the advisory committee's recommendations for outyear program options and funding. The Secretary shall transmit each such report to Congress.

(4) The advisory committee shall continue in existence until terminated by law.

(c) FUNDING.—Immediately upon enactment of this Act, the Secretary of Defense shall transfer from the Defense Nuclear Agency to the Department of the Navy any funds appropriated for fiscal years before fiscal year 1994 that were designated for the Superconducting Magnetic

Energy Storage Project that remain available for obligation. Those funds shall be obligated for (1) continued experimental work (as defined in section 218(b)(4) of the National Defense Authorization Act of 1993 (Public Law 102–484; 106 Stat. 2353)), (2) operation of the advisory group, and (3) study of alternative SMES designs.

(d) DEADLINE.—The office referred to in subsection (a) shall be created and staffed not later than 30 days after the date of the enactment of this Act.

**SEC. 217. SINGLE STAGE ROCKET TECHNOLOGY.**

(a) PROGRAM FUNDING.—The Secretary of Defense shall establish a Single Stage Rocket Technology program and shall provide funds for that program within funds available for the Advanced Research Projects Agency. That program shall be managed within the Office of the Under Secretary of Defense for Acquisition.

(b) FUNDING.—Of the amount appropriated pursuant to section 201 for Defense-wide activities, $79,880,000 shall be available for, and may be obligated only for, Single Stage Rocket Technology.

**SEC. 218. ADVANCED ANTI-RADIATION GUIDED MISSILE.**

Of the funds appropriated for research, development, test, and evaluation for the Department of the Navy for fiscal year 1993 that remain available for obligation for Air Systems Advanced Technology Development pro-

grams, $10,077,000 shall be obligated and expended only for testing, design, and fabrication of a dual-mode seeker for the Advanced Anti-Radiation Guided Missile using technology that is derived from work done with funding provided through the Small Business Innovative Research (SBIR) program.

**SEC. 219. DP–2 VECTORED THRUST TECHNOLOGY DEMONSTRATION PROJECT.**

Of the funds appropriated for research, development, test, and evaluation for the Defense Agencies for fiscal year 1993 that remain available for obligation for Tactical Technology programs within the Advanced Research Projects Agency, $15,000,000 shall be obligated and expended only for testing of the DP–2 Vectored Thrust Technology Demonstration project for Special Operations Forces (SOF) applications.

**SEC. 220. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.**

Notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2334), the Secretary of Defense may carry out material procurement, logistics support, and integration of existing Advanced Self Protection Jammer systems from Department of Defense inventory into the F–14D aircraft for testing and evaluation using funds appro-

priated to the Department of Defense for fiscal year 1993 and prior years.

**SEC. 221. ELECTRONIC COMBAT SYSTEMS TESTING.**

(a) DETAILED TEST AND EVALUATION BEFORE INITIAL LOW-RATE PRODUCTION.—The Secretary of Defense shall ensure that any electronic combat system and any command, control, and communications countermeasure system is authorized to proceed into the low-rate initial production stage only upon the completion of an appropriate, rigorous, and structured test and evaluation regime. Such a regime shall include testing and evaluation at each of the following types of facilities: computer simulation and modeling facilities, measurement facilities, system integration laboratories, simulated threat hardware-in-the-loop test facilities, installed system test facilities, and open air ranges.

(b) TIMELY TEST AND EVALUATION REQUIRED.—The Secretary shall ensure that test and evaluation of a system as required by subsection (a) is conducted sufficiently early in the development phase to allow (1) a correction-of-deficiency plan to be developed and in place for deficiencies identified by the testing before the system proceeds into low-rate initial production; and (2) the deficiencies identified by test and evaluation be corrected before the system leaves low-rate initial production.

(c) ANNUAL REPORT ON COMPLIANCE.—The Secretary of Defense shall include in the annual Department of Defense Electronic Warfare Plan report a description of compliance with this section during the preceding year. Such a report shall include a description of the test and evaluation process applied to each system, the results of that process, and the adequacy of test and evaluation resources to carry out that process.

(d) FUNDS USED FOR TESTING.—The costs of the testing necessary to carry out this section with respect to any system shall be paid from funds available for that system.

(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to any electronic combat system program and any command, control, and communications countermeasure system program that is initiated after the date of the enactment of this Act.

**SEC. 222. LIMITATION ON DEPARTMENT OF DEFENSE MISSILE LAUNCHES FOR TEST PURPOSES.**

(a) LIMITATION.—The Secretary of Defense may not conduct a launch of a missile as part of a test program in any case in which an anticipated result of the launch would be the release of debris in an area over land of the United States outside a designated Department of Defense test range.

(b) DEFINITION OF DEBRIS.—For purposes of subsection (a), the term ''debris'' does not include particulate matter that is regulated for considerations of air quality.

**SEC. 223. B–1 BOMBER AIRCRAFT PROGRAM.**

(a) INTERIM NEAR PRECISE MUNITIONS AND TARGETING PROGRAM.—The Secretary of the Air Force shall initiate a program for the development and production of a Global Positioning System-aided relative targeting (GATS) system and Global Positioning System-aided munitions (GAM) for 10 B–1 bomber aircraft. It shall be the goal of the program to achieve an interim near precise weapons capability on 10 B–1 aircraft by 1996.

(b) DEFENSIVE AVIONICS UPGRADE PROGRAM.—The Secretary of the Air Force shall continue efforts associated with upgrades to the defensive avionics system of the B–1B aircraft, including studies, analyses, and tests required for a risk reduction program for a minimum of three, and up to four, defensive avionics participants.

(c) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 201 for the Air Force for fiscal year 1994, $180,543,000 shall be available for the B–1B aircraft program, of which—

(1) $57,000,000 shall be made available for development and integration of a GPS-aided relative

targeting system and development of GPS-aided munitions as provided in subsection (a); and

(2) $37,200,000 shall be made available for upgrades to the B–1 defensive avionics system as provided in subsection (b).

## Subtitle C—Missile Defense Programs

**SEC. 231. FUNDING FOR FISCAL YEAR 1994.**

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than a total of $2,617,448,000 may be obligated for ballistic missile defense. None of such amount is available for the Brilliant Pebbles program.

**SEC. 232. REPORT ON ALLOCATION OF FUNDS.**

When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for ballistic missile defense for fiscal year 1994, and the proposed allocation of funds for ballistic missile defense for fiscal year 1995, shown for Theater Missile Defense, Limited Defense System, Other Follow-On Systems, Re-

search and Support, and the Small Business Innovation Research and Small Business Technology Transfer programs of the Small Business Administration, for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

**SEC. 233. TRANSFER AUTHORITIES FOR BALLISTIC MISSILE DEFENSE.**

(a) IN GENERAL.—After the submission of the report required under section 232, the Secretary of Defense may transfer funds among the ballistic missile defense program elements named in section 232 of this Act.

(b) LIMITATION.—The total amount that may be transferred to or from any program element named in section 232—

(1) may not exceed 10 percent of the amount provided in the report for the program element from which the transfer is made; and

(2) may not result in an increase of more than 10 percent of the amount provided in the report for the program element to which the transfer is made.

(c) RESTRICTION.—Transfer authority under subsection (a) may not be used for a decrease in funds identified in section 231(a) for the Theater Missile Defense Initiative.

(d) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purposes as the amounts to which transferred.

**SEC. 234. REVISIONS TO MISSILE DEFENSE ACT OF 1991.**

The Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out ''while deploying'' and inserting in lieu thereof ''while developing the option to deploy''; and

(B) in paragraph (3), by inserting '', as appropriate,'' before ''to friends and allies of the United States''.

(2) Section 232(b) is amended—

(A) in paragraphs (1) and (2), by striking out ''the Soviet Union'' and inserting in lieu thereof ''Russia''; and

(B) in paragraph (2), by striking out ''Treaty, to include the down-loading of multiple warhead ballistic missiles'' and inserting in lieu thereof ''Treaties, to include the down-loading of multiple warhead ballistic missiles, as appropriate''.

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting ''in compliance with the ABM Treaty'' after ''for deployment'';

(B) by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) INITIAL ABM DEPLOYMENT.—The Secretary shall develop, at an appropriate pace, a cost-effective, operationally effective, and ABM Treaty-compliant anti-ballistic missile system for potential deployment at a single site. The Secretary shall ensure that components of such system are themselves in compliance with the ABM Treaty.''; and

(C) by striking out paragraph (3).

(4) Subsection (c) of section 233 is amended to read as follows:

''(c) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue immediate discussions with Russia on the feasibility and mutual interest of amendments to the ABM Treaty to permit clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors and radars.''.

(5) Section 234 is amended to read as follows:

**''SEC. 234. MANAGEMENT RESPONSIBILITY FOR RESEARCH AND DEVELOPMENT OF FAR-TERM FOLLOW-ON TECHNOLOGIES.**

''(a) MANAGEMENT RESPONSIBILITY.—The Secretary of Defense shall provide that management and budget responsibility for research and development of any far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.

''(b) WAIVER AUTHORITY.—The Secretary may waive the provisions of subsection (a) in the case of a particular far-term follow-on technology that on December 5, 1991, was under the Strategic Defense Initiative Organization and provide that management and budget responsibility for research and development of that technology shall be provided through the Ballistic Missile Defense Organization if the Secretary determines, and certifies to the

congressional defense committees, that providing management and budget responsibility for research and development of that technology as provided in subsection (a) would not be in the national security interests of the United States.

''(c) DEFINITION.—For purposes of this section, the term 'far-term follow-on technology' means a technology that is not likely to be incorporated into a weapon system before 2008.''.

(6) Section 235 is amended—

(A) by striking out ''Strategic Defense Initiative'' in subsections (a) and (b) and inserting in lieu thereof ''Ballistic Missile Defense program''; and

(B) by striking out the section heading and inserting in lieu thereof the following:

**''SEC. 235. PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAM.''.**

(7) Section 236(c) is amended by striking out ''Strategic Defense Initiative Organization'' and inserting in lieu thereof ''Ballistic Missile Defense Organization''.

(8) Section 238 is amended—

(A) by striking out ''As deployment'' and inserting in lieu thereof ''As time for a decision

concerning exercising the option for deployment''; and

(B) by striking out ''to the deployment date''.

**SEC. 235. PATRIOT ADVANCED CAPABILITY–3 THEATER MISSILE DEFENSE SYSTEM.**

(a) COMPETITION FOR MISSILE SELECTION.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of July 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability–3 (PAC–3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the two competing missiles (the Patriot Multimode Missile and the Extended Range Interceptor (ERINT) missile), shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) FUNDS FOR DEMONSTRATION AND VALIDATION.—Of the funds authorized to be appropriated by section 201 for the Ballistic Missile Defense Organization—

(1) not less than $44,100,000 shall be available for demonstration and validation purposes for the Patriot Multimode Missile program;

(2) not less than $55,900,000 shall be available for demonstration and validation purposes for the Extended Range Interceptor program; and

(3) not less than $52,700,000 shall be available for demonstration and validation and for the Engineering and Manufacturing Development stage for the system selected and for appropriate risk mitigation activities.

(c) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in mid-1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability–3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

**SEC. 236. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS TO BE CARRIED OUT IN ACCORDANCE WITH TRADITIONAL INTERPRETATION OF ANTI-BALLISTIC MISSILE TREATY.**

(a) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made

available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(1) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the 1972 ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(2) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the 1972 ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(b) EXCEPTION.—The limitation under subsection (a) shall not apply to funds transferred to or for the use of the Ballistic Missile Defense Organization for fiscal year 1994 if the transfer is made in accordance with section 1001 of this Act.

(c) DEFINITION.—In this section, the term ''July 13, 1993, ACDA letter'' means the letter dated July 13, 1993,

from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the 1972 ABM Treaty and accompanied by an enclosure setting forth such interpretation.

**SEC. 237. THEATER MISSILE DEFENSE ROAD MAP.**

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

(b) TMD ANALYSIS.—The Secretary of Defense shall submit to Congress a report containing a thorough and complete analysis of the future of theater missile defense programs. The analysis shall include the following:

(1) A description of the mission and scope of Theater Missile Defense.

(2) A description of the role of each of the Armed Forces in Theater Missile Defense.

(3) A description of how those roles interact and complement each other.

(4) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.

(5) An analysis and comparison of the projected life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each element).

(6) Specification of the baseline production rate for each year of the program through completion of procurement.

(7) Estimation of the unit cost and capabilities of each element.

(c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b) a description of the current and projected testing program for theater missile defense systems and major

components. The report shall include an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty Regimes. The report shall describe any potential noncompliance with either Regime, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that Regime to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

**SEC. 238. ADDITIONAL BMD PROGRAMS.**

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided under section 201 for Theater Missile Defense, $102,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier concept for Naval Theater Missile Defense, including cost-effective systems and upgrades to existing systems that can be fielded more quickly than new systems.

(b) ACCELERATED ADVANCED TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Theater Missile Defense Initiative, shall initiate during fiscal year 1994 an accelerated Advanced Technology Demonstration program to demonstrate the technical feasibility of using the Navy's Standard Missile combined with a kickstage rocket motor and Lightweight Exoatmospheric Projectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

**SEC. 239. REPORT ON NATIONAL MISSILE DEFENSE COST.**

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report setting forth a full and thorough estimation of the cost of deploying a National Defense System at Grand Forks, North Dakota. The Secretary shall include in the report—

(1) the projected life-cycle costs of each system intended for production as part of such National De-

fense System, including a ground-based radar system, the system known as ''Brilliant Eyes'', and a ground-based interceptor system; and

(2) with respect to each such system, a separate statement of those costs for (A) research, development, test, and evaluation, (B) procurement, (C) deployment and launch activities, (D) operation and maintenance, and (E) personnel.

(b) SUBMISSION.—The report required under subsection (a) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

**SEC. 240. THEATER MISSILE DEFENSE INTERCEPTOR TESTING.**

The Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone III) acquisition stage until the Secretary certifies to the congressional defense committees in writing that the Secretary has conducted more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, involving multiple interceptors and multiple targets in the presence of realistic countermeasures the results of which demonstrate the achievement by the interceptors of the single-shot probability-of-kill specified in the system baseline de-

scription established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered full-scale engineering development.

**SEC. 241. ARROW TACTICAL ANTI-MISSILE PROGRAM.**

(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101–510 (104 Stat. 1515) and section 241(a) of Public Law 102–190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) PROGRAM GOAL.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) ARROW CONTINUING EXPERIMENTS.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fully fund the United States con-

tribution to the fiscal year 1994 Arrow Continuing Experiments program at the level of $56,400,000.

(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate from funds appropriated pursuant to section 201 up to $25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

**SEC. 242. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.**

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

**SEC. 243. TECHNICAL AMENDMENTS TO REFLECT REDESIGNATION OF STRATEGIC DEFENSE INITIATIVE ORGANIZATION.**

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

(1) by striking out ''Strategic Defense Initiative'' each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof ''Ballistic Missile Defense program'';

(2) by striking out ''Strategic Defense Initiative'' in subsection (b)(5) and inserting in lieu thereof ''Ballistic Missile Defense'';

(3) by striking out ''SDI'' each place it appears and inserting in lieu thereof ''BMD''; and

(4) by striking out the section heading and inserting in lieu thereof the following:

**''SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.''.**

**SEC. 244. CLEMENTINE SATELLITE PROGRAM.**

(a) FINDING.—The Congress finds that the program of the Ballistic Missile Defense Organization within the Follow-on programs program element that is known as the ''Clementine'' program, consisting of a satellite space project that will, among other matters, provide valuable information about asteroids in the vicinity of Earth, rep-

resents an important opportunity for transfer of Department of Defense technology for civilian purposes and should be supported.

(b) CONGRESSIONAL VIEWS.—The Congress urges the Secretary of Defense—

(1) to consider funding for the Clementine program to be a priority within the Ballistic Missile Defense Organization Follow-on programs program element and to provide funds for that program at appropriate levels; and

(2) to identify an appropriate management structure within either the Advanced Research Projects Agency or one of the military departments to which the Clementine program and related programs of general applicability to civilian, commercial, and military space programs might be transferred.

**SEC. 245. TACTICAL AND THEATER MISSILE DEFENSES.**

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

(1) Systems to provide effective defense against theater and tactical ballistic missiles that may be developed and deployed by the United States have the potential to make equal or greater contributions to the national security interests of nations that are al-

lies of the United States as they do to the national security interests of the United States.

(2) The cost of developing and deploying a broad spectrum of such systems will be several tens of billions of dollars.

(3) A truly cooperative approach to the development and deployment of such systems could substantially reduce the financial burden of such an undertaking to any one country and would tap additional sources of technological expertise.

(4) While recent statements of nations that are allies of the United States have expressed a desire for greater involvement in United States tactical missile defense efforts, those nations are unlikely to support programs for theater missile defense development and deployment unless, at a minimum, they can play a meaningful role in the planning and execution of such programs, including active participation in research and development and production of the systems involved.

(5) Given the high cost of developing theater ballistic missile defense systems, allied participation in tactical missile defense efforts would result in substantial savings to the United States.

(b) PLAN AND REPORTS.—(1) The Secretary of Defense shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the United States with that of its allies, in order to avoid duplication of effort, to increase interoperability, and to reduce costs. The plan shall set forth in detail any financial, in-kind, or other form of participation in cooperative efforts to plan, develop, produce, and deploy theater ballistic missile defenses for the mutual benefit of the countries involved.

(2) The Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall be submitted in both classified and unclassified versions, as appropriate, and may be submitted as a component of the next annual Ballistic Missile Defense Organization report to Congress.

(3) The Secretary shall include in each annual Ballistic Missile Defense Organization report to Congress a report on steps taken to implement the plan developed under paragraph (1). Each such report shall set forth the status of discussions with United States allies for the purposes stated in that paragraph and the status of contributions by those allies to the Theater Missile Defense Cooperation Account, shown separately for each allied country covered by the plan.

(c) RESTRICTION ON FUNDS.—Of the total amount appropriated pursuant to authorizations in this Act for theater ballistic missile defenses programs, not more than 80 percent may be obligated until—

(1) the report under subsection (b)(2) is submitted to Congress; and

(2) the President certifies in writing to Congress that each of the NATO allies, Japan, Israel, South Korea, and any other country that the President considers appropriate have been formally contacted concerning the matters described in the report.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, whenever the United States deploys theater ballistic missile defenses to protect another country, or the military forces of another country, that has not provided financial or in-kind support for development of theater ballistic missile defenses, the United States should consider whether it is appropriate to seek reimbursement from that country to cover at least the incremental cost of such deployment.

(e) REQUIREMENT TO ESTABLISH ANNUAL TMD LEVEL.—The Congress shall establish by law for each fiscal year (beginning with fiscal year 1995) the level of new obligational authority (stated as a single dollar amount)

for research, development, test, and evaluation and for procurement for theater missile defense programs of the Department of Defense for that fiscal year.

(f) ALLIED PARTICIPATION IN TMD.—Congress encourages greater participation by United States allies, and particularly by those nations that would benefit most from Theater Missile Defense systems, in cooperative Theater Missile Defense efforts with the United States.

(g) FUND FOR ALLIED CONTRIBUTIONS.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account**

''(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

''(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the 'Theater Missile Defense Cooperation Account'.

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—(1) Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense.

"(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.

"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(f) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

''(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.''.

# Subtitle D—Women's Health Research

**SEC. 251. DEFENSE WOMEN'S HEALTH RESEARCH CENTER.**

(a) ESTABLISHMENT OF CENTER.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

**''§ 2359. Defense Women's Health Research Center**

''(a) ESTABLISHMENT OF THE CENTER.—The Secretary of Defense shall establish a Defense Women's Health Research Center (hereinafter in this section referred to as the 'Center') in the Department of the Army. The Center shall be under the authority of the Army Health Services Command.

''(b) PURPOSES.—(1) The Center shall be the coordinating agent for multidisciplinary and multiinstitutional research within the Department of Defense on women's health issues related to service in the armed forces. The Center shall be dedicated to development and application of new knowledge, procedures, techniques, training, and

equipment for the improvement of the health of women in the armed forces.

''(2) In carrying out or sponsoring research studies, the Center shall provide that the cohort of women in the armed forces shall be considered as control groups.

''(3) The Center shall support the goals and objectives recognized by the Department of Defense under the plan of the Department of Health and Human Services designated as 'Healthy People 2000'.

''(4) The Center shall support initiation and expansion of research into matters relating to women's health in the military, including the following matters as they relate to women in the military:

''(A) Combat stress and trauma.

''(B) Exposure to toxins and other environmental hazards associated with military hardware.

''(C) Psychology related stresses in warfare situations.

''(D) Breast cancer.

''(E) Reproductive health, including pregnancy.

''(F) Gynecological cancers.

''(G) Infertility and sexually transmitted diseases.

''(H) HIV and AIDS.

1 ''(I) Mental health, including post-traumatic
2 stress disorder and depression.
3 ''(J) Menopause, osteoporosis, Alzheimer's dis-
4 ease, and other conditions and diseases related to
5 aging.
6 ''(K) Substance abuse.
7 ''(L) Sexual violence and related trauma.
8 ''(M) Human factor studies related to women in
9 combat.
10 ''(c) REQUIREMENTS RELATING TO ESTABLISHMENT
11 OF CENTER.—The Center may be established only at a
12 facility of the Army in existence on July 1, 1993, having
13 the following characteristics:
14 ''(1) A physical plant immediately available to
15 serve as headquarters for the medical activities to be
16 carried out by the Center.
17 ''(2) Ongoing fellowship and residency pro-
18 grams colocated with ongoing collaborative health-re-
19 lated and interdisciplinary research of (A) a facility
20 of the Department of Veterans Affairs, (B) an ac-
21 credited university with specialties in medical re-
22 search and clinical diagnostics, and (C) a hospital
23 owned and operated by a municipality.
24 ''(3) A technologically modern laboratory capa-
25 bility at the site and at the affiliated sites referred

to in paragraph (2), with the capability to include state-of-the-art clinical diagnostic instrumentation, data processing, telecommunication, and data storage systems.

''(4) Compatibility with and capability to effectively expand its existing mission in accordance with the mission of the Center under this section.

''(5) Maximum multi-State geographic jurisdiction to permit regional health-related issues to be researched and integrated into national military databases.

''(6) An existing relationship for the provision of services to Native Americans through the Indian Health Service.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2358 the following new item:

''2359. Defense Women's Health Research Center.''.

(b) IMPLEMENTATION PLAN.—The Secretary of Defense, acting through the Secretary of the Army and in coordination with the other military departments, shall prepare a plan for the implementation of section 2359 of title 10, United States Code, as added by subsection (a). The plan shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994.

(c) ACTIVITIES FOR FISCAL YEAR 1994.—During fiscal year 1994, the Center established under section 2359 of title 10, United States Code, as added by subsection (a), shall address the following:

(1) Program planning, infrastructure development, baseline information gathering, technology infusion, and connectivity.

(2) Management and technical staffing.

(3) Data base development of health issues related to service on active duty as compared to service in the National Guard or Reserves.

(4) Research protocols, cohort development, health surveillance and epidemiologic studies.

(d) FUNDING.—Of the funds authorized to be appropriated in section 201, $40,000,000 shall be available only for the establishment of the Center and to complete the planning, staffing, and infrastructure development leading to full operation of the Center by 1995.

**SEC. 252. CONTINUATION OF ARMY BREAST CANCER RESEARCH PROGRAM.**

During fiscal year 1994, the Secretary of the Army shall continue the breast cancer research program established in the second and third provisos in the paragraph in title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1890) under

the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY''.

**SEC. 253. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.**

(a) GENERAL RULE.—In conducting or supporting clinical research, the Secretary of Defense shall ensure that—

(1) women who are members of the Armed Forces are included as subjects in each project of such research; and

(2) members of minority groups who are members of the Armed Forces are included as subjects of such research.

(b) WAIVER AUTHORITY.—The requirement in subsection (a) regarding women and members of minority groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

(1) is inappropriate with respect to the health of the subjects;

(2) is inappropriate with respect to the purpose of the research; or

(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

(c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

**SEC. 254. REPORT ON RESEARCH RELATING TO FEMALE MEMBERS OF THE UNIFORMED SERVICES AND FEMALE COVERED BENEFICIARIES.**

Not later than July 1 of each of 1995, 1996, and 1997, the Secretary of Defense shall submit to Congress a report containing—

(1) a description (as of May 31 of the year in which the report is submitted) of the status of any health research that is being carried out by or under the jurisdiction of the Secretary relating to female members of the uniformed services and female cov-

ered beneficiaries under chapter 55 of title 10, United States Code; and

(2) recommendations of the Secretary as to future health research (including a proposal for any legislation relating to such research) relating to such female members and covered beneficiaries.

## Subtitle E—Other Matters

### SEC. 261. REPEAL OF REQUIREMENT FOR STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT.

Section 802(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.

### SEC. 262. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study of cryptographic technologies and national cryptography policy. The study shall assess the effect of cryptographic technologies on national security interests of the United States Government, on commercial interests of United States industry, and on privacy interests of United States citizens.

(b) INTERAGENCY COOPERATION WITH STUDY.—The Secretary of Defense shall direct the National Security Agency, the Advanced Research Projects Agency, and other appropriate agencies of the Department of Defense to cooperate fully with the National Research Council in its activities in carrying out the study under this section. The Secretary shall request all other appropriate Federal departments and agencies to provide similar cooperation to the National Research Council.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense-wide activities, $800,000 shall be available for the study under this section.

(d) REPORT.—The National Research Council shall complete the study and submit to the Secretary of Defense a report on the study within approximately two years after full processing of security clearances under subsection (e). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures. The Secretary shall submit the report to the Committees on Armed Services of the Senate and House of Representatives in unclassified form, with classified annexes as necessary, not later than 120 days after the day on which the report is submitted to the Secretary.

(e) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

**SEC. 263. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH AND DEVELOPMENT CATEGORIES.**

(a) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of the general content of the research and development categories of the Department of Defense designated as 6.3, 6.4, 6.5, and 6.6, including a review of the criteria for assigning programs to those categories. The review shall examine the assignment of current programs to those categories for the purpose of ensuring that those programs are correctly categorized and assigned program element numbers in accordance with existing Department of Defense policy.

(b) RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense to be responsible for monitoring and periodically reviewing program elements for proper categorization to the categories specified in subsection (a).

(c) REPORT.—The Secretary shall include with the budget materials for fiscal year 1995 submitted to Congress by the Secretary in support of the President's budget for that year a report on the implementation of this section. The report (1) shall include a certification (or an explanation of why the Secretary cannot certify) that current research and development programs are correctly categorized as described in subsection (a), and (2) shall specify the official designated under subsection (b).

**SEC. 264. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.**

Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended by striking out ''during fiscal years 1994 through 1997'' in subsection (a) and inserting in lieu thereof ''during fiscal years 1995 through 1997''.

**SEC. 265. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.**

(a) COMPOSITION OF COUNCIL.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out ''thirteen members'' and inserting in lieu thereof ''fourteen members'';

(2) in paragraph (1), by striking out ''Assistant Secretary of Defense responsible for matters relating to production and logistics'' and inserting in lieu thereof ''Deputy Under Secretary of Defense for Environmental Security'';

(3) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(4) by inserting after paragraph (8) the following new paragraph (9):

''(9) The Administrator of the National Oceanic and Atmospheric Administration.''.

(b) JOINT PROJECTS.—Section 2902(e)(6) of such title is amended by striking out ''and the Administrator of the Environmental Protection Agency,'' and inserting ''the Administrator of the Environmental Protection Agency, and the Administrator of the National Oceanic and Atmospheric Administration,''.

**SEC. 266. AUTHORIZED USE FOR FACILITY CONSTRUCTED WITH PRIOR DEFENSE GRANT FUNDS.**

The plasma are facilities constructed using funds provided under grants made to the South Carolina Research Authority from amounts appropriated in the Department of Defense Appropriations Act, 1988 (Public Law 100–463), and the Department of Defense Appropriations Act,

1991 (Public Law 101–511), may be equipped and operated as prototype materials processing facilities.

**SEC. 267. GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.**

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall make a grant in the amount of $1,200,000 to a medical research institution selected through established acquisition procedures for the purpose of constructing and equipping a specialized environmental medical facility at that institution with the purpose of studying the possible health effects of exposure to low levels of volatile organic chemicals and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, especially among persons who served on active duty in the Southwest Asia theater of operation during the Persian Gulf War.

(b) FUNDING SOURCE.—Funds for the grant under subsection (a) shall be made from amounts appropriated to the Department of Defense for fiscal year 1994 for research, development, test, and evaluation.

(c) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (a), an institution—

(1) must be affiliated with an accredited hospital and be affiliated with, and in close proximity to, a Department of Defense medical center and a Department of Veterans Affairs medical center;

(2) must enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical facilities and other relevant Federal personnel may have access to the facility to carry out research;

(3) must have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to volatile organic chemicals and other substances; and

(4) must have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to volatile organic chemicals and other substances and lead to new therapies.

**SEC. 268. LYME DISEASE PROGRAM.**

(a) PROGRAM.—The Secretary of Defense shall carry out a program relating to Lyme disease. The program shall be carried out through the Environmental Hygiene Agency of the Department of the Army. The Secretary

shall provide that information relating to prevention, detection, or treatment of Lyme disease that is developed under the program and that may be applicable to the general public shall be provided to the Secretary of Health and Human Services for dissemination to appropriate public health authorities through the Public Health Service.

(b) FUNDING.—From funds made available to the Army for fiscal year 1994 for research, development, test, and evaluation pursuant to section 201, the sum of $1,000,000 shall be available for the program under subsection (a), of which $500,000 shall be for one-time start-up costs for equipment, facilities, and software development and $500,000 shall be for fiscal year 1994 labor and operating expenses.

# TITLE III—OPERATION AND MAINTENANCE

## Subtitle A—Authorization of Appropriations

### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $16,462,610,000.

(2) For the Navy, $20,102,493,000.

(3) For the Marine Corps, $1,990,139,000.

(4) For the Air Force, $19,788,648,000.

(5) For Defense-wide activities, $9,069,428,000.

(6) For Medical Programs, Defense, $9,106,685,000.

(7) For the Army Reserve, $1,095,590,000.

(8) For the Naval Reserve, $775,800,000.

(9) For the Marine Corps Reserve, $75,050,000.

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

(11) For the Army National Guard, $2,223,255,000.

(12) For the Air National Guard, $2,665,233,000.

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

(14) For the Defense Inspector General, $169,001,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $1,109,439,000.

(16) For the Court of Military Appeals, $5,610,000.

(17) For Environmental Restoration, Defense, $2,309,400,000.

(18) For Chemical Agents and Munitions Destruction, Defense-wide, $308,161,000.

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

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

(1) For the Defense Business Operations Fund, $1,091,095,000.

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

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

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the sum of $61,890,000 for operation of the Armed Forces Retirement Home.

**SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE FUND.**

(a) AUTHORITY TO TRANSFER FUNDS.—From amounts in the National Defense Stockpile Transaction Fund that the Secretary of Defense determines are not needed to meet current and estimated future obligations

under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.), as described in the annual materials plan submitted on May 28, 1993, for the five-year period beginning October 1, 1993, the Secretary of Defense may, to the extent provided in appropriations Acts, transfer not more than $500,000,000 from the Fund to appropriations for operation and maintenance for fiscal year 1994 to be used only for the purpose of reducing the backlog of maintenance and repair (BMAR).

(b) AVAILABILITY.—Amounts transferred pursuant to subsection (a) shall be available for obligation until expended and shall be in addition to any other funds available for the purpose described in such subsection.

(c) TREATMENT OF TRANSFER.—Amounts transferred pursuant to this section shall not increase the amount authorized to be appropriated in section 301 for the account to which the amount is transferred.

## Subtitle B—Limitations

### SEC. 311. NOTIFICATION REQUIREMENT PRIOR TO TRANSFER OF CERTAIN FUNDS.

The Secretary of Defense may not transfer funds appropriated to operation and maintenance accounts of the Department of Defense for air operations, ship operations, land forces, and combat operations, unless, before the

transfer, the Secretary notifies the Congress of the transfer and the reasons for the transfer.

**SEC. 312. EXTENSION OF LIMITATION ON THE USE OF CERTAIN FUNDS FOR PENTAGON RESERVATION.**

Section 311(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2364) is amended by striking out ''fiscal year 1993'' in paragraphs (1) and (3) and inserting in lieu thereof ''fiscal years 1993 and 1994''.

**SEC. 313. PROHIBITION ON OPERATION OF THE NAVAL AIR STATION, BERMUDA.**

(a) PROHIBITION.—No funds available to the Department of Defense for operation and maintenance may be used to operate the Naval Air Station, Bermuda.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 314. LIMITATION ON THE USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.**

(a) IN GENERAL.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2246. Department of Defense golf courses: limitation on use of appropriated funds**

''(a) LIMITATION.—Except as provided in subsection (b), funds appropriated to the Department of Defense may not be used to equip, operate, or maintain a golf course at a facility or installation of the Department of Defense.

''(b) EXCEPTIONS.—(1) Subsection (a) does not apply to a golf course at a facility or installation outside the United States or at a facility or installation inside the United States at a location designated by the Secretary of Defense as a remote and isolated location.

''(2) The Secretary of Defense shall prescribe regulations governing the use of appropriated funds under this subsection.''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2246. Department of Defense golf courses: limitation on use of appropriated funds.''.

**SEC. 315. CODIFICATION OF PROHIBITION ON THE USE OF CERTAIN COST COMPARISON STUDIES.**

(a) IN GENERAL.—Section 2467 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (c) and (d), respectively;

(2) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

''(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not enter into a contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A–76 (or any successor administrative regulation or policy).

''(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) does not apply to—

''(1) a contract to be carried out at a location outside the United States at which members of the armed forces would have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

''(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.''; and

(3) in subsection (d)(1), as redesignated by paragraph (1), by striking out ''Each officer'' and inserting in lieu thereof ''In any case in which a comparison referred to in subsection (c) is conducted, the officer''.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**"§ 2467. Prohibition on the use of certain cost comparison studies".**

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

''2467. Prohibition on the use of certain cost comparison studies.''.

(c) REPEAL.—Section 312 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2365) is repealed.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on September 30, 1993.

**SEC. 316. LOCATION OF CERTAIN PREPOSITIONING FACILITIES.**

(a) SITE FOR ARMY PREPOSITIONING MAINTENANCE FACILITY.—The Secretary of the Army shall establish the Army Prepositioning Maintenance Facility at Charleston, South Carolina.

(b) LIMITATION.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall ensure that separate but complementary prepositioning facilities are maintained in Charleston, South Carolina, and Blount Island, Florida, for the Army and Marine Corps, respectively.

(c) REPORT BEFORE SUBSEQUENT RELOCATION.—After the end of such two-year period, any decision by the Secretary of the Navy to relocate the Marine Prepositioning Forces (MPF) from Blount Island, Jacksonville, Florida, may be made only after the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and House of Representatives a detailed cost and operational analysis explaining the basis of the decision for such relocation.

**SEC. 317. USE OF FUNDS FOR NAVY DEPOT BACKLOG.**

Of the funds authorized to be appropriated under section 301(2) for operation and maintenance for the Navy, $200,000,000 (representing the amount by which the amount of such funds exceeds the amount specified in the budget of the President for operation and maintenance for the Navy for fiscal year 1994) may be used only to decrease the backlog of depot-level maintenance and repair.

**SEC. 318. LIMITATION ON USE OF FUNDS FOR TRIDENT SUBMARINE FORCE.**

Amounts authorized to be appropriated under section 301(2) that are made available for operation and support of the trident submarine force may not exceed an amount that equals the difference between—

(1) the amount in the budget submitted by the President for fiscal year 1994 (pursuant to section

1105 of title 31, United States Code) for operation and support of the trident submarine force; and

(2) $100,000,000.

**SEC. 319. LIMITATION ON OBLIGATION OF FUNDS IN CONNECTION WITH UPGRADES OR REPAIRS AT THE ARMY RESERVE FACILITY IN MARCUS HOOK, PENNSYLVANIA.**

(a) LIMITATION ON OBLIGATION OF FUNDS.—Except as provided in subsection (b), none of the funds appropriated for fiscal year 1994 pursuant to an authorization of appropriations contained in this Act may be obligated or expended to plan or carry out any upgrade, repair, or other construction at the Army Reserve Facility in Marcus Hook, Pennsylvania (in this section referred to as the ''Marcus Hook facility''), until after the end of the 30 day-period beginning on the date the Secretary of the Army submits to the congressional defense committees the report required by subsection (c).

(b) EXCEPTION.—Subsection (a) shall not prohibit obligations or expenditures of funds in connection with construction at the Marcus Hook facility if the Secretary certifies to the congressional defense committees in advance that the construction is limited to emergency repairs necessary to continue operations of water craft support at the Marcus Hook facility.

(c) REPORT REQUIRED.—The Secretary shall prepare a report evaluating the suitability of alternative sites within a 100 mile radius of the Marcus Hook facility to replace the facility. The report shall contain, at a minimum, a detailed accounting of—

(1) required pier and building space and available building and pier space at each alternative site;

(2) the costs required to operate comparable spaces at each alternative site;

(3) other users at each alternative site and their space requirements; and

(4) the assets and liabilities at each alternative site.

**SEC. 320. PROHIBITION ON CONTRACTS WITH THE BAHRAIN SHIP REPAIRING AND ENGINEERING COMPANY FOR SHIP REPAIR.**

(a) PROHIBITION.—Notwithstanding section 7299a of title 10, United States Code, the Secretary of Defense may not enter into a contract with the Bahrain Ship Repairing and Engineering Company for the overhaul, repair, or maintenance of naval vessels until the Secretary certifies to the Committees on Armed Services of the Senate and House of Representatives that at least one of the following conditions exists:

(1) The work was unplanned and is of an emergency nature.

(2) There is a compelling national security reason for the work to be done by the Bahrain Ship Repairing and Engineering Company.

(3) The Bahrain Ship Repairing and Engineering Company initiates legal proceedings, or other proceedings, to compensate the members of the Navy killed as a result of the explosion in the engine room of the U.S.S. Iwo Jima that occurred after the repair of the U.S.S. Iwo Jima by that company.

(b) APPLICABILITY.—Subsection (a) applies with respect to contracts for the overhaul, repair, or maintenance of a naval vessel entered into after the date of enactment of this Act.

**SEC. 321. LIMITATION ON CHARTERING OF VESSELS ON WHICH REFLAGGING OR CONVERSION WORK HAS BEEN PERFORMED IN A FOREIGN SHIPYARD.**

Section 2631 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' before ''Only vessels''; and

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

''(b)(1) The Secretary of Defense may enter into a time-charter contract for the use of a vessel for the transportation of supplies, in the case of a vessel on which reflagging or repair work was performed during the two-year period preceding the date of the award of the proposed charter, only if such work was performed at a shipyard in the United States (including any territory of the United States).

''(2) In paragraph (1), the term 'reflagging or repair work' means work performed on a vessel—

''(A) to enable the vessel to meet applicable standards to become a vessel of the United States; or

''(B) to convert the vessel to a more useful military configuration.''.

**SEC. 322. ONE-YEAR PROHIBITION ON REDUCTION OF FORCE STRUCTURE FOR RESERVE COMPONENT SPECIAL OPERATIONS FORCES.**

(a) PROHIBITION.—During fiscal year 1994, the Secretary of Defense may not reduce the force structure of the special operations forces of the reserve components below the force structure of those forces as of September 30, 1993.

(b) DEFINITION.—In this section, the term ''force structure'' means the number and types of units and orga-

nizations, and the number of authorized personnel spaces allocated to those units and organizations, in a military force.

**SEC. 323. PROHIBITION ON JOINT USE OF SELFRIDGE AIR NATIONAL GUARD BASE, MICHIGAN, WITH CIVIL AVIATION.**

The Secretary of the Air Force may not enter into any agreement that would provide for or permit civil aircraft to regularly use Selfridge Air National Guard Base in Harrison Township, Michigan.

**SEC. 324. LIMITATION ON USE OF GOVERNMENT FACILITIES FOR CERTAIN MASTER SHIP REPAIR AGREEMENTS.**

(a) LIMITATION.—The only non-Federal Government entity who may include the use of facilities owned, operated, or under the jurisdiction of the Department of Defense in a bid or solicitation for ship repair activities with the Department of Defense is an entity referred to in subsection (b).

(b) COVERED ENTITIES.—An entity referred to in subsection (a) is a person who, on or after the date of the enactment of this Act, holds a master ship repair agreement with the Department of Defense in the relevant homeport area.

# Subtitle C—Defense-Wide Funds

**SEC. 331. PROHIBITION ON USE OF DEFENSE BUSINESS OPERATIONS FUND.**

The Secretary of Defense shall not, after April 15, 1994, manage the performance of any function, activity, fund, or account of the Department of Defense through the Defense Business Operations Fund established by section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1338)). After April 15, 1994, any management through a defense-wide fund of functions, activities, funds, and accounts that were managed through the Defense Business Operations Fund may be only as provided in section 333.

**SEC. 332. CLASSIFICATION OF CERTAIN COMPETITIVE AND NONCOMPETITIVE ACTIVITIES OF THE DEPARTMENT OF DEFENSE; NONCOMPETITIVE RATES BOARD.**

(a) CLASSIFICATION ACCORDING TO COMPETITIVENESS.—Not later than April 15, 1994, the Secretary of Defense shall classify each function, fund, activity, and account that is managed by the Secretary under a single, defense-wide fund (including the Defense Business Operations Fund established in section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993

(Public Law 102–190; 105 Stat. 1338)) according to whether or not the function, fund, activity, or account is suitable for provision and purchase by the Department of Defense in a competitive market. The Secretary of Defense shall revise a classification under this subsection whenever the Secretary considers it to be appropriate.

(b) PRICING AND PERFORMANCE OF COMPETITIVE ACTIVITIES.—The Secretary of Defense shall take any action necessary to provide for competitive pricing and active competition among suppliers for the operation of each function, fund, activity, or account classified as suitable for competition under subsection (a).

(c) RATES FOR NONCOMPETITIVE ACTIVITIES.—The Secretary of Defense shall establish rates and prices, and standards for the rates and prices, for each function, fund, activity, or account classified as not suitable for competition under subsection (a).

(d) NONCOMPETITIVE RATES BOARD.—(1) The Secretary of Defense shall appoint a Noncompetitive Rates Board (in this section referred to as the ''Board'') to regularly review the rates, prices, and standards established under subsection (c).

(2) The Board shall be composed of 3 individuals, at least one of whom shall have experience in the private-sector performance of functions, funds, activities, and ac-

counts classified as not suitable for competition under subsection (a).

(3)(A) Each member of the Board shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Board.

(B) Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(4) The Secretary of Defense shall provide the Board with the information and the administrative, professional, and technical support required by the Board to carry out its duties under this section.

(5) The Board shall annually submit to the congressional defense committees, at the same time as the report required to be submitted under section 333(i), the results of reviews conducted under paragraph (1) and the recommendations of the Board for any legislative and administrative action the Board considers to be appropriate.

**SEC. 333. COMPETITIVE AND REGULATED BUSINESS OPERATIONS FUNDS.**

(a) AUTHORITY TO BORROW FROM GENERAL FUND.—To the extent provided in appropriations Acts, the Secretary of Defense may borrow from the General Fund of the Treasury such sums as may be necessary to purchase the assets of the Defense Business Operations Fund (in this section referred to as the ''DBOF'') and to provide for the management of functions, funds, activities, and accounts referred to in subsection (b).

(b) PURCHASE OF DBOF ASSETS.—With amounts borrowed under subsection (a), the Secretary of Defense shall purchase from the DBOF at fair market value—

(1) all assets of each function, fund, activity, or account managed through the DBOF and classified under section 332 as suitable to competition; and

(2) all assets of each function, fund, activity, or account managed through the DBOF and classified under section 332 as not suitable to competition.

(c) PAYMENT OF DBOF PURCHASE AMOUNTS TO THE GENERAL FUND.—Amounts received by the DBOF from the sale of DBOF assets under subsection (b) shall be deposited in the General Fund of the Treasury.

(d) ESTABLISHMENT OF CBOF AND RBOF.—(1) There are established in the Treasury of the United States the following revolving funds:

(A) The ''Competitive Business Operations Fund'' (in this section referred to as the ''CBOF'').

(B) The ''Regulated Business Operations Fund'' (in this section referred to as the ''RBOF'').

(2) The Secretary of Defense may manage the performance of any function, fund, activity, or account referred to in subsection (b)(1) through the CBOF. The assets of each such fund, function, activity, or account purchased from the DBOF under such subsection shall be transferred to and accounted for in the CBOF.

(3) The Secretary of Defense may manage the performance of any function, fund, activity, or account referred to in subsection (b)(2) through the RBOF. The assets of each such function, fund, activity, or account purchased from the DBOF under such subsection shall be transferred to and accounted for in the RBOF.

(e) REPAYMENT TO THE GENERAL FUND.—The Secretary of Defense shall repay, out of the CBOF, the amount of any sums borrowed under subsection (a) and used to purchase assets for the CBOF. The Secretary of Defense shall repay, out of the RBOF, the amount of any sums borrowed under subsection (a) and used to purchase assets for the RBOF. Interest on the amount borrowed shall be paid quarterly and shall equal the average quarterly rate of interest for funds borrowed by the Treasury.

The amount of the repayment and interest shall be deposited in the General Fund of the Treasury.

(f) TREATMENT OF NET GAINS AND LOSSES.—(1) The amount of any net gain from the operation of a function, fund, activity, or account managed through the CBOF or the RBOF shall be deposited in the General Fund of the Treasury.

(2) There are authorized to be appropriated to the CBOF or the RBOF, as the case may be, such sums as may be necessary to make up a net loss from the performance of a function, fund, activity, or account managed through the CBOF or the RBOF, as the case may be.

(g) SEPARATE ACCOUNTING, REPORTING, AND AUDITING.—For purposes of reporting and auditing, the Secretary of Defense shall maintain the separate identity and separate records (including separate records on net gains and losses) for each function, fund, activity, or account managed through the CBOF and the RBOF.

(h) INCLUSION OF OTHER FUNCTIONS IN CBOF AND RBOF.—The Secretary shall notify the Congress of any proposal by the Secretary to manage through the CBOF or the RBOF any function, fund, activity, or account that is in addition to the functions, fund, activities, and accounts referred to in subsection (b).

(i) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, at the same time the Secretary submits the report required under section 113 of title 10, United States Code, a report on the management of functions, funds, activities, and accounts under the CBOF and the RBOF. The report shall include—

(1) an identification of each function, fund, activity, and account that is classified as suitable for competition under section 332 and managed through the CBOF;

(2) an identification of each function, fund, activity, and account that is classified as not suitable for competition under section 332 and managed through the RBOF; and

(3) detailed information on the financial performance and condition of each function, fund, activity, and account identified under paragraphs (1) and (2), including information on net gains and losses.

(j) EFFECTIVE DATE.—This section shall take effect on October 1, 1994.

**SEC. 334. EXTENSION OF LIMITATION ON OBLIGATION AGAINST DEFENSE BUSINESS OPERATIONS FUND.**

Section 343(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2377) is amended by striking out ''fiscal year 1993'' both places it appears and inserting in lieu thereof ''a fiscal year''.

## Subtitle D—Depot-Level Activities

**SEC. 341. DEPARTMENT OF DEFENSE DEPOT TASK FORCE.**

(a) ESTABLISHMENT.—The Secretary of Defense shall appoint a task force to assess the overall performance and management of depot-level activities of the Department of Defense. The assessment shall include—

(1) an identification of the functions and activities that are suitable for performance by depot-level activities of the Department of Defense;

(2) an identification of the functions and activities that are suitable for performance by non-Government personnel;

(3) an evaluation of the manner and level of performance of such work; and

(4) an evaluation of how rates, prices, and the core workload requirements are determined for work performed by the depot-level activities.

(b) MEMBERSHIP.—The task force shall be composed of individuals who are representatives of the Department of Defense and the private sector and who have expertise in the management and performance of depot-level activities.

(c) PAY AND TRAVEL EXPENSES.—(1) Each member of the task force shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the task force.

(2) Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall provide the task force with the administrative, professional, and technical support required by the task force to carry out its duties under this section.

(e) REPORT.—Not later than April 1, 1994, the task force shall submit to the congressional defense committees the results of the assessment conducted under subsection (a) and the recommendations of the task for any legisla-

tive and administrative action the task force considers to be appropriate.

(f) TERMINATION.—The task force shall terminate not later than 60 days after submitting its report pursuant to subsection (e).

**SEC. 342. RETENTION OF DEPOT-LEVEL MAINTENANCE WORKLOAD MANAGEMENT BY THE MILITARY DEPARTMENTS.**

(a) MANAGEMENT OF DEPOT-LEVEL MAINTENANCE WORKLOAD BY THE MILITARY DEPARTMENTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2470. Depot-level maintenance workload: management by the military departments**

''The Secretary of Defense may not consolidate the management of the depot-level maintenance workload of the Department of Defense under a single defense-wide entity. The management of any such workload for a military department shall continue to be carried out by the Secretary of the military department.''.

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

''2470. Depot-level maintenance workload: management by the military departments.''.

**SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.**

The Secretary of Defense shall ensure that the percentage limitations on the performance of depot-level maintenance of material set forth in section 2466 of title 10, United States Code, are adhered to. The Secretary of Defense may not enter into a contract for the performance exclusively by non-Federal Government personnel of any depot-level maintenance that is not required to be performed by employees of the Department of Defense under such section unless, prior to selecting the entity to perform the depot-level maintenance—

(1) the Secretary uses competitive procedures for the selection; and

(2) where appropriate, depot-level activities of the Department of Defense are eligible to compete for the depot-level maintenance.

**SEC. 344. PROHIBITION ON PERFORMANCE OF CERTAIN DEPOT-LEVEL WORK BY FOREIGN CONTRACTORS.**

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, as amended by section 342, is amended by adding at the end the following new section:

**"§ 2471. Prohibition on performance of certain depot-level work by foreign contractors**

''(a) PROHIBITION.—The Secretary of Defense may not contract for the performance by a person or organization described in subsection (b) of any depot-level maintenance work that, in the determination of the Secretary, could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the armed forces.

''(b) COVERED PERSONS AND ORGANIZATIONS.—A person or organization referred to in subsection (a) is a person or organization—

''(1) which does not perform substantially all of its activities as part of the 'national technology and industrial base', as such term is defined in paragraph (1) of section 2491; and

''(2) which is not a citizen or permanent resident of a country referred to in such paragraph, or, if applicable, the majority of which is owned or controlled by citizens or permanent residents of any such country.''.

(2) The table of sections at the beginning of such chapter, as amended by section 342, is amended by adding at the end the following new item:

''2471. Prohibition on performance of certain depot-level work by foreign contractors.''.

(b) EFFECTIVE DATE.—Section 2471 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act.

**SEC. 345. MODIFICATION OF LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.**

(a) MODIFICATION OF LIMITATION.—Subsection (a)(1) of section 2466 of title 10, United States Code, is amended by striking out ''for the military department or the Defense Agency'' and inserting in lieu thereof ''with respect to each type of materiel or equipment, including ships, aircraft, ordinance, supply, and land forces, for the military department and the Defense Agency''.

(b) REPORT.—Subsection (e) of such section is amended to read as follows:

''(e) REPORT.—Not later than January 15, 1995, the Secretary of each military department and, with respect to the Defense Agencies, the Secretary of Defense shall jointly submit to the Congress a report describing the progress during the preceding fiscal year to achieve and maintain the percentage of depot-level maintenance required to be performed by employees of the Department of Defense pursuant to subsection (a).''.

**SEC. 346. CLARIFICATION OF LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL FOR NEW WEAPON SYSTEMS.**

(a) CLARIFICATION OF LIMITATION.—Subsection (a) of section 2466 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary concerned shall, within 5 years after the initial delivery of a weapon system to the Department of Defense, provide for the performance by employees of the Department of Defense of not less than 60 percent of the depot-level maintenance of the weapon system.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of such subsection, as amended by section 345(a), is further amended by striking out ''paragraph (2)'' and inserting in lieu thereof ''paragraphs (2) and (3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a weapon system delivered after the date of the enactment of this Act.

**SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE UNITED STATES.**

(a) DESCRIPTION OF THE CLAIMS INVOLVED.—This section applies with respect to any claim of the United States against an individual which relates to a bonus or other payment awarded to such individual under a productivity gainsharing program based on work performed by

such individual as an employee of the Naval Aviation Depot, Norfolk, Virginia, after September 30, 1988, and before October 1, 1992.

(b) WAIVER AUTHORITY AVAILABLE WITHOUT REGARD TO THE AMOUNT INVOLVED.—Notwithstanding the limitation set forth in section 2774(a)(2)(A) of title 10, United States Code, any waiver authority under section 2774(a)(2) of such title may be exercised, with respect to any claim described in subsection (a) of this section, without regard to the amount involved.

(c) DEFINITION.—For the purpose of this section, the term ''productivity gainsharing program'' means a productivity gainsharing program established under chapter 45 or section 5407 of title 5, United States Code, or Executive Order 12637 (31 U.S.C. 501 note).

# Subtitle E—Commissaries and Military Exchanges

## SEC. 351. EXPANSION AND CLARIFICATION OF COMMISSARY AND EXCHANGE BENEFITS.

(a) EXPANSION OF FORMER SPOUSES' ELIGIBILITY.—Section 1062 of title 10, United States Code, is amended to read as follows:

**''§ 1062. Certain former spouses**

''(a) ELIGIBILITY.—The Secretary of Defense shall prescribe such regulations as may be necessary to provide

that a former spouse described in subsection (b) is entitled to commissary and exchange privileges to the same extent and on the same basis as the surviving spouse of a retired member of the uniformed services.

''(b) COVERED FORMER SPOUSES.—Subsection (a) applies to any person who—

''(1) is an unremarried former spouse of a member or former member who performed at least 20 years of service which is creditable in determining the member or former member's eligibility for retired or retainer pay; and

''(2) on the date of the final decree of divorce, dissolution, or annulment had been married to the member or former member for a period of at least 20 years, at least 12 of which were during the period the member or former member performed service creditable in determining the member or former member's eligibility for retired or retainer pay.''.

(b) EXPANSION OF RESERVE MEMBERS' ELIGIBILITY.—(1) Section 1063 of such title is amended—

(A) in subsection (a)(1)—

(i) by inserting ''for such calendar year on the same basis as members on active duty'' before the period in the first sentence; and

(ii) by striking out the second sentence;

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) The heading of such section is amended to read as follows:

**"§ 1063. Members of the Ready Reserve".**

(c) EXPANSION OF ELIGIBILITY FOR PERSONS QUALIFIED FOR CERTAIN RETIRED PAY BUT UNDER AGE 60.—(1) Section 1064 of such title is amended by striking out ''for 12 days each calendar year'' and inserting in lieu thereof ''on the same basis as a person who is eligible for such retired pay''.

(2) The heading of such section is amended to read as follows:

**"§ 1064. Persons qualified for retired pay under chapter 67 but under age 60".**

(d) EXTENSION OF BENEFITS TO CERTAIN FORMER ENLISTED MEMBERS.—(1) The Secretary of Defense shall prescribe regulations to allow a person described in paragraph (2), and the survivors of such person, to use commissary and exchange stores of the Department of Defense on the same basis as officers retired for disability under chapter 61 of title 10, United States Code, and the survivors of such officers, respectively.

(2) Paragraph (1) applies to any person who was discharged with a disability from the Armed Forces on or before October 1, 1949, and—

(A) who at the time of such discharge was an enlisted member who had completed less than 20 years of active service; and

(B) who, if such person had been an officer at the time of such discharge, would have been eligible for disability retirement under the Career Compensation Act of 1949.

(e) CLARIFICATION OF USE OF CERTAIN FACILITIES BY CERTAIN PERSONS.—Section 1065(a) of such title is amended—

(1) in the first sentence, by striking out ''Armed Forces'' and inserting in lieu thereof ''armed forces''; and

(2) by striking out the second sentence and inserting in lieu thereof the following: ''For a member of the Selected Reserve, and the dependents of such member, such use shall be permitted on the same basis as a member on active duty. For a member who would be eligible for retired pay under chapter 67 but for the fact that the member is under 60 years of age, and the dependents of such member,

such use shall be on the same basis as a member eligible for such retired pay.''.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by striking out the items relating to sections 1063 and 1064 and inserting in lieu thereof the following items:

''1063. Members of the Ready Reserve.
''1064. Persons qualified for retired pay under chapter 67 but under age 60.''.

**SEC. 352. PROHIBITION ON OPERATION OF COMMISSARY STORES BY ACTIVE DUTY MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

**''§ 977. Operation of commissary stores: assignment of active duty members generally prohibited**

''(a) GENERAL RULE.—A member of the armed forces on active duty may not be assigned to the operation of a commissary store.

''(b) EXCEPTION FOR DCA DIRECTOR.—The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

''(c) EXCEPTION FOR CERTAIN ADDITIONAL MEMBERS.—Beginning on October 1, 1996, not more than 18

additional members of the armed forces on active duty may be assigned to the Defense Commissary Agency. Assignment of such member to regional headquarters of that Agency shall be limited to enlisted advisors for those regions responsible for overseas commissaries and to veterinary specialists.

''(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—(1) The Secretary of the Navy may assign to the Defense Commissary Agency a member of the Navy whose assignment afloat is part of the operation of a ship's food service or a ship's store. Any such assignment shall be on a nonreimbursable basis.

''(2) The number of such members assigned to the Defense Commissary Agency during any period before October 1, 1996, may not exceed the number of such members so assigned on October 1, 1993. After September 30, 1996, the number of such members so assigned may not exceed the lesser of (A) the number of members so assigned on October 1, 1993, and (B) 400.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 976 the following new item:

''977. Operation of commissary stores: assignment of active duty members generally prohibited.''.

**SEC. 353. MODERNIZATION OF AUTOMATED DATA PROCESSING CAPABILITY OF THE DEFENSE COMMISSARY AGENCY.**

In order to perform inside the Defense Commissary Agency (in this section referred to as the ''Agency'') all automated data processing functions of the Agency as soon as possible, the Secretary of Defense shall take any action necessary to expedite the modernization of the automated data processing capability of the Agency. Such action may include the modification of existing contracts with contractors supplying automated data processing services to the Agency.

**SEC. 354. OPERATION OF STARS AND STRIPES BOOKSTORES BY THE MILITARY EXCHANGES.**

The Secretary of Defense shall prescribe regulations providing for the operation, not later than April 15, 1994, of Stars and Stripes bookstores outside of the United States by the military exchanges.

**SEC. 355. AVAILABILITY OF FUNDS FOR NEXCOM RELOCATION EXPENSES.**

Of funds authorized to be appropriated under section 301(2), $10,000,000 shall be available to provide for the payment of expenses incurred by the Navy Exchange Service Command to relocate functions and activities from the Naval Station, Staten Island, to the Naval Base, Norfolk.

# Subtitle F—Other Matters

**SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.**

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

(1) in subsection (a)—

(A) in the first sentence, by inserting ‘‘, the Inspector General of the Department of Defense,’’ after ‘‘the Secretary of Defense’’;

(B) in the second sentence, by inserting ‘‘or the Inspector General of the Department of Defense’’ after ‘‘the Secretary concerned’’; and

(C) in the third sentence, by inserting ‘‘or the Inspector General of the Department of Defense’’ after ‘‘The Secretary concerned’’;

(2) in subsection (b), by inserting ‘‘, by the Inspector General of the Department of Defense to a person in the Office of the Inspector General,’’ after ‘‘the Department of Defense’’; and

(3) in subsection (c)—

(A) by inserting ‘‘(1)’’ after ‘‘(c)’’; and

(B) by adding after paragraph (1), as so designated by subparagraph (A), the following new paragraph:

''(2) The amount of funds expended by the Inspector General of the Department of Defense under subsections (a) and (b) during a fiscal year may not exceed $400,000.''.

**SEC. 362. AUTHORITY FOR CIVILIAN ARMY EMPLOYEES TO ACT ON REPORTS OF SURVEY.**

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

(1) in subsection (a), by inserting ''or any civilian employee of the Department of the Army'' after ''any officer of the Army''; and

(2) in subsection (b), by striking out ''an officer of the Army designated by him.'' and inserting in lieu thereof ''the Secretary's designee. The Secretary may designate officers of the Army or civilian employees of the Department of the Army to approve such action.''.

**SEC. 363. EXTENSION OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.**

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''during fiscal year 1993'' and inserting in lieu thereof ''during a fiscal year''; and

(2) in subsection (b), by striking out ''for fiscal year 1993''.

(b) UPDATE OF MASTER PLAN.—Section 1597(c) of such title is amended—

(1) in paragraph (1), by striking out ''for fiscal year 1994'' and inserting in lieu thereof ''for a fiscal year''; and

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

''(4) The Secretary of Defense shall include in the materials referred in paragraph (1), a report on the implementation of the master plan for the fiscal year immediately preceding the fiscal year for which such materials were submitted.''.

**SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.**

Paragraph (1) of section 3401(a) of title 39, United States Code, is amended—

(1) in the matter before subparagraph (A)—

(A) by inserting ''an individual who is'' before ''a member''; and

(B) by inserting ''or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the mili-

tary theater commander,'' after ''section 101 of title 10,''; and

(2) in subparagraphs (A) and (B) by striking ''the member'' and inserting ''such individual''.

**SEC. 365. EXTENSION AND MODIFICATION OF PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.**

(a) PILOT PROGRAM.—Subsection (a) of section 376 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 106 Stat. 2385) is amended—

(1) by striking out ''Under regulations prescribed by the Secretary of Defense, the'' and inserting in lieu thereof ''The'';

(2) by inserting '', approved by the Secretary of Defense,'' after ''enter into an agreement''; and

(3) by striking out ''fiscal years 1993 and 1994'' and inserting in lieu thereof ''fiscal years 1993, 1994, and 1995''.

(b) FUNDING ASSISTANCE.—Subsection (b) of such section is amended to read as follows:

''(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the

National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance and pay and allowances allotments for the National Guard of the State for that fiscal year. The amount of such funds that may be used to carry out the pilot program during that fiscal year may not exceed 25 percent of the amount used for medical training of the National Guard of the State during the fiscal year immediately before that fiscal year.''.

(c) SUPPLIES AND EQUIPMENT.—Such section is further amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

''(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, or any other person may be used to carry out the pilot program.''.

(d) SERVICE OF PARTICIPANTS.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

''(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard is training in the member's Federal status as a member of the National Guard of a State under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.''.

(e) REPORT.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended by striking out ''January 1, 1994'' and inserting in lieu thereof ''January 1, 1995''.

(f) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(h) DEFINITIONS.—For purposes of this section:

''(1) The term 'health care' includes medical and dental care services.

''(2) The term 'Governor' means, with respect to the District of Columbia, the commanding general of the District of Columbia National Guard.

''(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

**SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIREMENT HOME ACT OF 1991.**

(a) RELATIONSHIP TO DEPARTMENT OF DEFENSE.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 104 Stat. 1723) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense may make available to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act.''.

(b) AUTHORITY OF RETIREMENT HOME CHAIRMAN.—Subsection (d)(1) of section 1515 of such Act (104 Stat. 1727) is amended to read as follows:

''(d) CHAIRMEN.—(1)(A) The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman shall be five years with eligibility for selection to serve a second five-year term at the discretion of the Secretary. The chairman shall act as the chief executive officer of the Retirement Home, and shall not be responsible to the Secretary of Defense or to the Secretaries of the military departments for overall direction and management of the Retirement Home and each facility maintained as a separate facility of the Retirement Home.

''(B) The chairman may appoint, in addition to such ad hoc committees as the chairman determines to be appropriate, a standing executive committee to act for, and in the name of, the Retirement Home Board at such times and on such matters as the chairman considers necessary to expedite the efficient and timely management of each facility maintained as a separate facility of the Retirement Home.

''(C) The chairman may appoint an administrative staff to assist the chairman in the performance of such individual's duties as the chairman of the Retirement

Board and chief executive officer of the Retirement Home. The chairman shall determine the rate of pay for such staff, except that a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States shall receive no additional pay by reason of service on the administrative staff.''.

(c) HOSPITAL CARE FOR HOME RESIDENTS.—The second sentence of section 1513(b) of such Act (104 Stat. 1725) is amended to read as follows: ''Secondary and tertiary hospital care for residents that is not available at a facility maintained as a separate establishment of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense in a facility administered by such Secretary. The Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care.''.

(d) DISPOSITION OF ESTATES OF DECEASED RESIDENTS.—Section 1520(a) of such Act (104 Stat. 1731) is amended to read as follows:

''(a) EFFECTS OF DECEASED PERSONS.—The Director of a facility maintained as a separate establishment of the Retirement Home shall safeguard and dispose of

the estate and personal effects of deceased residents, including effects delivered to the Retirement Home under subsections 4712(f) and 9712(f) of title 10, United States Code, and shall ensure the following:

''(1) A will or other instrument of a testamentary nature involving property rights executed by a resident shall be promptly delivered, upon the death of the resident, to the proper court of record. All property left by the deceased resident shall be held for disposition as directed by the court.

''(2) In the event a resident dies intestate and the heirs or legal representative of the deceased cannot be immediately ascertained, the Director shall retain all property left by the decedent for a three-year period beginning on the date of the death. If entitlement to such property is established to the satisfaction of the Director at any time during the three-year period, the Director shall distribute the decedent's property, in equal pro-rata shares when multiple beneficiaries have been identified, to the highest following categories of identified survivors (listed in the order of precedence indicated):

''(A) The surviving spouse or legal representative.

''(B) The children of the deceased.

''(C) The parents of the deceased.

''(D) The siblings of the deceased.

''(E) The next-of-kin of the deceased.''.

(e) SALE OF EFFECTS.—Subsection (b) of such section is amended to read as follows:

''(b) SALE OF EFFECTS.—(1) In the event the disposition of the estate of a resident of the Retirement Home cannot be accomplished under subsection (a)(2), the entirety of the deceased resident's domiciliary estate and the entirety of any ancillary estate that are unclaimed at the end of the three-year period beginning on the date of the death of the resident shall escheat to the Retirement Home. Upon the sale of any such unclaimed estate property, the proceeds of the sale shall be deposited in the Retirement Home Trust Fund. In the event a personal representative or other fiduciary is appointed to administer a deceased resident's unclaimed estate before the end of such three-year period, the balance of the entire net proceeds of the estate, less estate expenses, shall be directly deposited to any local court fund, subject to a claim by the Comptroller General of the United States. This paragraph shall apply to the estate of a resident of the Soldiers' and Airmen's Home or of the Naval Home who dies after November 29, 1989.

1 ''(2) The Director of a facility maintained as a sepa-
2 rate establishment of the Retirement Home may designate
3 an attorney to serve as attorney-general for the facility
4 in any probate proceeding in which the Retirement Home
5 may have a legal interest as nominated fiduciary, testa-
6 mentary legatee, escheat legatee, or in any other capacity.
7 The attorney-general may, in the domiciliary jurisdiction
8 of the deceased resident and in any ancillary jurisdictions,
9 petition for appointment as fiduciary under any resulting
10 court appointment. In a probate proceeding in which the
11 heirs of an intestate deceased resident cannot be located,
12 the attorney-agent shall be appointed as the fiduciary of
13 the estate of the decedent.
14 ''(3) The designation of a facility of the Retirement
15 Home as personal representative of the estate of a resident
16 of the Retirement Home or as a legatee under the will
17 or codicil of the resident shall not disqualify an employee
18 or staff member of that facility from serving as an eligible
19 witness to a will or codicil of the resident.
20 ''(4) After the expiration of the three-year period be-
21 ginning on the date of the death of a resident of the facil-
22 ity, the Director of the facility shall dispose of all property
23 of the deceased resident that is not otherwise disposed of
24 as provided for in this subsection, including personal ef-
25 fects such as decorations, medals, and citations to which

a right has not been established under subsection (a). Disposal may be made within the discretion of the Director by—

''(A) retaining such property or effects for the facility;

''(B) offering such items to the Secretary of Veterans Affairs, a State, another military home, a museum, or any other institution having an interest; or

''(C) destroying any items the Director concerned considers to be valueless.''.

**SEC. 367. REQUIRED PAYMENT DATE UNDER PROMPT PAYMENT ACT FOR PROCUREMENT OF BAKED GOODS.**

In the case of the acquisition of baked goods by the Department of Defense, the required payment date for purposes of section 3902 of title 31, United States Code (relating to interest penalties for failure to pay contractors by the required payment date), shall be the same as applies under the regulations prescribed under section 3903(a)(4) of such title in the case of the acquisition of edible oils or fats by the Department of Defense.

**SEC. 368. PROVISION OF FACILITIES AND SERVICES OF THE DEPARTMENT OF DEFENSE TO CERTAIN EDUCATIONAL ENTITIES.**

(a) PROVISION OF FACILITIES AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2553. Facilities and services: certain educational entities**

''(a) USE OF FACILITIES.—The Secretary may permit an entity referred to in subsection (c) to use, on a reimbursable or nonreimbursable basis, any facility of the Department of Defense that the Secretary determines will assist that entity in achieving its educational goals.

''(b) USE OF SERVICES.—The Secretary may make available to an entity referred to in subsection (c), on a reimbursable or nonreimbursable basis, the services of any member of the armed forces or employee of the Department of Defense who the Secretary determines will assist that entity in achieving its education goals.

''(c) COVERED ENTITIES.—The entities referred to in subsections (a) and (b) are the following:

''(1) The United States Space Camp.

''(2) The United States Space Academy.

''(3) The Aviation Challenge.

''(4) The National Flight Academy.

"(d) OPERATION OF THE NATIONAL FLIGHT ACADEMY.—After the completion of the facilities of the National Flight Academy, the Secretary of the Navy may accept the donation of such facilities from the Naval Aviation Museum Foundation (or a successor entity of the Foundation). If the donation occurs, the Secretary of the Navy may, by regulations prescribed under subsection (f), permit the Naval Aviation Museum Foundation (or any successor entity) to operate and maintain such facilities.

"(e) NONINTERFERENCE WITH ARMED FORCES OPERATIONS.—The provision of facilities and services under subsections (a) and (b) may not interfere with the normal operations and missions of the armed forces.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including regulations establishing reasonable rates for a reimbursement under subsection (a).".

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

"2553. Facilities and services: certain educational entities.".

**SEC. 369. MODIFICATION OF RESTRICTION ON REPAIR OF CERTAIN VESSELS THE HOMEPORT OF WHICH IS PLANNED FOR REASSIGNMENT.**

Section 7310(b) of title 10, United States Code, as inserted by section 814(b), is amended to read as follows:

"(b) VESSEL CHANGING HOMEPORTS.—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

"(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the United States (or a territory of the United States) perform in the United States (or a territory of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

**SEC. 370. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES WHO DIE WHILE SERVING IN AN ARMED CONFLICT WITH THE ARMED FORCES.**

(a) IN GENERAL.—Chapter 75 of title 10, United States Code, is amended by inserting after section 1482 the following new section:

**"§ 1482a. Expenses incident to death: civilian employees serving in a contingency operation**

''(a) PAYMENT OF EXPENSES.—The Secretary concerned may pay the following expenses incident to the death of a civilian employee who dies while serving with an armed force in a contingency operation:

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

''(2) Presentation of a flag of the United States to the next of kin of the employee.

''(3) Presentation of a flag of equal size to the flag presented under paragraph (2) to the parents or parent of the employee, if the person to be presented a flag under paragraph (2) is other than the parent of the employee.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. The Secretary of Transportation shall prescribe regulations to implement this section with regard to civilian employees of the Department of Transportation. Such regulations shall be uniform to the extent possible.

''(c) DEFINITIONS.—In this section:

''(1) The term 'parent' has the meaning given such term in section 1482(a)(11) of this title.

"(2) The term 'Secretary concerned' includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.".

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

"1482a. Expenses incident to death: civilian employees serving in a contingency operation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the payment of incidental expenses for civilian employees who die while serving in a contingency operation that occurs after the date of the enactment of this Act.

**SEC. 371. MAINTENANCE OF PACIFIC BATTLE MONUMENTS.**

(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

(b) FUNDING.—Of the amounts made available to the Marine Corps for operation and maintenance in a fiscal year, not more than $15,000 shall be available to repair

and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, $150,000 shall be available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of American military personnel during World War II.

**SEC. 372. EXCLUSIVE USE OF AIRCRAFT CARRIER FOR FULL-TIME TRAINING.**

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the aviation training requirements of the Navy can be adequately achieved in a safe and cost-effective manner only if an aircraft carrier is used exclusively and on a full-time basis to meet such requirements.

(b) USE OF CARRIER.—The Secretary of the Navy shall use the U.S.S. Forestall (or another aircraft carrier designated by the Secretary) exclusively and on a full-time basis to meet the aviation training requirements of the Navy.

**SEC. 373. REPORT ON CERTAIN EDUCATIONAL ARRANGEMENTS FOR CHILDREN RESIDING ON MILITARY INSTALLATIONS IN THE UNITED STATES.**

(a) REPORT.—(1) Not later than February 28, 1994, the Secretary of Defense shall submit to the congressional committees referred to in paragraph (2) a report on any

educational arrangement referred to in subsection (b) that is made by the Secretary of Defense for children residing on military installations in the United States. The report shall include the following:

(A) The assessment and recommendations of the Secretary of Defense regarding the justification of the continuing need for school facilities under any such educational arrangement.

(B) A comprehensive review of the Department of Education Impact Aid program to determine whether the program is meeting its objectives with regard to militarily impacted school districts. The review shall address structural as well as funding concerns.

(C) A review of all militarily-impacted school districts which are experiencing financial difficulties to determine whether those districts are experiencing financial difficulty in whole or in part as a result of their responsibility for educating military dependents. The study should focus on students under section 3(a) of the Act of September 30, 1950 (20 U.S.C. 238) and include, at a minimum, a review of all militarily-impacted school districts which are on a State's financial watch list. The study should specifically analyze the effect of the financial difficulty

on the students served, including social and educational impacts.

(D) An analysis of, and recommendations regarding, how the Impact Aid program may be structurally improved to better meet the educational needs of military dependents and the schools that serve them. The analysis should specifically address whether the Department of Defense should assume a larger responsibility for the education of military dependents.

(2) The congressional committees referred to in paragraph (1) are the Committees on Armed Services of the Senate and House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and Labor of the House of Representatives.

(b) COVERED ARRANGEMENTS.—An educational arrangement referred to in subsection (a) is an arrangement of the kind that may be made under section 6 of the Act of September 30, 1950 (20 U.S.C. 241).

**SEC. 374. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.**

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–

190; 105 Stat. 1344) is amended by striking out ''terminate at the end of the two-year period beginning on the date of the enactment of this Act'' and inserting in lieu thereof ''terminate on December 5, 1994''.

(2) Section 343(e) of such Act is amended by striking out ''60 days after the end of the two-year period described in subsection (d)'' and inserting in lieu thereof ''February 3, 1995''.

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1994''.

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1994''.

**SEC. 375. SHIPS' STORES.**

(a) CONVERSION TO OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall convert the oper-

ation of all ships' stores from operation as an activity funded by direct appropriations to operation by the Navy Exchange Command as an activity funded from sources other than appropriated funds.

(b) TRANSFER OF FUNDS.—To facilitate the conversion required under subsection (a), the Secretary of the Navy shall transfer to the Navy Exchange Command from—

(1) the Navy Stock Fund, an amount equal to the value of existing ships' stores assets in that Fund; and

(2) the Ships' Stores Profits, Navy Fund, residual cash in that Fund.

(c) CODIFICATION.—Section 7604 of title 10, United States Code, is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''Under such regulations''; and

(B) by adding at the end the following new subsections:

''(b) INCIDENTAL SERVICES.—The Secretary of the Navy may provide financial services, space, utilities, and labor to ships' stores on a nonreimbursable basis.

''(c) ITEMS SOLD.—Merchandise sold by ship stores afloat shall include items in the following categories:

''(1) Health, beauty, and barber items.

''(2) Prerecorded music and videos.

''(3) Photographic batteries and related supplies.

''(4) Appliances and accessories.

''(5) Uniform items, emblematic and athletic clothing, and equipment.

''(6) Luggage and leather goods.

''(7) Stationery, magazines, books, and supplies.

''(8) Sundry, games, and souvenirs.

''(9) Beverages and related food and snacks.

''(10) Laundry, tailor, and cleaning supplies.

''(11) Tobacco products.''.

(d) EFFECTIVE DATE.—Subsections (b) and (c) of section 7604 of title 10, United States Code, as added by subsection (c), shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a).

## Subtitle G—Environmental Provisions

### SEC. 381. MODIFICATION OF ANNUAL REPORT ON ENVIRONMENTAL RESTORATION AND COMPLIANCE BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2706 of title 10, United States Code, is amended to read as follows:

**"§ 2706. Annual report to Congress**

''(a) REPORT.—Each year, at the same time the President submits to the Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to the Congress a report that describes the progress made by the Secretary of Defense in implementing environmental restoration and compliance activities at military installations.

''(b) CONTENTS OF REPORT.—Each such report shall include the following:

''(1) With respect to environmental restoration activities for each military installation, the following:

''(A) A statement of the number of individual facilities at which a hazardous substance has been identified.

''(B) The status of response actions contemplated or undertaken at each such facility.

''(C) The specific cost estimates and budgetary proposals involving response actions contemplated or undertaken at each such facility.

''(D) The amount of funds obligated for each response action, and the progress made on implementing the response action, during the previous fiscal year, with explanations for any cost variance from such previous year's estimates of more than 15 percent or $10,000,000

(whichever is greater), or any schedule slippage of more than 180 days.

''(E) The amount allocated for, and the progress the Department expects to make in implementing, each response action during the current fiscal year.

''(F) The amount requested for each response action for the fiscal year for which the President's budget is submitted, and the progress the Secretary expects to make during that fiscal year in implementing the response action. If such information is not available at the time of the submission of the report, the Secretary shall, to the maximum extent possible, provide the information in a supplemental report not later than 30 days after submission of the report.

''(G) The costs incurred to date for each response action.

''(H) The estimated cost to complete the environmental restoration activities, including, where relevant, the estimated cost in five-year increments.

''(I) The estimated final date for completion of the environmental restoration activities,

including, where relevant, the estimated progress, in five-year increments, toward completion.

''(2) With respect to compliance activities, the following:

''(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted. The statement shall set forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

''(B) A statement of the funding levels and full-time personnel requested for such purposes in the budget as submitted by the President, together with an explanation of any differences between the funding level and personnel requirements and the funding level and personnel requests in the budget. The statement shall set forth separately the funding levels and full-time personnel requested for the Department of Defense as a whole and for each military installation.

''(C) A projection of the funding levels and full-time personnel that will be required over the next five fiscal years for the Department of Defense to comply with applicable environmental laws, set forth separately for the Department of Defense as a whole and for each military installation.

''(D) An analysis of the effect that compliance with such environmental laws may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

''(E) A statement of the funding levels requested in the budget for carrying out research, development, testing, and evaluation for environmental purposes or environmental activities of the Department of Defense. The statement shall set forth separately the funding levels requested for the Department of Defense as a whole and for each military department and Defense Agency.

''(F) A description of the number and duties of current full-time personnel, both civilian and military, who carry out environmental activities (including research) for the Department

of Defense, including a description of the organizational structure of such personnel from the Secretary of Defense down to the military installation level.

''(G) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted.

''(c) DEFINITIONS.—In this section:

''(1) The term 'military installation'—

''(A) includes—

''(i) each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary;

''(ii) each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances; and

''(iii) each facility or site at which the Secretary is conducting environmental res-

toration activities funded through the Defense Environmental Restoration Account established under section 2703, the Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. note), a successor account to any such accounts, or any other account established in connection with the closing or realigning of a military installation;

''(B) means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam; and

''(C) does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

''(2) The term 'response' has the same meaning given such term in section 101(25) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(25)).''.

(b) CLERICAL AMENDMENT.—The item relating to section 2706 in the table of sections at the beginning of chapter 160 of such title is amended to read as follows:

''2706. Annual report to Congress.''.

**SEC. 382. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.**

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2371) is amended—

(1) in subsection (a)(1)—

(A) by striking out ''hazardous substance or pollutant or contaminant'' and inserting in lieu thereof ''hazardous substance, pollutant or contaminant, or petroleum or its derivatives''; and

(B) by inserting ''(including the activities of any contractor or subcontractor of the Department of Defense other than a response ac-

tion contractor)'' after ''Department of Defense activities'';

(2) in subsection (a)(2), by striking out ''described in this paragraph'' and inserting in lieu thereof ''referred to in paragraph (1)'';

(3) in subsection (a)(3)—

(A) by striking out ''the persons and entities described in paragraph (2)'' and inserting in lieu thereof ''a person or entity described in paragraph (2)''; and

(B) by inserting ''to that person or entity'' before the period;

(4) in subsection (b)—

(A) in paragraph (2), by inserting ''person or'' before ''entity''; and

(B) in paragraph (4), by inserting ''person or'' before ''entity'';

(5) in subsection (c), by inserting ''or entity'' after ''person'' each place it appears;

(6) in subsection (d)—

(A) by striking out ''plaintiff'' and inserting in lieu thereof ''person or entity seeking indemnification under this section''; and

(B) by striking out ''hazardous substance or pollutant or contaminant'' and inserting in

lieu thereof ''hazardous substance, a pollutant or contaminant, or petroleum or its derivatives''; and

(7) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting '' 'remedial action', 'response','' after '' 'release',''; and

(ii) by inserting ''(24), (25),'' after ''(22),'' each place it appears; and

(B) by adding after paragraph (3) the following new paragraph:

''(4) The term 'response action contractor' has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)), except that such term includes a person who enters into, and is carrying out, a contract to provide at a facility (including a facility not listed on the National Priorities List) a response action with respect to any release or threatened release from the facility of a hazardous substance or pollutant or contaminant, or a similar action with respect to petroleum or its derivatives.''.

**SEC. 383. ANNUAL REPORT ON REIMBURSEMENT OF CONTRACTOR ENVIRONMENTAL RESPONSE COSTS FOR OTHER THAN RESPONSE ACTION CONTRACTORS.**

(a) ANNUAL REPORT.—Section 2706 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) REPORT ON REIMBURSEMENT OF CONTRACTOR COSTS.—(1) Each year, at the same time the President submits to the Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to the committees named in paragraph (3) a report on payments made by the Secretary of Defense for defense contractor environmental response costs.

''(2) Each report required by paragraph (1) shall include, for the recently completed fiscal year—

''(A) estimated payments made by the Secretary of Defense to a defense contractor (other than a response action contractor) for environmental response costs at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action; and

''(B) the amount and current status of any pending requests by a defense contractor (other than a response action contractor) for payment of envi-

ronmental response costs at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.

''(3) The committees of Congress to which a report under paragraph (1) is to be submitted are the following:

''(A) The Committee on Armed Services of the House of Representatives.

''(B) The Committee on Armed Services of the Senate.

''(C) The Committee on Appropriations of the House of Representatives.

''(D) The Committee on Appropriations of the Senate.

''(E) The Committee on Government Operations of the House of Representatives.

''(F) The Committee on Governmental Affairs of the Senate.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning with fiscal year 1992, except that for fiscal years 1992 and 1993, the Secretary of Defense shall submit a report required by such amendment to the committees named in subsection (c) not later than 180 days after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) The term ''defense contractor''—

(A) means a company that is one of the top 100 companies receiving the largest dollar volume of prime contract awards by the Department of Defense during the fiscal year covered by the report required by section 2706(c) of title 10, United States Code, as amended by subsection (a); and

(B) does not include small business concerns, commercial companies providing commercial items to the Department of Defense, or segments of commercial companies providing commercial items to the Department of Defense.

(2) The terms ''facility'', ''response'', and ''response action contractor'' have the meaning given such terms in paragraphs (9) and (25) of section 101, and in section 119(e)(2), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(9) and (25), 9619(e)(2)).

# TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

## Subtitle A—Active Forces

### SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 540,000.

(2) The Navy, 480,800.

(3) The Marine Corps, 174,100.

(4) The Air Force, 425,700.

## Subtitle B—Reserve Forces

### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 113,400.

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

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

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

(7) The Coast Guard Reserve, 10,000.

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

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 19,369.

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

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

(6) The Air Force Reserve, 648.

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

(a) SENIOR ENLISTED MEMBERS.—Effective on October 1, 1993, the table in section 517(b) of title 10, United 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". |

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

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

**SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NATIONAL GUARD.**

(a) MINIMUM FORCE STRUCTURE LEVEL.—The force structure allowance for the Army National Guard of the United States for fiscal year 1994 shall be not less than 420,000.

(b) FORCE STRUCTURE ALLOWANCE DEFINED.—For purposes of this section, the force structure allowance for a reserve component is the allowance prescribed for that reserve component by the Secretary of the military

department concerned pursuant to section 413 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2400).

**SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.**

(a) FISCAL YEAR 1994.—The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission.

(b) PERMANENT STAFFING LEVEL.—The number of personnel authorizations assigned to the Craft of Opportunity mission shall be maintained during fiscal year 1994 and thereafter at not less than the level in effect on September 30, 1991.

## Subtitle C—Military Training Student Loads

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

(a) IN GENERAL.—For fiscal year 1994, the components of the active and reserve Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

**SEC. 422. STUDENT LOADS AT WAR COLLEGES AND AT COMMAND AND GENERAL STAFF COLLEGES.**

(a) REQUIRED STUDENT LEVELS.—The Secretary of Defense shall ensure that the number of students at each of the war colleges and at each of the command and general staff colleges is maintained during fiscal year 1994 at the same level as was in effect on October 1, 1992, for each such college.

(b) COVERED SCHOOLS.—For purposes of subsection (a)—

(1) the war colleges are the National War College, the Industrial College of the Armed Forces, the Army War College, the College of Naval Warfare, and the Air War College; and

(2) the command and general staff colleges are the Armed Forces Staff College, the Army Command and General Staff Course, the College of Naval Command and Staff, the Air Command and

Staff College, and the Marine Corps Command and Staff College.

## Subtitle D—Authorization of Appropriations

### SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,671,147,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

# TITLE V—MILITARY PERSONNEL POLICY

## Subtitle A—Active Components

### SEC. 501. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPARATION PAY FOR REGULAR OFFICERS INVOLUNTARILY DISCHARGED.

(a) PERIOD OF SERVICE REQUIRED FOR ELIGIBILITY.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out ''five'' and inserting in lieu thereof ''six''.

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a)

shall apply with respect to any regular officer who is discharged after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not apply with respect to an officer who on the date of the enactment of this Act has five or more, but less than six, years of active service in the Armed Forces.

**SEC. 502. EXTENSION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AND SPECIAL SEPARATION BENEFITS PROGRAMS.**

Sections 1174a(c)(2) and 1175(d)(1) of title 10, United States Code, are amended by striking out ''December 5, 1991'' and inserting in lieu thereof ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994''.

**SEC. 503. ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS.**

Section 1141 of title 10, United States Code, is amended by striking out ''September 30, 1990'' and inserting in lieu thereof ''September 30, 1991''.

**SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS.**

(a) EXTENSION.—Section 5721(f) of title 10, United States Code, is amended by striking out ''September 30,

1993'' and inserting in lieu thereof ''September 30, 1995''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1993.

**SEC. 505. OFFICERS INELIGIBLE FOR CONSIDERATION BY EARLY RETIREMENT BOARDS.**

Section 638(e)(2)(B) of title 10, United States Code, is amended—

(1) by inserting ''(i)'' after ''grade and competitive category'';

(2) by inserting ''(ii)'' after ''of this title, or''; and

(3) by striking out the comma after ''any provision of law''.

**SEC. 506. REMEDY FOR INEFFECTIVE COUNSELING OF OFFICERS DISCHARGED FOLLOWING SELECTION BY EARLY DISCHARGE BOARDS.**

(a) PROCEDURE FOR REVIEW.—(1) The Secretary of each military department shall establish a procedure for the review of the individual circumstances of an officer described in paragraph (2) who is discharged, or who the Secretary concerned approves for discharge, following the report of a selection board convened by the Secretary to select officers for separation.

(2) This section applies in the case of any officer (including a warrant officer) who, having been offered the opportunity to be discharged or otherwise separated from active duty through the programs provided under section 1174a and 1175 of title 10, United States Code, elected not to accept such discharge or separation.

(b) APPLICATION.—A review under this section shall be conducted in any case submitted to the Secretary concerned by application from the officer or former officer under regulations prescribed by the Secretary.

(c) PURPOSE OF REVIEW.—(1) The review under this section shall be designed to evaluate the effectiveness of the counseling of the officer before the convening of the board to ensure that the officer was properly informed that selection for discharge or other separation from active duty was a potential result of being within the group of officers to be considered by the board and that the officer was not improperly informed that such selection in that officer's personal case was unlikely.

(2) The Secretary shall consider each case on its merits, but shall make a finding of ineffective counseling if an individual was instructed by an official source before the convening of the board that the officer's risk of discharge was reduced by the quality of the officer's record or by an expected limitation on the number of discharges

from the officer's occupational skill category, branch, corps, or other administrative grouping of officers.

(3) For purposes of this subsection, the term ''official source'' means any office or individual within a military department that could reasonably be expected to provide information on an individual personnel record or personnel policy.

(d) REMEDY.—Upon a finding of ineffective counseling under subsection (c), the Secretary shall provide the officer the opportunity to participate, at the officer's option, in any one of the following programs:

(1) The Special Separation Benefits Programs under section 1174a of title 10, United States Code.

(2) The Voluntary Separation Incentive program under section 1175 of such title.

(3) The Temporary Early Retirement Authority as authorized by section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484, October 23, 1992).

The officer must meet all eligibility criteria for the program selected.

(e) EFFECTIVE DATE.—This section shall apply with respect to officers separated after September 30, 1990.

# Subtitle B—Reserve Components

**SEC. 511. EXPANSION OF SELECTED RESERVE CALL-UP PERIOD FROM 90 DAYS TO 180 DAYS.**

Section 673b of title 10, United States Code, is amended—

(1) by striking out ''90 days'' in subsection (a) and inserting in lieu thereof ''180 days''; and

(2) by striking out ''90 additional days'' in subsection (i) and inserting in lieu thereof ''180 additional days''.

**SEC. 512. NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.**

Section 690 of title 10, United States Code, is amended by striking out ''may not exceed 200'' and inserting in lieu thereof ''may not exceed 275''.

**SEC. 513. REPEAL OF MANDATED REDUCTION IN ARMY RESERVE COMPONENT FULL-TIME MANNING END STRENGTH.**

Section 412 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 261 note) is amended by striking out subsections (b) and (c).

**SEC. 514. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.**

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) If the date of the enactment of this Act is after September 30, 1993, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date

of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

**SEC. 515. CADRE DIVISIONS.**

(a) REQUIREMENT TO ESTABLISH.—The Secretary of the Army shall, not later than September 30, 1995, establish one or more active cadre divisions of the Army as reserve component training divisions. Each such active cadre division shall be part of the active Army force structure and shall have a commander who is on the active-duty list of the Army.

(b) IMPLEMENTATION PLAN.—The Secretary of the Army shall during fiscal year 1994 submit to the Committees on Armed Services of the Senate and House of Representatives a plan to meet the requirement in subsection (a). The plan shall include a proposal for any statutory

changes that the Secretary considers to be necessary for the implementation of the plan.

**SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEUVER UNIT INTEGRATION.**

(a) PLAN FOR TEST PROGRAM.—The Secretary of the Army shall prepare a plan for carrying out a test program to determine the feasibility and advisability of applying the roundout and roundup models for integration of active and reserve component Army units at the battalion and company levels.

(b) PURPOSE OF TEST PROGRAM.—The purpose of the test program shall be to evaluate whether the roundout and roundup concepts if applied at the battalion and company levels would—

(1) decrease post-mobilization training time;

(2) increase the capabilities of reserve component leaders;

(3) improve the integration of the active and reserve components; and

(4) provide a more efficient means for future expansion of the Army in a period of emergency or increasing international threats to the vital interests of the United States.

(c) REPORT ON PLAN.—The Secretary of the Army shall submit to Congress not later than March 31, 1994,

a report that includes the plan for the test program required under subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms ''roundout'' and ''roundup'' refer to two approaches for integrating Army reserve component (Army National Guard and Army Reserve) combat units into active Army corps, divisions, brigades, and battalions after mobilization. The roundout approach is the method of bringing an incomplete active unit up to full strength by assigning one or more reserve component units to it. The roundup approach is the use of reserve component units to augment or expand active units that are already at full strength.

**SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.**

(a) ACTIVE COMPONENT ADVISERS.—(1) Subsection (c) of section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note) is amended to read as follows:

''(c) PERSONNEL TO BE ASSIGNED.—The Secretary shall assign not less than 2,000 active component personnel to serve as advisers under the program. After September 30, 1994, the number under the preceding sentence shall be increased to not less than 5,000.''.

(2) Subsection (d) of such section is amended by striking out the period at the end of the second sentence

and inserting in lieu thereof ‘‘, together with a proposal for any statutory changes that the Secretary considers necessary to implement the program on a permanent basis.’’.

(b) ANNUAL REPORT ON IMPLEMENTATION.—(1) The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a presentation relating to the implementation of the Pilot Program for Active Component Support of the Reserves under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note), as amended by subsection (a).

(2) Each such presentation shall include, with respect to the period covered by the report, the following information:

(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the Army.

(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared in the same manner as specified in subparagraph (A).

**SEC. 518. REVISION OF CERTAIN DEADLINES UNDER ARMY GUARD COMBAT REFORM INITIATIVE.**

(a) DELAY IN MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.—(1) Subsection (b) of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note; 106 Stat. 2537) is amended by striking out ''fiscal years 1993 through 1997'' and inserting in lieu thereof ''fiscal years 1994 through 1997''.

(2) Subsection (d) of such section is amended by striking out ''March 15, 1993'' and ''April 1, 1993'' and inserting in lieu thereof ''December 15, 1993'' and ''January 15, 1994'', respectively.

(b) REPORT ON DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.—Section 1118(b) of such Act (106 Stat. 2539) is amended by striking out ''February 15, 1993'' and inserting in lieu thereof ''October 1, 1993''.

**SEC. 519. ANNUAL REPORT ON IMPLEMENTATION OF ARMY NATIONAL GUARD REFORM INITIATIVE.**

(a) IN GENERAL.—Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 3083. Army National Guard Reform Initiative: annual report**

''(a) IN GENERAL.—The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a detailed presentation concerning the Army National Guard, including particularly information relating to the implementation of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 106 Stat. 2536 et seq.) (hereinafter in this section referred to as 'ANGCRRA').

''(b) MATTERS TO BE INCLUDED IN REPORT.—Each presentation under subsection (a) shall include, with respect to the period covered by the report, the following information concerning the Army National Guard:

''(1) The number and percentage of officers with at least two years of active-duty before becoming a member of the Army National Guard.

''(2) The number and percentage of enlisted personnel with at least two years of active-duty be-

fore becoming a member of the Army National Guard.

''(3) The number of officers who are graduates of one of the service academies and were released from active duty before the completion of their active-duty service obligation and of those officers—

''(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

''(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA and the reason for each waiver.

''(4) The number of officers who were commissioned as distinguished Reserve Officers' Training Corps graduates and were released from active duty before the completion of their active-duty service obligation and of those officers—

''(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

''(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA and the reason for each waiver.

''(5) The number of officers who are graduates of the Reserve Officers' Training Corps program and who are performing their minimum period of obligated service in accordance with section 1112(b) of ANGCRRA by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation served in the National Guard and, of those officers, the number for whom permission to perform their minimum period of obligated service in accordance with that section was granted during the preceding fiscal year.

''(6) The number of officers for whom recommendations were made during the preceding fiscal year for a unit vacancy promotion to a grade above first lieutenant and, of those recommendations, the number and percentage that were concurred in by an active-duty officer under section 1113(a) of ANGCRRA, shown separately for each of the three categories of officers set forth in section 1113(b) of ANGCRRA.

''(7) The number of waivers during the preceding fiscal year under section 1114 of ANGCRRA of any standard prescribed by the Secretary establishing a military education requirement for noncommissioned officers and the reason for each such waiver.

''(8) The number and distribution by grade, shown for each State, of personnel in the initial entry training and nondeployability personnel accounting category established under 1115 of ANGCRRA for members of the Army National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment.

''(9) The number of members of the Army National Guard, shown for each State, that were discharged during the previous fiscal year pursuant to 1115(c)(1) of ANGCRRA for not completing the minimum training required for deployment within 24 months after entering the National Guard.

''(10) The number of waivers granted by the Secretary during the previous fiscal year under section 1115(c)(2) of ANGCRRA, shown for each State, of the requirement in section 1115(c)(1) of ANGCRRA described in paragraph (9), and the reason for each waiver.

''(11) The number of members, shown for each State, who were screened during the preceding fiscal year to determine whether they meet minimum physical profile standards required for deployment and, of those members—

''(A) the number and percentage who did not meet minimum physical profile standards required for deployment; and

''(B) the number and percentage who were transferred pursuant to section 1116 of ANGCRRA to the personnel accounting category described in paragraph (8).

''(12) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a medical screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

''(13) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a dental screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

''(14) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, over the age of

40 who underwent a full physical examination during the previous fiscal year for purposes of section 1117 of ANGCRRA.

''(15) The number of units of the Army National Guard that are scheduled for early deployment in the event of a mobilization and, of those units, the number that are dentally ready for deployment in accordance with section 1118 of ANGCRRA.

''(16) The estimated post-mobilization training time for each Army National Guard combat unit, and a description, displayed in broad categories and by State, of what training would need to be accomplished for Army National Guard combat units in a post-mobilization period, for purposes of section 1119 of ANGCRRA.

''(17) A description of the measures taken during the preceding fiscal year to comply with the requirement in section 1120 of ANGCRRA to expand the use of simulations, simulators, and advanced training devices and technologies for members and units of the Army National Guard.

''(18) Summary tables of unit readiness, shown for each State, and drawn from the unit readiness rating system as required by section 1121 of ANGCRRA, including the personnel readiness rating

information and the equipment readiness assessment information required by that section, together with—

''(A) explanations of the information shown in the table; and

''(B) based on the information shown in the tables, the Secretary's overall assessment of the deployability of units of the Army National Guard, including a discussion of personnel deficiencies and equipment shortfalls in accordance with such section 1121.

''(19) Summary tables, shown for each State, of the results of inspections of units of the Army National Guard by inspectors general or other commissioned officers of the Regular Army under the provisions of section 105 of title 32, together with explanations of the information shown in the tables, and including display of—

''(A) the number of such inspections;

''(B) identification of the entity conducting each inspection;

''(C) the number of units inspected; and

''(D) the overall results of such inspections, including the inspector's determination for each inspected unit of whether the unit met

deployability standards and, for those units not meeting deployability standards, the reasons for such failure and the status of corrective actions.

''(20) A listing for each Army National Guard combat unit of the active-duty combat unit associated with it in accordance with section 1131(a) of ANGCRRA identification of each Army National Guard unit, to be shown by State and to be accompanied, for each such National Guard unit, by—

''(A) the assessment of the commander of that associated active-duty unit of the manpower, equipment, and training resource requirements of that National Guard unit in accordance with section 1131(b)(3) of ANGCRRA; and

''(B) the results of the validation by the commander of that associated active-duty unit of the compatibility of that National Guard unit with active duty forces in accordance with section 1131(b)(4) of ANGCRRA.

''(21) A specification of the active-duty personnel assigned to units of the Selected Reserve pursuant to section 414(c)(4) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note), shown (A) by State, (B) by rank

of officers, warrant officers, and enlisted members assigned, and (C) by unit or other organizational entity of assignment.

''(c) IMPLEMENTATION.—The requirement to include in an presentation required by subsection (a) information under any paragraph of subsection (b) shall take effect the year following the year in which the provision of ANGCRRA to which that paragraph pertains has taken effect. Before then, in the case of any such paragraph, the Secretary shall include any information that may be available concerning the topic covered by that paragraph.

''(d) DEFINITION.—In this section, the term 'State' includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.''.

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

''3083. Army National Guard Reform Initiative: annual report.''.

**SEC. 520. FFRDC STUDY OF STATE AND FEDERAL MISSIONS OF THE NATIONAL GUARD.**

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center. The study shall consider both the separate and integrated requirements

(including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions.

(b) MATTERS TO BE INCLUDED.—The Secretary shall require that the matters to be considered under the study include the following:

(1) Whether the currently projected size for the National Guard after the completion of the reductions in the national defense structure planned through fiscal year 1998 will be adequate for the National Guard to fulfill both its State and Federal missions.

(2) Whether the system of assigning Federal missions to State Guard units could be altered to optimize the Federal as well as the State capabilities of the National Guard.

(3) Whether alternative arrangements, such as cooperative development of National Guard capabilities among the States grouped as regions, are advisable and feasible.

(4) Whether alternative Federal-State cost-sharing arrangements should be implemented for National Guard units whose principal function is to support State missions.

(5) Such other matters related to the missions of the National Guard and the corresponding re-

quirements related to those missions as the Secretary may specify or the center carrying out the study may determine necessary.

(c) FFRDC REPORTS.—(1) The Secretary shall require the center carrying out the study to submit an interim report not later than May 1, 1994, and a final report not later than November 15, 1994. Each report shall include the findings, conclusions, and recommendations of the center concerning each of the matters referred to in subsection (b).

(2) The Secretary shall submit each such report to the Committees on Armed Services of the Senate and House of Representatives not later than 15 days after the date on which it is received by the Secretary.

(d) EVALUATION AND REPORT OF FINAL FFRDC REPORT.—(1) After the center carrying out the study submits its final report, the Secretary of Defense, together with the Secretary of the Army and the Secretary of the Air Force, shall conduct an evaluation of the assumptions, analysis, findings, and recommendations of that study.

(2) Not later than February 1, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under paragraph (1). The report shall be accompanied by any recommendations for legislative action that

the Secretary considers necessary as a result of the study and evaluation required by this section.

(e) COOPERATION.—The Secretary shall ensure that the center carrying out the study under this section has full access to such information as the center requires for the purposes of the study and that the center otherwise receives full cooperation from all officials and entities of the Department of Defense, including the National Guard, in carrying out the study.

**SEC. 521. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.**

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out ''other than'' and all that follows through ''level.'' and inserting in lieu thereof a period; and

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

''(i) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.''.

**SEC. 522. TRANSITION BENEFITS FOR COAST GUARD RESERVE.**

(a) APPLICABILITY OF CERTAIN BENEFITS.—The Secretary of Transportation shall prescribe such regulations as necessary so as to apply to the members of the Coast Guard Reserve the provisions of subtitle B of title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2712), including the amendments made by those provisions. For purposes of the application of any of such provisions to the Coast Guard Reserve, any reference in those provisions to the Secretary of Defense or Secretary of a military department shall be treated as referring to the Secretary of Transportation.

(b) REGULATIONS.—Regulations prescribed for the purposes of this section shall to the extent practicable be identical to the regulations prescribed by the Secretary of Defense under those provisions.

(c) TEMPORARY SPECIAL RETIREMENT AUTHORITY.—Section 1331a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''Secretary of a military department'' and inserting in lieu thereof ''Secretary concerned''; and

(2) in subsection (c), by striking out ''of the military department''; and

(3) in subsection (e), by striking out the period at the end and inserting in lieu thereof ''and by the Secretary of Transportation with respect to the Coast Guard.''.

## Subtitle C—Warrant Officers

### SEC. 531. AUTHORIZATION FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

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

### ''§ 580a. Enhanced authority for selective early discharges

''(a) The Secretary of Defense may authorize the Secretary of a military department, during the two-year period beginning on October 1, 1993, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

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

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

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

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

''(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

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

''(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

''(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

''(A) in each grade in each competitive category; or

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

''(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

''(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

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

''(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.''.

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

''580a. Enhanced authority for selective early discharges.''.

**SEC. 532. DETERMINATION OF SERVICE FOR WARRANT OFFICER RETIREMENT SANCTUARY.**

(a) EQUITY WITH OTHER MEMBERS.—Section 580(a)(4) of title 10, United States Code, is amended—

(1) by inserting ''(except as provided in subparagraph (C))'' in subparagraph (A) after ''shall be separated''; and

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

''(C) If on the date on which a warrant officer is to be separated under subparagraph (A) the warrant officer has at least 18 years of creditable active service, the warrant officer shall be retained on active duty until retired under paragraph (3) in the same manner as if the warrant officer had had at least 18 years of service on the applicable date under subparagraph (A) or (B) of that paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to warrant officers who have not been separated pursuant to section 580(a)(4) of title 10,

United States Code, before the date of enactment of this Act.

## Subtitle D—Women in the Service

### SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 555 of this title is amended by striking out the item relating to section 6015.

### SEC. 542. GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS.

(a) GENERAL REQUIREMENT.—In the case of any military occupational career field that is open to both male and female members of the Armed Forces, the Secretary of Defense—

(1) shall ensure that qualification of members of the Armed Forces for, and continuance of members of the Armed Forces in, that occupational career field is evaluated on the basis of common, relevant performance standards, without differential standards or evaluation on the basis of gender;

(2) may not use any gender quota, goal, or ceiling except as specifically authorized by law; and

(3) may not change an occupational performance standard for the purpose of increasing or decreasing the number of women in that occupational career field.

(b) REQUIREMENT FOR USE OF SPECIFIC PHYSICAL REQUIREMENTS.—For any military occupational field that is open to both male and female members of the Armed Forces for which (as determined by the Secretary of Defense) muscular strength and endurance and cardiovascular capacity are relevant to the performance of duties in that field, the Secretary shall prescribe specific physical requirements for members of the Armed Forces in that field and shall apply those physical requirements on a gender-neutral basis.

(c) NOTICE TO CONGRESS OF CHANGES.—At least 60 days before implementing any changes to occupational standards for a military occupational field which are expected to result in an increase, or in a decrease, of at least 10 percent in the number of female members of the Armed Forces who enter, or are assigned to, that occupational field, the Secretary of Defense shall submit to Congress a report providing notice of the change and the justification and rationale for the change.

**SEC. 543. NOTICE TO CONGRESS OF CHANGES TO GROUND COMBAT EXCLUSION POLICY.**

(a) REQUIREMENT.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either (A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members, or (B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(b) REPORT CONTENTS.—The Secretary shall include in any report under subsection (a)—

(1) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(2) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(c) GROUND COMBAT EXCLUSION POLICY.—For purposes of this section, the term ''ground combat exclusion policy'' means the military personnel policies of the De-

partment of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

## Subtitle E—Victims' Rights and Family Advocacy

### SEC. 551. MANDATORY ARRESTS BY MILITARY LAW ENFORCEMENT OFFICIALS WHEN CALLED TO SCENES OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 807 of title 10, United States Code (article 7 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(d)(1) In a case of domestic violence in which a military law enforcement official at the scene determines that physical injury has been inflicted or a deadly weapon or dangerous instrument has been used, the military law enforcement official, upon reasonable belief that an offense has been committed by a person at the scene, shall apprehend that person, if the person is subject to this chapter, or detain that person and remove that person from the scene, if that person is not subject to this chapter.

''(2) The Secretary of Defense shall prescribe by regulation the definition of 'domestic violence' for purposes of this subsection.

''(3) In this subsection, the term 'military law enforcement official' means a person authorized under regulations governing the armed forces to apprehend persons subject to this chapter or to trial thereunder.''.

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe procedures to carry out section 807(d) of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

**SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF VICTIMS AND WITNESSES OF STATUS OF PRISONERS IN MILITARY CORRECTIONAL FACILITIES.**

(a) IN GENERAL.—(1) Chapter 48 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 957. Status of prisoners: procedures for notifying victims and witnesses**

''The Secretary of Defense shall prescribe procedures and implement a centralized system for notice of the status of offenders confined in military correctional facilities to be provided to victims and witnesses. Such procedures

shall, to the maximum extent practicable, be consistent with procedures of the Federal Bureau of Prisons for victim and witness notification.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''957. Status of prisoners: procedures for notifying victims and witnesses.''.

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe the procedures required by section 957 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act and shall implement the centralized system required by that section not later than six months after those procedures are prescribed.

**SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO UCMJ.**

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the problem of stalking by persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code). In the report, the Secretary shall describe the scope of the problem of stalking within the Armed Forces and shall address whether existing procedures and punitive articles under the Uniform Code of

Military Justice adequately protect members of the Armed Forces, and dependents of members of the Armed Forces, who are threatened with stalking. The Secretary shall include in the report such recommendations for changes to law and regulations as the Secretary determines to be necessary.

(b) STALKING.—For purposes of the report under subsection (a), stalking shall be considered to include actions of a person in repeatedly following or harassing another person with the intent of placing that person in reasonable fear of sexual battery, bodily injury, or death in such a way that a reasonable person would be caused to suffer substantial emotional distress and which cause that person to suffer emotional distress.

**SEC. 554. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES DISCHARGED FOR DEPENDENT ABUSE.**

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1058. Abused dependents: payment of transitional compensation**

''(a) AUTHORITY TO PAY COMPENSATION.—If a member of the armed forces is separated from the armed forces as described in subsection (b), the Secretary of the

military department concerned may pay monthly transitional compensation in accordance with this section to dependents or former dependents of the member as specified in subsection (d).

''(b) SEPARATIONS COVERED.—(1) This section applies in the case of a member of the armed forces on active duty for a period of more than 30 days—

''(A) who is convicted of a dependent-abuse offense (as defined in subsection (c)) and whose conviction results in the member being—

''(i) administratively discharged with a general discharge or under other than honorable conditions; or

''(ii) discharged or dismissed from the armed forces by sentence of a court-martial; or

''(B) against whom court-martial charges were preferred for a dependent-abuse offense and who is discharged in lieu of trial by court-martial in that case upon approval of the member's request or application for discharge or, in the case of an officer, for resignation.

''(2) For purposes of this section, a member of the armed forces who is incarcerated by sentence of a court-martial with total forfeiture of pay and allowances shall

be treated as a former member dismissed or discharged by sentence of a court-martial.

''(c) DEPENDENT-ABUSE OFFENSES.—(1) For purposes of this section, a dependent-abuse offense is conduct by an individual while a member of the armed forces on active duty for a period of more than 30 days—

''(A) that involves abuse of the spouse or a dependent child of the member; and

''(B) that is a criminal offense specified in regulations prescribed by the Secretary of Defense under paragraph (2).

''(2) The Secretary of Defense shall prescribe by regulation the criminal offenses, or categories of offenses, under the Uniform Code of Military Justice (chapter 47 of this title), Federal criminal law, the criminal laws of the States and other jurisdictions of the United States, and the laws of other nations that are to be considered to be dependent-abuse offenses for the purposes of this section.

''(d) RECIPIENTS OF PAYMENTS.—In any case of a separation from active duty as described in subsection (b) in which the Secretary of the military department concerned determines that transitional compensation should be paid under this section, the Secretary shall pay such

compensation to dependents or former dependents of the former member as follows:

''(1) If the former member was married at the time of the commission of the dependent-abuse offense resulting in the separation, such compensation shall (except as otherwise provided in this subsection) be paid to the spouse or former spouse to whom the member was married at that time.

''(2) If there is a spouse or former spouse who (but for subsection (g)) would be eligible for compensation under this section and if there is a dependent child of the former member who does not reside in the same household as that spouse or former spouse, such compensation shall be paid to each such dependent child of the former member who does not reside in that household.

''(3) If there is no spouse or former spouse who is (or but for subsection (g) would be) eligible under paragraph (1), such compensation shall be paid to the dependent children of the former member.

''(4) For purposes of paragraphs (2) and (3), an individual's status as a 'dependent child' shall be determined as of the date on which the member is convicted of the dependent-abuse offense or, in a

case described in subsection (b)(1)(B), as of the date on which the member is discharged.

''(e) COMMENCEMENT AND DURATION OF PAYMENT.—(1) Payment of transitional compensation under this section shall commence as of the date of the discontinuance of the member's pay and allowances pursuant to the separation or sentencing of the member.

''(2) Payment of such compensation shall terminate at the end of the dependents' transitional period. The dependents' transitional period is the period (A) beginning on the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(1)(B), on the date on which the member is discharged, and (B) ending at the end of the transitional period determined by the Secretary concerned. Such transitional period may not exceed 36 months, except that if the length of the member's service on active duty was less than 36 months, the transitional period may not exceed the length of such service.

''(f) AMOUNT OF PAYMENT.—(1) Payment to a spouse or former spouse under this section for any month shall be at the rate in effect for that month for the payment of dependency and indemnity compensation under section 1311(a)(1) of title 38.

''(2) If a spouse or former spouse to whom compensation is paid under this section has custody of a dependent child or children of the member, the amount of such compensation paid for any month shall be increased for each such dependent child by the amount in effect for that month under section 1311(b) of title 38.

''(3) If compensation is paid under this section to a child or children pursuant to subsection (d)(2) or (d)(3), such compensation shall be paid in equal shares, with the amount of such compensation for any month determined in accordance with the rates in effect for that month under section 1313 of title 38.

''(g) FORFEITURE PROVISIONS.—(1) If a former spouse receiving compensation under this section remarries, the Secretary shall terminate payment of such compensation, effective as of the date of such marriage. The Secretary may not renew payment of compensation under this section to such former spouse in the event of the termination of such subsequent marriage.

''(2) If after the separation of the former member as described in subsection (b) the former member resides in the same household as the spouse or former spouse, or dependent child, to whom compensation is otherwise payable under this section, the Secretary shall terminate payment of such compensation, effective as of the time the

former member begins residing in such household. Compensation paid for a period after the former member's separation, but before the former member resides in the household, shall not be recouped. If the former member subsequently ceases to reside in such household before the end of the period of eligibility for such payments, the Secretary may not resume such payments.

''(3) In a case in which the victim of the dependent-abuse offense resulting in the separation of the former member was a dependent child, the Secretary concerned may not pay compensation under this section to a spouse or former spouse who would otherwise be eligible to receive such compensation if the Secretary determines (under regulations prescribed under subsection (i)) that the spouse or former spouse was an active participant in the conduct constituting the dependent-abuse offense.

''(h) COORDINATION OF BENEFITS.—The Secretary concerned may not make payments to a spouse or former spouse under both this section and section 1408(h)(1) of this title. In the case of a spouse or former spouse for whom a court order provides for payments by the Secretary pursuant to section 1408(h)(1) of this title and to whom the Secretary offers payments under this section, the spouse or former spouse shall elect which to receive.

''(i) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out this section with respect to members of the armed forces under the jurisdiction of that Secretary. Such regulations shall be as uniform as practicable and shall be subject to the approval of the Secretary of Defense.

''(j) DEPENDENT CHILD DEFINED.—In this section, the term 'dependent child', with respect to a member or former member of the armed forces separated as described in subsection (b), means an unmarried child, including an adopted child or a stepchild, who was residing with the member at the time of the dependent-abuse offense resulting in the separation of the former member and—

''(1) who is under 18 years of age;

''(2) who is 18 years of age or older and is incapable of self-support because of a mental or physical incapacity that existed before the age of 18 and who is (or was at the time of the former member's separation) dependent on the former member for over one-half of the child's support; or

''(3) who is 18 years of age or older but less than 23 years of age, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense and who is (or was at the time of the former member's separation)

dependent on the former member for over one-half of the child's support.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1056 the following new item:

''1058. Abused dependents: payment of transitional compensation.''.

(b) EFFECTIVE DATE.—(1) Section 1058 of title 10, United States Code, as added by subsection (a), shall apply with respect to former members of the Armed Forces discharged or dismissed as described in subsection (b) of such section after the date that is three years before the date of the enactment of this Act.

(2) Notwithstanding paragraph (1), no payment may be made under such section 1058 with respect to any period before April 1, 1994.

## Subtitle F—Matters Relating to Military Justice

### SEC. 561. IMPROVED RIGHT OF APPEAL IN COURT-MARTIAL CASES.

(a) RIGHT OF ACCUSED TO PETITION FOR REVIEW BY COURTS OF MILITARY REVIEW.—Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e)(1) A Court of Military Review, upon petition of the accused and for good cause shown, may review, under section 866 of this title (article 66)—

''(A) any court-martial case which is subject to action by the Judge Advocate General under this section (i) in which the Judge Advocate General determines not to modify or set aside the findings or sentence, in whole or in part, in accordance with the application of the accused, and (ii) which is not sent to the Court of Military Review by order of the Judge Advocate General; and

''(B) any action taken by the Judge Advocate General under this section in that case.

''(2) A petition by the accused under paragraph (1) must be filed with the Court of Military Review within 60 days of the date on which the accused is notified of the decision of the Judge Advocate General.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any case reviewed by a Judge Advocate General under section 869 of title 10, United States Code, in which an application is filed under subsection (b) of that section after the date of the enactment of this Act.

**SEC. 562. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.**

(a) CLARIFICATION.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting ''or more'' after ''0.10 grams'' both places such term appears.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102–484 on October 23, 1992.

## Subtitle G—Other Matters

**SEC. 571. CHANGE IN TIMING OF REQUIRED DRUG AND ALCOHOL TESTING AND EVALUATION OF APPLICANTS FOR APPOINTMENT AS CADET OR MIDSHIPMAN AND FOR ROTC GRADUATES.**

Section 978(a)(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out ''during the physical examination given the applicant before such appointment'' and inserting in lieu thereof ''within 72 hours of such appointment''; and

(2) in the second sentence, by striking out ''during the precommissioning physical examination given such person'' and inserting in lieu thereof ''before such an appointment is executed''.

**SEC. 572. REIMBURSEMENT REQUIREMENTS FOR ADVANCED EDUCATION ASSISTANCE.**

(a) IN GENERAL.—Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(g)(1) In any case in which the Secretary concerned determines that a person who entered into an agreement under this section failed to complete the period of active duty specified in the agreement (or failed to fulfill any other term or condition prescribed in the agreement) and, by reason of the provision of the agreement required under subsection (a)(3), may owe a debt to the United States and in which that person disputes that such a debt is owed, the Secretary shall designate an official (who may be a member of the armed forces or a civilian employee under the jurisdiction of the Secretary) to investigate the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. That official shall report the official's findings and recommendations to the Secretary concerned. The report shall include the official's assessment as to whether the individual behavior that resulted in the separation of the person who may owe the debt qualifies as misconduct under subsection (a)(3), if the justification for the debt to the Government includes an allegation of misconduct.

''(2) The Secretary of each military department shall ensure that a member of the armed forces who may be subject to a reimbursement requirement under this section is advised of such requirement before (1) submitting a request for voluntary separation, or (2) making a decision on a course of action regarding personal involvement in administrative, nonjudicial, and judicial action resulting from alleged misconduct.

''(h) The Secretary of a military department may waive any requirement for reimbursement under this section at the Secretary's discretion.''.

(b) EFFECTIVE DATES.—(1) Subsection (g) of section 2005 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the end of the six-month period beginning on the date of the enactment of this Act.

(2) Subsection (h) of such section, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after September 30, 1993.

**SEC. 573. RECOGNITION OF POWERS OF ATTORNEY NOTARIZED BY DEFENSE NOTARY PUBLIC.**

Section 1044a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) A power of attorney signed by a person authorized to receive legal assistance under section 1044 of this title and notarized by a person authorized to do so under this section shall be recognized as lawful and given full effect by any person to whom it is presented, notwithstanding any provision of law regulating the granting of a power of attorney in any State, territory, or other jurisdiction of the United States.''.

**SEC. 574. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.**

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 654. Policy concerning homosexuality in the armed forces**

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

''(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

''(2) There is no constitutional right to serve in the armed forces.

''(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

''(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

''(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

''(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

''(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

''(8) Military life is fundamentally different from civilian life in that—

''(A) the extraordinary responsibilities of the armed forces, the unique conditions of mili-

tary service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

''(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

''(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

''(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

''(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

''(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

''(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

''(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

''(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

''(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

''(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

''(A) such conduct is a departure from the member's usual and customary behavior;

''(B) such conduct, under all the circumstances, is unlikely to recur;

''(C) such conduct was not accomplished by use of force, coercion, or intimidation;

''(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

''(E) the member does not have a propensity or intent to engage in homosexual acts.

''(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

''(3) That the member has married or attempted to marry a person known to be of the same biological sex.

''(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

''(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

''(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by

members of the armed forces, including the policies prescribed under subsection (b).

''(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

''(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

''(2) separation of the member would not be in the best interest of the armed forces.

''(f) DEFINITIONS.—In this section:

''(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

''(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

''(3) The term 'homosexual act' means—

''(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

''(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''654. Policy concerning homosexuality in the armed forces.''.

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

**SEC. 575. FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM.**

(a) TEST PROGRAM.—The Secretary of Defense shall develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other measures. The

test program shall be designed to evaluate the findings and recommendations of—

(1) the June 1993 inspection report of the Inspector General of the Department of Defense on the Defense Foreign Language Program (report numbered 93–INS–10);

(2) the report of the Sixth Quadrennial Review of Military Compensation (August 1988); and

(3) any other recent study of the foreign language proficiency program of the Department of Defense.

(b) EVALUATION OF PRIOR RECOMMENDATIONS.—The test program shall include an evaluation of the following possible changes to current practice identified in the reports referred to in subsection (a):

(1) Management of linguist billets and personnel for the active and reserve components from a Total Force perspective.

(2) Improvement of linguist training programs, both resident and nonresident, to provide greater flexibility, to accommodate missions other than signals intelligence, and to improve the provision of resources for nonresident programs.

(3) Centralized responsibility within the Office of the Secretary of Defense to provide coordinated

oversight of all foreign language issues and programs, including a centralized process for determination, validation, and documentation of foreign language requirements for different services and missions.

(4) Revised policies of each of the military departments to foster maintenance of highly perishable linguistic skills through improved management of the careers of language-trained personnel, including more effective use of language skills, improved career opportunities within the linguistics field, and specific linkage of language proficiency to promotions.

(5) In the case language-trained members of the reserve components—

(A) the use of additional training assemblies (ATAs) as a means of sustaining linguistic proficiency and enhancing retention; and

(B) the use of larger enlistment and reenlistment bonuses, Special Duty Assignment Pay, and educational incentives.

(6) Such other management changes as the Secretary may consider necessary.

(c) EVALUATION OF ADJUSTMENT IN FOREIGN LANGUAGE PROFICIENCY PAY.—(1) The Secretary shall in-

clude in the test program an evaluation of adjustments in foreign language proficiency pay for active and reserve component personnel.

(2) Before any adjustment in foreign language proficiency pay is included in the test program as authorized by paragraph (1), the Secretary shall submit to the committees named in subsection (d)(2) the following information related to proficiency pay adjustments:

(A) The response of the Secretary to the findings of the Inspector General in the report on the Defense Foreign Language Program referred to in subsection (a)(1), specifically including the following matters raised in that report:

(i) Inadequate centralized oversight of planning, policy, roles, responsibilities, and funding for foreign language programs.

(ii) Inadequate management and validation of the requirements process for foreign language programs.

(iii) Inadequate uniform career management of language-trained personnel, including failure to take sufficient advantage of language skills and to recoup investment of training dollars.

(iv) Inadequate training programs, both resident and nonresident.

(B) The current manning of linguistic billets (shown by service, by active or reserve component, and by career field).

(C) The rates of retention in the service for language-trained personnel (shown by service, by active or reserve component, and by career field).

(D) The rates of retention by career field for language-trained personnel (shown by service, by active or reserve component, and by career field).

(E) The rates of language proficiency for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(F) Trends in performance ratings for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(G) Promotion rates for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(H) The estimated cost of foreign language proficiency pay as proposed to be paid at the adjusted rates for the test program under paragraph (1)—

(i) for each year of the test program; and

(ii) for five years, if those rates are subsequently applied to the entire Department of Defense.

(3) The rates for adjusted foreign language proficiency pay as proposed to be paid for the test program under paragraph (1) may not take effect for the test program unless the senior official responsible for personnel matters in the Office of the Secretary of Defense determines that—

(A) the foreign language proficiency pay levels established for the test program are consistent with proficiency pay levels for other functions throughout the Department of Defense; and

(B) the terms and conditions for receiving foreign language proficiency pay conform to current policies and practices within the Department of Defense.

(d) REPORT ON PLAN FOR TEST PROGRAM.—(1) The Secretary of Defense shall submit to the committees named in paragraph (2) a report containing a plan for the test program required in subsection (a), an explanation of the plan, and a discussion of the matters stated in subsection (c)(2). The report shall be submitted not later than April 1, 1994.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(e) PERIOD OF TEST PROGRAM.—(1) The test program required by subsection (a) shall begin on October 1, 1994. However, if the report required by subsection (d) is not submitted by the date specified in that subsection for the submission of the report, the test program shall begin at the end of a period of 180 days (as computed under paragraph (2)) beginning on the date on which such report is submitted.

(2) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 180-day period.

(3) The test program shall terminate two years after it begins.

# TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

## Subtitle A—Pay and Allowances

**SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.**

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

(c) UNIFORMED SERVICES DEFINED.—For purposes of this section, the term ''uniformed services'' does not include the National Oceanic and Atmospheric Administration.

**SEC. 602. VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS WHO ARE REQUIRED TO PAY CHILD SUPPORT AND WHO ARE ASSIGNED TO SEA DUTY.**

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

(1) in subparagraph (A), by striking out ''or''; and

(2) in subparagraph (B), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following new subparagraph:

''(C) the member is assigned to sea duty and elects not to occupy assigned unaccompanied quarters, unless the member is in a pay grade above E–6;''.

**SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PREPARATORY SCHOOLS.**

(a) RATES OF PAY.—Section 203 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) A student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School who was selected to attend the preparatory school from civilian life is entitled to monthly student pay at the same rate as provided for cadets and midshipmen under subsection (c)(1).

''(2) A student at a preparatory school referred to in paragraph (1) who, at the time of the student's selection to attend the preparatory school, was an enlisted

member of the uniformed services on active duty for a period of more than 30 days shall continue to receive monthly basic pay at the rate prescribed for the student's pay grade as an enlisted member.

''(3) The monthly student pay of a student described in paragraph (1) shall be treated for purposes of the accrual charge for the Department of Defense Military Retirement Fund established under section 1461 of title 10, United States Code, in the same manner as monthly cadet pay or midshipman pay under subsection (c)(1).''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to students entering the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School on or after the date of the enactment of this Act.

**SEC. 604. ADVANCE PAYMENTS IN CONNECTION WITH THE EVACUATION OF MEMBERS AND DEPENDENTS OF MEMBERS FROM DESIGNATED PLACES.**

(a) TIME OF DESIGNATION.—Section 1006(c) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)''; and

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

''(2) The actual designation of a place under this subsection as a place for which an advance of pay will be made under this subsection in connection with the ordered evacuation of members or dependents of members may be made by the President before, during, or after the evacuation.''.

(b) APPLICATION OF AMENDMENT.—Section 1006(c) of title 37, United States Code, as amended by subsection (a), shall apply with respect to evacuations occurring on or after the date of the enactment of this Act. Subject to the availability of appropriations for the purpose of providing an advance of pay under such section, such section shall also apply with respect to evacuations occurring during the period beginning on June 1, 1991, and ending on the date of the enactment of this Act.

## Subtitle B—Bonuses and Special and Incentive Pays

### SEC. 611. PERMANENT AUTHORITY FOR CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10 United States

Code, is amended by striking out ‘‘, during the period beginning on November 29, 1989, and ending on September 30, 1993,’’.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a) of title 37, United States Code, is amended by striking out ‘‘, during the period beginning on November 29, 1989, and ending on September 30, 1993,’’.

(c) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out ‘‘, during the period beginning on November 29, 1989, and ending on September 30, 1993,’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1993.

**SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN SELECTED RESERVE BONUSES.**

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ‘‘September 30, 1993’’ and inserting in lieu thereof ‘‘September 30, 1995’’.

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c of title 37, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out ‘‘$2,000’’ in the material preceding paragraph (1) and inserting in lieu thereof ‘‘$5,000’’; and

(B) in paragraph (1), by striking out ''one-half of the bonus shall be paid'' and inserting in lieu thereof ''an amount not to exceed one-half of the bonus may be paid'';

(2) in subsection (e), by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''; and

(3) by adding at the end the following new subsection:

''(f) The total amount of expenditures under this section may not exceed $37,024,000 during fiscal year 1994.''.

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e of title 37, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking out ''fifth anniversary'' and inserting in lieu thereof ''sixth anniversary''; and

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

''(3) In lieu of the procedures set out in paragraph (2), the Secretary concerned may pay the bonus in monthly installments in such amounts as may be determined by the Secretary. Monthly payments under this paragraph shall begin after the first month of satisfactory service of

the person and are payable only for those months in which the person serves satisfactorily. Satisfactory service shall be determined under regulations prescribed by the Secretary of Defense.''; and

(2) in subsection (e), by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

(d) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

**SEC. 613. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.**

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1994''.

(b) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

(c) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-

LECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out ''October 1, 1993'', and inserting in lieu thereof ''October 1, 1995''.

(d) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

(e) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

(g) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), is amended by striking out ''September 30, 1993'' and inserting in lieu thereof ''September 30, 1995''.

# Subtitle C—Travel and Transportation Allowances

**SEC. 621. AUTHORIZATION OF PAYMENT OR COLLECTION DUE TO FLUCTUATIONS OF FOREIGN CURRENCY INCURRED BY CERTAIN MILITARY MEMBERS.**

(a) PAYMENT OR COLLECTION AUTHORIZED.—Subsection (d) of section 405 of title 37, United States Code, is amended to read as follows:

''(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying a private household outside of the United States if the expenses are authorized or approved under regulations prescribed by the Secretary concerned. Such nonrecurring expenses may include losses experienced by a member upon the return of refundable housing related deposits or as a result of other transactions necessary to secure housing where losses are incurred solely as the result of fluctuation in the relative values of United States and foreign currencies.

''(2) Any currency fluctuation gains made by the member upon the return of a refundable housing-related deposit shall be recouped by the Secretary concerned.

''(3) Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).''.

(b) APPLICATION OF AMENDMENT.—Section 405(d) of title 37, United States Code, as amended by subsection (a), shall apply with respect to nonrecurring expenses and currency fluctuation gains described in such section that are incurred by members of the uniformed services on or after the later of—

(1) October 1, 1993; and

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

## Subtitle D—Other Matters

### SEC. 631. DEFINITION OF DEPENDENT FOR PURPOSES OF ALLOWANCES TO INCLUDE CERTAIN UNMARRIED PERSONS IN THE LEGAL CUSTODY OF A MEMBER OR FORMER MEMBER.

(a) EXPANSION OF DEFINITION.—Section 401(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4) An unmarried person who—

''(A) is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the United States (or

a Territory or possession of the United States) for a period of at least 12 consecutive months;

''(B)(i) has not attained the age of 21;

''(ii) has not attained the age of 23 years and is enrolled in a full time course of study at an institution of higher learning approved by the Secretary concerned; or

''(iii) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this paragraph pursuant to clause (i) or (ii);

''(C) is dependent on the member for over one-half of the person's support, as prescribed in regulations of the Secretary concerned;

''(D) resides with the member unless separated by the necessity of military service or to receive institutional care as a result of disability, incapacitation, or such other circumstances as the Secretary concerned may by regulation prescribe; and

''(E) is not a dependent of a member under any other paragraph.''.

(b) APPLICATION OF AMENDMENT.—Section 401(a)(4) of title 37, United States Code, as added by

subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

**SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION ASSISTANCE.**

Section 2007(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The restrictions in paragraph (3) shall not apply in the case of officers and warrant officers on active duty or full-time National Guard duty who are eligible to receive assistance under subsection (a).''.

# TITLE VII—HEALTH CARE PROVISIONS

## Subtitle A—Health Care Services

**SEC. 701. PRIMARY AND PREVENTIVE HEALTH-CARE SERVICES FOR WOMEN.**

(a) FEMALE MEMBERS AND RETIREES OF THE UNIFORMED SERVICES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

**''§ 1074d. Primary and preventive health-care services for women**

''Female members and former members of the uniformed services who are entitled to medical care under section 1074 or 1074a of this title shall be furnished with

primary and preventive health-care services for women as part of such medical care.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

''1074d. Primary and preventive health-care services for women.''.

(b) FEMALE DEPENDENTS.—Section 1077(a) of such title is amended by adding at the end the following new paragraph:

''(13) Primary and preventive health-care services for women.''.

(c) DEFINITION.—Section 1072 of such title is amended by adding at the end the following new paragraph:

''(6) The term 'primary and preventive health-care services for women' means health-care services provided to women, including counseling, relating to the following:

''(A) Papanicolaou tests (pap smear).

''(B) Breast examinations and mammography.

''(C) Comprehensive gynecological and obstetric care.

''(D) Infertility and sexually transmitted diseases, including prevention.

''(E) Menopause.

''(F) Physical or psychological conditions arising out of acts of sexual violence.''.

**SEC. 702. DEFINITION OF DEPENDENT FOR PURPOSES OF MEDICAL AND DENTAL COVERAGE TO INCLUDE CERTAIN UNMARRIED PERSONS IN THE LEGAL CUSTODY OF A MEMBER OR FORMER MEMBER.**

(a) EXPANSION OF DEFINITION.—Section 1072(2) of title 10, United States Code, is amended—

(1) in subparagraph (G), by striking out ''; and'' and inserting in lieu thereof a semicolon;

(2) in subparagraph (H), by striking out the period and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new subparagraph:

''(I) an unmarried person who—

''(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months;

''(ii)(I) has not attained the age of 21;

''(II) has not attained the age of 23 and is enrolled in a full time course of

study at an institution of higher learning approved by the administering Secretary; or

''(III) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (I) or (II);

''(iii) is dependent on the member or former member for over one-half of the person's support, as prescribed in regulations of the administering Secretary;

''(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability, incapacitation, or such other circumstances as the administering Secretary may by regulation prescribe; and

''(v) is not a dependent of a member or a former member under any other subparagraph.''.

(b) APPLICATION OF AMENDMENT.—Section 1072(2)(I) of title 10, United States Code, as added by

subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

# Subtitle B—Health Care Management

## SEC. 711. EXTENSION AND REVISION OF SPECIALIZED TREATMENT SERVICES PROGRAM.

(a) EXTENSION OF WAIVER AUTHORITY REGARDING 40-MILE RADIUS RESTRICTION.—Section 1079(a)(7)(B) of title 10, United States Code, is amended by striking out ''October 1, 1993'' and inserting in lieu thereof, ''October 1, 1995''.

(b) INCLUSION OF FACILITIES PURSUANT TO CONTRACT OR AGREEMENT.—Section 1105 of such title is amended—

(1) by inserting ''(a) DETERMINATION.—'' before ''In determining'';

(2) by striking out ''within the area served by that facility''; and

(3) by adding at the end the following new subsections:

''(b) REGULATIONS.—The Secretary of Defense, after consulting with the other administering Secretaries, shall prescribe regulations to implement this section. Such regulations shall include standards for the designation of service areas comparable in size to service areas des-

ignated for facilities of the uniformed services pursuant to sections 1079(a)(7), 1080, and 1086(e) of this title.

''(c) REIMBURSEMENT OF TRANSPORTATION AND SUBSISTENCE EXPENSES.—(1) Subject to paragraph (2), the regulations required by subsection (b) also may provide for the full or partial reimbursement of reasonable expenses for—

''(A) the long-distance transportation for a covered beneficiary to or from a health care facility at which specialized health care services are provided pursuant to this chapter; and

''(B) the long-distance transportation, temporary lodging, and meals (not to exceed the applicable per diem rate) for a non-medical attendant (including a member of the uniformed services on active duty) who accompanies the covered beneficiary.

''(2) Reimbursement of expenses may be made under paragraph (1) only if the Secretary of Defense determines that such reimbursement will permit the health care services to be provided at less total cost to the Department of Defense than if the services were otherwise provided pursuant to this chapter. In lieu of reimbursement for such expenses, the Secretary may authorize the provision of transportation, meals, and lodging by the Department of Defense when reasonably available.''.

**SEC. 712. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.**

Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(o)(1) Health care services provided pursuant to this section or section 1086 of this title may not include services determined under the CHAMPUS Peer Review Organization program to be not medically or psychologically necessary.

''(2) The Secretary of Defense, after consulting with the other administering Secretaries, may—

''(A) adopt by regulation any quality and utilization review requirements and procedures in effect for the Peer Review Organization program under title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) that the Secretary determines to be necessary to carry out this subsection; and

''(B) adapt such requirements and procedures to the circumstances of the CHAMPUS Peer Review Organization program as the Secretary determines to be appropriate.''.

**SEC. 713. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE.**

(a) PREEMPTION.—Section 1103 of title 10, United States Code, is amended to read as follows:

**"§ 1103. Contracts for medical and dental care: State and local preemption**

''(a) OCCURRENCE OF PREEMPTION.—A law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery and financing methods shall not apply to any contract entered into pursuant to this chapter by the Secretary of Defense or the administering Secretaries to the extent that the Secretary of Defense or the administering Secretaries determine that—

''(1) the State or local law or regulation is inconsistent with a specific provision of the contract or a regulation promulgated by the Secretary of Defense or the administering Secretaries pursuant to this chapter; or

''(2) preemption of the State or local law or regulation is necessary to implement or operate the contract or to achieve some other important Federal interest.

''(b) EFFECT OF PREEMPTION.—In the case of the preemption under subsection (a) of a State or local law or regulation regarding financial solvency, the Secretary of Defense or the administering Secretaries shall require an independent audit of the prime contractor of each contract entered into pursuant to this chapter covered by the

preemption. The audit shall be performed by the Defense Contract Audit Agency.

''(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each territory and possession of the United States.''.

(b) APPLICATION OF AMENDMENT.—Section 1103 of title 10, United States Code, as amended by subsection (a), shall apply with respect to any contract entered into under chapter 55 of such title before, on, or after the date of the enactment of this Act.

**SEC. 714. DELAY OF TERMINATION EFFECTIVE DATE FOR UNIFORMED SERVICES TREATMENT FACILITIES.**

Subsection (e) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d) is amended by striking out ''1993'' and inserting in lieu thereof ''1995''.

**SEC. 715. MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL FOR THE UNIFORMED SERVICES TREATMENT FACILITIES.**

(a) TIME FOR OPERATION OF MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—Subsection (c) of section 718 of the National Defense Authorization Act

for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by striking out the first sentence and inserting in lieu thereof the following:

''(1) TIME FOR OPERATION.—Not later than October 1, 1993, the Secretary of Defense shall begin operation of a managed-care delivery and reimbursement model that will continue to utilize the Uniformed Services Treatment Facilities in the military health services system.''.

(b) COPAYMENTS AND DEFINITION.—Such subsection is further amended by adding at the end the following new paragraphs:

''(2) COPAYMENTS.—A Uniformed Services Treatment Facility for which there exists a Uniformed Services Treatment Facilities Managed-Care Plan may impose nominal charges for inpatient and outpatient care provided to all categories of beneficiaries enrolled in the plan. The schedule and application of such charges shall be in accordance with the terms and conditions specified in the plan.

''(3) DEFINITION.—For purposes of this subsection, the term 'Uniformed Services Treatment Facility' means a facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).''.

**SEC. 716. CLARIFICATION OF CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.**

(a) IN GENERAL.—Subsection (a) of section 712 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1073 note) is amended—

(1) by inserting ''(1)'' after ''CONDITION.—'';

(2) in the second sentence, by inserting after ''cost-effectiveness of the initiative'' the following: ''(while assuring that the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services will not be increased as a result of the expansion)''; and

(3) by adding at the end the following new paragraph:

''(2) To the extent any revision of the CHAMPUS reform initiative is necessary in order to make the certification required by this subsection, the Secretary shall assure that enrolled covered beneficiaries may obtain health care services with reduced out-of-pocket costs, as compared to standard CHAMPUS.''.

(b) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) The terms 'Civilian Health and Medical Program of the Uniformed Services' and 'CHAMPUS' have the meaning given the term 'Civilian Health and Medical Program of the Uniformed Services' in section 1072(4) of title 10, United States Code.''

**SEC. 717. INCREASED FLEXIBILITY FOR PERSONAL SERVICE CONTRACTS IN MILITARY MEDICAL TREATMENT FACILITIES.**

(a) PERSONAL SERVICES CONTRACTS AUTHORIZED.—(1) Section 1091 of title 10, United States Code, is amended to read as follows:

''**§ 1091. Personal services contracts**

''(a) AUTHORITY.—The Secretary of Defense may enter into personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense, as determined to be necessary by the Secretary. The authority provided in this subsection is in addition to any other contract authorities of the Secretary, including authorities relating to the management of such facilities and the administration of this chapter.

''(b) LIMITATION ON AMOUNT OF COMPENSATION.—In no case may the total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) exceed the amount

of annual compensation (excluding expenses) specified in section 102 of title 3.

''(c) PROCEDURES.—(1) The Secretary shall establish by regulation procedures for entering into personal services contracts with individuals under subsection (a). At a minimum, such procedures shall assure—

''(A) the provision of adequate notice of contract opportunities to individuals residing in the area of the medical treatment facility involved; and

''(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

''(2) Upon the establishment of such procedures under paragraph (1), the Secretary may exempt contracts covered by this section from the competitive contracting requirements specified in section 2304 of this title or any other similar requirements of law.

''(d) EXCEPTIONS.—The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under such subsection.''.

(2) The item relating to section 1091 in the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended to read as follows:

''1091. Personal services contracts.''.

(b) REPORT REQUIRED.—Not later than 30 days after the end of the 180-day period beginning on the date on which the Secretary of Defense first uses the authority provided under section 1091 of title 10, United States Code (as amended by subsection (a)(1)), the Secretary shall submit to Congress a report specifying—

(1) the salaries, by medical specialty, offered by the Secretary to individuals agreeing to enter into a personal services contract under such section during that period;

(2) the extent to which those salaries exceed the salaries previously offered by the Secretary for individuals in such medical specialties;

(3) the total number and medical specialties of individuals serving in military medical treatment facilities during that period pursuant to such a contract; and

(4) the number of such individuals (and their medical specialties) who are receiving compensation under such a contract in an amount in excess of the maximum amount authorized under such section, as

such section was in effect on the day before the date of the enactment of this Act.

**SEC. 718. EXPANSION OF THE PROGRAM FOR THE COLLECTION OF HEALTH CARE COSTS FROM THIRD-PARTY PAYERS.**

(a) COLLECTION CHANGES.—Section 1095 of title 10, United States Code, is amended—

(1) in subsection (g)—

(A) by inserting after ''collected under this section from a third party payer'' the following: ''or under any other provision of law from any other payer''; and

(B) by inserting before the period the following: ''and shall not be taken into consideration in establishing the operating budget of the facility''; and

(2) in subsection (h)(2), by inserting after ''includes'' the following: ''a preferred provider organization and''.

(b) REPORT ON COLLECTIONS.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report specifying for each medical treatment facility of the uniformed services—

(1) the amount collected during the preceding fiscal year under section 1095 of title 10, United

States Code, from third-party payers for the costs of health care provided at the facility; and

(2) the amount requested for operation and maintenance of the facility for the preceding fiscal year, the fiscal year in which the report is submitted, and the next fiscal year.

**SEC. 719. ALTERNATIVE RESOURCE ALLOCATION METHOD FOR MEDICAL FACILITIES OF THE UNIFORMED SERVICES.**

(a) INCLUSION OF CAPITATION METHOD.—Section 1101 of title 10, United States Code is amended—

(1) in subsection (a)—

(A) by striking ''DRGs'' in the subsection heading and inserting in lieu thereof ''CAPITATION OR DRG METHOD'';

(B) by inserting ''capitation or'' before ''diagnosis-related groups'';

(2) in subsection (b), by striking ''Diagnosis-related groups'' and inserting in lieu thereof ''Capitation or diagnosis-related groups''; and

(3) in subsection (c)—

(A) by striking ''shall'' both places it appears and inserting in lieu thereof ''may''; and

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

''(4) An appropriate method for calculating or estimating the annual per capita costs of providing comprehensive health care services to members of the uniformed services on active duty and covered beneficiaries.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**"§ 1101. Resource allocation methods: capitation or diagnosis-related groups"**.

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1101. Resource allocation methods: capitation or diagnosis-related groups.''.

**SEC. 720. USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.**

(a) USE OF MODEL.—Not later than December 15, 1993, the Secretary of Defense shall prescribe and implement a health benefit option (and accompanying cost-sharing requirements) for covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code, that is modelled on health maintenance organization plans offered in the private sector and other similar Government health insurance programs. The Secretary shall include, to the maximum extent practicable, the health benefit option required under this subsection as one of the

options available to covered beneficiaries in all future managed health care initiatives undertaken by the Secretary.

(b) ELEMENTS OF OPTION.—The Secretary shall offer covered beneficiaries who enroll in the health benefit option required under subsection (a) reduced out-of-pocket costs and a benefit structure that is as uniform as possible throughout the United States. The Secretary shall allow enrollees to seek health care outside the option, except that the Secretary may prescribe higher out-of-pocket costs than authorized under section 1079 or 1086 of title 10, United States Code, for enrollees who do so.

(c) GOVERNMENT COSTS.—The health benefit option required under subsection (a) shall be administered so that the costs incurred by the Secretary to provide the option are no greater than the costs that would otherwise be incurred to provide health care to the covered beneficiaries who enroll in the option.

**SEC. 721. AUTHORIZATION FOR AUTOMATED MEDICAL RECORD CAPABILITY TO BE INCLUDED IN MEDICAL INFORMATION SYSTEM.**

(a) AUTOMATED MEDICAL RECORD CAPABILITY.—In carrying out the acquisition of the Department of Defense medical information system referred to in section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 704), the Secretary

of Defense may permit an automated medical record capability to be included in the system. The Secretary may make such modifications to existing contracts, and include such specifications in future contracts, as the Secretary considers necessary to include such a capability in the system.

(b) PLAN.—The Secretary of Defense shall develop a plan to test the use of automated medical records at one or more military medical treatment facilities. Not later than January 15, 1994, the Secretary shall submit the plan to the Committees on Armed Services of the Senate and House of Representatives.

(c) DEFINITIONS.—In this section:

(1) The term ''medical information system'' means a computer-based information system that—

(A) receives data normally recorded concerning patients;

(B) creates and maintains from such data a computerized medical record for each patient; and

(C) provides access to data for patient care, hospital administration, research, and medical care resource planning.

(2) The term ''automated medical record'' means a computer-based information system that—

(A) is available at the time and place of interaction between a patient and a health care provider;

(B) receives, stores, and provides access to relevant patient and other medical information in a single, logical patient record that is appropriately organized for clinical decisionmaking; and

(C) maintains patient confidentiality in conformance with all applicable laws and regulations.

## Subtitle C—Other Matters

### SEC. 731. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED HEALTH PROFESSIONAL DEGREES.

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

(1) in subparagraph (A)—

(A) by inserting ''professional'' in the first sentence after ''One year for each year of advanced'';

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

(C) by striking out ''postsecondary education in excess of four that are'' in the second sentence and inserting in lieu thereof ''advanced education'';

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

(3) by redesignating subparagraph (F) as subparagraph ''(E)''.

(b) CREDIT AS RESERVE OF THE ARMY.—Section 3353(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting ''professional'' in the first sentence after ''One year for each year of advanced'';

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

(C) by striking out ''postsecondary education in excess of four that are'' in the second sentence and inserting in lieu thereof ''advanced education'';

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

(3) by redesignating subparagraph (F) as subparagraph ''(E)''.

(c) CREDIT IN THE NAVAL RESERVE AND MARINE CORPS RESERVE.—Section 5600(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting ''professional'' in the first sentence after ''One year for each year of advanced'';

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

(C) by striking out ''postsecondary education in excess of four that are'' in the second sentence and inserting in lieu thereof ''advanced education'';

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

(3) by redesignating subparagraph (F) as subparagraph ''(E)''.

(d) CREDIT AS RESERVE OF THE AIR FORCE.—Section 8353(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting ''professional'' in the first sentence after ''One year for each year of advanced'';

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

(C) by striking out ''postsecondary education in excess of four that are'' in the second sentence and inserting in lieu thereof ''advanced education'';

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

(3) by redesignating subparagraph (F) as subparagraph ''(E)''.

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to determining the constructive service credit of persons receiving an original appointment as commissioned officers in regular components of the Armed Forces, an original appointment as reserve commissioned officers, or an assignment or designation to certain officer categories described in such sections whether such appointment, assignment, or designation occurred before the date of the enactment of this Act or occurs on or after such date.

**SEC. 732. CLARIFICATION OF AUTHORITY FOR GRADUATE STUDENT PROGRAM OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**

(a) DISTINCTION BETWEEN MEDICAL AND GRADUATE STUDENTS.—Section 2114 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''Students'' in the first sentence and inserting in lieu thereof ''Medical students'';

(2) in subsection (b), by striking out ''Students'' in the first and fourth sentences and inserting in lieu thereof in each instance ''Medical students'';

(3) in subsection (d), by striking out ''member'' in the first sentence and inserting in lieu thereof ''commissioned member''; and

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

''(g) The Secretary of Defense shall establish selection procedures, service obligations (if any), and such other requirements as the Secretary determines to be appropriate for students in any postdoctoral, postgraduate, or technological institute established pursuant to section 2113(h) of this title.''.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to students attending the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act.

**SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE OF PATHOLOGY TO OBTAIN ADDITIONAL DISTINGUISHED PATHOLOGISTS AND SCIENTISTS.**

Section 176(c) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense.''.

**SEC. 734. REPORT ON THE PROVISION OF HEALTH-CARE SERVICES TO WOMEN.**

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the provision of health-care services through military medical treatment facilities and the Civilian Health and Medical Program of the Uniformed Services to female members of the uniformed serv-

ices and female covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code.

(b) CONTENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the medical personnel of the Department of Defense who provided health-care services during fiscal year 1993 to female members and covered beneficiaries, including—

(A) the number of such personnel (including both the number of individual employees and the number of full-time employee equivalents);

(B) the professional qualifications or specialty training of such personnel; and

(C) the medical facilities to which such personnel were assigned.

(2) A description of any actions, including the use of special pays and incentives, taken by the Secretary during fiscal year 1993—

(A) to ensure the retention of the medical personnel described in paragraph (1);

(B) to recruit additional personnel to provide health-care services to female members and female covered beneficiaries; and

(C) to replace departing personnel who provided such services.

(3) A description of any existing or proposed programs to encourage specialization of health care professionals in fields related to primary and preventive health-care services for women.

(4) An assessment of any difficulties experienced by military medical treatment facilities or the Civilian Health and Medical Program of the Uniformed Services in furnishing primary and preventive health-care services for women and a description of those actions taken by the Secretary to resolve such difficulties.

(5) An assessment of the extent to which gender-related factors impede or complicate diagnoses (such as inappropriate psychiatric referrals and admissions) made by medical personnel described in paragraph (1).

(6) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to female members of the uniformed services and female covered beneficiaries.

(c) POPULATION STUDY OF THE NEED OF FEMALE MEMBERS AND FEMALE COVERED BENEFICIARIES FOR

HEALTH-CARE SERVICES.—(1) As part of the report required by subsection (a), the Secretary shall conduct a study to determine the needs of female members of the uniformed services and female covered beneficiaries for health-care services, including primary and preventive health-care services for women.

(2) The study shall examine the health needs of current members and covered beneficiaries and future members and covered beneficiaries based upon the anticipated size and composition of the Armed Forces in the year 2000 and should be based on the demographics of society as a whole.

(d) SUBMISSION AND REVISION.—The Secretary of Defense shall submit the report required by subsection (a) to Congress not later than April 1, 1994. The Secretary shall revise and resubmit the report to Congress not later than April 1, 1999.

(e) DEFINITIONS.—For purposes of this section:

(1) The term ''primary and preventive health care services for women'' has the meaning given such term in paragraph (6) of section 1072 of title 10, United States Code, as added by section 701(c)).

(2) The term ''covered beneficiary'' has the meaning given such term in paragraph (5) of such section.

**SEC. 735. SENSE OF CONGRESS REGARDING THE INCLUSION OF CHIROPRACTIC CARE AS A TYPE OF HEALTH CARE AUTHORIZED UNDER CHAMPUS.**

(a) FINDINGS.—Congress finds the following:

(1) Chiropractors are currently prohibited from receiving reimbursement under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(2) Chiropractors offer cost-effective care that is desired by covered beneficiaries under CHAMPUS.

(3) On March 1, 1992, the Department of Defense concluded a two-year demonstration project to test the participation of chiropractors under CHAMPUS.

(4) The demonstration project included over 1,100 chiropractors in the States of Colorado and Washington and generated over 50,000 claims from 5,700 covered beneficiaries.

(5) A final report from the Department of Defense on the demonstration project was expected in December 1992, but analysis of data derived from the project was delayed due to the late filing of claims.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that the Secretary of Defense should—

(1) designate the analysis referred to in subsection (a)(5) of the demonstration project to test the participation of chiropractors under CHAMPUS as a priority matter to be completed as expeditiously as possible, and not later than October 1, 1993;

(2) submit that analysis, together with such conclusions as the Secretary considers to be appropriate, to the congressional defense committees at the earliest possible date, and not later than October 1, 1993;

(3) provide Congress (including the General Accounting Office or other designated representative of Congress) access to all data resulting from the demonstration project; and

(4) proceed immediately with any preliminary staff work (such as development of procedures and regulations) that may be required to comply with the findings and recommendations resulting from the analysis of the demonstration project.

**SEC. 736. REPORT REGARDING DEMONSTRATION PROGRAMS FOR THE SALE OF PHARMACEUTICALS.**

Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1079 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) ADDITIONAL REPORTS REGARDING PROGRAMS.—Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report containing—

''(1) an evaluation of the feasibility and advisability of increasing the size of those areas determined by the Secretary under subsection (c)(2) to be adversely affected by the closure of a health care facility of the uniformed services in order to increase the number of persons described in such subsection who will be eligible to participate in the demonstration project for pharmaceuticals by mail or in the retail pharmacy network under this section;

''(2) an evaluation of the feasibility and advisability of expanding the demonstration project and the retail pharmacy network under this section to include all covered beneficiaries under chapter 55 of

title 10, United States Code, including those persons currently excluded from participation in the military medical system by operation of section 1086(d)(1) of such title;

''(3) an estimation of the costs that would be incurred, and any savings that would be achieved by improving efficiencies of operation, as a result of undertaking the increase or expansion described in paragraph (1) or (2); and

''(4) such recommendations as the Secretary considers to be appropriate.''.

# TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

## Subtitle A—Acquisition Assistance Programs

### SEC. 801. DEFENSE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) AVAILABILITY OF AUTHORIZED APPROPRIATIONS.—Of the amounts authorized to be appropriated in section 301(5) for Defense-wide activities for fiscal year 1994, $12,000,000 shall be available for such fiscal year for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

**SEC. 802. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.**

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

(b) INFORMATION ON PROGRESS IN PROVIDING INFRASTRUCTURE ASSISTANCE REQUIRED IN ANNUAL REPORT.—Effective October 1, 1993, section 2323(i)(3) of

title 10, United States Code, is amended by adding at the end the following:

''(D) A detailed description of the infrastructure assistance provided under subsection (c) during the preceding fiscal year and of the plans for providing such assistance during the fiscal year in which the report is submitted.''.

## Subtitle B—Provisions to Streamline Defense Acquisition Laws

### SEC. 811. REPEAL AND AMENDMENT OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY LAWS APPLICABLE TO DEPARTMENT OF DEFENSE GENERALLY.

(a) REPEALS.—The following provisions of law are repealed:

(1) Chapter 135 of title 10, United States Code (relating to encouragement of aviation).

(2) Section 2317 of title 10, United States Code (relating to encouragement of competition and cost savings).

(3) Section 2362 of title 10, United States Code (relating to testing requirements for wheeled or tracked vehicles).

(4) Section 2389 of title 10, United States Code (relating to purchases from the Commodity

Credit Corporation and price adjustments for contracts for procurement of milk).

(5) Sections 2436 and 2437 of title 10, United States Code (relating to defense enterprise programs).

(6) Section 821 of Public Law 101–189 (103 Stat. 1503) (relating to certificate of independent price determination in certain Department of Defense contract solicitations).

(b) DELETION OF EXPIRING REPORT REQUIREMENT.—Effective February 1, 1994, section 2361 of title 10, United States Code, is amended by striking out subsection (c).

**SEC. 812. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.**

(a) INDUSTRIAL MOBILIZATION.— (1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new sections:

**"§ 2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations**

''(a) ORDERS.—In time of war or when war is imminent, the President, through the head of any department, may order from any person or organized manufacturing

industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

''(b) PRIORITIES.—A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

''(c) POSSESSION OF MANUFACTURING PLANTS.—In time of war or when war is imminent, the President, through the head of any department, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of Defense is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the armed forces if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

''(1) to give precedence to the order as prescribed in subsection (b);

''(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies, as ordered by the Secretary; or

''(3) to furnish them at a reasonable price as determined by the Secretary.

''(d) MANUFACTURE OF PRODUCTS IN SEIZED PLANTS.—The President, through the Secretary of Defense, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

''(e) COMPENSATION AND RENTAL.—Each person or industry from whom products or materials are ordered under subsection (a) is entitled to fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

''(f) VIOLATIONS.—Whoever fails to comply with this section shall be imprisoned for not more than three years and fined under title 18.

**"§ 2539. Industrial mobilization: plants; lists**

''(a) LIST OF PLANTS EQUIPPED TO MANUFACTURE ARMS OR AMMUNITION.—The Secretary of Defense shall maintain a list of all privately owned plants in the United States, and the territories, commonwealths, and possessions, that are equipped to manufacture for the armed forces arms or ammunition, or parts thereof, and shall obtain complete information of the kinds of those products manufactured or capable of being manufactured by each of those plants, and of the equipment and capacity of each of those plants.

''(b) LIST OF PLANTS CAPABLE OF BEING TRANSFORMED INTO AMMUNITION FACTORIES.—The Secretary of Defense shall maintain a list of privately owned plants in the United States, and the territories, commonwealths, and possessions, that are capable of being readily transformed into factories for the manufacture of ammunition for the armed forces and that have a capacity sufficient to warrant conversion into ammunition plants in time of war or when war is imminent, and shall obtain complete information as to the equipment of each of those plants.

''(c) CONVERSION PLANS.—The Secretary of Defense shall prepare comprehensive plans for converting each plant listed pursuant to subsection (b) into a factory for the manufacture of ammunition or parts thereof.

**"§ 2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness**

''The President may appoint a nonpartisan Board on Mobilization of Industries Essential for Military Preparedness, and may provide necessary clerical assistance, to organize and coordinate operations under sections 2538 and 2539 of this title.''.

(2) Sections 4501, 4502, 9501, and 9502 of title 10, United States Code, are repealed.

(b) AVAILABILITY OF SAMPLES, DRAWINGS, INFORMATION, EQUIPMENT, MATERIALS, AND CERTAIN SERVICES.—(1) Chapter 148 of title 10, United States Code, is further amended by adding at the end the following:

**"§ 2541. Availability of samples, drawings, information, equipment, materials, and certain services.**

''(a) AUTHORITY.—The Secretary of Defense and the secretaries of the military departments, under regulations to be prescribed by the Secretary of Defense and when determined to be in the interest of national defense, may—

''(1) sell, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any United States person or entity;

''(2) sell or lend government equipment or materials to any United States person or entity—

''(A) for use in independent research and development programs, if the equipment or material will be used exclusively for such research and development; or

''(B) for use in demonstrations to a friendly foreign government; and

''(3) make available to any United States person or entity, for appropriate fees, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items.

''(b) FEES.—Fees for services made available under subsection (a)(3) shall be established by regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct costs involved, such as utilities, contractor support, and salaries of personnel incurred by the United States to provide such testing.

''(c) CONFIDENTIALITY.—The results of tests performed pursuant to subsection (a)(3) are confidential and may not be divulged outside the government without the consent of the persons for whom the tests are performed.

''(d) USE OF FEES.— Fees received for services made available under subsection (a)(3) may be credited to the appropriations or funds of the selling activity.''.

(2) Section 2314 of title 10, United States Code, is amended by inserting ''or sale'' after ''procurement''.

(3) Sections 4506, 4507, 4508, 9506, and 9507 of title 10, United States Code, are repealed.

(c) PROCUREMENT FOR EXPERIMENTAL PURPOSES.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2373. Procurement for experimental purposes**

''(a) AUTHORITY.—The Secretary of a military department may buy ordnance, signal, and chemical activity supplies, including parts and accessories, and designs thereof, that the Secretary concerned considers necessary for experimental or test purposes in the development of the best supplies that are needed for the national defense.

''(b) PROCEDURES.—Purchases under this section may be made inside or outside the United States, with or without competitive bidding, and by contract or otherwise. Chapter 137 of this title applies when such purchases are made in quantity.''.

(2) Sections 4504 and 9504 of title 10, United States Code, are repealed.

(d) ACCEPTANCE OF GRATUITOUS SERVICES OF CERTAIN RESERVE OFFICERS.—(1) Chapter 11 of title 10, United States Code, is amended by inserting after section 278 the following new section:

**"§ 279. Authority to accept certain gratuitous services of officers**

''Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous

services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

''(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

''(2) in consultation upon matters relating to the armed forces.''.

(2) Sections 4541 and 9541 of title 10, United States Code, are repealed.

**SEC. 813. REPEAL AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.**

(a) REPEALS.—The following provisions of subtitles B and D of title 10, United States Code, are repealed:

(1) Sections 4503 and 9503 (relating to research and development programs).

(2) Sections 4505 and 9505 (relating to procurement of production equipment).

(3) Sections 4531 and 9531 (relating to procurement authorization).

(4) Section 4533 (relating to Army rations).

(5) Sections 4534 and 9534 (relating to subsistence supplies, contract stipulations, and place of delivery on inspection).

(6) Sections 4535 and 9535 (relating to purchase of exceptional subsistence supplies without advertising).

(7) Sections 4537 and 9537 (relating to assistance of U.S. mapping agencies with military surveys and maps).

(8) Sections 4538 and 9538 (relating to exchange and reclamation of unserviceable ammunition).

(b) AMENDMENTS.—(1) Section 2358(a) of title 10, United States Code, is amended—

(A) in the first sentence, by striking out ''Subject to approval by the President, the Secretary of Defense'' and inserting in lieu thereof ''The Secretary of Defense and the Secretaries of the military departments'';

(B) in the first sentence, by inserting after ''other military'' the following: ''or department''; and

(C) in the second sentence, by striking out ''Subject to approval by the President, the Secretary'' and inserting in lieu thereof ''The Secretary concerned''.

(2) Section 2358(b) of such title is amended—

(A) by inserting after ''Secretary of Defense'' the following: ''or the Secretary of the military department concerned''; and

(B) by inserting after ''relationship to a military'' the following: ''or department''.

**SEC. 814. CONSOLIDATION, REPEAL, AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE NAVY.**

(a) REPEALS.—The following provisions of subtitle C of title 10, United States Code, are repealed:

(1) Section 7201 (relating to guided missiles, research and development, procurement, and construction).

(2) Section 7210 (relating to purchase of patents, patent applications, and licenses).

(3) Section 7213 (relating to relief of contractors and their employees from losses by enemy action).

(4) Section 7230 (relating to sale of degaussing equipment).

(5) Section 7296 (relating to availability of appropriations for other purposes).

(6) Section 7298 (relating to conversion of combatants and auxiliaries).

(7) Section 7301 (relating to estimates required for bids on construction).

(8) Section 7310 (relating to constructing combatant vessels).

(9) Chapter 635 (relating to naval aircraft).

(10) Section 7366 (relating to limitation on appropriations for naval salvage facilities).

(b) REVISION AND STREAMLINING OF CERTAIN PROVISIONS RELATING TO NAVAL VESSELS.—Chapter 633 of such title is amended by striking out sections 7304, 7305, 7306, 7307, 7308, and 7309 and inserting in lieu thereof the following:

**"§ 7304. Examination of vessels; striking of vessels from Naval Vessel Register**

''(a) BOARDS OF OFFICERS TO EXAMINE NAVAL VESSELS.—The Secretary of the Navy shall designate boards of naval officers to examine naval vessels, including unfinished vessels, for the purpose of making a recommendation to the Secretary as to which vessels, if any, should be stricken from the Naval Vessel Register. Each vessel shall be examined at least once every three years if practicable.

''(b) ACTIONS BY BOARD.—A board designated under subsection (a) shall submit to the Secretary in writing its recommendations as to which vessels, if any, among those

it examined should be stricken from the Naval Vessel Register.

''(c) ACTION BY SECRETARY.—If the Secretary concurs with a recommendation by a board that a vessel should be stricken from the Naval Vessel Register, the Secretary shall strike the name of that vessel from the Naval Vessel Register.

**"§ 7305. Vessels stricken from Naval Vessel Register: sale**

''(a) APPRAISAL OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.—The Secretary of the Navy shall appraise each vessel stricken from the Naval Vessel Register under section 7304 of this title.

''(b) AUTHORITY TO SELL VESSEL.—If the Secretary considers that the sale of the vessel is in the national interest, the Secretary may sell the vessel. Any such sale shall be in accordance with regulations prescribed by the Secretary for the purposes of this section.

''(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section. In such a case, the Secretary may sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after the vessel is publicly advertised for sale for a period of not less than 30 days.

''(2) If the Secretary determines that the bid prices for a vessel received after advertising under paragraph (1) are not acceptable and that readvertising will serve no useful purpose, the Secretary may sell the vessel by negotiation to the highest acceptable bidder if—

''(A) each responsible bidder has been notified of intent to negotiate and has been given a reasonable opportunity to negotiate; and

''(B) the negotiated price is—

''(i) higher than the highest rejected price of any responsible bidder; or

''(ii) reasonable and in the national interest.

''(d) APPLICABILITY.—This section does not apply to a vessel the disposal of which is authorized by the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), if it is to be disposed of under that Act.

**"§ 7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise**

''(a) AUTHORITY TO MAKE TRANSFER.—Subject to subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474), the Secretary of the Navy may transfer, by gift or

otherwise, any vessel stricken from the Naval Vessel Register, or any captured vessel, to—

"(1) any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof;

"(2) the District of Columbia; or

"(3) any not-for-profit or nonprofit entity.

"(b) VESSEL TO BE MAINTAINED IN CONDITION SATISFACTORY TO SECRETARY.—An agreement for the transfer of a vessel under subsection (a) shall include a requirement that the transferee will maintain the vessel in a condition satisfactory to the Secretary.

"(c) TRANSFERS TO BE AT NO COST TO UNITED STATES.—Any transfer of a vessel under this section shall be made at no cost to the United States.

"(d) NOTICE TO CONGRESS.—(1) No transfer under this section takes effect unless—

"(A) notice of the proposal to make the transfer is sent to Congress; and

"(B) 60 calendar days of continuous session of Congress have expired after the notice is sent to Congress.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which ei-

ther House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

**"§ 7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes**

''(a) AUTHORITY.—The Secretary of the Navy may use for experimental purposes any vessel stricken from the Naval Vessel Register.

''(b) STRIPPING VESSEL.—(1) Before using a vessel for an experimental purpose pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable.

''(2) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to appropriations available for the procurement of scrapping services needed for such stripping. Amounts received which are in excess of amounts needed for procuring such services shall be deposited into the general fund of the Treasury.

**"§ 7307. Disposals to foreign nations**

''(a) LARGER OR NEWER VESSELS.—A naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) unless the disposition of that vessel is approved by law

enacted after August 5, 1974. A lease or loan of such a vessel under such a law may be made only in accordance with the provisions of chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 et seq.) or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).

''(b) OTHER VESSELS.—(1) A naval vessel not subject to subsection (a) may be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) in accordance with applicable provisions of law, but only after—

''(A) the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives in writing of the proposed disposition; and

''(B) 30 days of continuous session of Congress have expired following the date on which such notice was transmitted to those committees.

''(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

**"§ 7308. Chief of Naval Operations: certification required for disposal of combatant vessels**

''Notwithstanding any other provision of law, no combatant vessel of the Navy may be sold, transferred, or otherwise disposed of, unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

**"§ 7309. Construction of vessels in foreign shipyards: prohibition**

''(a) PROHIBITION.—Except as provided in subsection (b), no vessel to be constructed for any of the armed forces, and no major component of the hull or superstructure of any such vessel, may be constructed in a foreign shipyard.

''(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

''(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.

''(c) EXCEPTION FOR INFLATABLE BOATS.—An inflatable boat or a rigid inflatable boat, as defined by the

Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).

**"§ 7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions**

''(a) VESSELS WITH HOMEPORT IN UNITED STATES.—A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States may not be overhauled, repaired, or maintained in a shipyard outside the United States, other than in the case of voyage repairs.

''(b) VESSEL CHANGING HOMEPORTS.—In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.''.

**SEC. 815. ADDITIONAL AUTHORITY TO CONTRACT FOR FUEL STORAGE AND MANAGEMENT.**

(a) ADDITIONAL AUTHORITY.—Section 2388 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''The'' and inserting ''The Secretary of Defense or the''; and

(B) by striking out ''the storage, handling, and distribution of liquid fuels'' and inserting in lieu thereof the following: ''storage facilities for, or the storage, handling, or distribution of, liquid fuels or natural gas. Any such contract may be entered into'';

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

(3) by redesignating subsection (c) as subsection (b).

(b) SECTION HEADING AMENDMENT.—The heading of section 2388 of such title is amended to read as follows:

**''§ 2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution''.**

**SEC. 816. ADDITIONAL AUTHORITY RELATING TO THE ACQUISITION OF PETROLEUM.**

Section 2404 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting ''or petroleum-related services'' after ''petroleum'' the first place it appears; and

(B) by striking out ''petroleum derivatives'' and inserting in lieu thereof ''petroleum-related services'';

(2) in subsection (d)—

(A) by striking out ''and products'' and inserting in lieu thereof ''products''; and

(B) by striking out the period at the end and inserting in lieu thereof '', and natural gas.''; and

(3) by adding at the end the following new subsection:

''(e) The Secretary of Defense may sell petroleum that is in inventory if the Secretary determines that the sale would be in the public interest. Amounts received from such a sale shall be credited to appropriations available for the acquisition of petroleum. Amounts so credited shall be available for obligation for the same period as the appropriations to which the amounts are credited.''.

**SEC. 817. SIMPLIFIED ACQUISITION THRESHOLD.**

(a) SIMPLIFIED ACQUISITION THRESHOLD.—Section 2302 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) The term 'simplified acquisition threshold' means $100,000, adjusted on October 1 of each year divisible by 5 to the amount equal to $100,000 in

constant fiscal year 1990 dollars (rounded to the nearest $1,000).''.

(b) CONFORMING AMENDMENTS.—(1) Title 10, United States Code, is amended by striking out ''small purchase threshold'' each place it appears other than sections 2410i(b)(1), 2304(g)(2), and 2304(g)(3) and inserting in lieu thereof ''simplified acquisition threshold''.

(2) Section 2304(g)(1) is amended by adding at the end the following: ''Any such simplified procedures shall maintain the notice requirements under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637) for any purchase or contract for an amount in excess of the small purchase threshold, as that term is used in those Acts.''.

(3) Section 2384(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting ''or in paragraph (3)'' after ''in paragraph (2)''; and

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

''(3) Paragraph (1) does not apply to a contract in an amount equal to or less than the simplified acquisition threshold (as defined in section 2302(7) of this title).''.

(4) Section 2397c(a)(1) of title 10, United States Code, is amended by striking out ''in excess of $100,000'' and inserting in lieu thereof ''in an amount in excess of the simplified acquisition threshold (as defined in section 2302(7) of this title)''.

(5) Section 2408(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) In this subsection, the term 'defense contract' means a contract in an amount in excess of the simplified acquisition threshold (as defined in section 2302(7) of this title).''.

**SEC. 818. PROCUREMENT OF COMMERCIAL AND NONDEVELOPMENTAL ITEMS.**

(a) POLICY.—Section 2301(a) of title 10, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

''(8) to the maximum extent practicable, and consistent with the objectives set forth in section

2501(c) of this title, the Department of Defense shall acquire commercial items to meet its needs and shall require prime contractors and subcontractors, at all levels, which furnish other than commercial items, to incorporate to the maximum extent practicable commercial items as components of items being supplied to the Department; and

''(9) when commercial items and components are not available, practicable, or cost effective, the Department shall acquire, and shall require prime contractors and subcontractors to incorporate, other nondevelopmental items and components to the maximum extent practicable.''.

(b) COMMERCIAL ITEM DEFINED.—Section 2302 of title 10, United States Code, as amended by section 817, is further amended by adding at the end the following new paragraph:

''(8) The term 'commercial item' means any item regularly used in the course of normal business operations for other than Government purposes that—

''(A) has been sold, leased, or licensed to the general public;

''(B) has been offered for sale, lease, or license to the general public;

''(C) is not yet available in the commercial marketplace, but will be available in time to satisfy the delivery requirements under a Government solicitation; or

''(D) is an item that, but for minor modifications made to meet Government requirements, would satisfy the criteria set forth in subparagraph (A), (B), or (C).''.

(c) COST OR PRICING DATA.—Section 2306a(b) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of paragraph (1) as clauses (i), (ii), and (iii), respectively;

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

(3) by inserting ''(1)'' before ''This section need not''; and

(4) by adding at the end the following:

''(2) This section does not apply to a contract or subcontract for commercial items unless the head of the agency determines that cost or pricing data are necessary for the evaluation by the agency of the reasonableness of the price of the contract or subcontract. In any case in which the head of the agency requires such data to be submitted

under this section, the head of the agency shall document in writing the reasons for such requirement.''.

(d) PROCUREMENT PLANNING.—(1) Subsection (a) of section 2325 of title 10, United States Code, is amended by inserting ''commercial or'' before ''nondevelopmental items'' each place it appears in paragraphs (2), (3), and (4).

(2) The heading of section 2325 of such title is amended to read as follows:

**''§ 2325. Preference for commercial and nondevelopmental items''.**

(3) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2325 and inserting in lieu thereof the following:

''2325. Preference for commercial and nondevelopmental items.''.

(e) PROCUREMENT OF COMMERCIAL ITEMS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2325 the following new section:

**''§ 2325a. Procurement of commercial items**

''(a) REGULATIONS; UNIFORM TERMS AND CONDITIONS.—(1) The Secretary of Defense shall prescribe regulations implementing this section and paragraphs (8) and (9) of section 2301(a) of this title. The regulations shall contain a set or sets of uniform terms and conditions to be included in contracts for the acquisition of commercial

end items. Such uniform terms and conditions shall be modeled to the maximum extent practicable on commercial terms and conditions and shall include only those contract clauses, including clauses requiring terms and conditions to be flowed down to subcontractors, that are—

''(A) required to implement provisions of law applicable to commercial item acquisitions;

''(B) essential for the protection of the Federal Government's interest in an acquisition; or

''(C) determined by the Secretary to be consistent with standard commercial practice.

''(2) The regulations prescribed under paragraph (1) shall provide that prime contractors and subcontractors furnishing other than commercial items as end items or components may not require suppliers furnishing commercial items as components to comply with any clause, term, or condition except those—

''(A) required to implement provisions of law applicable to subcontractors furnishing commercial items;

''(B) essential for the protection of the prime contractor or higher tier subcontractor in a particular acquisition; or

''(C) determined to be consistent with standard commercial practice.

"(b) DEFINITIONS.—In this section:

"(1) The term 'component' means any item supplied to the Government as part of an end item or of another component.

"(2) The term 'nondevelopmental item' has the meaning given that term in section 2325 of this title.

"(c) EXEMPTIONS FROM PRESENT LAW.—Procurements of commercial items shall not be subject to the following provisions of this title:

"(1) Section 2324.

"(2) Section 2384.

"(3) Section 2393.

"(4) Section 2397.

"(5) Section 2397a.

"(6) Section 2397b.

"(7) Section 2397c.

"(8) Section 2402.

"(9) Section 2406.

"(10) Section 2408.

"(d) SET-ASIDES PRESERVED.—Nothing in this section shall prevent the Secretary of Defense from restricting the award of prime contracts for commercial items to any source as may from time to time be prescribed or permitted by law.

"(e) RESTRICTION TO FIRM, FIXED PRICE CONTRACTS.—Except where commercial items are to be provided as a portion of a contract that also provides for the delivery of other than commercial items, only firm, fixed price contracts or fixed price contracts with economic price adjustment provisions shall be used to acquire commercial end items under this section.".

(2) The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2325 the following new item:

"2325a. Procurement of commercial items.".

**SEC. 819. TECHNICAL AND CLERICAL AMENDMENTS.**

(a) AMENDMENTS TO TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of title 10, United States Code, listed in the following paragraphs is amended by striking out the items relating to the sections listed in such paragraphs:

(1) Chapter 137: section 2317.

(2) Chapter 139: section 2362.

(3) Chapter 141: sections 2384a and 2389.

(4) Chapter 144: sections 2436 and 2437.

(5) Chapter 433: sections 4531, 4534, 4535, 4537, 4538, and 4541.

(6) Chapter 631: sections 7201, 7210, 7213, and 7230.

(7) Chapter 633: sections 7296, 7298, and 7301.

(8) Chapter 637: section 7366.

(9) Chapter 933: sections 9531, 9534, 9535, 9537, 9538, and 9541.

(b) AMENDMENTS TO TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle A, and part IV of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 135.

(2) The table of chapters at the beginning of subtitle B, and part IV of subtitle B, of such title are amended by striking out the item relating to chapter 431.

(3) The table of chapters at the beginning of subtitle C, and part IV of subtitle C, of such title are amended by striking out the item relating to chapter 635.

(c) ADDITIONAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter I of chapter 11 of title 10, United States Code, is amended by inserting after the item relating to section 278 the following new item:

''279. Authority to accept certain gratuitous services of officers''.

(2) The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

''2373. Procurement for experimental purposes''.

(3) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2388 and inserting in lieu thereof the following:

''2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution.''.

(4) The table of sections at the beginning of subchapter V of chapter 148 of such title is amended by adding at the end the following new items:

''2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations
''2539. Industrial mobilization: plants; lists
''2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness
''2541. Availability of samples, drawings, information, equipment, materials, and certain services.''.

(5) Chapter 431 of such title is amended by striking out the chapter heading and the table of sections.

(6) The table of sections at the beginning of chapter 633 of such title is amended by striking out the items relating to sections 7304, 7305, 7306, 7307, 7308, 7309, and 7310 and inserting in lieu thereof the following:

''7304. Examination of vessels; striking of vessels from Naval Vessel Register.
''7305. Vessels stricken from Naval Vessel Register: sale.

''7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise.
''7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes.
''7307. Disposals to foreign nations.
''7308. Chief of Naval Operations: certification required for disposal of combatant vessels.
''7309. Construction of vessels in foreign shipyards: prohibition.
''7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions.''.

(7)(A) Chapter 931 of such title is amended—

(i) by striking out the table of sections for subchapter I;

(ii) by striking out the headings for subchapters I and II;

(iii) by striking out the table of subchapters; and

(iv) by amending the chapter heading to read as follows:

**"CHAPTER 931—CIVIL RESERVE AIR FLEET".**

(B) The table of chapters at the beginning of subtitle D, and part IV of subtitle D, of such title are amended by striking out the items relating to chapter 931 and inserting in lieu thereof the following:

**"931. Civil Reserve Air Fleet ..... 9511".**

(d) CROSS-REFERENCE AMENDMENTS.—(1) Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 415(a)(2)(B)(i)) is amended by striking out ''sec-

tion 7307(b)(1)'' and inserting in lieu thereof ''section 7307(a)''.

(2) Section 2366(d) of title 10, United States Code, is amended by striking out ''to the defense committees of Congress (as defined in section 2362(e)(3) of this title).'' and inserting in lieu thereof ''to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.''.

## Subtitle C—Other Matters

**SEC. 821. REPORTS ON CONTRACT BUNDLING.**

(a) REPORTS.—Not later than April 1, 1994, the Secretary of Defense and the Comptroller General shall each submit to the Committees on Armed Services and on Small Business of the Senate and House of Representatives a report on the effects of contract bundling on the participation by small business concerns and small disadvantaged business concerns in procurement by the Department of Defense. The report shall contain the findings and conclusions of the Secretary or the Comptroller General, as the case may be, regarding such effects, based on the data collected under subsection (b). The report also shall contain such recommendations for administrative or legislative action as the Secretary or Comptroller General considers appropriate to maintain and increase participation by small business concerns and small disadvantaged

business concerns in procurement by the Department of Defense.

(b) DATA COLLECTION.—For purposes of carrying out the report requirement of subsection (a), the Secretary of Defense shall collect data on the effect of contract bundling on the participation by small business concerns and small disadvantaged business concerns in procurement by the Department of Defense. At a minimum, the Secretary shall collect data on the following:

(1) The number and types of bundled contracts awarded during fiscal years 1992 and 1993 and expected to be awarded during fiscal year 1994, together with the reasons for the bundling of such contracts.

(2) The cost effectiveness of bundling such contracts compared to awarding the contracts in separate, smaller contracts.

(3) The number of smaller contracts that would have been awarded if such contracts were not bundled, and the types of contractors (such as small business concerns and small disadvantaged business concerns) that could have been expected to perform the smaller contracts.

(4) The extent to which small businesses and small disadvantaged businesses participate as subcontractors on bundled contracts.

(c) TRANSMISSION OF DATA TO COMPTROLLER GENERAL.—Not later than February 1, 1994, the Secretary of Defense shall transmit to the Comptroller General a copy of the data collected under subsection (b) for use by the Comptroller General in carrying out the report requirement of subsection (a).

(d) DEFINITION.—For purposes of this section, the term ''contract bundling'' means the consolidation of two or more requirements, descriptions, specifications, line items, or statements of work that individually were or could be performed by a small business concern, resulting in a contract opportunity for supplies, services, or construction that may be unsuitable for award to a small business concern due to—

(1) the diversity and size of the elements of performance specified;

(2) the aggregate dollar value of the anticipated award;

(3) the geographical dispersion of the contract performance sites; or

(4) any combination of paragraphs (1), (2), and (3).

**SEC. 822. PROHIBITION ON COMPETITION BETWEEN DEPOT MAINTENANCE ACTIVITIES AND SMALL BUSINESSES FOR CERTAIN MAINTENANCE CONTRACTS.**

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new section:

**"§ 2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities**

''(a) EXCLUSION.—In any case in which the Secretary of Defense plans to use competitive procedures for a procurement, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude the Department of Defense from competing in the procurement.

''(b) PROCUREMENT DESCRIPTION.—The requirement to exclude the Department of Defense under subsection (a) applies in the case of a procurement to be conducted by excluding from competition entities in the private sector other than—

''(1) small business concerns in furtherance of section 8 or 15 of the Small Business Act (15 U.S.C. 637 or 644); or

"(2) entities described in subsection (a)(1) of section 2323 of this title in furtherance of the goal specified in that subsection.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2304 the following new item:

"2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities.".

(b) EFFECTIVE DATE.—Section 2304a of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

**SEC. 823. CLARIFICATION OF REQUIREMENT FOR DOMESTIC MANUFACTURE OF PROPELLERS FOR SHIPS FUNDED UNDER THE FAST SEALIFT PROGRAM.**

Section 1424(b) of Public Law 101–510 (10 U.S.C. 7291 note) is amended—

(1) in paragraph (6), by striking out "paragraph (5)" and inserting in lieu thereof "paragraph (6)";

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(3) by adding after paragraph (4) the following new paragraph (5):

"(5) The propellers for vessels constructed under the program shall incorporate only castings

poured and finished in the United States and forgings manufactured in the United States. The Secretary of Defense may waive the requirement of this paragraph if adhering to the requirement would result in the existence of only one United States source for such castings and forgings.''.

**SEC. 824. PILOT PROGRAM TO IMPROVE PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE AIR FORCE.**

(a) PILOT PROGRAM TO ESTABLISH COMPETITIVE PRICES.—(1) Chapter 949 of title 10, United States Code, is amended by inserting after section 9781 the following new section:

**''§ 9782. Use of test and evaluation installations by commercial entities**

''(a) CONTRACT AUTHORITY.—The Secretary of the Air Force, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

''(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or

suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

''(1) to the public health and safety;

''(2) to property (either public or private); or

''(3) to any national security interest or foreign policy interest of the United States.

''(c) CONTRACT PRICE.—The installation commander shall require a commercial entity using a Major Range and Test Facility Installation under a contract entered into under subsection (a) to reimburse the installation for all direct costs associated with the test and evaluation activities conducted by the commercial entity under the contract. In addition, the contract may require the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate and competitive.

''(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under

which the costs associated with the test and evaluation activities of the commercial entity were incurred.

''(e) REGULATIONS AND LIMITATIONS.—The Secretary of the Air Force, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the Air Force.

''(f) DEFINITIONS.—In this section:

''(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of the Air Force and designated as such by the Secretary.

''(2) The term 'direct costs' includes the cost of—

''(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

''(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

''(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

''(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of the Air Force by subsection (a) shall terminate on September 30, 1998.

''(h) REPORT.—Not later than January 1, 1999, the Secretary of the Air Force shall submit a report to the Secretary of Defense and Congress describing the number and purposes of contracts entered into under subsection (a) and evaluating the success of this section in opening Major Range and Test Facility Installations to commercial test and evaluation activities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 9781 the following new item:

''9782. Use of test and evaluation installations by commercial entities.''.

**SEC. 825. COMPLIANCE WITH BUY AMERICAN ACT.**

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

**SEC. 826. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Defense shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

**SEC. 827. PROHIBITION OF CONTRACTS.**

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States, that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

**SEC. 828. RECIPROCITY.**

(a) GENERAL RULE.—Except as provided in subsection (b), no contract or subcontract may be made with funds authorized under this Act to a company organized under the laws of a foreign country unless the Administrator finds that such country affords comparable opportunities to companies organized under the laws of the United States.

(b) EXCEPTION.—(1) The Administrator may waive the rule stated under subsection (a) if the products or services required are not reasonably available from companies organized under the laws of the United States. Any such waiver shall be reported to the Congress.

(2) Subsection (a) shall not apply to the extent that to do so would violate the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

**SEC. 829. CLARIFICATION OF EXCLUSION OF MILITARY ARCHITECTURAL AND ENGINEERING CONTRACTS UNDER SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.**

(a) CLARIFICATION OF EXCLUSION.—Section 717(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (title VII of Public Law 100–656) is amended by striking out ''and such contract was'' and inserting in lieu thereof ''but only if such contracts were''.

(b) CLARIFICATION OF APPLICABILITY OF FREEZE ON NUMERICAL SIZE STANDARD.—Section 732 of such Act (15 U.S.C. 632 note) is amended by adding at the end the following: ''As provided in section 717(d), the preceding sentence does not apply to architectural and engineering services assigned to standard industrial classification code 8711 and performed under contracts awarded under the qualification-based selection procedures required by title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)''.

(c) REQUIREMENT TO LIFT FREEZE ON NUMERICAL SIZE STANDARD FOR MILITARY ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall remove any numerical size standard pertaining to contract awards assigned to standard industrial classification code 8711 that are made by the Department of Defense, in conformance with section 732 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 632 note), as amended by subsection (b).

**SEC. 830. AUTHORITY TO DISPOSE OF EQUIPMENT WHOSE OPERATION AND SUPPORT COSTS EXCEED COSTS OF PROCURING REPLACEMENT EQUIPMENT.**

(a) AUTHORITY.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 4543. Disposal of property: authority to dispose of certain equipment**

''(a) AUTHORITY.—The Secretary of the Army may dispose of equipment that—

''(1) at the discretion of the Secretary, is needed, but whose continued operation and support costs exceed costs of procuring approved replacement equipment; or

''(2) is a major end item and still has commercial utility, such as trucks, trailers, and communications equipment.

''(b) READINESS REQUIREMENTS.—In disposing of equipment under this section, the Secretary shall not compromise the readiness requirements of the Army.

''(c) SENSE OF CONGRESS REGARDING PROCUREMENT OF REPLACEMENT EQUIPMENT.—It is the sense of Congress that the Secretary of the Army should make every effort to increase the procurement of equipment of

the type needed to replace the equipment disposed of under the authority provided by this section.''.

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

''4543. Disposal of property: authority to dispose of certain equipment.''.

**SEC. 831. REPORTS BY DEFENSE CONTRACTORS OF DEALINGS WITH TERRORIST COUNTRIES.**

(a) REPORT REQUIREMENT.—Whenever the Secretary of Defense proposes to enter into a contract with any person for an amount in excess of $500,000 for the provision of goods or services to the Department of Defense, the Secretary shall require that person—

(1) before entering into the contract, to report to the Secretary each commercial transaction which that person has conducted with any terrorist country during the preceding three years; and

(2) to report to the Secretary each commercial transaction which that person conducts during the course of the contract (but not after the date specified in subsection (f)) with any terrorist country.

The requirement contained in paragraph (2) shall be included in the contract with the Department of Defense.

(b) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section.

(c) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense shall submit to the Congress each year a report setting forth those persons conducting commercial transactions with terrorist countries as included in the reports made pursuant to subsection (a) during the preceding fiscal year, the terrorist countries with which those transactions were conducted, and the nature of those transactions.

(d) TERRORIST COUNTRY DEFINED.—A country shall be considered to be a terrorist country for purposes of a contract covered by this section if the Secretary of State has determined pursuant to law, as of the date that is 60 days before the date on which the contract is signed, that the government of that country is a government that has repeatedly provided support for acts of international terrorism.

(e) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the end of the 60-day period beginning on the date of the enactment of this Act.

(f) TERMINATION.—This section expires on September 30, 1996.

# TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

## Subtitle A—Office of the Secretary of Defense

### SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

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

(2) by transferring section 137 (relating to the Comptroller) so as to appear after section 134a, redesignating that section as section 135, and amending that section by adding at the end the following new subsection:

''(d) The Comptroller takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.''.

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Policy the following:

''Comptroller of the Department of Defense.''.

(c) CONFORMING AMENDMENT.—Subsection (d) of section 138 of title 10, United States Code, as redesignated by subsection (a), is amended by inserting ''and Comptroller'' after ''Under Secretaries of Defense''.

**SEC. 902. NEW POSITION OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.**

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135, as transferred and redesignated by section 901(a), the following new section:

**''§ 136. Under Secretary of Defense for Personnel and Readiness**

''(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate.

''(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary, and nonappropriated fund activities, personnel requirements

for weapons support, National Guard and reserve components, and health affairs.

''(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Comptroller.''.

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Comptroller of the Department of Defense, as added by section 901(b), the following:

''Under Secretary of Defense for Personnel and Readiness.''.

(c) OFFSETTING REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Subsection (a) of section 138 of title 10, United States Code, as redesignated by section 901(a), is amended by striking out ''eleven'' and inserting in lieu thereof ''ten''.

(2) Section 5315 of title 5, United States Code, is amended by striking out ''Assistant Secretaries of Defense (11)'' and inserting in lieu thereof ''Assistant Secretaries of Defense (10)''.

**SEC. 903. REDESIGNATION OF POSITIONS OF UNDER SECRETARY AND DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.**

(a) REDESIGNATIONS.—The office of Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Under Secretary of Defense for Acquisition and Technology. The office of Deputy Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Deputy Under Secretary of Defense for Acquisition and Technology.

(b) USD CHARTER AMENDMENTS.—(1) Section 133 of title 10, United States Code, is amended by striking out ''Under Secretary of Defense for Acquisition'' in subsections (a), (b), and (e)(1) and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

(2) The heading for such section is amended to read as follows:

**"§ 133. Under Secretary of Defense for Acquisition and Technology".**

(c) DUSD CHARTER AMENDMENTS.—(1) Section 133a of such title is amended by striking out ''Deputy Under Secretary of Defense for Acquisition'' in subsections (a) and (b) and inserting in lieu thereof ''Deputy

Under Secretary of Defense for Acquisition and Technology''.

(2) The heading for such section is amended to read as follows:

**''§ 133a. Deputy Under Secretary of Defense for Acquisition and Technology''.**

(d) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) The following sections of title 10, United States Code, are amended by striking out ''Under Secretary of Defense for Acquisition'' each place such term appears (including section headings) and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology'': sections 134(c), 137(b) (as redesignated by section 901(a)), 139 (as redesignated by section 901(a)), 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722, 1735(c), 1737(c), 1741(b), 1746(a), 1761(b), 1762(a), 1763, 2304(f), 2308(b), 2325(b), 2329, 2350a, 2369, 2399(b), 2435(b), 2438(c), 2523(a), and 2534(b).

(2) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 of such title is amended to read as follows:

''1702. Under Secretary of Defense for Acquisition and Technology: authorities and responsibilities.''.

(3) Section 171(a)(8) of such title is amended by striking out ''Deputy Under Secretary of Defense for Ac-

quisition'' and inserting in lieu thereof ''Deputy Under Secretary of Defense for Acquisition and Technology''.

(e) CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5313 of title 5, United States Code, is amended by striking out ''Under Secretary of Defense for Acquisition'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

(2) Section 5314 of such title is amended by striking out ''Deputy Under Secretary of Defense for Acquisition'' and inserting in lieu thereof ''Deputy Under Secretary of Defense for Acquisition and Technology''.

(f) REFERENCES IN OTHER LAWS.—Any reference to the Under Secretary of Defense for Acquisition or the Deputy Under Secretary of Defense for Acquisition in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense for Acquisition and Technology or the Deputy Under Secretary of Defense for Acquisition and Technology, respectively.

**SEC. 904. FURTHER CONFORMING AMENDMENTS TO CHAPTER 4 OF TITLE 10, UNITED STATES CODE.**

(a) COMPOSITION OF OSD.—Subsection (b) of section 131 of title 10, United States Code, is amended to read as follows:

''(b) The Office of the Secretary of Defense is composed of the following:

''(1) The Deputy Secretary of Defense.

''(2) The Under Secretary of Defense for Acquisition and Technology.

''(3) The Under Secretary of Defense for Policy.

''(4) The Comptroller.

''(5) The Under Secretary of Defense for Personnel and Readiness.

''(6) The Director of Defense Research and Engineering.

''(7) The Assistant Secretaries of Defense.

''(8) The Director of Operational Test and Evaluation.

''(9) The General Counsel of the Department of Defense.

''(10) The Inspector General of the Department of Defense.

''(11) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.''.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended 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 of Operational Test and Evaluation.
''140. General Counsel.
''141. Inspector General.
''142. Assistant to the Secretary of Defense for Atomic Energy.''.

**SEC. 905. DIRECTOR OF OPERATIONAL TEST AND EVALUATION.**

Subsection (c) of section 139 of title 10, United States Code, as redesignated by section 901(a)(1), is amended—

(1) by striking out the first sentence;

(2) by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''; and

(3) by striking out ''research and development'' and inserting in lieu thereof ''acquisition''.

# Subtitle B—Reserve Commands

**SEC. 921. ARMY RESERVE COMMAND.**

(a) ESTABLISHMENT AS A PERMANENT SEPARATE ARMY COMMAND.—(1) Chapter 307 of title 10, United States Code, as amended by section 519(a), is further amended by inserting after section 3081 the following new section:

**"§ 3082. Army Reserve command**

''(a) ESTABLISHMENT OF COMMAND.—There is in the Army an Army Reserve command, which shall be a separate command of the Army. The Secretary of the Army shall maintain that command with the advice and assistance of the Chief of Staff of the Army.

''(b) COMMANDER.—The Chief of Army Reserve is the commander of the Army Reserve command. The commander of the Army Reserve command reports directly to the Chief of Staff of the Army.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Army shall assign to the Army Reserve command all forces of the Army Reserve.

''(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Staff of the Army shall establish standards, evaluate units, validate units, and provide training assistance for the Army Reserve in the areas of unit training, readiness, and mobilization.

''(2) The Chief of Staff shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Army Reserve.

''(3) The commander of the Army Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Staff of the Army pursuant to paragraphs (1) and (2).''.

(2) The table of sections at the beginning of such chapter, as amended by section 519(b), is further amended by inserting after the item relating to section 3081 the following new item:

''3082. Army Reserve command.''.

(b) CONFORMING REPEAL.—Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1620) (10 U.S.C. 3074 note) is repealed.

(c) TRANSITION PROVISION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army, in consultation with the Chief of Staff of the Army, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the Secretary of the Army for implementation of section 3082 of title 10, United States Code, as

added by subsection (a). Such implementation shall begin not later than 90 days after the date of the enactment of this Act and shall be completed not later than one year after such date.

**SEC. 922. NAVAL RESERVE COMMAND.**

(a) ESTABLISHMENT AS PERMANENT SEPARATE NAVAL COMMAND.—Chapter 519 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 5253. Naval Reserve command**

''(a) ESTABLISHMENT OF COMMAND.—There is in the Navy a Naval Reserve command, which shall be a separate command of the Navy. The Secretary of the Navy shall maintain that command with the advice and assistance of the Chief of Naval Operations.

''(b) COMMANDER.—The Chief of Naval Reserve is the commander of the Naval Reserve command. The commander of the Naval Reserve command reports directly to the Chief of Naval Operations.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Navy shall assign to the Naval Reserve command all forces of the Naval Reserve other than those Naval Reserve forces specifically assigned by the Secretary to the active component of the Navy.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Naval Operations shall establish standards, evaluate units, validate units, and provide training assistance for the Naval Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Chief of Naval Operations shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Naval Reserve.

"(3) The commander of the Naval Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Naval Operations pursuant to paragraphs (1) and (2).".

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

"5253. Naval Reserve command.".

**SEC. 923. MARINE CORPS RESERVE COMMAND.**

(a) ESTABLISHMENT AS PERMANENT SEPARATE MARINE CORPS COMMAND.—Chapter 519 of title 10, United States Code (as amended by section 922(a)), is further amended by adding at the end the following new section:

**"§ 5254. Marine Corps Reserve command**

''(a) ESTABLISHMENT OF COMMAND.—There is in the Marine Corps a Marine Corps Reserve command, which shall be a separate command of the Marine Corps. The Secretary of the Navy shall maintain that command with the advice and assistance of the Commandant of the Marine Corps.

''(b) COMMANDER.—The commander of the Marine Corps Reserve command reports directly to the Commandant of the Marine Corps.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Navy shall assign to the Marine Corps Reserve command all forces of the Marine Corps Reserve.

''(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Commandant shall establish standards, evaluate units, validate units, and provide training assistance for the Marine Corps Reserve in the areas of unit training, readiness, and mobilization.

''(2) The Commandant shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Marine Corps Reserve.

''(3) The commander of the Marine Corps Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certifi-

cation, and validation requirements, established by the Commandant to paragraphs (1) and (2).''.

(2) The table of sections at the beginning of such chapter (as amended by section 925(b)) is amended by adding at the end the following new item:

''5254. United States Marine Corps Reserve command.''.

**SEC. 924. AIR FORCE RESERVE COMMAND.**

(a) ESTABLISHMENT AS PERMANENT SEPARATE AIR FORCE COMMAND.—(1) Chapter 807 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 8082. Air Force Reserve command**

''(a) ESTABLISHMENT OF COMMAND.—There is in the Air Force an Air Force Reserve command, which shall be a separate command of the Air Force. The Secretary of the Air Force shall maintain that command with the advice and assistance of the Chief of Staff of the Air Force.

''(b) COMMANDER.—The Chief of Air Force Reserve is the commander of the Air Force Reserve command. The commander of the Air Force Reserve command reports directly to the Chief of Staff of the Air Force.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Air Force shall assign to the Air Force Reserve command all forces of the Air Force Reserve.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Staff of the Air Force shall establish standards, evaluate units, validate units, and provide training assistance for the Air Force Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Chief of Staff shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Air Force Reserve.

"(3) The commander of the Air Force Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Staff of the Air Force pursuant to paragraphs (1) and (2).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8082. Air Force Reserve command.".

# Subtitle C—Professional Military Education

**SEC. 931. AUTHORITY FOR AWARD BY NATIONAL DEFENSE UNIVERSITY OF CERTAIN MASTER OF SCIENCE DEGREES.**

(a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2163. National Defense University: masters of science in national security strategy and in national resource strategy**

''(a) NATIONAL WAR COLLEGE DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the National War College, may confer the degree of master of science of national security strategy upon graduates of the National War College who fulfill the requirements for the degree.

''(b) ICAF DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the Industrial College of the Armed Forces, may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who fulfill the requirements for the degree.

"(c) REGULATIONS.—The authority provided by subsections (a) and (b) shall be exercised under regulations prescribed by the Secretary of Defense.".

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

"2163. National Defense University: masters of science in national security strategy and in national resource strategy.".

**SEC. 932. REDESIGNATION OF ARMED FORCES STAFF COLLEGE.**

The Armed Forces Staff College at Norfolk, Virginia, shall after the date of the enactment of this Act be known and designated as the "Joint Armed Forces Staff College".

**SEC. 933. LOCATION FOR NEW JOINT WARFIGHTING CENTER.**

The Secretary of Defense shall provide for the Joint Warfighting Center (established by the Secretary on July 1, 1993, to assist the Chairman of the Joint Chiefs of Staff and other senior military officers in the preparation for joint warfare) to be located at the Joint Armed Forces Staff College in Norfolk, Virginia.

**SEC. 934. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.**

(a) IN GENERAL.—(1) Section 1595 of title 10, United States Code, is amended to read as follows:

**"§ 1595. Civilian faculty members at certain Department of Defense schools: employment and compensation**

''(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the institutions specified in subsection (c) as the Secretary considers necessary.

''(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

''(c) COVERED INSTITUTIONS.—This section applies with respect to the following institutions of the Department of Defense:

''(1) The National Defense University.

''(2) The Foreign Language Center of the Defense Language Institute.

''(3) The George C. Marshall European Center for Security Studies.

''(d) APPLICATION TO FACULTY MEMBERS AT NDU.—In the case of the National Defense University, this section applies with respect to persons selected by the

Secretary for employment as professors, instructors, and lecturers at the National Defense University after February 27, 1990.

''(e) COMPOSITION OF NATIONAL DEFENSE UNIVERSITY.—For purposes of this section, the National Defense University includes the National War College, the Armed Forces Staff College, the Institute for National Strategic Study, and the Industrial College of the Armed Forces.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

''1595. Civilian faculty members at certain Department of Defense schools: employment and compensation.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 1993.

## Subtitle D—Other Matters

**SEC. 941. ASSIGNMENT OF RESERVE FORCES.**

(a) UNIFIED COMMANDS.—Section 162(a) of title 10, United States Code, is amended by inserting ''(other than forces of the reserve components)'' after ''all forces under their jurisdiction''.

(b) SPECIAL OPERATIONS COMMAND.—Section 167(b) of such title is amended by striking out ''and reserve''.

**SEC. 942. MORATORIUM ON MERGER OF SPACE COMMAND AND STRATEGIC COMMAND.**

(a) MORATORIUM.—During the period beginning on the date of the enactment of this Act and ending on December 1, 1994—

(1) the United States Space Command may not be merged with the United States Strategic Command; and

(2) no element or component of the United States Space Command (as constituted on the date of the enactment of this Act) may be transferred to the United States Strategic Command.

(b) GAO REPORT.—Not later than March 1, 1994, the Comptroller General of the United States shall submit to Congress a report on the costs and benefits of merging the United States Space Command with the United States Strategic Command. The matters to be addressed by the Comptroller General in the report shall include (1) cost savings and other efficiencies which could be achieved through such a merger, as well as any disadvantages of such a merger, (2) the record of any problems associated with the performance of the functions of the Space Command and of the Strategic Command when those functions have been vested in the same organization in the past, and (3) the degree to which any such proposed merger de-

creases the organizational visibility and priority of space-related issues within the Department of Defense.

**SEC. 943. SECURITY CLEARANCES FOR CIVILIAN EMPLOYEES.**

(a) IN GENERAL.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after section 1581 the following new section:

**"§ 1582. Security clearances: procedural safeguards for denial or revocation**

''Under regulations to be prescribed by the Secretary of Defense, civilian employees of the Department of Defense shall be entitled to the same procedural safeguards with respect to the denial or revocation of security clearances as are afforded to employees of defense contractors under Executive Order 10865 (50 U.S.C. 401 note), entitled 'Safeguarding Classified Information Within Industry', as in effect on July 1, 1993.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1581 the following new item:

''1582. Security clearances: procedural safeguards for denial or revocation.''.

(b) EFFECTIVE DATE.—Section 1582 of title 10, United States Code, as added by subsection (a), shall apply with respect to the denial or revocation of a security clearance after the date of the enactment of this Act.

(c) DEADLINE.—The regulations required by section 1582 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

**SEC. 944. PROGRAM FOR VIDEOTAPING OF INVESTIGATIVE INTERVIEWS.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a program for the videotaping of subject and witness interviews by military criminal investigative organizations, as determined appropriate by the Secretary.

(b) STARTUP COSTS.—The Secretary shall direct that, of amounts available to the Department of Defense for fiscal year 1994 for operations and maintenance, $2,500,000 shall be allocated for the purchase of video equipment for use in the program under subsection (a) and for necessary modifications to interrogation facilities to accommodate that equipment.

(b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.—For purposes of subsection (a), the military criminal investigative organizations are the following:

(1) The Defense Criminal Investigative Service.

(2) The Criminal Investigative Division of the Department of the Army.

(3) The Naval Criminal Investigative Service of the Department of the Navy.

(4) The Office of Special Investigations of the Department of the Air Force.

**SEC. 945. FLEXIBILITY IN ADMINISTERING REQUIREMENT FOR ANNUAL FOUR PERCENT REDUCTION IN NUMBER OF PERSONNEL ASSIGNED TO HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.**

Section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1622) is amended by adding at the end the following: ''If the number by which the number of such personnel is reduced during any of fiscal years 1991, 1992, 1993, or 1994 is greater than the number required under the preceding sentence, the excess number from that fiscal year may be applied by the Secretary toward the required reduction during a subsequent fiscal year (so that the total reduction under this section need not exceed the number equal to five times the required reduction number specified under the preceding sentence).''.

**SEC. 946. ENHANCED FLEXIBILITY RELATING TO REQUIREMENTS FOR SERVICE IN A JOINT DUTY ASSIGNMENT.**

(a) EXTENSION OF AUTHORITY FOR JOINT DUTY EQUIVALENCY WAIVER.—Section 619(e)(2) of title 10, United States Code, is amended—

(1) by striking out ''paragraph (1)—'' and inserting in lieu thereof ''paragraph (1) in the following circumstances:'';

(2) by capitalizing the first letter of the first word in each of subparagraphs (A) through (D);

(3) by striking out the semicolon at the end of subparagraphs (A), (B), and (C) and inserting in lieu thereof a period;

(4) by striking out ''; and'' at the end of subparagraph (D) and inserting in lieu thereof a period; and

(5) by striking out subparagraph (E) and inserting in lieu thereof the following:

''(E) Until January 1, 1998, in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.''.

(b) REQUIREMENT FOR JOINT DUTY ASSIGNMENT FOR GENERAL AND FLAG OFFICERS RECEIVING JOINT

DUTY EQUIVALENCY WAIVER.—Section 619 of such title is further amended by adding at the end the following new subsection:

''(f)(1) An officer who receives a waiver under paragraph (2)(E) of subsection (e) by reason of service described in that paragraph that began before October 1, 1986, may not (except as provided in paragraph (2)) be appointed to the grade of major general or rear admiral until the officer completes a full tour of duty in a joint duty assignment.

''(2) The Secretary of Defense may on a case-by-case basis delay the requirement under paragraph (1) for completion of a full tour of duty in a joint duty assignment in the case of an officer selected for promotion to the grade of major general or rear admiral so that such a tour of duty is completed while the officer is serving in that grade. Any such delay may be granted only in a case in which the Secretary determines, and certifies to Congress, that it is necessary that the requirement for service by general and flag officers in a joint duty assignment be deferred in the case of that particular officer because of a lack of available billets for officers in the grade of brigadier general or rear admiral (lower half) that are joint duty assignment positions.

"(3) The delegation limitations in paragraph (3)(C) of subsection (e) shall apply to the authority provided in paragraph (2).".

(c) REPORT ON PLANS FOR COMPLIANCE WITH SECTION 619(e).—(1) Not later than January 1, 1994, the Secretary of Defense shall certify to Congress that the Army, Navy, Air Force, and Marine Corps have each developed and implemented a plan for their officer personnel assignment and promotion policies so as to ensure compliance with the requirements of section 619(e) of title 10, United States Code, as amended by subsection (a). Each such plan should particularly ensure that by January 1, 1998, the service covered by the plan shall have enough officers who have completed a full tour of duty in a joint duty assignment so as to permit the orderly promotion of officers to brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The Secretary of Defense shall include as part of the information submitted to Congress pursuant to section 667 of title 10, United States Code, for each of the next five years after the date of the enactment of this Act the following:

(A) The degree of progress made toward meeting the requirements of section 619(e) of title 10, United States Code.

(B) The compliance achieved with each of the plans developed pursuant to paragraph (1).

(d) REVISION OF SERVING-IN WAIVER.—Section 619(e)(2) of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

''(F) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general or rear admiral (lower half) while serving in a joint duty assignment, of which no less than six months have been completed on the date on which the officer is selected by that selection board, and who subsequently completes no less than two years in that joint duty assignment.''.

(e) DESERT STORM JOINT DUTY CREDIT.—(1) Section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 644 note) is amended by striking out ''chapter 38 of'' and inserting in lieu thereof ''any provision of''.

(2) Any joint duty service credit given to an officer under section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 before the date of the enactment of this Act may be applied to any provision of title 10, United States Code.

(f) CORRECTION OF SPELLING MISTAKE.—Section 1305(b)(1)(B) of Public Law 100–180 (10 U.S.C. 619 note) is amended by striking out ''nuclear populsion'' and inserting in lieu thereof ''nuclear propulsion''.

**SEC. 947. FLEXIBILITY FOR REQUIRED POST-EDUCATION JOINT DUTY ASSIGNMENT.**

(a) IN GENERAL.—Subsection (d) of section 663 of title 10, United States Code, is amended to read as follows:

''(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

''(2)(A) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a joint professional military education school who do not have the joint specialty shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized in subparagraph (B), as their second duty assignment after such graduation.

''(B) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the duty assignment requirement in subparagraph (A) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a joint professional military education school.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act.

**SEC. 948. REPORT ON OPTIONS FOR ORGANIZATIONAL STRUCTURE FOR IMAGERY COLLECTION FUNCTIONS.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees specified in subsection (e) a report containing an assessment of options for the organization of intelligence elements of the Government for the management of central imagery functions. The report shall be prepared in consultation with the Director of Central Intelligence.

(b) OPTIONS TO BE CONSIDERED.—Options considered for the purposes of the assessment under subsection (a) shall include the following:

(1) Carrying out the management of central imagery functions through the Central Imagery Office of the Department of Defense as constituted on the date of the enactment of this Act.

(2) Consolidation within the Defense Intelligence Agency of the central imagery functions carried out as of the date of the enactment of this Act through the Central Imagery Office of the Department of Defense (as constituted on the date of the enactment of this Act).

(3) Any other option identified by the Secretary of Defense and the Director of Central Intelligence.

(c) BASIS FOR EVALUATION OF OPTIONS.—Each option identified under subsection (b) shall be evaluated on the basis of—

(1) organizational efficiency;

(2) cost savings that could be realized through consolidation and through sharing of overhead resources; and

(3) any other criteria determined by the Secretary of Defense and the Director of Central Intelligence.

(d) RESTRICTION PENDING SUBMISSION OF REPORT.—Unless otherwise directed by law, neither the Secretary of Defense nor the Director of Central Intelligence may take any action to carry out the elimination, consolidation, or restructuring of the Central Imagery Office of the Department of Defense (as constituted on the date of the enactment of this Act) before the report under subsection (a) is submitted.

(e) COMMITTEES TO WHICH REPORT IS TO BE SUBMITTED.—The report required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives and to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) DEFINITION.—For purposes of this section, the term ''imagery collection functions'' means the intelligence functions of tasking imagery collection, production of imagery analysis, and dissemination of imagery analysis.

**SEC. 949. REPORT ON DEPARTMENT OF DEFENSE BOTTOM UP REVIEW.**

(a) REPORT REQUIRED.—The Secretary of Defense shall submit, in classified and unclassified forms, to the Committees on Armed Services of the Senate and House of Representatives a report on the comprehensive review

of Department of Defense activities ordered by the Secretary of Defense and identified as the ''Bottom Up Review'' (hereinafter in this section referred to as the ''Review''). The report shall include the following information:

(1) A statement of the goals and objectives of the Review.

(2) The principal findings and recommendations of the Review.

(3) A presentation of the process, structure, and scope of the Review, including all programs and policies examined by the Review.

(4) The various force structure, strategy, budgetary and programmatic options considered as part of the Review.

(5) A description of any threat assessment or defense planning scenario used in conducting the Review.

(6) The criteria used in the development, review, and selection of the alternative strategy, force structure, programmatic, budgetary, and other options considered in the Review.

(7) Presentation of changes as a result of the Review in each of the following:

(A) The National Security Strategy of the United States, as described in the January

1993, report entitled ''National Security Strategy of the United States'', issued by former President Bush.

(B) The National Military Strategy of the United States, including changes in the four key elements of the new National Military Strategy announced by former President Bush on August 2, 1990, and described in the January 1993 report entitled, ''Annual Report to the President and the Congress'' from former Secretary of Defense Dick Cheney, namely, strategic deterrence and defense, forward presence, crisis response, and reconstitution.

(C) Alliance structures or overseas force presence and commitments and any changes in the level of support by the United States Armed Forces for peacekeeping and peacemaking missions, humanitarian activities, domestic civil functions, drug interdiction, support to international organizations such as the United Nations, and other areas such as conversion and reinvestment.

(D) The military force structure, as described in the January 1993 report entitled ''Annual Report to the President and the Con-

gress'' from former Secretary of Defense Dick Cheney.

(E) The roles and functions of the military departments and the roles and functions of the unified commands as set out in the Unified Command Plan.

(F) Cost, schedule, and inventory objectives for major defense acquisition programs (as defined in section 2430 of title 10, United States Code) altered as a result of the Review.

(G) The defense industrial base of the United States, including the effect on key defense industrial sectors such as the nuclear propulsion industrial base, the armored vehicle industrial base, tactical aviation, and shipyards for both conventional-powered and nuclear-powered vessels.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than the earlier of (1) the date on which the President's budget for fiscal year 1995 budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, and (2) the end of the 90-day period beginning on the date of the enactment of this Act.

**SEC. 950. REINVESTIGATION BY DEFENSE INSPECTOR GENERAL OF CERTAIN CASES OF DEATH OF MEMBERS OF THE ARMED FORCES BY SELF-INFLICTED WOUNDS.**

(a) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a reinvestigation of the death of any member of the Armed Forces who died while on active duty after January 1, 1982, from a wound determined to be self-inflicted (whether by accident or intention) in any case in which the immediate family members of the deceased servicemember request the reinvestigation based upon allegations grounded in new evidence or well-founded suspicions of an incomplete or inadequate previous investigation.

(b) EXPERT SERVICES.—In carrying out any such reinvestigation, the Inspector General may obtain necessary expert services (such as the services of pathologists and ballistics experts) from sources outside the Department of Defense.

(c) FINDINGS AND RECOMMENDATIONS.—The Inspector General shall prepare a report on each case investigated under this section. Based upon the findings and conclusions in such report, the Secretary of the military department concerned shall take such actions as the Secretary determines to be appropriate, including actions to correct the record of the deceased servicemember and ac-

tions to institute disciplinary proceedings against other servicemembers relating to the circumstances of the death investigated or to the conduct of earlier investigations of that death.

(d) FURNISHING OF REPORT TO FAMILY.—In each case of an investigation under this section, the Inspector General shall furnish a copy of the report on the investigation to the family members of the individual whose death was investigated in accordance with section 1072 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2508).

**SEC. 951. PROHIBITION OF TRANSFER OF NAVAL ACADEMY PREPARATORY SCHOOL.**

During fiscal year 1994, the Secretary of the Navy may not transfer the Naval Academy Preparatory School from Newport, Rhode Island, to Annapolis, Maryland, or expend any funds for any work (including preparation of an architectural engineering study, design work, or construction or modification of any structure) in preparation for such a transfer.

# TITLE X—GENERAL PROVISIONS

## Subtitle A—Financial Matters

**SEC. 1001. TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that

such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

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

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

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

**SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.**

No funds are authorized to be appropriated under this Act for the Federal Bureau of Investigation.

**SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.**

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services to accompany the bill H.R. 2401 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

**SEC. 1004. DEFENSE COOPERATION ACCOUNT.**

(a) REVISION IN AUDIT REQUIREMENT.—Subsection (i) of section 2608 of title 10, United States Code, is amended to read as follows:

''(i) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**"§ 2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account".**

(2) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

''2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account.''.

**SEC. 1005. HUMANITARIAN AND CIVIC ASSISTANCE.**

(a) REGULATIONS.—The regulations required to be prescribed under section 401 of title 10, United States Code, shall be prescribed not later than March 1, 1994. In prescribing such regulations, the Secretary of Defense shall consult with the Secretary of State.

(b) LIMITATION ON USE OF FUNDS.—Section 401(c)(2) of title 10, United States Code, is amended by inserting before the period the following: ‘‘, except that funds appropriated to the Department of Defense for operation and maintenance other than funds appropriated pursuant to such paragraph may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance’’.

(c) NOTIFICATIONS REGARDING HUMANITARIAN RELIEF.—Any notification provided to the appropriate congressional committees with respect to assistance activities under section 2551 of title 10, United States Code, shall include a detailed description of any items for which transportation is provided that are excess nonlethal supplies of the Department of Defense, including the quantity, acquisition value, and value at the time of the transportation of such items.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to carry out humanitarian and civic assistance activities under sections

401, 402, and 2551 of title 10, United States Code, in the amount of $58,000,000 for fiscal year 1994.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

**SEC. 1006. LIMITATION ON TRANSFERRING DEFENSE FUNDS TO OTHER DEPARTMENTS AND AGENCIES.**

Section 1604 of Public Law 101–189 (103 Stat. 1598) is amended by striking out ''a report'' and all that follows and inserting in lieu thereof ''a certification that making those funds available to such other department or agency is in the national security interest of the United States.''.

**SEC. 1007. SENSE OF CONGRESS CONCERNING DEFENSE BUDGET PROCESS.**

It is the sense of Congress that any future five-year defense plan—

(1) should be based on an objective assessment of United States national security requirements and be resourced at a level capable of protecting and promoting our Nation's interests; and

(2) should be based on financial integrity and accountability to ensure a fully funded defense program necessary to maintain a ready and capable force.

**SEC. 1008. FUNDING STRUCTURE FOR CONTINGENCY OPERATIONS.**

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

**"§ 127a. Expenses for contingency operations**

''(a) DESIGNATION OF NATIONAL CONTINGENCY OPERATIONS.—The funding procedures prescribed by this section apply with respect to any operation involving the armed forces that is designated by the Secretary of Defense as a National Contingency Operation. Whenever the Secretary designates an operation as a National Contingency Operation, the Secretary shall promptly transmit notice of that designation in writing to Congress. This section does not provide authority for the President or the Secretary of Defense to carry out an operation, but applies to the Department of Defense mechanisms by which funds

are provided for operations that the armed forces are required to carry out under some other authority.

''(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) When an operating unit of the Armed Forces participating in a National Contingency Operation receives support services from a support unit of the Armed Forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit need not reimburse that support unit for the incremental costs incurred by the support unit in providing such support, notwithstanding any other provision of law or Government accounting practice.

''(2) The amounts which but for paragraph (1) would be required to be reimbursed to a support unit shall be recorded as an expense attributable to the operation and shall be accounted for separately.

''(c) OBLIGATIONAL LIMITATIONS.—(1) Obligations attributable to a National Contingency Operation for which customary reimbursement requirements are not applicable by reason of subsection (b) may not be made in excess of $20,000,000 until the President submits to Congress notice of the intention to make such obligations in excess of $20,000,000.

''(2) Upon such notification under paragraph (1), an additional $20,000,000 in obligations attributable to that

operation for which customary reimbursement requirements are not applicable by reason of subsection (b) may be made.

''(3) Obligations attributable to a National Contingency Operation for which customary reimbursement requirements are not applicable by reason of subsection (b) may be made in excess of $40,000,000—

''(A) only after the end of the 30-day period beginning on the date on which a presidential notification is submitted under paragraph (2); and

''(B) only if during that 30-day period a joint resolution described in subsection (i) is not enacted into law.

''(4) The President may waive the limitation in paragraph (3) in the case of any National Contingency Operation with respect to which the President has declared a national emergency.

''(d) NOTIFICATION AND PLAN FOR LARGE-SCALE OPERATIONS.—(1) Within two months of the beginning of any large-scale or long-term National Contingency Operation, the President shall submit to Congress a financial plan for the operation that sets forth the manner by which the President proposes to obtain funds for the full cost to the United States of the operation.

"(2) For purposes of this subsection, a large-scale or long-term National Contingency Operation is an operation designated as a National Contingency Operation that was not anticipated and programmed for in the budget for the current fiscal year and which is expected—

"(A) to have a duration in excess of three months; or

"(B) to have an incremental cost to the Department of Defense in excess of $100,000,000.

"(e) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs that are directly attributable to the operation and that are otherwise chargeable to accounts available for operation and maintenance or for military personnel. Any costs which are otherwise chargeable to accounts available for procurement may not be considered to be incremental costs for purposes of this section.

"(f) INCREMENTAL PERSONNEL COSTS ACCOUNT.—(1) There is hereby established in the Department of Defense a reserve fund to be known as the 'National Contingency Operation Personnel Fund'. Amounts in the fund shall be available for incremental military personnel costs attributable to a National Contingency Operation. Amounts in the fund remain available until expended.

"(2) There is hereby authorized to be appropriated for fiscal year 1994 to the fund established under paragraph (2) the sum of $10,000,000.

"(g) COORDINATION WITH WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct a National Contingency Operation or any other operation.

"(h) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense contingency funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

"(i) PROCEDURES FOR CONSIDERING RESOLUTION OF DISAPPROVAL.—(1) For purposes of subsection (c)(3), the term 'joint resolution' means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits to Congress the notification under that subsection and—

"(A) that does not have a preamble;

"(B) the matter after the resolving clause of which is as follows: 'That the President may not incur obligations in excess of $40,000,000 as pro-

posed in the notice of the President of _____', the blank space being filled in with the appropriate date; and

''(C) the title of which is as follows: 'Joint resolution limiting obligations by the President.'.

''(2) A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred jointly to the Committee on Foreign Relations and the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) that is introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate and the Committee on Armed Services of the Senate.

''(3) If the committees to which a resolution described in paragraph (1) is referred have not reported such resolution (or an identical resolution) by the end of the 15-day period beginning on the date on which the President transmits the applicable notice to Congress under subsection (c), such committees shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

''(4)(A) On or after the third day after the date on which the committees to which such a resolution is referred have reported, or have been discharged (under

paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

''(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

''(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

''(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

''(5)(A) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution de-

scribed in subsection (a), then the following procedures shall apply:

''(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

''(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

''(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

''(II) the vote on final passage shall be on the resolution of the other House.

''(B) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

''(6) This subsection is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in para-

graph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

''127a. Expenses for contingency operations.''.

**SEC. 1008. INCREASE IN AMOUNT FOR CINC INITIATIVE FUND.**

The amount provided in section 301 for Defense-wide activities for fiscal year 1994 is hereby increased by $5,000,000, to be an additional amount for the CINC Initiative Fund.

**SEC. 1009. REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES.**

The Secretary of Defense shall include in the next annual report of the Secretary under section 113 of title 10, United States Code, a report on the activities of the Department of Defense under sections 401, 402, 2547, and 2551 of that title. The report shall describe activities under those sections that have been carried out during fis-

cal year 1994 to the date of the report and planned activities under those sections for the remainder of fiscal year 1994 and for fiscal year 1995.

## Subtitle B—Counter-Drug Activities

### SEC. 1021. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out ''fiscal years 1991, 1992, 1993, and 1994,'' and inserting in lieu thereof ''fiscal years 1991 through 1995,''.

(b) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1994 under section 301(14) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

**SEC. 1022. REPORT ON DEFENSE COUNTER-DRUG PROGRAM.**

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report evaluating the consistency of—

(1) all drug interdiction and counter-drug activities undertaken or supported by the Department of Defense using funds appropriated pursuant to the authorization of appropriations in section 301(14); with

(2) the goals, objectives, and resource balance contained in the National Drug Control Strategy required to be submitted to Congress in 1994 under section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504).

(b) RECOMMENDATIONS.—The report required under subsection (a) shall include such recommendations as the Secretary considers to be necessary to more closely conform defense drug interdiction and counter-drug activities to the National Drug Control Strategy. The recommendations may include a request for the reprogramming of funds appropriated or otherwise made available to the Department of Defense for drug interdiction and counter-drug activities if the Secretary determines that such a request is necessary.

(c) LIMITATION ON OBLIGATION OF FUNDS PENDING REPORT.—(1) Except as provided in paragraph (2), no more than 75 percent of the funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in section 301(14) for drug interdiction and counter-drug activities undertaken or supported by the Department of Defense may be obligated or expended before the date on which the Secretary of Defense submits to Congress the report required under subsection (a).

(2) Paragraph (1) shall not prohibit obligations or expenditures of funds for personnel expenses, including pay and allowances of members of the Armed Forces, incurred in connection with defense drug interdiction and counter-drug activities.

**SEC. 1023. REQUIREMENT TO ESTABLISH PROCEDURES FOR STATE AND LOCAL GOVERNMENTS TO BUY LAW ENFORCEMENT EQUIPMENT IN CONJUNCTION WITH DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 381. Procurement by State and local governments of law enforcement equipment in conjunction with Department of Defense**

''(a) PROCEDURES.—(1) The Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase certain equipment in conjunction with the Department of Defense. The procedures shall require the following:

''(A) Each State desiring to participate in a procurement of equipment in conjunction with the Department of Defense shall submit to the Department, in such form and manner and at such times as the Secretary prescribes (i) a request for law enforcement equipment, and (ii) advance payment for such equipment, in an amount determined by the Secretary based on estimated or actual costs of the equipment. Requests shall be submitted annually or at another frequency determined appropriate by the Secretary.

''(B) A request for law enforcement equipment shall consist of an enumeration of the law enforcement equipment that is desired by the State and units of local government within the State.

''(C) A State requesting law enforcement equipment shall be responsible for arranging and paying

for shipment of the equipment to the State and localities within the State.

''(2) In establishing the procedures, the Secretary of Defense shall coordinate with the General Services Administration and other Federal agencies for purposes of avoiding duplication of effort.

''(b) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—In the case of any purchase made by a State or unit of local government under the procedures established under subsection (a), the Secretary of Defense shall require the State or unit of local government to reimburse the Department of Defense for the administrative costs to the Department of such purchase.

''(c) GSA CATALOG.—The Administrator of General Services shall produce and maintain a catalog of law enforcement equipment suitable for purchase by States and units of local government under the procedures established by the Secretary under this section.

''(d) DEFINITIONS.—For purposes of this section:

''(1) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

''(2) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

''(3) The term 'law enforcement equipment' has the meaning given such term in regulations prescribed by the Secretary of Defense. Such term includes, at a minimum, handguns, bulletproof vests, and communication equipment.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''381. Procurement by State and local governments of law enforcement equipment in conjunction with Department of Defense.''.

(b) DEADLINE.—The Secretary of Defense shall establish procedures under section 381(a) of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense

shall submit to the Congress a report on the procedures established pursuant to section 381 of title 10, United States Code, as added by subsection (a). The report shall include, at a minimum, a list of the law enforcement equipment that will be covered under such procedures.

## Subtitle C—Other Matters

**SEC. 1031. PROCEDURES FOR HANDLING WAR BOOTY.**

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2579. War booty: procedures for handling and retaining battlefield objects**

''(a) POLICY.—The United States recognizes that battlefield souvenirs have traditionally provided military personnel with a valued memento of service in a national cause. At the same time, it is the policy and tradition of the United States that the desire for souvenirs in a combat theater not blemish the conduct of combat operations or result in the mistreatment of enemy personnel, the dishonoring of the dead, distraction from the conduct of operations, or other unbecoming activities.

''(b) PURPOSE.—The purpose of this section is to provide a procedure for the handling of battlefield objects that is consistent with the policies expressed in subsection (a).

"(c) GENERAL RULE.—When forces of the United States are operating in a theater of operations, enemy material captured or found abandoned shall be turned over to appropriate United States or allied military personnel. A member of the armed forces (or other person under the authority of the armed forces in a theater of operations) may not (except in accordance with this section) take from a theater of operations as a souvenir an object formerly in the possession of the enemy.

"(d) PROCEDURES FOR OBTAINING BATTLEFIELD SOUVENIRS.—(1) A member of the armed forces who wishes to retain as a souvenir an object covered by subsection (c) that was retrieved personally by that member may so request at the time the object is turned over pursuant to subsection (c).

"(2) The Secretary concerned shall designate an officer to review requests under paragraph (1). If the officer determines that the object may be appropriately retained as a war souvenir, the object shall be turned over to the member who requested the right to retain it.

"(3) The Secretary concerned may charge a processing fee to each member making a request under paragraph (1). The amount of any such fee may not exceed the amount necessary to recoup the costs of handling and re-

viewing the objects for which requests are made under paragraph (1).

''(e) FURNISHING OF CAPTURED ITEMS.—(1) The Secretary concerned shall make available to members of the armed forces who served in a theater of operations items of enemy material other than weapons and explosives that are no longer required for military use, intelligence exploitation, or other purpose determined by the Secretary. A processing fee as described in subsection (d)(3) may be charged.

''(2) The Secretary concerned shall make available for sale to members of the armed forces who served in a theater of operations items of captured weaponry as follows:

''(A) The only weapons that may be sold are those in categories to be agreed upon jointly by the Secretary of Defense and the Secretary of the Treasury.

''(B) Not more than one weapon may be sold to any member.

''(C) Before a weapon is turned over to a member following such a sale, the weapon shall be rendered unserviceable.

''(D) The Secretary concerned shall assess a charge in connection with each such sale (in addition

to any processing fee) in an amount sufficient to cover the full cost of rendering the weapon unserviceable.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2579. War booty: procedures for handling and retaining battlefield objects.''.

(b) EFFECTIVE DATE.—Section 2579 title 10, United States Code, as added by subsection (a), shall apply with respect to objects taken in a theater of operations after the date of the enactment of this Act.

**SEC. 1032. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.**

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 1129. Purple Heart: members killed or wounded in action by friendly fire**

''(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

''(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result

of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

''(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.''.

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

''1129. Purple Heart: members killed or wounded in action by friendly fire.''.

**SEC. 1033. AWARD OF GOLD STAR LAPEL BUTTONS TO SURVIVORS OF SERVICE MEMBERS KILLED BY TERRORIST ACTS.**

(a) ELIGIBILITY.—Subsection (a) of section 1126 of title 10, United States Code, is amended—

(1) by striking out ''of the United States'' in the matter preceding paragraph (1);

(2) by striking out ''or'' at the end of paragraph (1);

(3) in paragraph (2)—

(A) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking out the period at the end and inserting in lieu thereof ''; or''; and

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

''(3) who lost or lose their lives after March 28, 1973, as a result of—

''(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or

''(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.''.

(b) DEFINITIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

''(7) The term 'military operations' includes those operations involving members of the armed forces assisting in United States Government spon-

sored training of military personnel of a foreign nation.

''(8) The term 'peacekeeping force' includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.''.

**SEC. 1034. EXTENSION OF AUTHORITY FOR CERTAIN FOREIGN GOVERNMENTS TO RECEIVE EXCESS DEFENSE ARTICLES.**

Section 516(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)(3)) is amended by inserting ''or fiscal year 1992'' after ''fiscal year 1991''.

**SEC. 1035. CODIFICATION OF PROVISION RELATING TO OVERSEAS WORKLOAD PROGRAM.**

(a) CODIFICATION.—(1) Chapter 138 of title 10, United States Code, is amended by inserting after section 2348 the following new section:

**"§ 2349. Overseas Workload Program**

''(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization or of any major non-Nato ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the

program of the Department of Defense known as the Overseas Workload Program.

''(b) SITE OF PERFORMANCE.—A contract awarded to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

''(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

''(1) could adversely affect the military preparedness of the armed forces; or

''(2) would violate the terms of an international agreement to which the United States is a party.

''(d) DEFINITION.—For purposes of this section, the term 'major non-NATO ally' has the meaning given such term in section 2350a(i)(3) of this title.''.

(2) The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2348 the following new item:

''2349. Overseas Workload Program.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1465 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1700) is repealed.

(2) Section 9130 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 102 Stat. 1935), is amended—

(A) in subsection (b), by striking out ‘‘, or thereafter,’’; and

(B) in subsection (d), by striking out ‘‘or thereafter’’ each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

**SEC. 1036. MODIFICATION OF AUTHORITY TO CONDUCT NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.**

(a) LOCATION OF PROGRAM.—Subsection (c) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended to read as follows:

‘‘(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate, except that the Secretary may not enter into agreements under subsection (d) with more than 10 States to provide for a program curriculum in excess of 6 weeks for any participant.’’.

(b) DEFINITION OF STATE.—Subsection (l) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

''(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.''.

(c) PROGRAM AGREEMENTS.—Subsection (d)(3) of such section is amended by striking out ''reimburse'' and inserting in lieu thereof ''provide funds to''.

**SEC. 1037. SENSE OF CONGRESS CONCERNING MEETING OF INTERALLIED CONFEDERATION OF RESERVE OFFICERS.**

(a) FINDINGS.—The Congress finds that—

(1) the Interallied Confederation of Reserve Officers (CIOR), an association of reserve officers from thirteen of the nations comprising the North Atlantic Treaty Organization, will hold its XLIV Congress at Washington, District of Columbia, during the period August 1 through 6, 1993; and

(2) the United States, through the Department of Defense, will conduct military competitions in conjunction with and as a constituent part of that Congress of that organization.

(b) EXTENSION OF WELCOME.—The Congress—

(1) extends to the Interallied Confederation of Reserve Officers (CIOR) a cordial welcome to the United States on the occasion of the XLVI Congress of that organization to be held in Washington, District of Columbia, during the period August 1 through 6, 1993;

(2) commends the joint effort of the Department of Defense and the Reserve Officers Association of the United States in hosting the XLVI Congress of that organization; and

(3) urges all departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of that organization in carrying out its activities and programs during that period.

**SEC. 1038. SEMIANNUAL REPORT ON EFFORTS TO SEEK COMPENSATION FROM GOVERNMENT OF PERU FOR DEATH AND WOUNDING OF CERTAIN UNITED STATES SERVICEMEN.**

(a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the Government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United

States Air Force C–130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

(b) SEMIANNUAL REPORT.—Not later than December 1 and June 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a report on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the

Government of Peru has paid fair and equitable compensation as described in subsection (b).

**SEC. 1039. BASING FOR C–130 AIRCRAFT.**

The Secretary of the Air Force shall determine the unit assignment and basing location for any C–130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

**SEC. 1040. MEMORIAL TO U.S.S. INDIANAPOLIS.**

The memorial to the U.S.S. Indianapolis (CA–35) to be located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, is hereby designated as the national memorial to the U.S.S. Indianapolis and her final crew.

**SEC. 1041. CONGRESSIONAL NOTIFICATION WHEN UNITED STATES FORCES ARE PLACED UNDER OPERATIONAL CONTROL OF A FOREIGN NATION.**

(a) NOTICE REQUIREMENT.—(1) Whenever the President places elements of the Armed Forces under the operational control of a foreign national acting on behalf of the United Nations, the Secretary of Defense shall submit to Congress a report described in subsection (b).

(2) Except as provided in paragraph (3), a report under paragraph (1) shall be submitted not less than 30 days before the date on which such operational control becomes effective.

(3) A report under paragraph (1) may be submitted less than 30 days before the date on which such operational control becomes effective (or after such date) if the President certifies to Congress that the requirement for the commitment of forces for such purpose is of such an emergency nature that delaying such commitment in order to provide such 30 days prior notice is not possible. Any such certification shall be submitted promptly upon the commitment of such forces.

(b) CONTENTS OF REPORT.—A report under subsection (a) shall set forth the following:

(1) The mission of the United States forces involved.

(2) The expected size and composition of the United States forces involved.

(3) The incremental cost to the United States associated with the proposed operation.

(4) The precise command and control relationship between the United States forces involved and the international organization.

(5) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which the operation is proposed.

(6) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

(7) The conditions under which the United States forces involved can and would be withdrawn.

(8) The timetable for complete withdrawal of the United States forces involved.

(c) CLASSIFICATION OF REPORT.—A report required by this section shall be submitted in both classified and unclassified form, if necessary.

(d) EXCEPTION FOR SMALL FORCES.—This section does not apply in the case of elements of the Armed Forces involving fewer than 100 members of the Armed Forces.

(e) INTERPRETATION.—Nothing in this section may be construed as authority for the President to use United States Armed Forces in any operation.

**SEC. 1042. IDENTIFICATION OF SERVICE IN VIETNAM IN THE COMPUTERIZED INDEX OF THE NATIONAL PERSONNEL RECORDS CENTER.**

The Secretary of Defense shall include in the computerized index of the National Personnel Records Center in St. Louis, Missouri, an indicator to allow for searches or selection of military records of military personnel based upon service in the Southeast Asia theater of operations during the Vietnam conflict (as defined in section 1035(g)(2) of title 10, United States Code).

**SEC. 1043. SHARING DEFENSE BURDENS AND RESPONSIBILITIES.**

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

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support

the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to reduce the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the on-base costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to more fully share the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(ii) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

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

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays

a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) REDUCING UNITED STATES OVERSEAS BASING COSTS.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sec-

tions 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least

75 percent of the nonpersonnel costs of United States military installations in the country.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000).

(2) For purposes of this subsection, the term ''overseas basing activities'' means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the

limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

**SEC. 1044. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.**

(a) IN GENERAL.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended—

(1) in subsection (a)—

(A) by striking out ''During fiscal years 1992 and 1993, the Secretary'' and inserting in lieu thereof ''The Secretary''; and

(B) by striking out ''Japan, Kuwait, and the Republic of Korea'' and inserting in lieu thereof ''any country or regional organization designated for purposes of this section by the Secretary of Defense''; and

(2) in subsection (f)—

(A) by striking out ''each quarter of fiscal years 1992 and 1993'' and inserting in lieu thereof ''each fiscal-year quarter'';

(B) by striking out ''congressional defense committees'' and inserting in lieu thereof ''Congress''; and

(C) by striking out ''Japan, Kuwait, and the Republic of Korea'' and inserting in lieu thereof ''each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)''.

(b) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

**''SEC. 1045. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.''.**

**SEC. 1045. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.**

(a) BIENNIAL NATO REPORT.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended—

(1) by striking out ''(1) Not later than April 1, 1990, and biennially each year thereafter'' and inserting in lieu thereof ''Not later than April 1 of each even-numbered year'';

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(3) by striking out paragraph (2) (following the paragraph (2) designated by paragraph (2) of this subsection).

(b) REPORT ON ALLIED CONTRIBUTIONS.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out ''and'' at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.''.

(c) SENSE OF CONGRESS.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003 of the National Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2577), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

**SEC. 1046. REDESIGNATION OF HANFORD ARID LANDS ECOLOGY RESERVE.**

(a) REDESIGNATION.—The Hanford Arid Lands Ecology Reserve in Richland, Washington, is redesignated as the ''Fitzner/Eberhardt Arid Lands Ecology Reserve''.

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the ecology reserve referred to in subsection (a) is deemed to be a reference to the ''Fitzner/Eberhardt Arid Lands Ecology Reserve''.

**SEC. 1047. SENSE OF CONGRESS REGARDING UNITED STATES POLICY ON PLUTONIUM.**

It is the sense of the Congress that the start-up or continued operation of any plutonium separation plant presents serious environmental hazards and increases the risk of proliferation of weapons-usable plutonium and therefore should be suspended until the related environmental and proliferation concerns have been addressed and resolved.

**SEC. 1048. NORTH KOREA AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.**

(a) FINDINGS.—The Congress finds the following:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, to which 156 states are party, is the cornerstone of the international nuclear non-proliferation regime.

(2) Any nonnuclear weapon state that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons is obligated to accept International Atomic Energy Agency safeguards on all source or special fissionable material that is within its territory, under its jurisdiction, or carried out under its control anywhere.

(3) The International Atomic Energy Agency is permitted to conduct inspections in a nonnuclear weapon state that is a party to the Treaty at any site, whether or not declared by that state, to ensure that all source or special fissionable material in that state is under safeguards.

(4) North Korea acceded to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear weapons state in December 1985.

(5) North Korea, after acceding to that treaty, refused until 1992 to accept International Atomic

Energy Agency safeguards as required under the treaty.

(6) Inspections of North Korea's nuclear materials by the International Atomic Energy Agency suggested discrepancies in North Korea's declarations regarding special nuclear materials.

(7) North Korea has not given a scientifically satisfactory explanation for those discrepancies.

(8) North Korea refused to provide International Atomic Energy Agency inspectors with full access to two sites for the purposes of verifying its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons.

(9) When called upon by the International Atomic Energy Agency to provide such full access as required by the Treaty, North Korea announced its intention to withdraw from the Treaty, effective after the required three months notice.

(10) After intensive negotiations with the United States, North Korea agreed to suspend its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and begin consultations with the International Atomic Energy Agency on providing access to its suspect sites.

(b) CONGRESSIONAL STATEMENTS.—The Congress—

(1) notes that the continued refusal of North Korea nearly eight years after ratification of the Treaty on the Non-Proliferation of Nuclear Weapons to fully accept International Atomic Energy Agency safeguards raises serious questions regarding a possible North Korean nuclear weapons program;

(2) notes that possession by North Korea of nuclear weapons (A) would threaten peace and stability in Asia, (B) would jeopardize the existing nuclear non-proliferation regime, and (C) would undermine the goal of the United States to extend the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 review conference;

(3) urges continued pressure from the President, United States allies, and the United Nations Security Council on North Korea to adhere to the Treaty and provide full access to the International Atomic Energy Agency in the shortest time possible;

(4) urges that no trade, financial, or other economic benefits be provided to North Korea by the United States or United States allies until North Korea has (A) provided full access to the International Atomic Energy Agency, (B) satisfactorily

explained any discrepancies in its declarations of bomb-grade material, and (C) fully demonstrated that it does not have or seek a nuclear weapons capability; and

(5) calls on the President and the international community to take steps to strengthen the international nuclear nonproliferation regime.

**SEC. 1049. AVIATION LEADERSHIP PROGRAM.**

(a) FINDINGS.—The Congress finds the following:

(1) The training of pilots from the air forces of friendly foreign nations in the United States furthers United States interests, promotes closer relations, and advances the national security.

(2) Many friendly foreign nations cannot afford to reimburse the United States for the cost of such training provided.

(3) It is in the national interest to authorize the Secretary of the Air Force to establish a program of pilot training for personnel of the air forces of friendly, less developed foreign nations.

(b) ESTABLISHMENT OF PROGRAM.—Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following new chapter:

# "CHAPTER 905—AVIATION LEADERSHIP PROGRAM

''Sec.
''9381. Establishment of program.
''9382. Supplies and clothing.
''9383. Allowances.

## "§ 9381. Establishment of program

''The Secretary of the Air Force may establish and maintain an Aviation Leadership Program which will provide undergraduate pilot training and necessary related training (including, but not limited to, language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States) to selected personnel of the air forces of friendly, less-developed foreign nations.

## "§ 9382. Supplies and clothing

''(a) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to persons receiving training under this chapter—

''(1) transportation incident to such training;

''(2) supplies and equipment for the use of such persons during training;

''(3) flight clothing and other special clothing required for training; and

''(4) billeting, food, and health services.

''(b) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary

considers necessary for the efficient and effective maintenance of the Program in accordance with this chapter.

**"§ 9383. Allowances**

''The Secretary of the Air Force may pay to persons receiving training under this chapter a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for members of the armed forces under similar circumstances.''.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle D of title 10, United States Code, and part III of such subtitle are amended by inserting after the items relating to chapter 903 the following new item:

**"905. Aviation Leadership Program ..... 9381".**

**SEC. 1050. PUBLIC PURPOSE EXTENSIONS.**

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

(1) in subsection (o) in the first sentence by inserting ''or (q)'' after ''subsection (p)''; and

(2) by adding at the end the following:

''(q)(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense in the case of property located at a military installation closed or realigned pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act

(Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510), or section 2687 of title 10, United States Code, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

''(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

''(3) No transfer of property may be made under this paragraph until the Secretary of Transportation has—

''(A) determined, after consultation with the Secretary of Labor, that the surplus real property to be conveyed is located in an area of serious economic disruption;

''(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

''(C) provided an explanatory statement as specified in subsection (e)(6).

''(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

''(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

''(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

''(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

''(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

''(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

''(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves

the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.''.

**SEC. 1051. INVOLVEMENT OF ARMED FORCES IN SOMALIA.**

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of ''a secure environment for humanitarian relief operations,'' as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15,

1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

**SEC. 1052. NUCLEAR NONPROLIFERATION.**

(a) FINDINGS.—The Congress finds the following:

(1) The United States has been seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons is now a leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that ''proliferation of all weapons of mass destruction constitutes a threat to international peace and security'' and committed to taking appropriate action to prevent proliferation from occurring.

(4) Aside from the five declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) The IAEA is a valuable international institution to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by financial constraints.

(6) The Nuclear Non-Proliferation Treaty codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995.

(7) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continued strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(b) COMPREHENSIVE NUCLEAR NONPROLIFERATION POLICY.—In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it should be the policy of the United States to pursue a comprehensive policy to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world, with the following additional objectives:

(1) Successful conclusion of all pending nuclear arms control and disarmament agreements with all the republics of the former Soviet Union and their secure implementation.

(2) Full participation by all the republics of the former Soviet Union in all multilateral nuclear nonproliferation efforts and acceptance of IAEA safeguards on all their nuclear facilities.

(3) Strengthening of United States and international support to the IAEA so that the IAEA has the technical, financial, and political resources to verify that countries are complying with their nonproliferation commitments.

(4) Strengthening of nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(5) Reduction in incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(6) Support for the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 con-

ference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(7) Reaching agreement with the Russian Federation to end the production of new types of nuclear warheads.

(8) Pursuing, once the START I treaty and the START II treaty are ratified by all parties, a multilateral agreement to significantly reduce the strategic nuclear arsenals of the United States and the Russian Federation to below the levels of the START II treaty, with lower levels for the United Kingdom, France, and the People's Republic of China.

(9) Reaching immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and working to achieve worldwide agreements to—

(A) end in the shortest possible time the production of weapons-usable fissile material;

(B) place existing stockpiles of such materials under bilateral or international controls; and

(C) require countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthening IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguard reforms.

(11) Conclusion of a multilateral comprehensive nuclear test ban treaty.

(c) REQUIREMENTS FOR IMPLEMENTATION OF POLICY.—(1) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report, in unclassified form, with a classified appendix if necessary, on the actions the United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this section.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report in unclassified form, with a classified appendix if necessary, which—

(A) addresses the implications of the adoption by the United States of a policy of no-first-use of nuclear weapons;

(B) addresses the implications of an agreement with the other nuclear weapons states to adopt such a policy; and

(C) addresses the implications of a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapons states this zero option for tactical nuclear weapons.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''IAEA'' means the International Atomic Energy Agency.

(2) The term ''IAEA safeguards'' means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(3) The term ''non-nuclear weapon state'' means any country that is not a nuclear weapon state.

(4) The term ''Nuclear Non-Proliferation Treaty'' means the Treaty on the Non-Proliferation of

Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(5) The term ''nuclear weapon state'' means any country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(6) The term ''weapons-usable fissile materials'' means highly enriched uranium and separated or reprocessed plutonium.

(7) The term ''policy of no first use of nuclear weapons'' means a commitment not to initiate the use of nuclear weapons.

(8) The term ''START II treaty'' means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

**SEC. 1053. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.**

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or

equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term ''missile'' to mean ''a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems''.

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

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

(1) the Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term ''Missile Technology Control Regime'' or ''MTCR'' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term ''MTCR Annex'' means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

**SEC. 1054. LIMITATION ON USE OF FUNDS FOR CERTAIN PLUTONIUM STORAGE BY RUSSIA.**

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or any other Act for any fiscal year may be obligated or expended for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons, unless the President certifies to the Congress—

(1) that Russia is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

(2) that Russia is taking all practical steps to halt such separation at the earliest possible date.

(b) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of the Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will cease all production and separation of weapon-grade plutonium and halt chemical separation of plutonium produced in civil nuclear power reactors.

(c) REPORT.—Not later than June 1, 1994, the President shall submit to the Congress a report on the status of efforts by the United States to secure the commitments and achieve the objectives described in sub-

sections (a) and (b), including the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.

**SEC. 1055. COUNTERPROLIFERATION.**

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—COUNTERPROLIFERATION

''Sec.
''415. International counterproliferation activities.
''416. Counterproliferation policy.
''417. Semiannual report.

**''§ 415. International counterproliferation activities**

''(a) ASSISTANCE FOR INTERNATIONAL COUNTERPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, in order to support international activities with respect to the nonproliferation of weapons of mass destruction and their delivery systems, the Secretary of Defense, under the guidance of the President, may provide the assistance specified in subsection (b).

''(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—The following activities are authorized under this section:

''(1) Support of nonproliferation monitoring programs, nonproliferation inspection programs, and nonproliferation compliance programs, to include—

''(A) support of the United Nations Special Commission on Iraq for its inspection and long-term monitoring activities; and

''(B) support of activities of the International Atomic Energy Agency that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968.

''(2) Monitoring and control of transfers of weapons of mass destruction, related technologies, and other sensitive goods and technologies.

''(3) Efforts to improve international cooperation in monitoring of nuclear weapons proliferation, nuclear security, and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, to include—

''(A) collaborative activities such as joint emergency response exercises, technical assistance, and training; and

1 ''(B) joint technical projects and improved
2 intelligence sharing.
3 ''(4) Efforts to improve international capabili-
4 ties and cooperation in deterring and responding to
5 terrorism, theft, and proliferation involving weapons
6 of mass destruction.
7 ''(c) COORDINATION.—The President shall coordinate
8 the activities described in subsection (b) with those au-
9 thorized in section 504 of the Freedom for Russia and
10 Emerging Eurasian Democracies and Open Markets Sup-
11 port Act (Public Law 102–511; 22 U.S.C. 5854).
12 ''(d) SOURCES OF ASSISTANCE.—Supplies and equip-
13 ment provided as assistance under this section may be pro-
14 vided, by loan or donation, from existing stocks of the De-
15 partment of Defense and the Department of Energy.
16 ''(e) PRIOR NOTICE TO CONGRESS.—Not less than
17 15 days before providing assistance under this section, the
18 Secretary of Defense shall transmit to the appropriate
19 congressional committees a report on the proposed assist-
20 ance. Each report shall specify—
21 ''(1) the forms of assistance the Secretary of
22 Defense proposes to provide;
23 ''(2) the recipient of the proposed assistance;

''(3) the proposed involvement of United States Government departments and agencies in providing such assistance; and

''(4) the amount of funds proposed to be obligated by the Department of Defense in order to provide such assistance.

''(f) DEFINITIONS.—In this section:

''(1) The term 'weapons of mass destruction' includes nuclear, radiological, chemical, and biological weapons.

''(2) The term 'delivery system' means a ballistic missile, manned or unmanned air vehicle, or cruise missile that (A) is capable of delivering a 500 kilogram payload to a range of 300 kilometers, or (B) is intended to deliver weapons of mass destruction regardless of range or payload.

**"§ 416. Counterproliferation policy**

''(a) PROGRAMS.—The Secretary of Defense may conduct counterproliferation policy research and analysis programs as described in subsection (b) to support the counterproliferation activities of the Department of Defense.

''(b) COUNTERPROLIFERATION EFFORTS.—Such counterproliferation policy research and analysis may include programs intended to explore defense policy issues

that might be involved in efforts to prevent and counter the proliferation of weapons of mass destruction and their delivery systems. Such efforts include—

''(1) enhancing United States military capabilities to deter and respond to terrorism, theft and proliferation involving weapons of mass destruction;

''(2) cooperating in international programs to enhance military capabilities to deter and respond to terrorism, theft and proliferation involving weapons of mass destruction; and

''(3) otherwise contributing to Department of Defense capabilities to deter, identify, monitor and respond to such terrorism, theft and proliferation involving weapons of mass destruction.

''(c) DESIGNATION OF COORDINATOR.—The Secretary of Defense shall designate the Under Secretary of Defense for Policy to coordinate the research of the Department of Defense on countering proliferation of weapons of mass destruction and their delivery systems.

**''§ 417. Semiannual report**

''(a) REPORT.—Not later than April 30 of each year, and not later than October 30 of each year, the Secretary of Defense shall submit to the committees of Congress named in subsection (b) a report on the activities carried out under sections 415 and 416 of this title. Each report

shall set forth for the preceding six-month period the following:

''(1) For activities carried out under section 415 of this title—

''(A) a description of the assistance provided;

''(B) the recipients of that assistance; and

''(C) a description of the participation of the Department of Defense and other Federal agencies in providing the assistance.

''(2) For activities carried out under section 416 of this title—

''(A) a description of the research and analysis carried out;

''(B) the amounts spent for such research and analysis;

''(C) the organizations that conducted the research and analysis;

''(D) an explanation of the extent to which such research and analysis contributes to enhancing United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction; and

''(E) a description of the measures being taken to ensure that such research and analysis within the Department of Defense is effectively managed and comprehensively coordinated.

''(b) CONGRESSIONAL COMMITTEES.—The committees of Congress to which reports under subsection (a) are to be submitted are—

''(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

''(2) The Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Select Committee on Intelligence of the House of Representatives.''.

(b) FISCAL YEAR 1994 FUNDING.—(1) In addition to funds otherwise available, funds for assistance authorized under section 415 of title 10, United States Code (as added by subsection (a)), for fiscal year 1994 shall be derived from amounts authorized in section 301(5) and shall not exceed $25,000,000. None of such assistance for fiscal year 1994 may be provided in the form of cash contributions.

(2) Funds for counterproliferation policy research and analysis programs for fiscal year 1994 under section

416 of title 10, United States Code (as added by subsection (a)), shall be derived from amounts appropriated in fiscal year 1994 for Defense-wide Activities and shall not exceed $6,000,000.

(c) RESTRICTION.—Note of the funds authorized in section 301(5) shall be available for the purposes stated in sections 415 or 416 of title 10, United States Code (as added by subsection (a)), until 15 days after the date on which the Secretary of Defense has submitted to the appropriate congressional committees a report setting forth—

(1) a description of all the activities within the Department of Defense that are being carried out or are to be carried out with the purposes described in sections 415 and 416 of title 10, United States Code (as added by subsection (a));

(2) the plan for coordinating and integrating these activities within the Department of Defense; and

(3) the plan for coordinating and integrating these activities with those of other Federal agencies.

(d) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 20 of title 10, United States Code, is amended by adding at the end the following new item:

"III. Counterproliferation ..... 415".

**SEC. 1056. REPORT REQUIREMENT.**

(a) EFFECT OF INCREASED USE OF DUAL-USE TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing what effect the increased use of dual-use and commercial technologies and items by the Department of Defense could have on the ability of the United States to control adequately the export of sensitive dual-use and military technologies and items to nations to whom the receipt of such technologies is contrary to United States national security interests.

(b) CONSULTATION.—The report required by subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

# TITLE XI—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

**SEC. 1101. DESIGNATION OF ARMY AS EXECUTIVE AGENT FOR CHEMICAL AND BIOLOGICAL WARFARE DEFENSE PROGRAMS.**

(a) DESIGNATION.—The Secretary of Defense shall designate the Army as executive agent for the Department of Defense for the chemical and biological warfare defense programs of the Department of Defense, including (1) research, development, test, and evaluation, and (2) procurement.

(b) OVERSIGHT.—It is the sense of Congress that the Defense Acquisition Board should exercise oversight over the chemical and biological warfare defense program.

**SEC. 1102. REQUIREMENT FOR SINGLE OVERSIGHT OFFICE FOR CHEMICAL-BIOLOGICAL DEFENSE PROGRAMS WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE.**

The Secretary of Defense shall assign responsibility for overall defense policy coordination and integration of the chemical and biological defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

**SEC. 1103. CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES.**

The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.

**SEC. 1104. ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.**

(a) REPORT REQUIRED.—The Secretary of Defense shall include in the annual report of the Secretary under section 113 of title 10, United States Code, a report on chemical and biological warfare defense. The report shall assess (1) the overall readiness of the Armed Forces to

fight in a chemical-biological warfare environment and shall describe steps taken and planned to be taken to improve such readiness, and (2) requirements for the chemical and biological warfare defense program, including requirements for training, detection, and protective equipment, for medical prophylaxis, and for treatment of casualties resulting from use of chemical or biological weapons.

(b) MATTERS TO BE INCLUDED.—The report shall include information on the following:

(1) The quantities, characteristics, and capabilities of fielded chemical and biological defense equipment to meet wartime and peacetime requirements for support of the Armed Forces, including individual protective items.

(2) The status of research and development programs, and acquisition programs, for required improvements in chemical and biological defense equipment and medical treatment, including an assessment of the ability of the Department of Defense and the industrial base to meet those requirements.

(3) Measures taken to ensure the integration of requirements for chemical and biological defense equipment and material among the Armed Forces.

(4) The status of nuclear, biological, and chemical (NBC) warfare defense training and readiness among the Armed Forces and measures being taken to include realistic nuclear, biological, and chemical warfare simulations in war games, battle simulations, and training exercises.

(5) Measures taken to improve overall management and coordination of the chemical and biological defense program.

(6) Problems encountered in the chemical and biological warfare defense program during the past year and recommended solutions to those problems for which additional resources or actions by the Congress are required.

**SEC. 1105. PREPARATIONS FOR IMPLEMENTATION OF THE CHEMICAL WEAPONS CONVENTION.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) seek early ratification of the 1993 Chemical Weapons Convention and establish a coordinated and authoritative interagency program to develop measures for implementation of the convention, including improvements in appropriate export controls, the training of international inspectors and other members of Chemical Weapons Convention inspec-

tion and verification teams, and plans for assistance to states requesting assistance under article X of the convention; and

(2) develop a policy that addresses the manner in which the United States provides support under the 1993 Chemical Weapons Convention to protect signatories of that convention against chemical warfare.

(b) SUPPORT FOR PREPARATORY COMMISSION.—It is the sense of Congress that the United States should provide full funding and support for the United States portion of the expenses of the Chemical Weapons Convention Preparatory Commission created under the 1993 Chemical Weapons Convention.

(c) REPORT.—Not later than February 1, 1994, the Secretary of Defense shall submit to Congress a report on preparations for implementation of the 1993 Chemical Weapons Convention. The report shall include (1) a description of the chemical warfare defense preparations that have been and are being undertaken by the Department of Defense to address needs which may arise under article X of the Chemical Weapons Convention, and (2) a summary of other preparations undertaken by the Department of Defense to prepare for and to assist in the implementation of the convention, including activities such

as training for inspectors, preparation of defense installations for inspections under the convention, provision of chemical weapons detection equipment, and assistance in the safe transportation, storage, and destruction of chemical weapons in other signatory nations to the convention.

**SEC. 1106. SENSE OF CONGRESS CONCERNING RESPONSE TO TERRORIST THREATS.**

It is the sense of Congress that the President should strengthen emergency planning by the Federal Emergency Management Agency, in coordination with other appropriate Federal and State agencies, for development of early detection and warning capability of and response to (1) potential terrorist use of chemical or biological agents or weapons, and (2) natural disasters involving industrial chemicals or the widespread outbreak of naturally occurring disease.

**SEC. 1107. SENSE OF CONGRESS CONCERNING OTHER CHEMICAL AND BIOLOGICAL DEFENSE MATTERS.**

It is the sense of Congress that—

(1) the President should establish appropriate strategies (A) to integrate chemical-related intelligence and biological-related intelligence, (B) to integrate chemical-related arms control agreements and biological-related arms control agreements, and

(C) to integrate chemical-related research and development and biological-related research and development programs;

(2) the President should strengthen United States capabilities for intelligence collection and analysis concerning the chemical warfare threat, the biological warfare threat, and the biological terrorist threat; and

(3) the President should seek to strengthen the 1972 Biological Weapons Convention by seeking international adoption of a regime designed to raise the economic and political costs to any nation that pursues a biological warfare program.

**SEC. 1108. INTERNATIONAL COOPERATION PROGRAM.**

(a) PROGRAM.—The Secretary of Defense shall establish a program to promote greater international cooperation for research and development and training for chemical and biological weapons defense.

(b) FUNDING.—Of the amounts authorized to be appropriated by section 201, $10,000,000 shall be available for the establishment of the program under subsection (a).

**SEC. 1109. AGREEMENTS TO PROVIDE SUPPORT TO VACCINATION PROGRAMS OF DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

The Secretary of the Army may enter into agreements with the Secretary of Health and Human Services to provide support for vaccination programs of the Secretary of Health and Human Services in the United States through use of the excess peacetime biological weapons defense capability of the Department of Defense.

# TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

**SEC. 1201. SHORT TITLE.**

This title may be cited as the ''Cooperative Threat Reduction Act of 1993''.

**SEC. 1202. FINDINGS ON COOPERATIVE THREAT REDUCTION.**

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including (A) the safe and secure storage of fissile materials derived from the

elimination of nuclear weapons, (B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers, and (C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

**SEC. 1203. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the United States private sector.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided for any year to any country which is an independent state of the former Soviet Union unless the President certifies to Congress for that year that the proposed recipient country is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if such country has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this section, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

**SEC. 1204. FUNDING FOR FISCAL YEAR 1994.**

(a) AUTHORIZATION OF NEW APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1994 for the purposes authorized in section 1203 the sum of $400,000,000.

(b) AUTHORIZATION OF EXTENSION OF AVAILABILITY OF PRIOR YEAR FUNDS.—To the extent provided in

appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1928), and in section 108 of Public Law 102–229; 105 Stat. 1708 shall continue to be in effect during fiscal year 1994.

**SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.**

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds under section 1203, the President shall transmit to the appropriate congressional committees (as defined in section 1208) a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds,

(2) the amount of the proposed obligation, and

(3) the projected involvement of the United States Government departments and agencies and the United States private sector.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the

proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the United States private sector;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

**SEC. 1206. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR 1993 ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1993 for the account ''Operation and Maintenance, Defense Agencies'', the additional sum of $979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) AUTHORIZATION OF TRANSFER OF FUNDS.—The Secretary of Defense may, to the extent provided in appro-

priations Acts, transfer from the account ''Operation and Maintenance, Defense Agencies'' for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) ADMINISTRATIVE PROVISIONS.—(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) COORDINATION OF PROGRAMS.—The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this title and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Sup-

port Act of 1992 (Public Law 102–511) so as to optimize the contribution such programs make to the national interests of the United States.

(e) REMOVAL OF RUSSIAN FORCES FROM THE BALTIC STATES.—(1) Paragraph (5) of section 498A(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

''(5) for the Government of Russia until the President certifies to the Congress that the Government of Russia—

''(A) has made further significant progress since the President's certification to the Congress on May 31, 1993, on the removal of all of the armed forces of Russia and the Commonwealth of Independent States from Estonia, Latvia, and Lithuania (including any units of such forces that are demobilized), or has completed with the governments of such countries negotiated agreements that include timetables for such removal; and

''(B) has undertaken good faith efforts, such as negotiations, to end other military practices by Russia and the Commonwealth of Independent States that violate the sovereignty of Estonia, Latvia, or Lithuania, including—

''(i) artillery or similar armed forces training operations on the territories of Estonia, Latvia, or Lithuania without the permission of their governments;

''(ii) interference in the air space or territorial waters of Estonia, Latvia, or Lithuania;

''(iii) the introduction of additional armed forces, military equipment, or related civilian personnel onto the territories of Estonia, Latvia, or Lithuania without the permission of their governments; or

''(iv) the imposition of an economic blockade or interruption of energy supplies upon Estonia, Latvia, or Lithuania;

except that this paragraph does not apply with respect to (I) housing assistance for officers of the armed forces of Russia and the Commonwealth of Independent States who are withdrawn from the territories of Estonia, Latvia, and Lithuania, or (II) food, clothing, medicine, or other humanitarian assistance.''.

(2) The amendment made by paragraph (1) shall take effect on the later of (A) October 1, 1993, or (B) the date of the enactment of this Act.

(3) The provisions of paragraph (1) shall not apply if an identical amendment to the Foreign Assistance Act of 1961 is enacted in the Foreign Assistance Act of 1993.

**SEC. 1207. SEMIANNUAL REPORT.**

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under section 1203. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation of all United States Government departments and agencies in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the United States private sector has participated in the activities for which amounts were obligated and expended under section 1203.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activi-

ties carried out under section 1203, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

**SEC. 1208. DEFINITION.**

As used in this title, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

# TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

**SEC. 1301. SHORT TITLE.**

This title may be cited as the ''Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993''.

**SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1994.**

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1994, the sum of $2,735,000,000 shall be available from the sources and in the amounts specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs. Amounts made available pursuant to this subsection shall remain available until expended.

(b) SOURCES OF FUNDS.—The amounts and sources referred to in subsection (a) are as follows:

(1) $200,000,000 of the amounts authorized to be appropriated pursuant to section 109 to carry out subtitle E.

(2) $2,200,000,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $335,000,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term ''defense conversion, reinvestment, and transition assistance programs'' includes the following activities of the Department of Defense:

(1) The activities authorized by the Defense Conversion, Reinvestment, and Transition Assist-

ance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2658) and the amendments made by that Act.

(2) The activities authorized by this title and the amendments made by this title.

**SEC. 1303. ANNUAL REPORT ON DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.**

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare an annual report that assesses the effectiveness of all defense conversion, reinvestment, and transition assistance programs (as defined in section 1302) during the preceding fiscal year.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include a consideration of the following:

(1) For each of the conversion programs, the status of obligation of appropriated funds.

(2) For each defense technology reinvestment project (or other technology project conducted as part of a defense conversion, reinvestment, and transition assistance program)—

(A) the extent to which the project meets the objectives set forth in subsections (a) and

(b) of section 2501 of title 10, United States Code;

(B) the technology benefits of the project to the defense technology and industrial base;

(C) any increased affordability of defense programs linked to the project;

(D) any evidence of commercialization of technology due to the project;

(E) any employment created as a result of the project;

(F) the number and name of defense firms participating in the project;

(G) the number of defense firms that have been able to expand or retain their business base as a result of the project;

(H) in the case of a project requiring matching funds, whether or not the matching requirements were met in cash;

(I) the extent to which the project has met agreed-upon milestones, and financial and technical requirements; and

(J) the extent to which it was determined whether or not the project duplicates or parallels technology programs in other agencies;

(3) For each personnel assistance program—

(A) the extent to which the program meets objectives set forth in section 2501(b) of title 10, United States Code;

(B) the number of individuals eligible for program participation;

(C) the number of individuals directly participating in the program (actual and projected);

(D) in the case of a training and jobs program, the number of individuals who have secured permanent employment as a result of program participation, and

(E) the extent to which it was determined whether or not the program duplicates programs conducted by other agencies.

(4) For each community assistance program—

(A) the extent to which the program meets objectives laid out in section 2501(b) of title 10, United States Code; and

(B) the number of short- and long-term jobs created in a community receiving adjustment and diversification assistance under section 2391(b) of title 10, United States Code.

(c) SUBMISSION OF REPORT.—The report required by this section for a particular year shall be submitted

to Congress at the same time that the Secretary of Defense submits the report required under section 113(c) of title 10, United States Code, for that year.

**SEC. 1304. DISSEMINATION OF LIST OF CONVERSION, REINVESTMENT, AND TRANSITION PROGRAMS.**

Section 4004(c) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101–510; 104 Stat. 1849) is amended—

(1) by striking out ''and'' at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3)(C) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new paragraph :

''(4) ensure that adequate means are available to disseminate to interested communities, businesses, and defense workers and members of the Armed Forces a list of the Federal economic adjustment programs described in the reports required under paragraph (3).''.

# Subtitle A—Defense Technology Reinvestment Projects

**SEC. 1311. FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS FOR FISCAL YEAR 1994.**

Of the amount made available pursuant to section 1302(a), $575,000,000 shall be available for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title, of which—

(1) $105,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of such title;

(2) $35,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title;

(3) $85,000,000 shall be available for defense regional technology alliances under section 2513 of such title;

(4) $30,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title;

(5) $50,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title;

(6) $50,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) not less than 30 percent of such amount shall be available for assistance pursuant to subsection (c)(3) of such section; and

(B) not less than 30 percent of such amount shall be available for loan guarantees pursuant to subsection (b)(3) of such section; and

(7) $20,000,000 shall be available to conduct the program established pursuant to section 2197 of such title to support the activities of manufacturing experts at institutions of higher education.

**SEC. 1312. REPEAL AND AMENDMENT OF CERTAIN PROVISIONS RELATING TO DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.**

(a) REPEALS.—The following sections of title 10, United States Code, are repealed: sections 2502, 2503, 2504, 2506, 2515, and 2518.

(b) AMENDMENT.—Section 2505 of such title is amended—

(1) in subsection (a), by striking out ''National Defense Technology and Industrial Base Council''

and inserting in lieu thereof ''Secretary of Defense''; and

(2) in subsection (c), by striking out ''Council'' and inserting in lieu thereof ''Secretary''.

(c) CONFORMING REPEALS.—The following sections of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) are repealed: sections 4218, 4219, and 4220.

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the items relating to sections 2502, 2503, 2504, and 2506.

(2) The table of sections at the beginning of subchapter III of chapter 148 of such title is amended by striking out the items relating to sections 2515 and 2518.

**SEC. 1313. EXPANSION OF OBJECTIVES OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.**

(a) RESTATEMENT OF EXISTING PROVISION IN TERMS OF OBJECTIVES.—Section 2501(b) of title 10, United States Code, is amended by striking out ''defense resources that—'' and all that follows through the period and inserting in lieu thereof ''defense resources capable of meeting the following objectives:

''(1) Promoting economic growth in high-wage, high-technology industries and preserving the industrial and technical skill base.

''(2) Promoting economic growth through further reduction of the Federal budget deficit that, by reducing the public sector demand for capital, increases the amount of capital available for private investment and job creation in the civilian sector.

''(3) Bolstering the national technology base, including supporting and exploiting critical technologies with both military and civilian application.

''(4) Supporting retraining of separated military, defense civilian, and defense industrial personnel for jobs in activities important to national economic growth and security.

''(5) Assisting those activities being undertaken at the State and local levels to support defense economic reinvestment, conversion, adjustment, and diversification activities.

''(6) Assisting small businesses adversely affected by reductions in defense expenditures.''.

(b) CONSIDERATION OF DEFENSE REINVESTMENT, DIVERSIFICATION, AND CONVERSION OBJECTIVES.—Chapter 148 of title 10, United States Code, is amended—

(1) in sections 2505(a), 2505(b), 2511(a), 2511(f)(1), 2512(a), 2512(e)(1), 2513(a), 2516(b), 2522(a), and 2523(b)(1), by striking out ''national security objectives set forth in section 2501(a)'' each place it appears and inserting in lieu thereof ''objectives set forth in subsections (a) and (b) of section 2501'';

(2) in section 2505(b)(1), by striking out ''section 2501(a)'' and inserting in lieu thereof ''section 2501''; and

(3) in section 2514(a), by striking out ''section 2501(a)'' and inserting in lieu thereof ''subsections (a) and (b) of section 2501''.

**SEC. 1314. DEFENSE TECHNOLOGY REINVESTMENT PROJECTS FOR FISCAL YEAR 1994.**

(a) PROJECTS FOR FISCAL YEAR 1994.—Using funds made available pursuant to section 1302(a), the Secretary of Defense shall carry out during fiscal year 1994 defense technology reinvestment projects in cooperation with partnerships and other cooperative arrangements established pursuant to chapter 148 of title 10, United States Code, in the technology focus areas described in subsection (b) or involving technologies that otherwise meet the objectives set forth in section 2501 of this title. Nothing in this section shall be construed to preclude con-

tinued support for defense technology reinvestment projects in technology focus areas identified during the solicitation conducted during fiscal year 1993.

(b) DESCRIPTION OF TECHNOLOGY FOCUS AREAS.—The technology focus areas referred to in subsection (a) are the following:

(1) Ocean thermal energy conversion.

(2) Advanced antenna technology.

(3) Noncooled, pyroelectric thermal imaging systems.

(4) Advanced wind power systems.

(5) Parallel processing technologies.

(6) Photovoltaic energy storage systems.

(7) Direct satellite radio broadcasting.

(8) Solar furnace environmental remediation technologies.

(9) Robotic excavation and tunnelling technologies.

(10) Marine biotechnology.

(11) Automated manufacturing technology for composites.

(12) Earthquake-resistant bridge composites.

(13) Advanced automatic train control systems technologies.

(14) Statewide defense conversion economic development networks for transition services, retraining, and business diversification.

(15) Other technology areas that would further the objectives set forth in section 2501 of title 10, United States Code.

(c) CONSULTATION.—In carrying out defense technology reinvestment projects during fiscal year 1994, the Secretary of Defense shall consult with the heads of other Federal agencies conducting similar projects in the technology focus areas described in subsection (b).

(d) MADE-IN-AMERICA REQUIREMENT.—The Secretary of Defense shall ensure that each partnership or other cooperative arrangement established pursuant to chapter 148 of title 10, United States Code, to carry out a defense technology reinvestment project during fiscal year 1994 includes an agreement that any manufacturing resulting from the project shall occur in the United States and benefit workers in the United States.

(e) ACCEPTABLE STANDARDS OF QUALITY.—If the Secretary of Defense determines that the proposals received as a result of a solicitation for defense technology reinvestment projects in a technology focus area described in subsection (b) do not meet an acceptable standard of quality established by the Secretary, nothing in this sec-

tion shall be construed to require the Secretary to carry out projects in that technology focus area. The Secretary shall make a determination under this subsection after consultation with the Defense Technology Conversion Council. The Secretary shall promptly notify Congress of each determination not to carry out projects in a particular technology focus area.

(f) USE OF COMPETITIVE SELECTION PROCEDURES.—Funds authorized to be made available for defense technology reinvestment projects selected as a result of the authority provided by subsection (a) shall be made available to those projects only if a competitive selection process was used to select the projects.

**SEC. 1315. EXPANSION OF PURPOSES OF DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.**

Section 2522 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''research and development'' and inserting in lieu thereof ''research, development, or deployment''; and

(B) by adding at the end the following new sentence: ''The cooperative arrangements authorized by this section may include a coopera-

tive arrangement with an industry-led, large-scale research and development consortium to establish and administer long-term partnerships under this section.''; and

(2) in subsection (d)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) The extent to which the partnerships provide for the large-scale deployment of advanced manufacturing technologies.''.

**SEC. 1316. DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.**

(a) EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN GUARANTEES.—Subsection (b)(3) of section 2524 of title 10, United States Code, is amended—

(1) by striking out ''small businesses'' and inserting in lieu thereof ''small- and medium-sized business concerns''; and

(2) by inserting ''subsection (e) and'' before ''other applicable law''.

(b) SPECIAL RULES FOR LOAN GUARANTEES.—Subsection (e) of such section is amended to read as follows:

"(e) TERMS AND CONDITIONS FOR LOAN GUARANTEES.—(1) The Secretary shall carry out subsection (b)(3) through the Under Secretary of Defense for Acquisition and Technology, who may consult with and seek technical assistance from other Federal agencies in order to effectively issue loan guarantees under such subsection. Such loan guarantees shall be issued for the purpose of assisting small- and medium-sized business concerns that are economically dependent on defense expenditures to secure financing for projects—

"(A) to achieve the final development and commercialization of defense-oriented technologies for nonmilitary use by the business concern; and

"(B) to diversify the operations of the business concern toward greater emphasis on production or services for nonmilitary use.

"(2) A business concern shall be considered to be a small- or medium-sized business concern for purposes of this subsection and subsection (b)(3) if the business concern has not more than 2,500 full-time employees or their equivalent. A business concern shall be considered to be economically dependent on defense expenditures for purposes of this subsection and subsection (b)(3) if the business concern—

''(A) has a substantial prior history of conducting much of its sales and business with Department of Defense over the life, or a substantial portion of the life, of the business concern; and

''(B) can reasonably demonstrate that it, in at least two of the last seven years immediately preceding the application for a loan guarantee—

''(i) obtained at least 50 percent of its gross income from contracts or subcontracts to provide material or services to the Department of Defense; or

''(ii) incurred a significant reduction in its gross income as a result the termination or completion of contracts or subcontracts to provide material or services to the Department of Defense.

''(3) The maximum amount of loan principal that the Secretary may guarantee under subsection (b)(3) with respect to any loan may not exceed $10,000,000. The maximum percentage of the loan principal that the Secretary may guarantee with respect to any loan shall be established by the Secretary, except that the percentage established may not exceed 85 percent of the principal.

1 ''(4) Loan guarantees shall be issued under sub-
2 section (b)(3) on a competitive basis after consideration
3 of the following criteria:
4 ''(A) Whether credit is not otherwise commer-
5 cially available under reasonable terms and condi-
6 tions.
7 ''(B) The applicability of the program to be
8 funded by the loan to the technology areas outlined
9 in the Technology Reinvestment Project proposed by
10 the President on March 10, 1993.
11 ''(C) The ability of the program to preserve or
12 enhance critical technology and national technology
13 and industrial base skills.
14 ''(D) The market potential of any product or
15 technology to be developed using the loan.
16 ''(E) The importance of the program to future
17 United States economic competitiveness and the eco-
18 nomic strength of the United States.
19 ''(F) The economic viability and perceived abil-
20 ity of the business concern to repay the loan.
21 ''(G) The technical soundness of the proposal.
22 ''(H) The selection criteria specified in sub-
23 section (f).
24 ''(5) The Secretary shall give a preference in issuing
25 loan guarantees under subsection (b)(3) to an application

by a business concern to carry out a program to commercialize a product or technology that is already developed or proven at the time the application is submitted over programs to carry out solely research and development activities.

''(6) The provisions of law relating to default on loans guaranteed by the Administrator of the Small Business Administration under the Small Business Act (15 U.S.C. 631 et seq.) shall apply if the United States is obligated to make reimbursing payments to a commercial creditor under a loan guarantee issued to a business concern under subsection (b)(3). In addition, the President shall prohibit the business concern involved in the default, and any successor of the business concern, from bidding on or receiving for a 3-year period any contract or subcontract to provide material or services to the Federal Government.''.

(c) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by inserting after ''SELECTION CRITERIA.—'' the following new sentence: ''Competitive procedures shall be used in the selection of programs to receive assistance under this section.''.

**SEC. 1317. CONSISTENCY IN FINANCIAL COMMITMENT REQUIREMENTS OF NON-FEDERAL GOVERNMENT PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.**

(a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 2511(c) of title 10, United States Code, is amended to read as follows:

''(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall ensure that the amount of funds provided by the Secretary to a partnership does not exceed 50 percent of the total cost of partnership activities.

''(2) The Secretary may increase the Federal share of the costs of partnership activities to not more than 70 percent of such costs in the case of a partnership in which the entity proposing the partnership and a majority of the non-Government participants—

''(A) are small business concerns; and

''(B) are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns.

''(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Fed-

eral Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities, and any such funds so used shall be included in calculating the non-Federal Government share of such costs, unless the small business concern is participating in a partnership receiving the financial commitment arrangement authorized in paragraph (2) and the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.

(b) COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.—Section 2512(c) of such title is amended to read as follows:

''(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary shall ensure that the amount of funds provided by the Secretary to a partnership does not exceed 50 percent of the total cost of partnership activities.

"(2) The Secretary may increase the Federal share of the costs of partnership activities to not more than 70 percent of such costs in the case of a partnership in which the entity proposing the partnership and a majority of the non-Government participants—

"(A) are small business concerns; and

"(B) are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns.

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities, and any such funds so used shall be included in calculating the non-Federal Government share of such costs, unless the small business concern is participating in a partnership receiving the financial commitment arrangement authorized in paragraph (2) and the Secretary determines

that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.

(c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513 of such title is amended—

(1) by adding at the end of subsection (d) the following new paragraph:

''(4) The Secretary may increase the amount of assistance provided under paragraph (1) up to an amount not exceeding 70 percent of the cost of the activities of a regional technology alliance in the case of a regional technology alliance in which the entity proposing the alliance and a majority of the non-Government participants—

''(A) are small business concerns; and

''(B) are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns.''; and

(2) in subsection (e)—

(A) by inserting after ''50 percent'' the following: ''(or 30 percent if additional assistance is provided under subsection (d)(4))''; and

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

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a regional technology alliance for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of a regional technology alliance, and any such funds so used shall be included in calculating the non-Federal Government share of such costs, unless the small business concern is participating in a alliance receiving the financial commitment arrangement authorized in subsection (d)(4) and the Secretary determines that the small business concern has not made a significant equity percentage contribution in the alliance from non-Federal sources.

(d) MANUFACTURING EXTENSION PROGRAMS.—Section 2523(b)(3) of such title is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) The amount of financial assistance furnished to a manufacturing extension program under this subsection may not exceed 50 percent of the total cost of the pro-

gram, except that the Secretary may increase the Federal share to not more than 70 percent of such costs in the case of a program in which the entity proposing the program and a majority of the non-Government participants are small business concerns and are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns. Financial assistance shall be provided to a recipient program for a period of five years unless such financial assistance is earlier terminated for good cause. Recipients of such financial assistance shall be required to report to the Secretary annually beginning one year after the date that such financial assistance is initiated. Such report shall include a description of the progress of the recipient program in meeting the objectives set out in paragraph (1).''; and

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

''(D) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a manufacturing extension program for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business con-

cern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program, and any such funds so used shall be included in calculating the non-Federal Government share of such costs, unless the small business concern is participating in a program receiving the increased Federal share arrangement authorized in subparagraph (A) and the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources.''.

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524(d) of such title is amended to read as follows:

''(d) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary shall ensure that the amount of funds provided by the Secretary to a program under this section does not exceed 50 percent of the total cost of the program.

''(2) The Secretary may increase the Federal share of the costs of a program under this section to not more than 70 percent of such costs in the case of a program in which the entity proposing the program and a majority of the non-Government participants—

''(A) are small business concerns; and

''(B) are determined by the Secretary to have individually contributed a significant equity percentage toward the non-Federal contribution in relation, if applicable, to the participants that are not small business concerns.

''(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a program under this section for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program, and any such funds so used shall be included in calculating the non-Federal Government share of such costs, unless the small business concern is participating in a program receiving the financial commitment arrangement authorized in paragraph (2) and the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources.''.

(f) DEFINITIONS.—Section 2491 of such title is amended by adding at the end the following new paragraphs:

''(13) The term 'Small Business Innovation Research Program' means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

''(A) Paragraphs (4) through (7) of subsection (b).

''(B) Subsections (e) through (k).

''(14) The term 'Small Business Technology Transfer Program' means the program established under the following provisions of such section:

''(A) Paragraphs (4) through (7) of subsection (b).

''(B) Subsections (e) and (n) through (p).

''(15) The term 'significant equity percentage' means—

''(A) a level of contribution and participation determined, when compared to the other non-Federal participants, to demonstrate a comparable long-term financial commitment to the product or process development involved; and

''(B) any other criteria the Secretary may consider necessary to ensure an appropriate equity mix among the participants.''.

**SEC. 1318. ADDITIONAL CRITERIA FOR THE SELECTION OF REGIONAL TECHNOLOGY ALLIANCES.**

Section 2513(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by striking out paragraph (4) and inserting in lieu thereof the following new paragraphs:

''(4) The potential for the regional technology alliance to combine financial assistance provided under this section with assistance available from other Federal, State, or local agencies, institutions of higher education, and private nonprofit entities.

''(5) The potential for the regional technology alliance to increase industrial competitiveness.

''(6) The potential for the regional technology alliance to meet the needs of small- and medium-sized defense-dependent companies across multiple activity areas including—

''(A) outreach;

''(B) manufacturing education and training;

''(C) technology development;

''(D) technology deployment; and

''(E) business counseling.''.

## Subtitle B—Community Adjustment and Assistance Programs

### SEC. 1321. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $69,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

(b) PREPARATION ASSISTANCE.—The Secretary of Defense may use up to five percent of the amount specified in subsection (a) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under section 2391(b) of title 10, United States Code.

(c) FEASIBILITY STUDY TO GUARANTEE ASSISTANCE TO ADVERSELY AFFECTED COMMUNITIES.—(1) The Secretary of Defense shall conduct a study to determine the feasibility of assisting local communities recovering from the adverse economic impact of the closure or major re-

alignment of a military installation under a base closure law by reserving for grants to the communities under section 2391(b) of title 10, United States Code, an amount equal to not less than 10 percent of the total projected savings to be realized by the Department of Defense in the first 10 years after the closure or major realignment of the installation as a result of the closure or realignment.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection. The report shall include—

(A) an estimate of the amount of the projected savings described in paragraph (1) to be realized by the Department of Defense as a result of each base closure or major realignment underway or announced as of the date of the enactment of this Act; and

(B) a recommendation regarding the funding sources within the budget for the Department of Defense from which amounts for the grants described in paragraph (1) could be derived.

(3) For purposes of this subsection, the term ''base closure law'' means each of the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

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

**SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.**

(a) ASSISTANCE.—Section 2391 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) EMPHASIS ON COMMUNITIES WITH CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.—(1) Not less than 50 percent of the funds made available for a fiscal year to carry out subsection (b) shall be used by the Secretary of Defense under paragraphs (1) and (4) of such subsection to make grants, conclude cooperative agreements, and supplement funds available under other Federal programs in order to assist State and local governments in planning and carrying out community adjustments and economic diversification in any community determined by the Secretary—

''(A) to be likely to experience a loss of not less than five percent of the total number of civilian jobs in the community as a result of the realignment or closure of a military installation under the base closure laws; or

''(B) to be adversely affected by the realignment or closure of more than one military installation under the base closure laws.

''(2) To the extent practicable, the amount of assistance provided under subsection (b) in a fiscal year to assist a community described in paragraph (1) that is selected to receive such assistance in that fiscal year should be not less than—

''(A) $1,000,000 to plan community adjustments and economic diversification; and

''(B) $5,000,000 to carry out a community adjustments and economic diversification program.''.

(b) TIME FOR CONSIDERATION OF APPLICATIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

''(6) To the extent practicable, the Secretary of Defense shall inform a State or local government applying for assistance under this subsection of the approval or rejection by the Secretary of the application for such assistance before the end of—

''(A) the 7-day period beginning on the date on which the Secretary receives the application, in the case of an application for a planning grant; and

''(B) the 30-day period beginning on such date, in the case of an application for assistance to carry out a community adjustments and economic diversification program.

''(7) In attempting to complete consideration of applications within the time periods specified in paragraph (6), the Secretary shall give priority to those applications requesting assistance for a community described in subsection (f)(1). If an application is rejected by the Secretary, the Secretary shall promptly inform the State or local government of the reasons for the rejection of the application.''.

(c) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) The term 'base closure laws' means—

''(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

''(B) title II of the Defense Authorization Amendments and Base Closure and Realign-

ment Act (Public Law 100–526; 10 U.S.C. 2687 note);

''(C) section 2687 of this title; and

''(D) any other similar law enacted after October 1, 1993.''.

**SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.**

(a) CONTINUATION OF PROGRAM.—Subsection (a) of section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1091 note) is amended by striking out ''fiscal year 1993'' and inserting in lieu thereof ''fiscal years 1993 and 1994''.

(b) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $1,000,000 shall be made available to continue the pilot project required under section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1091 note) with respect to those projects involving relieving the adverse effects upon a community from a combination of the closure or realignment of a military installation and changes in the mission of a national laboratory.

**SEC. 1324. CONSIDERATION OF LOCAL AND REGIONAL ECONOMIC NEEDS AS PART OF THE DISPOSITION OF REAL PROPERTY AND FACILITIES UNDER BASE CLOSURE LAWS.**

(a) CONSIDERATION OF ECONOMIC NEEDS.—In order to maximize local and regional benefit from the reuse of military installations that are closed or realigned, or selected for closure or realignment, pursuant to the operation of a base closure law, the Secretary of Defense shall incorporate locally and regionally delineated economic development needs and priorities into the disposition process by which the Secretary disposes of real property and facilities as part of the closure or realignment of a military installation under a base closure law. In determining such needs and priorities, the Secretary shall use the community base reuse plan developed for the military installation involved.

(b) COOPERATION.—The Secretary shall cooperate with the State in which a military installation referred to in subsection (a) is located, with the entity established to develop a community base reuse plan for the installation, and with local governments and other interested persons in communities located near the installation to implement the entire disposition process of real property and facilities at the installation.

(c) ECONOMIC DEVELOPMENT CRITERIA.—In evaluating the highest and best reuse options for real property and facilities at a military installation referred to in subsection (a), the Secretary shall employ the following economic development criteria:

(1) The creation of jobs, including manufacturing and other primary labor market jobs.

(2) A significant economic multiplier effect on the local and regional economies.

(3) A significant direct economic impact on the local and regional economies through future contracting for goods and services, and construction activities.

(4) New tax revenue generated to the State and locality.

(5) The creation, rehabilitation, operation, and maintenance of local infrastructure.

(6) The incorporation of local and regional economic development needs and priorities into the reuse plan.

(7) The economic viability of the proposed development.

(8) The timely economic impact of the proposed development.

(9) Need for public financial assistance to acquire or develop the property.

(d) PRIORITIES.—The criteria specified in subsection (d) shall be prioritized at the local and regional level for each military installation referred to in subsection (a) to establish a site specific weighting system for individual objectives. These criteria shall be considered to be costs or benefits depending upon the degree to which priorities are met. The highest and best use for real property and facilities at the installation shall be considered to be the reuse option that produces the greatest benefit according to these criteria.

(e) DEFINITIONS.—For purposes of this section:

(1) The term ''base closure law'' means each of the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

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

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) The term ''disposition process'' includes scheduling, planning, economic, environmental, and infrastructure assessments, market research, marketing programs, permit procedures, and transfers of real and personal property carried out as part of the disposition of real property and facilities at a military installation closed or realigned under a base closure law.

**SEC. 1325. SHIPYARD CONVERSION AND REUSE STUDIES.**

(a) STUDIES REQUIRED.—The Secretary of Defense shall make community adjustment and diversification assistance available under section 2391(b) of title 10, United States Code, for the purpose of conducting studies regarding the feasibility of converting and reutilizing the following military shipyards as facilities primarily oriented toward commercial use:

(1) Charleston Naval Shipyard, South Carolina.

(2) Mare Island Naval Shipyard, California.

(b) FUNDING.—Of the amount made available pursuant to section 1302(a), $500,000 shall be available to carry out each of the studies required by subsection (a).

# Subtitle C—Personnel Adjustment, Education, and Training Programs

## SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

(a) PLACEMENT PROGRAMS REQUIRED.—(1) Section 1151 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''may'' in the matter preceding paragraph (1) and inserting in lieu thereof ''shall'' and;

(B) in subsections (b), (c)(1), (e)(1), and (f), by striking out ''program authorized'' each place it appears and inserting in lieu thereof ''program required''.

(2) Section 1598 of such title is amended—

(A) in subsection (a), by striking out ''may'' in the matter preceding paragraph (1) and inserting in lieu thereof ''shall''; and

(B) in subsections (b)(1) and (f), by striking out ''program authorized'' both places it appears and inserting in lieu thereof ''program required''.

(3) Section 2410j of such title is amended—

(A) in subsection (a), by striking out ''may'' in the matter preceding paragraph (1) and inserting in lieu thereof ''shall offer to''; and

(B) in subsection (b)(1), by striking out ''agreement authorized'' and inserting in lieu thereof ''agreement entered into''.

(b) COVERAGE OF CERTAIN MEMBERS INADVERTENTLY EXCLUDED.—Section 1151(e)(1) of such title, as amended by subsection (a)(1)(B), is further amended by inserting before the period at the end of the first sentence the following: ''or within one year after the date of the discharge or release''.

(c) EXTENSION OF PERIOD OF REQUIRED SERVICE.—(1) Section 1151 of such title, as amended by subsection (a)(1), is further amended—

(A) in subsection (f)(2), by striking out ''two school years'' both places it appears and inserting in lieu thereof ''five school years'';

(B) in subsection (h)(3)(A), by striking out ''two consecutive school years'' and inserting in lieu thereof ''five consecutive school years'';

(C) in subsection (h)(5), by striking out ''two years'' both places it appears and inserting in lieu thereof ''five years''; and

(D) in subsection (i)(1), by striking out ''two years'' both places it appears and inserting in lieu thereof ''five years''.

(2) Section 1598(d)(2) of such title is amended by striking out ''two school years'' both places it appears and inserting in lieu thereof ''five school years''.

(3) Section 2410j(f)(2) of such title is amended by striking out ''two school years'' both places it appears and inserting in lieu thereof ''five school years''.

(d) GRANT PAYMENTS.—Section 1151(h)(3)(B) of such title is amended by striking out ''equal to the lesser of—'' and all that follows through ''$50,000.'' and inserting in lieu thereof the following: ''based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher's aide. The rate of payment by the Secretary shall be as follows:

''(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

''(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

''(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

''(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.".

(e) INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.—Section 1151(h)(1) of such is amended by striking out "shall" and inserting in lieu thereof "may".

(f) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (c) and (d) shall not apply with respect to—

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher's aide placement programs required by sections 1151, 1598, and 2410j of title 10, United States Code, or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

**SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS OF THE ARMED FORCES IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.**

(a) PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.—Chapter 58 of title 10, United States

Code, is amended by adding at the end the following new section:

**"§ 1152. Assistance to separated members to obtain employment with law enforcement agencies**

''(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program to assist eligible members of the armed forces to obtain employment by State and local law enforcement agencies upon their discharge or release from active duty.

''(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

''(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or is given early retirement under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the four-year period beginning on October 1, 1993;

''(B) has a military occupational specialty, training, or experience related to law enforcement,

such as service as a member of the military police; and

''(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

''(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

''(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary before the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

''(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

''(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment with these agencies. Under the agreement,

the law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least a five-year period.

''(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

''(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

''(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

''(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

''(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

''(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

''(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

''(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

''(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.''.

(b) PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

**''§ 1153. Assistance to separated members to obtain employment with health care providers**

''(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program to assist eligible members of the armed forces to obtain employment by health care providers upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or is given early retirement under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the four-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college;

"(C) has a military occupational specialty, training, or experience related to health care or is likely to be able to obtain such training in a short period of time, as determined by the Secretary; and

"(D) satisfies such other criteria for selection as the Secretary may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary before the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under the agreement, the provider shall agree to employ a participant in the program on a full-time basis for at least a five-year period.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

''(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

''(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

''(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

''(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

''(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

''(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

''(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

''(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.''.

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out ''program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides.'' and inserting in lieu thereof ''programs established under sections 1151, 1152, and 1153 of this title.''.

(d) STUDY ON EXPANSION OF THE LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE THE BORDER PATROL.—(1) The Secretary of Defense, in consultation with the Commissioner of the Immigration and Naturalization Service, shall conduct a study regarding the feasibility of expanding the law enforcement placement program established under section 1152 of title 10, United States Code, as added by subsection (a), to include the placement of members of the Armed Forces who are discharged or released from active duty with the Border Patrol of the Immigration and Naturalization Service.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''1152. Assistance to separated members to obtain employment with law enforcement agencies.
''1153. Assistance to separated members to obtain employment with health care providers.''.

**SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE EDUCATION AND TRAINING IN ENVIRONMENTAL RESTORATION TO DISLOCATED DEFENSE WORKERS AND YOUNG ADULTS.**

(a) GRANT PROGRAM REQUIRED.—(1) The Secretary of Defense shall establish a program to provide demonstration grants to institutions of higher education to assist such institutions in providing education and training in environmental restoration and hazardous waste management to eligible dislocated defense workers and young adults described in subsection (d). The Secretary shall award the grants pursuant to a merit-based selection process.

(2) A grant provided under this subsection may cover a period of not more than three fiscal years, except that the payments under the grant for the second and third

fiscal year shall be subject to the approval of the Secretary and to the availability of appropriations to carry out this section in that fiscal year.

(b) APPLICATION.—To be eligible for a grant under subsection (a), an institution of higher education shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. The application shall include the following:

(1) An assurance by the institution of higher education that it will use the grant to supplement and not supplant non-Federal funds that would otherwise be available for the education and training activities funded by the grant.

(2) A proposal by the institution of higher education to provide expertise, training, and education in hazardous materials and waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities.

(c) USE OF GRANT FUNDS.—(1) An institution of higher education receiving a grant under subsection (a) shall use the grant to establish a consortium consisting of the institution and one or more of each of the entities described in paragraph (2) for the purpose of establishing

and conducting a program to provide education and training in environmental restoration and waste management to eligible individuals described in subsection (d). To the extent practicable, the Secretary shall authorize the consortium to use a military installation closed or selected to be closed under a base closure law in providing on-site basic skills training to participants in the program.

(2) The entities referred to in paragraph (1) are the following:

(A) Representatives of appropriate State and local agencies.

(B) Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512)).

(C) Community-based organizations (as defined in section 4(5) of such Act (29 U.S.C. 103(5)).

(D) Businesses.

(E) Organized labor.

(F) Other appropriate educational institutions.

(d) ELIGIBLE INDIVIDUALS.—A program established or conducted using funds provided under subsection (a) may provide education and training in environmental restoration and waste management to—

(1) individuals who have been terminated or laid off from employment (or have received notice of

termination or lay off) as a consequence of reductions in expenditures by the United States for defense, the cancellation, termination, or completion of a defense contract, or the closure or realignment of a military installation under a base closure law, as determined in accordance with regulations prescribed by the Secretary; or

(2) individuals who have attained the age of 16 but not the age of 25.

(e) ELEMENTS OF EDUCATION AND TRAINING PROGRAM.—In establishing or conducting an education and training program using funds provided under subsection (a), the institution of higher education shall meet the following requirements:

(1) The institution of higher education shall establish and provide a work-based learning system consisting of education and training in environmental restoration—

(A) which may include basic educational courses, on-site basic skills training, and mentor assistance to individuals described in subsection (d) who are participating in the program; and

(B) which may lead to the awarding of a certificate or degree at the institution of higher education.

(2) The institution of higher education shall undertake outreach and recruitment efforts to encourage participation by eligible individuals in the education and training program.

(3) The institution of higher education shall select participants for the education and training program from among eligible individuals described in paragraph (1) or (2) of subsection (d).

(4) To the extent practicable, in the selection of young adults described in subsection (d)(2) to participate in the education and training program, the institution of higher education shall give priority to those young adults who—

(A) have not attended and are otherwise unlikely to be able to attend an institution of higher education; or

(B) have, or are members of families who have, received a total family income that, in relation to family size, is not in excess of the higher of—

(i) the official poverty line (as defined by the Office of Management and Budget,

and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

(ii) 70 percent of the lower living standard income level.

(5) To the extent practicable, the institution of higher education shall select instructors for the education and training program from institutions of higher education, appropriate community programs, and industry and labor.

(6) To the extent practicable, the institution of higher education shall consult with appropriate Federal, State, and local agencies carrying out environmental restoration programs for the purpose of achieving coordination between such programs and the education and training program conducted by the consortium.

(f) SELECTION OF GRANT RECIPIENTS.—To the extent practicable, the Secretary shall provide grants to institutions of higher education under subsection (a) in a manner which will equitably distribute such grants among the various regions of the United States.

(g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE RECIPIENT.—The amount of a grant under subsection (a)

that may be made to a single institution of higher education in a fiscal year may not exceed ⅓ of the amount made available to provide grants under such subsection for that fiscal year.

(h) REPORTING REQUIREMENTS.—(1) The Secretary may provide a grant to an institution of higher education under subsection (a) only if the institution agrees to submit to the Secretary, in each fiscal year in which the Secretary makes payments under the grant to the institution, a report containing—

(A) a description and evaluation of the education and training program established by the consortium formed by the institution under subsection (c); and

(B) such other information as the Secretary may reasonably require.

(2) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the President and Congress an interim report containing—

(A) a compilation of the information contained in the reports received by the Secretary from each institution of higher education under paragraph (1); and

(B) an evaluation of the effectiveness of the demonstration grant program authorized by this section.

(3) Not later than January 1, 1997, the Secretary shall submit to the President and Congress a final report containing—

(A) a compilation of the information described in the interim report; and

(B) a final evaluation of the effectiveness of the demonstration grant program authorized by this section, including a recommendation as to the feasibility of continuing the program.

(i) DEFINITIONS.—For purposes of this section:

(1) BASE CLOSURE LAW.—The term ''base closure law'' means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 102 Stat. 2627; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) ENVIRONMENTAL RESTORATION.—The term ''environmental restoration'' means actions taken consistent with a permanent remedy to prevent or minimize the release of hazardous substances into the environment so that such substances do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(j) CONFORMING REPEAL.—Section 4452 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2701 note) is repealed.

**SEC. 1334. REVISION TO IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.**

The matter inserted by the amendment made by section 4467(f)(1) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Pub-

lic Law 102–484; 106 Stat. 2751) is amended to read as follows:

''(s)(1) Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

''(2) The property described in this paragraph is both real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.''.

**SEC. 1335. DEMONSTRATION PROGRAM FOR THE TRAINING OF RECENTLY DISCHARGED VETERANS FOR EMPLOYMENT IN CONSTRUCTION AND IN HAZARDOUS WASTE REMEDIATION.**

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a demonstration program to promote the training and employment of veterans in the construction and hazardous waste remediation industries. Using funds made available to carry out this section the Secretary shall make grants under the demonstration program to organi-

zations that meet the eligibility criteria specified in subsection (b).

(b) GRANT ELIGIBILITY CRITERIA.—An organization is eligible to receive a grant from the Secretary under subsection (a) if it—

(1) demonstrates, to the satisfaction of the Secretary, an ability to recruit and counsel veterans for participation in the demonstration program under this section;

(2) has entered into an agreement with a joint labor-management training fund established pursuant to section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) to implement and operate a training and employment program for veterans;

(3) agrees under the agreement referred to in paragraph (2) to use grant funds to carry out a program that will provide eligible veterans with training for employment in the construction and hazardous waste remediation industries;

(4) provides such training for eligible veterans during a period that does not exceed 18 months;

(5) demonstrates actual experience in providing training for veterans under an agreement referred to in paragraph (2);

(6) agrees to make, along with all subgrantees, a substantial in-kind contribution (as determined by the Secretary of Defense) from non-Federal sources to the demonstration program under this section; and

(7) gives its assurances, to the satisfaction of the Secretary, that full time, permanent jobs will be available for individuals successfully completing the training program, with a special emphasis on jobs with employers in construction and hazardous waste remediation on Department of Defense facilities.

(c) ELIGIBLE VETERANS.—An individual is an eligible veteran for the purposes of subsection (b)(3) if the individual—

(1)(A) served in the active military, naval, or air service for a period of at least two years;

(B) was discharged or released from active duty because of a service-connected disability; or

(C) is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more; and

(2) was discharged or released on or after August 2, 1990, under conditions other than dishonorable.

(d) PREFERENCE.—In carrying out the demonstration program under this section, the Secretary shall ensure that a preference is given to eligible veterans whose primary or secondary occupational specialty in the Armed Forces is (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) not readily transferable to the civilian work force.

(e) HAZARDOUS WASTE OPERATIONS TRAINING GOAL.—It is the sense of Congress that at least 20 percent of the total number of veterans completing training under the demonstration program under this section should complete the training required—

(1) for certification under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (29 U.S.C. 655 note), and

(2) under any other Federal law which requires certification for employees engaged in hazardous waste operations.

(f) USE OF FUNDS.—Funds made available to carry out this section may only be used for tuition and stipends to cover the living and travel expenses of participants, except that the Secretary may provide that not more than

a total of four percent of all the funds made available under this section may be used for administrative expenses of grantees and subgrantees.

(g) LIMITATION ON TUITION CHARGED.—The amount of tuition charged with respect to veterans participating in the demonstration program under this section may not exceed the amount of tuition charged to non-veterans participating in programs substantially similar to such demonstration program.

(h) CAP ON EXPENDITURES PER PARTICIPANT.—Of the funds made available to carry out this section—

(1) not more than $1,000 may be expended with respect to each veteran participating in the construction phase of the demonstration program, and

(2) not more than an additional $1,000 may be expended with respect to each veteran participating in the hazardous waste remediation phase of the demonstration program, except that the Secretary may authorize an additional $300 for the training of a veteran participating in such phase if the Secretary determines that such additional amount is necessary because of the type of training needed for the particular kind of hazardous waste remediation involved.

(i) REPORTS.—(1) Not later than November 1, 1994, the Secretary shall submit an interim report to the Congress describing the manner in which the demonstration program is being carried out under this section, including a detailed description of the number of grants made, the number of veterans involved, the kinds of training received, and any job placements that have occurred or that are anticipated.

(2) Not later than December 31, 1995, the Secretary shall submit a final report to the Congress containing a description of the results of the demonstration program with a detailed description of the number of grants made, the number of veterans involved, the number of veterans who completed the program, the number of veterans who were placed in jobs, the number of veterans who failed to complete the program along with the reasons for such failure, and any recommendations the Secretary deems appropriate.

(j) TERMINATION.—Not later than October 1, 1994, the Secretary shall obligate, in accordance with the provisions of this section, the funds made available to carry out the demonstration program under this section.

**SEC. 1336. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.**

(a) AUTHORIZATION FOR FISCAL YEAR 1994.—(1) Section 4495(a)(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 106 Stat. 2768) is amended by inserting after the first sentence the following: ''Of the amounts made available pursuant to section 1302(a) of the National Defense Authorization Act for Fiscal Year 1994, $25,000,000 shall be made available for the purpose of making payments to employers under this subtitle.''.

(2) Section 4496 of such Act (106 Stat. 2769) is amended—

(A) in paragraph (1), by striking ''September 30, 1995'' and inserting ''September 30, 1996''; and

(B) in paragraph (2), by striking ''March 31, 1996'' and inserting ''March 31, 1997''.

(b) PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.—Section 4489 of such Act (106 Stat. 2764) is amended by inserting ''or any other institution offering a program of job training, as approved by the Secretary of Veterans Affairs,'' after ''United States Code,''.

**SEC. 1337. AMENDMENTS TO DEFENSE DIVERSIFICATION PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.**

(a) DEMONSTRATION PROJECTS.—Section 325A(k)(1) of the Job Training Partnership Act is amended—

(1) in subparagraph (B), by striking out ''and'' after the semicolon;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(D) projects involving teams of transition assistance specialists from Federal, State, and local agencies to provide onsite services, including assisting affected communities in short-term and long-term planning and assisting affected individuals through counseling and referrals to appropriate services, at the site of such reductions or closures within 60 days of the announcement of such reductions or closures;

''(E) projects to assist in establishing transition assistance centers at the installations where large dislocations occur to provide comprehensive services to individuals affected by such dislocations;

''(F) projects involving the joint efforts of Federal agencies, such as the Department of Labor, the Department of Defense, the Department of Commerce, and the Small Business Administration, to assist communities affected by such reductions or closures in developing integrated community planning processes to facilitate the retraining of affected individuals and the conversion of installations to commercial uses;

''(G) projects to develop new information and data systems to assist individuals and communities affected by such reductions or closures, including the development of data bases with the capability to provide an affected individual with a civilian economy skills profile which takes into account the skills acquired while working on defense-related matters; and

''(H) projects to assist small and medium-sized firms affected by such reductions or closures in the formation of learning consortia, which will promote joint efforts for staff training, human resource development, product development, and the marketing of products.''.

(b) STAFF TRAINING, ADMINISTRATION, AND COORDINATION.—Section 325A of the Job Training Partnership Act is amended—

(1) by redesignating subsection (l) as subsection (o); and

(2) by adding the following new subsections after subsection (k):

''(l) STAFF TRAINING AND TECHNICAL ASSISTANCE.—In carrying out the grant program established under subsection (a), the Secretary of Defense may provide staff training and technical assistance services to States, communities, businesses, and labor organizations, and other entities involved in providing adjustment assistance to workers.

''(m) ADMINISTRATIVE EXPENSES.—Not more than 2 percent of the funds available to the Secretary of Defense to carry out this section for any fiscal year may be retained by the Secretary of Defense for the administration of activities authorized under this section.

''(n) COORDINATION WITH TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of Defense, in consultation with the Secretary of Labor, shall ensure that activities carried out under this section are coordinated with relevant activities carried out pursuant to title IV of the

Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1890).''.

## Subtitle D—Other Matters

### SEC. 1341. ENCOURAGEMENT OF INDUSTRIAL DIVERSIFICATION PLANNING FOR CERTAIN DEFENSE CONTRACTORS.

(a) DIVERSIFICATION PLANNING.—As part of each major defense contract entered into by the Secretary of Defense, the Secretary shall encourage that the contractor prepare an industrial diversification plan for the defense-related operations of the contractor.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out this section. With respect to major defense contracts, the regulations required by this subsection shall supersede any regulations prescribed by the Secretary pursuant to section 4239 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2501 note).

(c) MAJOR DEFENSE CONTRACTOR DEFINED.—For purposes of this section, the term ''major defense contract'' means any contract for goods or services for the Department of Defense in an amount equal to or greater than $5,000,000.

(d) APPLICATION OF PLANNING REQUIREMENTS.—Subsection (a) shall apply with respect to major defense contracts entered into by the Secretary on or after the date of the enactment of this Act.

(e) STUDIES REGARDING DEFENSE CONVERSION MARKET CREATION.—(1) To assist the defense diversification planning undertaken pursuant to subsection (a), the Secretary shall sponsor not more than five studies to identify economic sectors and strategies that will best facilitate the process of defense conversion, diversification, and reinvestment. The studies shall be conducted by nongovernmental entities selected pursuant to a contract with the Secretary. An entity selected to conduct a study under this subsection shall consult with representatives of both management and employees of defense contractors participating in industrial diversification planning pursuant to subsection (a).

(2) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the studies conducted pursuant to this subsection.

**SEC. 1342. ENCOURAGEMENT FOR THE PURCHASE OR LEASE OF VEHICLES PRODUCING ZERO OR VERY LOW EXHAUST EMISSIONS.**

From funds authorized to be appropriated in subtitle A of title I and section 301 for the purchase or lease of non-tactical administrative vehicles (such as automobiles, utility trucks, buses, and vans), the Secretary of Defense is encouraged to expend not less than 10 percent of such funds for the purchase or lease of vehicles producing zero or very low exhaust emissions.

**SEC. 1343. REVISION TO REQUIREMENTS FOR NOTICE TO CONTRACTORS UPON PROPOSED OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.**

Section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (106 Stat. 2753; 10 U.S.C. 2501 note) is amended to read as follows:

**"SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN MAJOR DEFENSE PROGRAMS.**

''(a) NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Each year, in conjunction with the preparation of the President's budget for the next fiscal year, the Secretary of Defense and the Secretary of Energy shall each assess which major defense programs (if any) under their respective jurisdictions are

proposed to be terminated or substantially reduced under the budget of the President for the next fiscal year. As soon as reasonably practicable after the date on which that budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, and not more than 180 days after such date, each such Secretary, in accordance with regulations prescribed by that Secretary, shall provide notice of the proposed termination of, or substantial reduction in, each such program—

''(1) directly to each prime contractor under that program; and

''(2) by general notice through publication in the Federal Register.

''(b) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—

''(1) DEPARTMENT OF DEFENSE.—As soon as reasonably practicable after the enactment of an Act appropriating funds for the military functions of the Department of Defense, and not more than 180 days after such date, the Secretary of Defense, in accordance with regulations prescribed by the Secretary—

''(A) shall determine which major defense programs (if any) of the Department of Defense that were not previously identified under

subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

''(B) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

''(i) directly to each prime contractor under that program;

''(ii) directly to the Secretary of Labor; and

''(iii) by general notice through publication in the Federal Register.

''(2) DEPARTMENT OF ENERGY.—As soon as reasonably practicable after the enactment of an Act appropriating funds for national defense programs of the Department of Energy, and not more than 180 days after such date, the Secretary of Energy, in accordance with regulations prescribed by the Secretary—

''(A) shall determine which major defense programs (if any) of the Department of Energy that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

''(B) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

''(i) directly to each prime contractor under that program;

''(ii) directly to the Secretary of Labor; and

''(iii) by general notice through publication in the Federal Register.

''(c) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under subsection (a) or (b) of the termination of, or substantial reduction in, that program, and not more than 45 days after such date, the prime contractor shall—

''(1) provide notice of that termination or substantial reduction to each person that is a first-tier subcontractor under a contract in an amount not less than $500,000 for the program; and

''(2) require that each such subcontractor (A) provide such notice to each of its subcontractors in an amount in excess of $100,000 under the contract, and (B) impose a similar notice and pass through requirement to subcontractors in an amount in excess of $100,000 at all tiers.

"(d) SIX-MONTH CONTRACTOR NOTICE TO EMPLOYEES AND LOCAL GOVERNMENT BEFORE LAYOFFS.—A prime contractor receiving notice under subsection (a) or (b) or a subcontractor receiving notice under subsection (c) relating to a major defense program may not terminate the employment of an individual as a result of the actual termination or substantial reduction of that program until six months after the date on which the contractor or subcontractor provides notice in writing of such contractor or subcontractor's intent to terminate the employment of such individual—

"(1) to that employee and, if there is a labor representative of that employee, to that labor representative;

"(2) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) for the State within which that individual resides; and

"(3) to the chief elected official of the unit of general local government within which that individual resides.

"(e) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a major defense program provided under subsection (d)(1) to an employee of a contractor or subcontractor shall have the same effect

as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act, except where the employer has specified that the termination of, or reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act.

''(f) WITHDRAWAL OF NOTIFICATION UPON SUFFICIENT FUNDING FOR PROGRAM TO CONTINUE.—

''(1) NOTICE TO PRIME CONTRACTOR.—In any case in which—

''(A) the Secretary of Defense or Secretary of Energy has provided a notification under subsection (a) with respect to a major defense program based upon the budget of the President for any fiscal year; and

''(B) that Secretary determines, upon enactment of an Act appropriating funds for the military functions of the Department of Defense or for national defense programs of the Department of Energy for that fiscal year, as

the case may be, that due to a sufficient level of funding for the program having been provided in that Act there will not be a termination of, or substantial reduction in, that program,

that Secretary shall provide notice of withdrawal of the notification provided under subsection (a) to each prime contractor that received that notice under subsection (a). Any such notice of withdrawal shall be provided as soon as reasonably practicable after the date of the enactment of the appropriations Act concerned. In any such case, the Secretary shall at the same time provide general notice of such withdrawal by publication in the Federal Register.

''(2) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under paragraph (1) of the withdrawal of a notification previously provided to the contractor under subsection (a), and not more than 45 days after that date, the prime contractor shall provide notice of such withdrawal to each person that is a first-tier subcontractor under a contract in an amount not less than $500,000 for the program and shall require that each such subcontractor provide

such notice to each subcontractor in an amount not less than $100,000 at any tier in a contract.

''(3) NOTICE TO EMPLOYEES.—As soon as reasonably practicable after the date on which a prime contractor receives notice of withdrawal under paragraph (1) or a subcontractor receives such notice under paragraph (2), and not more than two weeks after that date, the contractor or subcontractor shall provide notice of such withdrawal—

''(A) to each representative of employees whose work is directly related to the defense contract under the program and who are employed by the contractor or subcontractor or, if there is no such representative at that time, each such employee;

''(B) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

''(C) to each grantee under section 325(a) or 325A(a) of the Job Training Partnership Act providing training, adjustment assistance,

and employment services to an employee described in this paragraph.

''(4) LOSS OF ELIGIBILITY.—An employee who receives notice of withdrawal under paragraph (2) shall not be eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act beginning on the date on which the employee receives the notice.

''(g) TERMINATION AND OTHER REMEDIES FOR FAILURE TO GIVE REQUIRED NOTICE.—A contractor that willfully fails to provide notice as required by any provision of this section may be subject to termination for default of the instant contract, suspension, or debarment, or other remedies as determined by the Secretary of Defense or Secretary of Energy, as appropriate.

''(h) DEFINITIONS.—For purposes of this section:

''(1) MAJOR DEFENSE PROGRAM.—The term 'major defense program' means—

''(A) in the case of the Department of Defense, a program that is carried out to produce or acquire a major system (as defined in section 2302(5) of title 10, United States Code); and

''(B) in the case of the Department of Energy, a program that meets the dollar threshold

criteria for treatment of a Department of Defense program as a major system.

''(2) SUBSTANTIAL REDUCTION.—The term 'substantial reduction', with respect to a major defense program, means a reduction of 25 percent or more in the total dollar value of contracts under the program.''.

**SEC. 1344. REGIONAL RETRAINING SERVICES CLEARINGHOUSES.**

(a) ESTABLISHMENT REQUIRED.—The Secretary of Labor, in consultation with the Secretary of Defense, shall carry out a demonstration project to establish one or more regional retraining services clearinghouses to serve eligible persons described in subsection (b).

(b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERVICES.—The following persons shall be eligible to receive services through the clearinghouses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who have been terminated or laid off (or receive a notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(c) INFORMATIONAL ACTIVITIES OF CLEARINGHOUSES.—The clearinghouses shall—

(1) collect educational materials which have been prepared for the purpose of providing information to eligible persons regarding available retraining programs, in particular those programs dealing with critical skills needed in advanced manufacturing and skill areas in which shortages of skilled employees exist;

(2) establish and maintain a data base for the purpose of storing and categorizing such materials based on the different needs of eligible persons; and

(3) furnish such materials, upon request, to such educational institutions and other interested persons.

(d) FUNDING.—From funds made available under section 4465(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 29 U.S.C. 1662d–1 note) to carry out section 325A of the Job Train-

ing Partnership Act (29 U.S.C. 1662d–1), not more than $10,000,000 shall be available to the Secretary of Labor to carry out this section during fiscal year 1994. Funds made available under section 1302 for defense conversion, reinvestment, and transition assistance programs shall not be used to carry out this section.

# Subtitle E—National Shipbuilding Initiative

**SEC. 1351. SHORT TITLE.**

This subtitle may be cited as the ''National Shipbuilding and Shipyard Conversion Act of 1993''.

**SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.**

(a) ESTABLISHMENT OF PROGRAM.—There shall be a National Shipbuilding Initiative program, to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient, internationally competitive industry.

(b) ADMINISTERING DEPARTMENTS.—The program shall be carried out—

(1) by the Secretary of Defense, with respect to programs under the jurisdiction of the Secretary of Defense; and

(2) by the Secretary of Transportation, with respect to programs under the jurisdiction of the Secretary of Transportation.

(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:

(1) FINANCIAL INCENTIVES PROGRAM.—A financial incentives program to provide loan guarantees to initiate commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity, as provided in title XI of the Merchant Marine Act, 1936 (as amended by this subtitle).

(2) TECHNOLOGY DEVELOPMENT PROGRAM.—A technology development program, to be carried out within the Department of Defense by the Advanced Research Projects Agency, to improve the technology base for advanced shipbuilding technologies and related dual-use technologies through activities including a development program for innovative commercial ship design and production processes and technologies.

(3) NAVY'S AFFORDABILITY THROUGH COMMONALITY PROGRAM.—Enhanced support by the Secretary of Defense for the shipbuilding program of

the Department of the Navy known as the Affordability Through Commonality (ATC) program, to include enhanced support (A) for the development of common modules for military and commercial ships, and (B) to foster civil-military integration into the next generation of Naval surface combatants.

(4) NAVY'S MANUFACTURING TECHNOLOGY AND TECHNOLOGY BASE PROGRAMS.—Enhanced support by the Secretary of Defense for, and strengthened funding for, that portion of the Manufacturing Technology program of the Navy, and that portion of the Technology Base program of the Navy, that are in the areas of shipbuilding technologies and ship repair technologies.

**SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGEMENT THROUGH ADVANCED RESEARCH PROJECTS AGENCY.**

The Secretary of Defense shall designate the Advanced Research Projects Agency of the Department of Defense as the lead agency of the Department of Defense for activities of the Department of Defense which are part of the National Shipbuilding Initiative program. Those activities shall be carried out as part of defense conversion activities of the Department of Defense.

**SEC. 1354. ADVANCED RESEARCH PROJECTS AGENCY FUNCTIONS.**

The Secretary of Defense, acting through the Director of the Advanced Research Projects Agency, shall carry out the following functions with respect to the National Shipbuilding Initiative program:

(1) Consultation with the Maritime Administration, the Office of Economic Adjustment, the National Economic Council, the National Shipbuilding Research Project, the Coast Guard, the National Oceanic and Atmospheric Administration, appropriate naval commands and activities, and other appropriate Federal agencies on—

(A) development and transfer to the private sector of dual-use shipbuilding technologies, ship repair technologies, and shipbuilding management technologies;

(B) assessments of potential markets for maritime products; and

(C) recommendation of industrial entities, partnerships, joint ventures, or consortia for short- and long-term manufacturing technology investment strategies.

(2) Funding and program management activities to develop innovative design and production

processes and the technologies required to implement those processes.

(3) Facilitation of industry and Government technology development and technology transfer activities (including education and training, market assessments, simulations, hardware models and prototypes, and national and regional industrial base studies).

(4) Integration of promising technology advances made in the Technology Reinvestment Program of the Advanced Research Projects Agency into the National Shipbuilding Initiative to effect full defense conversion potential.

**SEC. 1355. ELIGIBLE SHIPYARDS.**

(a) ELIGIBILITY.—To be eligible to receive any assistance or otherwise to participate in any program carried out under the National Shipbuilding Initiative, a shipyard must be located in the United States and, in the case of a private shipyard, must be owned and operated by a United States company.

(b) DEFINITION OF UNITED STATES COMPANY.—For purposes of this section, the term ''United States company'' means a company that is not owned or controlled, directly or indirectly, by citizens or nationals of a foreign country. For purposes of the preceding sentence,

a company is owned or controlled directly or indirectly by citizens or nationals of a foreign country if—

(1) 50 percent or more of the voting stock of the company is owned by one or more citizens or nationals of the foreign country;

(2) the title to 50 percent or more of the stock of the company is held subject to trust or fiduciary obligations in favor of one or more citizens or nationals of the foreign country;

(3) 50 percent or more of the voting stock of the company is vested in or exercisable on behalf of one or more citizens or nationals of the foreign country; or

(4) in the case of a corporation—

(A) the number of its directors necessary to constitute a quorum are citizens or national of the foreign country; or

(B) the corporation is organized under the laws of the foreign country or any subdivision, territory, or possession thereof.

**SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.**

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

(1) ELIGIBLE EXPORT VESSEL DEFINED.—Section 1101 is amended by adding at the end the following new subsection:

''(o) The term 'eligible export vessel' means a vessel constructed, reconstructed, or reconditioned in the United States for use in world-wide trade which will, upon delivery or redelivery, be placed under or continued to be documented under the laws of a country other than the United States.''.

(2) LIMITATIONS ON GUARANTEE OBLIGATIONS.—Section 1103 is amended—

(A) by amending the first sentence of subsection (f) to read as follows: ''The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed $12,000,000,000, of which (1) $850,000,000 shall be limited to obligations pertaining to guarantees of obligations for fishing vessels and fishery facilities made under this title, and (2) $3,000,000,000 shall be limited to obligations pertaining to guarantees of obligations for eligible export vessels.''; and

(B) by adding at the end the following new subsection:

"(g)(1) The Secretary may not issue a commitment to guarantee obligations for an eligible export vessel unless, after considering—

"(A) the status of pending applications for commitments to guarantee obligations for vessels documented under the laws of the United States and operating or to be operated in the domestic or foreign commerce of the United States,

"(B) the economic soundness of the applications referred to in subparagraph (A), and

"(C) the amount of guarantee authority available,

the Secretary determines, in the sole discretion of the Secretary, that the issuance of a commitment to guarantee obligations for an eligible export vessel will not result in the denial of an economically sound application to issue a commitment to guarantee obligations for vessels documented under the laws of the United States operating in the domestic or foreign commerce of the United States.

"(2) The Secretary may not issue commitments to guarantee obligations for eligible export vessels under this section after the later of—

"(A) the 5th anniversary of the date on which the Secretary publishes final regulations setting forth the application procedures for the issuance of

commitments to guarantee obligations for eligible export vessels,

''(B) the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export vessels have been continuously available, or

''(C) the last date on which those commitments may be issued under any treaty, convention, or other international agreement entered into after the date of the enactment of the Shipbuilding Conversion Act of 1993 that prohibits guarantee of those obligations.''.

(3) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is amended—

(A) by amending so much of subsection (a)(1) as precedes the proviso to read as follows:

''(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel (including an eligible export vessel), which is designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors,

or inland lakes of the United States; (C) in foreign trade as defined in section 905 of this Act for purposes of title V of this Act; or (D) as an ocean thermal energy conversion facility or plantship; (E) with respect to floating drydocks in the construction, reconstruction, reconditioning, or repair of vessels; or (F) with respect to an eligible export vessel, in world-wide trade;'';

(B) by amending subsection (b)(2)—

(i) by striking ''subject to the provisions of paragraph (1) of subsection (c) of this section,'' and inserting ''subject to the provisions of subsection (c)(1) and subsection (i),'', and

(ii) by inserting before the semicolon at the end the following: '': *Provided, further* That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ of the actual cost or depreciated actual cost of the eligible export vessel'';

(C) by amending subsection (b)(6) by inserting after ''United States Coast Guard'' the following: ''or, in the case of an eligible export

vessel, of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party''; (D) in subsection (d), by adding at the end the following new paragraph:

''(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this title for the construction, reconstruction or reconditioning of an eligible export vessel unless—

''(A) the Secretary finds that the construction, reconstruction, or reconditioning of such eligible export vessel will aid in the transition of United States shipyards to commercial activities or will preserve shipbuilding assets that would be essential in time of war or national emergency, and

''(B) the owner of the eligible export vessel agrees with the Secretary that the vessel shall not be transferred to any country designated by the Secretary as a country whose interests are hostile to the interests of the United States.''; and

(E) by adding at the end the following new subsection:

''(i) The Secretary may not, with respect to—

''(1) the general 75 percent or less limitation in subsection (b)(2);

''(2) the 87½ percent or less limitation in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or section 1111(b); or

''(3) the 80 percent or less limitation in the 3rd proviso to such subsection;

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.''.

(4) LIMITATION ON AUTHORITY TO ESTABLISH UNIFORM PERCENTAGE LIMITATION.—Section 1104B is amended by adding at the end of subsection (b) the following flush sentence:

''The Secretary may not by rule, regulation, or procedure establish any percentage within the 87½ percent or less limitation in paragraph (2) that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section.''.

(5) CONFORMING AMENDMENT.—Section 1103(a) is amended in the first sentence by striking ‘‘, upon application by a citizen of the United States,’’.

**SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZATION AND IMPROVEMENT.**

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

‘‘SEC. 1111. (a) The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for advanced shipbuilding technology and modern shipbuilding technology of a general shipyard facility located in the United States.

‘‘(b) Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title, except that guarantees or commitments to guarantee made under this section may be in the aggregate principal amount that does not exceed 87½ percent of the actual cost of the advanced shipbuilding technology or modern shipbuilding technology.

''(c) The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) of making guarantees or commitments to guarantee loans entered into under this section.

''(d) For purposes of this section:

''(1) The term 'advanced shipbuilding technology' includes—

''(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving shipbuilding and related industrial production which advance the state-of-the-art; and

''(B) novel techniques and processes designed to improve shipbuilding quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory manage-

ment, upgraded worker skills, and communications with customers and suppliers.

''(2) The term 'modern shipbuilding technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of shipyards.

''(3) The term 'general shipyard facility' means—

''(A) for operations on land—

''(i) any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment or rebuilding of any vessel (as defined in title 1, United States Code) and including graving docks, building ways, ship lifts, wharves, and pier cranes;

''(ii) the land necessary for any structure or appurtenance described in clause (i); and

''(iii) equipment that is for the use in connection with any structure or appurtenance and that is necessary for the performance of any function referred to in subparagraph (A);

''(B) for operations other than on land, any vessel, floating drydock or barge built in the United States and used for, equipped to be used for, or of a type that is normally used for activities referred to in subparagraph (A)(i) of this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 1101(n) of that Act (46 App. U.S.C. 1271(n)) is amended by striking ''vessels.'' and inserting ''vessels and general shipyard facilities (as defined in section 1111(d)(3)).''.

**SEC. 1358. FUNDING FOR CERTAIN LOAN GUARANTEE COMMITMENTS FOR FISCAL YEAR 1994.**

(a) FUNDING.—Amounts appropriated to the Secretary of Defense pursuant to the authorization of appropriations in section 109 shall be available only for transfer to the Secretary of Transportation. Of such amounts—

(1) $175,000,000 shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under section 1104A(a)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(a)(1)), as amended by section 1356, for vessels of at least 10,000 gross tons that are commercially marketable on the international market (including eligible export vessels); and

(2) $25,000,000 shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990) of new loan guarantee commitments under section 1111 of the Merchant Marine Act, 1936, as added by section 1357.

(b) TRANSFER TO SECRETARY OF TRANSPORTATION.—Subject to the provisions of appropriations Acts, amounts made available under subsection (a) shall be transferred to the Secretary of Transportation for use as described in that subsection. Any such transfer shall be made not later than 90 days after the date of the enactment of an Act appropriating the funds to be transferred.

**SEC. 1359. AUTHORIZATIONS OF APPROPRIATIONS.**

(a) AUTHORIZATIONS FOR DEPARTMENT OF TRANSPORTATION.—There is authorized to be appropriated to the Secretary of Transportation for fiscal year 1994 the sum of $10,000,000 to pay administrative costs related to new loan guarantee commitments described in subsection (a) of section 1358, of which—

(1) $8,000,000 shall be for administrative costs related to new loan guarantee commitments described in paragraph (1) of that subsection; and

(2) $2,000,000 shall be for administrative costs related to new loan guarantee commitments described in paragraph (2) of that subsection.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under the authority of this section shall remain available until expended.

**SEC. 1360. RESTRICTION ON USE OF DEFENSE CONVERSION FUNDS FOR THE SALE OR TRANSFER OF DEFENSE ARTICLES OR DEFENSE SERVICES.**

(a) RESTRICTION.—Except as provided in subsection (b), none of the funds appropriated pursuant to an authorization of appropriations in this Act and made available for defense conversion programs may be used to finance (whether directly or through the use of loan guarantees) the sale or transfer to foreign countries or foreign entities of any defense article or defense service, including defense articles and defense services subject to section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) CIVILIAN-END USE.—The Secretary of Defense may grant exemptions from the restriction of subsection (a) with respect to sales or transfers of defense articles or defense services for civilian end-use.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''defense article'' has the meaning given that term in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(2) The term ''defense service'' has the meaning given that term in paragraph (4) of such section.

# TITLE XIV—NATIONAL COMMISSION ON ROLES AND MISSIONS OF THE ARMED FORCES

**SEC. 1401. SHORT TITLE.**

This title may be cited as the ''National Commission on Roles and Missions of the Armed Forces Act''.

**SEC. 1402. FINDINGS.**

Congress makes the following findings:

(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

(2) Many analysts believe that a realignment of those roles and mission is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense

Reauthorization Act of 1986 has not produced the comprehensive review envisioned by Congress.

(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

**SEC. 1403. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established in the executive branch of the Government a commission to be known as the National Commission on Roles and Missions of the Armed Forces (hereinafter in this title referred to as the ''Commission'').

(b) COMPOSITION AND QUALIFICATIONS.—

(1) The Commission shall be composed of seven members. Members of the Commission shall be appointed by the President.

(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

(3) The President shall designate one of the members as chairman of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any

vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL ORGANIZATIONAL REQUIREMENTS.—

(1) The President shall make all appointments to the Commission within 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

**SEC. 1404. DUTIES OF COMMISSION.**

(a) IN GENERAL.—Over the period of fiscal years 1994 through 1998, the Commission shall—

(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

(2) evaluate and report on alternative assignments of those roles, missions and functions; and

(3) make recommendations for changes in the current definition and distribution of those roles, functions, and missions.

(b) REVIEW OF POTENTIAL MILITARY OPERATIONS.—The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

(1) Defense of the United States.

(2) Warfare against other national military forces.

(3) Limited military action for political effect.

(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

(5) Support of law enforcement.

(6) Other types of operations as specified by the chairman of the Commission.

(c) DEFINITION OF BROAD MISSION AREAS AND KEY SUPPORT REQUIREMENTS.—As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

(d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR ORGANIZATIONAL ALLOCATIONS.—The Commission

shall determine a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider—

(1) static efficiency (such as duplicative overhead and economies of scale);

(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

(5) division of responsibility on the battlefield;

(6) exploitation of new technology and operational concepts;

(7) civilian control of the military;

(8) the degree of disruption that a change in roles and missions would entail; and

(9) the experience of other nations.

The Commission shall evaluate the costs and benefits of unifying the Armed Forces into a single military service as a baseline for assessing the maximum benefits that may be achieved from less sweeping reforms.

(e) RECOMMENDATIONS CONCERNING MILITARY ROLES AND MISSIONS.—Using the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend (1) the functions for which each military department should organize, train, and equip forces, (2) the missions of combatant commands, and (3) the roles that Congress should assign to the various military elements of the Department of Defense.

(f) RECOMMENDATIONS CONCERNING CIVILIAN ELEMENTS OF DEPARTMENT OF DEFENSE.—The Commission may address the roles, missions, and functions of civilian portions of the Department of Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, functions, and mission.

(g) RECOMMENDATIONS CONCERNING PROCESS FOR FUTURE CHANGES.—The Commission shall also recommend a process for maintaining roles, missions, and functions in congruence with the strategic environment as it changes in the future.

**SEC. 1405. REPORTS.**

(a) IMPLEMENTATION PLAN.—Not later than three months after the date on which the Commission is estab-

lished, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a multiyear plan for the work of the Commission, including the subjects to be addressed in the program of the Commission for each year of its existence. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

(b) ANNUAL REPORT.—The Commission shall, not later than March 1 of each year from 1995 through 1999, submit to the committees named in subsection (a) a report setting forth the activities of the Commission during the preceding year and any recommendations for legislation that the Commission considers advisable. The Commission shall submit a preliminary version of each such annual report to the Secretary of Defense and Chairman of the Joint Chiefs of Staff not later than December 25 of the preceding year, and the Secretary and Chairman shall submit comments thereon to the Commission not later than the following February 1.

(c) ASSESSMENT OF IMPLEMENTATION.—In each report under subsection (b) after the first, the Commission shall include its assessment of the performance of the Department of Defense to that date in carrying out any rec-

ommendations made by the Commission in any previous reports under this section.

(d) COORDINATION WITH TRIENNIAL JCS ROLES AND MISSIONS REPORT.—Any report of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, that is submitted to the Secretary of Defense during the period of the existence of the Commission shall also be submitted to the Commission. In its next report under subsection (b) after receiving any such report of the Chairman of the Joint Chiefs of Staff, the Commission shall provide its assessment of the Chairman's report.

**SEC. 1406. POWERS.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subpart. Upon request of the chairman of the Commission, the head of such

department or agency shall furnish such information expeditiously to the Commission.

**SEC. 1407. COMMISSION PROCEDURES.**

(a) MEETINGS.—The Commission shall meet at the call of the chairman.

(b) QUORUM.—

(1) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

**SEC. 1408. PERSONNEL MATTERS.**

(a) PAY OF MEMBERS.—Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

**SEC. 1409. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) TRAVEL.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

**SEC. 1410. PAYMENT OF COMMISSION EXPENSES.**

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allow-

ances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

**SEC. 1411. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 90 days after the date on which it submits its final report under section 1405.

# TITLE XV—NATIONAL COMMISSION ON ARMS CONTROL

**SEC. 1501. SHORT TITLE.**

This title may be cited as the ''National Commission on Arms Control Act''.

**SEC. 1502. FINDINGS.**

Congress finds that—

(1) the global proliferation of strategic and conventional military weapons and related equipment and the technology necessary to produce such weapons and equipment undermines regional security and international stability;

(2) regional arms races involving such military weapons and related equipment diverts vital resources from economic development and increases the risk of aggressive and preemptive war;

(3) national self-restraint in the export of such military weapons and related equipment requires multilateral cooperation; and

(4) as a world leader, the United States has a responsibility to help stop such global proliferation and guide all countries toward a safer world.

**SEC. 1503. ESTABLISHMENT.**

There is established a commission to be known as the ''National Commission on Arms Control'' (in this title referred to as the ''Commission'').

**SEC. 1504. DUTIES.**

(a) STUDY.—The Commission shall conduct a study of the factors which contribute to the global proliferation of strategic and conventional military weapons and related equipment and the technology necessary to produce such weapons and equipment.

(b) CONDUCT OF STUDY.—In carrying out the study under subsection (a), the Commission shall—

(1) identify those factors contributing to global weapons proliferation which can be most effectively regulated;

(2) study the factors essential to promoting and implementing a policy of redirecting and converting existing foreign and domestic defense industries from the production of strategic and conventional

military weapons and related equipment to the production and distribution of non-military goods and services;

(3) examine the training program options required for defense industry personnel likely to be directly affected by any program aimed at conversion of defense industries to civilian purposes;

(4) identify and assess policy approaches the United States could utilize to discourage transfers of strategic and conventional military weapons and related equipment and the technology necessary to produce such weapons and equipment to developing nations;

(5) assess the effectiveness of current multilateral efforts to control transfers of such military weapons and related equipment and the technology necessary to produce such weapons and equipment to developing nations; and

(6) identify and examine methods by which the United States could independently discourage transfers of such military weapons and related equipment and the technology necessary to produce such weapons and equipment to developing nations, including placing conditions on assistance provided by the United States to such developing nations.

**SEC. 1505. MEMBERSHIP.**

(a) VOTING MEMBERS.—

(1) NUMBER AND APPOINTMENT.—The Commission may be composed of 12 voting members, to be appointed not later than 60 days after the date of the enactment of this Act, as follows:

(A) 4 members appointed by the President.

(B) 2 members appointed by the majority leader of the Senate.

(C) 2 members appointed by the minority leader of the Senate.

(D) 2 members appointed by the Speaker of the House of Representatives.

(E) 2 members appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—The voting members shall be chosen from among individuals with expertise in defense issues, defense conversion, worker training, arms control, diplomacy or international affairs, business, and international economics.

(b) NONVOTING MEMBERS.—The Commission may appoint not more than 6 nonvoting members who shall be chosen from among—

(1) individuals with expertise in defense conversion and worker training; and

(2) executives from the defense industry, financial institutions, and entities organized for the purpose of conducting interdisciplinary research in political, economic, and social issues.

(c) TERMS.—

(1) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—

(1) RATES OF PAY.—Except as provided in paragraph (2), each member may be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS–17 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the actual performance of duties of the Commission.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Except as provided in subsection (e), members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits, by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRPERSON.—The Chairperson of the Commission shall be elected by a majority of the voting members.

(h) MEETINGS.—The Commission shall meet at the call of the Chairperson.

**SEC. 1506. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.**

(a) DIRECTOR.—The Commission may have a Director, who shall be appointed by the Chairperson. The Director may be paid at a rate not to exceed the maximum rate of basic pay payable for GS–16 of the General Schedule under section 5332 of title 5, United States Code.

(b) STAFF.—Subject to rules prescribed by the Commission, the Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5,

United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS–16 of the General Schedule.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable for GS–17 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under section 1504.

**SEC. 1507. POWERS.**

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out section 1504, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any Federal agency any information necessary to enable the Commission to carry out section 1504. Upon request of the Chairperson of the Commission, the head of the agency shall furnish such information to the Commission to the extent such information is not prohibited from disclosure by law.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Commission to carry out its duties under section 1504, and for other services.

**SEC. 1508. REPORT.**

Not later than 18 months after the date on which the initial members of the Commission have been appointed under section 1505(a), the Commission shall submit a report to the President and the Congress which shall contain—

(1) a detailed statement of the findings and conclusions of the study conducted under section 1504; and

(2) recommendations to support and undertake both unilateral and multilateral initiatives to—

(A) stop the global proliferation of strategic and conventional military weapons and related equipment and the technology necessary to produce such weapons and equipment; and

(B) promote and implement the conversion of existing foreign and domestic defense industries from the production of strategic and conventional military weapons and related equipment to the production of non-military goods and services.

**SEC. 1509. TERMINATION.**

The Commission shall terminate 30 days after submitting its report pursuant to section 1508.

**SEC. 1510. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for fiscal years 1993 and 1994 such sums as may be necessary to carry out this title.

# DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

**SEC. 2001. SHORT TITLE.**

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1994''.

# TITLE XXI—ARMY

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Fort Rucker | $42,650,000 |
| Arizona | Fort Huachuca | $8,850,000 |
| California | Fort Irwin | $5,900,000 |
| Colorado | Fort Carson | $4,050,000 |
| | Fitzsimons Medical Center | $10,000,000 |
| Georgia | Fort Benning | $37,650,000 |
| | Fort Stewart | $18,800,000 |

**Army: Inside the United States**—Continued

| State | Installation or location | Amount |
|---|---|---|
| Hawaii | Schofield Barracks | $18,600,000 |
| Kentucky | Fort Campbell | $40,300,000 |
| | Fort Knox | $41,350,000 |
| Maryland | Aberdeen Proving Ground | $21,700,000 |
| | Fort Detrick | $2,000,000 |
| Missouri | Fort Leonard Wood | $1,000,000 |
| Nevada | Hawthorne Army Ammunition Plant | $7,000,000 |
| New Jersey | Fort Monmouth | $7,500,000 |
| | Picatinny Arsenal | $11,050,000 |
| New Mexico | White Sands Missile Range | $3,300,000 |
| New York | Fort Drum | $4,500,000 |
| | United States Military Academy, West Point | $13,800,000 |
| North Carolina | Fort Bragg | $118,690,000 |
| Oklahoma | Fort Sill | $27,200,000 |
| Pennsylvania | Tobyhanna Army Depot | $750,000 |
| South Carolina | Fort Jackson | $2,700,000 |
| Texas | Fort Bliss | $29,600,000 |
| | Fort Hood | $56,500,000 |
| | Fort Sam Houston | $5,651,000 |
| Utah | Dugway Proving Ground | $16,500,000 |
| | Tooele Army Depot | $1,500,000 |
| Virginia | Fort Belvoir | $860,000 |
| | Fort Lee | $32,600,000 |
| | Fort Myer | $6,800,000 |
| Washington | Fort Lewis | $14,200,000 |
| CONUS Various | Classified Locations | $1,852,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Johnston Island | Johnston Island | $1,700,000 |
| Kwajalein Atoll | Kwajalein | $21,200,000 |
| OCONUS Classified | Classified Locations | $3,600,000 |

**SEC. 2102. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Army: Family Housing**

| State | Installation | Purpose | Amount |
|---|---|---|---|
| California | Fort Irwin | 220 units | $25,000,000 |
| Hawaii | Schofield Barracks | 348 units | $52,000,000 |
| Maryland | Fort Meade | 275 units | $26,000,000 |
| Nevada | Hawthorne Army Ammunition Plant | Demolition | $500,000 |
| New York | U.S. Military Academy, West Point | 100 units | $15,000,000 |
| North Carolina | Fort Bragg | 224 units | $18,000,000 |
| Wisconsin | Fort McCoy | 16 units | $2,950,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction

or improvement of family housing units in an amount not to exceed $11,805,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $69,630,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,402,338,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $615,403,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $26,500,000.

(3) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year

1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), $110,900,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,161,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $220,885,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,150,089,000 of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

**SEC. 2105. CONSTRUCTION OF CHEMICAL MUNITIONS DISPOSAL FACILITIES.**

(a) LIMITATION ON CONSTRUCTION.—None of the amounts appropriated pursuant to the authorization of appropriations in section 2104(a) may be obligated for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama, until the Secretary of Defense submits a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the Johnston Atoll Chemical Agent Disposal System has been fully operational for a period of six

consecutive months, has met all required environmental and safety standards, and has proven to be operationally effective; and

(2) if the Secretary of the Army awards a construction contract for the chemical munitions disposal facility at Anniston Army Depot, Alabama, the Secretary of the Army will schedule the award of a construction contract for a chemical munitions disposal facility at another non-low-volume chemical weapons storage site in the continental United States during the same 12-month period in which the construction contract for the facility at the Anniston Army Depot is awarded.

# TITLE XXII—NAVY

## SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| California | Alameda Naval Air Station | $4,700,000 |

**Navy: Inside the United States**—Continued

| State | Installation or location | Amount |
|---|---|---|
| | Barstow Marine Corps Logistics Base | $8,690,000 |
| | Camp Pendleton Marine Corps Air Station | $3,850,000 |
| | Camp Pendleton Marine Corps Base | $11,130,000 |
| | El Toro Marine Corps Air Station | $1,950,000 |
| | Fallbrook Naval Weapons Station Annex | $4,630,000 |
| | Lemoore Naval Air Station | $1,930,000 |
| | Oakland Naval Supply Center | $10,000,000 |
| | San Diego Naval Hospital | $2,700,000 |
| | San Diego Fleet Industrial Supply Center | $2,270,000 |
| | San Diego Marine Corps Recruit Depot | $1,130,000 |
| | San Diego Naval Training Center | $700,000 |
| | Twentynine Palms, Marine Corps Air-Ground Combat Center | $7,900,000 |
| Connecticut | New London Naval Submarine Base | $40,940,000 |
| District of Columbia | Washington COMNAVDIST | $3,110,000 |
| | Washington NRL | $2,380,000 |
| Florida | Cecil Field, Naval Air Station | $1,500,000 |
| | Jacksonville Naval Air Station | $14,420,000 |
| | Mayport Naval Station | $3,260,000 |
| | Pensacola Naval Air Station | $6,420,000 |
| Georgia | Albany Marine Corps Logistics Base | $940,000 |
| | Kings Bay Naval Submarine Base | $10,920,000 |
| | Kings Bay Tri-Training Facility | $3,870,000 |
| Hawaii | Barbers Point Naval Air Station | $4,050,000 |
| | Honolulu NCTAMS EPAC | $9,120,000 |
| | Pearl Harbor NISMF | $2,620,000 |
| | Pearl Harbor Naval Submarine Base | $54,140,000 |
| | Pearl Harbor Public Works Center | $27,540,000 |
| Indiana | Crane Naval Surface Warfare Center | $9,600,000 |
| Maine | Kittery Portsmouth Naval Shipyard | $4,780,000 |
| Maryland | Bethesda National Naval Medical Center | $3,090,000 |
| | Indian Head Naval Surface Warfare Center | $3,400,000 |
| | Patuxent River Naval Air Warfare Center | $9,300,000 |
| New Jersey | Earle Naval Weapons Station | $2,580,000 |
| Nevada | Fallon Naval Air Station | $1,600,000 |
| North Carolina | Camp Lejeune Marine Corps Base | $41,290,000 |
| | Camp Lejeune Naval Hospital | $2,370,000 |
| | Cherry Point Marine Corps Air Station | $7,500,000 |
| Pennsylvania | Philadelphia ASO | $1,900,000 |

**Navy: Inside the United States**—Continued

| State | Installation or location | Amount |
|---|---|---|
| | Philadelphia NISMF | $8,660,000 |
| | Philadelphia Naval Shipyard | $13,500,000 |
| Rhode Island | Newport Naval Education and Training Center | $18,300,000 |
| South Carolina | Beaufort Marine Corps Air Station | $10,900,000 |
| | Charleston Naval Weapons Station | $580,000 |
| Tennessee | Memphis Naval Air Station | $2,050,000 |
| Texas | Corpus Christi Naval Air Station | $1,670,000 |
| Virginia | Chesapeake MCSFBN NW | $5,380,000 |
| | Craney Island FISC Annex | $11,740,000 |
| | Norfolk Armed Forces College | $8,800,000 |
| | Norfolk COMOPTEVFOR | $8,100,000 |
| | Norfolk NADEP | $17,800,000 |
| | Norfolk Naval Air Station | $12,270,000 |
| | Norfolk Naval Station | $3,000,000 |
| | Norfolk Public Works Center | $5,330,000 |
| | Oceana Naval Air Station | $7,100,000 |
| | Portsmouth Norfolk Naval Shipyard | $13,420,000 |
| | Quantico MCCOMBDEV CMD | $7,450,000 |
| | Wallops Island NSURFWPN CND | $10,170,000 |
| Washington | Bangor Naval Submarine Base | $3,100,000 |
| | Everett Naval Station | $34,000,000 |
| | Keyport NUWC Division | $8,980,000 |
| Various Locations | Wastewater Collection and Treatment Facilities | $3,260,000 |
| | Land Acquisition | $540,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Guam | Naval Hospital | $2,460,000 |
| | MSCO | $2,170,000 |
| | Anderson Air Force Base NAF | $7,310,000 |

**Navy: Outside the United States**—Continued

| Country | Installation or location | Amount |
|---|---|---|
| | Naval Magazine | $3,750,000 |
| | Naval Ocean Communication Center | $690,000 |
| | Naval Station | $14,520,000 |
| | Fleet/Industrial Supply Center | $22,440,000 |
| | Public Works Center | $20,680,000 |
| Italy | Naples NSA | $11,740,000 |
| | Sigonella Naval Air Station | $13,760,000 |
| Spain | Rota Naval Station | $2,670,000 |
| Various Locations | Host Nation Infrastructure Support | $2,960,000 |
| | Land Acquisition | $800,000 |

1 **SEC. 2202. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2204(a)(5)(A), the Secretary of the
5 Navy may construct or acquire family housing units (in-
6 cluding land acquisition) at the installations, for the pur-
7 poses, and in the amounts set forth in the following table:

**Navy: Family Housing**

| State | Installation | Purpose | Amount |
|---|---|---|---|
| California | San Diego Navy Public Works Center | 318 units | $36,571,000 |
| District of Columbia | Washington Navy Public Works Center | 188 units | $21,556,000 |
| Florida | Pensacola Navy Public Works Center | Housing Self Help/Warehouse | $300,000 |
| Georgia | Kings Bay NSB | Housing Office/ Self Help/ Warehouse | $790,000 |
| Maine | Brunswick NAS | Mobile Home Spaces | $490,000 |
| Virginia | Norfolk PWC/ NAB Little Creek | 392 units | $50,674,000 |
| | Oceana NAS | Community Center | $860,000 |

**Navy: Family Housing**—Continued

| State | Installation | Purpose | Amount |
|---|---|---|---|
| Washington ..... | Bangor NAVSUBASE .. | 290 units ..... | $27,438,000 |
| United Kingdom | London NAVACTS ..... | 81 units ..... | $15,470,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $190,696,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,978,167,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $550,320,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $105,950,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $78,573,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $367,769,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $860,055,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(6) For the construction of the large anachoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized

by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat. 2590), $10,000,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

# TITLE XXIII—AIR FORCE

## SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Gunter Air Force Base Annex | $4,680,000 |
| | Maxwell Air Force Base | $16,170,000 |
| Alaska | Eielson Air Force Base | $7,800,000 |
| | Elmendorf Air Force Base | $30,805,000 |
| Arizona | Davis Monthan Air Force Base | $7,350,000 |
| | Luke Air Force Base | $12,750,000 |
| | Navajo Army Depot | $7,250,000 |
| Arkansas | Little Rock Air Force Base | $4,500,000 |

**Air Force: Inside the United States**—Continued

| State | Installation or location | Amount |
|---|---|---|
| California | Beale Air Force Base | $3,150,000 |
| | Edwards Air Force Base | $11,300,000 |
| | McClellan Air Force Base | $10,200,000 |
| | Travis Air Force Base | $19,140,000 |
| | Vandenberg Air Force Base | $20,728,000 |
| Colorado | Buckley Air National Guard Base | $21,500,000 |
| | Cheyenne Mountain Air Force Base | $4,450,000 |
| | Peterson Air Force Base | $21,030,000 |
| | United States Air Force Academy | $11,680,000 |
| Delaware | Dover Air Force Base | $7,760,000 |
| District of Columbia | Bolling Air Force Base | $2,000,000 |
| Florida | Cape Canaveral Air Force Station | $19,200,000 |
| | Eglin Air Force Base | $12,050,000 |
| | Eglin Auxiliary Field No. 9 | $7,829,000 |
| | Patrick Air Force Base | $3,850,000 |
| | Tyndall Air Force Base | $2,600,000 |
| Georgia | Moody Air Force Base | $13,700,000 |
| | Robins Air Force Base | $40,370,000 |
| Hawaii | Hickam Air Force Base | $10,250,000 |
| | Kaena Point | $7,350,000 |
| Illinois | Scott Air Force Base | $7,450,000 |
| Kansas | McConnell Air Force Base | $1,900,000 |
| Louisiana | Barksdale Air Force Base | $2,560,000 |
| Maryland | Andrews Air Force Base | $17,990,000 |
| Mississippi | Columbus Air Force Base | $2,900,000 |
| | Keesler Air Force Base | $8,710,000 |
| Missouri | Whiteman Air Force Base | $36,388,000 |
| Montana | Malmstrom Air Force Base | $7,700,000 |
| Nebraska | Offutt Air Force Base | $11,000,000 |
| Nevada | Nellis Air Force Base | $10,100,000 |
| New Jersey | McGuire Air Force Base | $4,000,000 |
| New Mexico | Cannon Air Force Base | $11,915,000 |
| | Holloman Air Force Base | $9,200,000 |
| | Kirtland Air Force Base | $11,944,000 |
| New York | Plattsburg Air Force Base | $5,100,000 |
| North Carolina | Pope Air Force Base | $8,600,000 |
| | Seymour Johnson Air Force Base | $5,380,000 |
| North Dakota | Grand Forks Air Force Base | $5,850,000 |
| | Minot Air Force Base | $2,000,000 |
| Ohio | Wright-Patterson Air Force Base | $27,650,000 |
| Oklahoma | Altus Air Force Base | $7,710,000 |
| | Tinker Air Force Base | $20,749,000 |
| | Vance Air Force Base | $11,000,000 |
| South Carolina | Charleston Air Force Base | $1,100,000 |
| | Shaw Air Force Base | $5,870,000 |
| South Dakota | Ellsworth Air Force Base | $6,830,000 |
| Tennessee | Arnold Air Force Base | $1,500,000 |
| | Memphis Naval Air Station | $6,200,000 |
| Texas | Brooks Air Force Base | $8,400,000 |

**Air Force: Inside the United States**—Continued

| State | Installation or location | Amount |
|---|---|---|
| | Dyess Air Force Base | $15,590,000 |
| | Goodfellow Air Force Base | $3,700,000 |
| | Kelly Air Force Base | $27,481,000 |
| | Lackland Air Force Base | $30,093,000 |
| | Laughlin Air Force Base | $8,650,000 |
| | Randolph Air Force Base | $5,300,000 |
| | Reese Air Force Base | $900,000 |
| | Sheppard Air Force Base | $18,030,000 |
| Utah | Hill Air Force Base | $27,980,000 |
| Virginia | Langley Air Force Base | $12,450,000 |
| Washington | Fairchild Air Force Base | $3,500,000 |
| | McChord Air Force Base | $10,900,000 |
| Wyoming | F.E. Warren Air Force Base | $12,640,000 |
| Various Locations | Classified | $8,140,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Antigua Island | Antigua Air Station | $1,000,000 |
| Ascension Island | Ascension Auxiliary Air Field | $3,400,000 |
| Germany | Ramstein Air Base | $3,100,000 |
| Greenland | Thule Air Base | $5,492,000 |
| Guam | Andersen Air Force Base | $4,100,000 |
| Indian Ocean | Diego Garcia Air Base | $2,260,000 |
| Oman | Thumrait Air Base | $1,800,000 |
| Turkey | Incirlik Air Base | $2,400,000 |
| United Kingdom | RAF Mildenhall | $4,800,000 |
| Classified | Classified Location | $5,500,000 |

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

| State or Country | Installation | Purpose | Amount |
|---|---|---|---|
| Alabama | Maxwell Air Force Base | 55 units | $4,080,000 |
| Arkansas | Little Rock Air Force Base | Housing Office/ Maintenance Facility | $980,000 |
| California | Vandenberg Air Force Base | 166 units | $21,907,000 |
| Florida | Patrick Air Force Base | 155 units | $15,388,000 |
| | Tyndall Air Force Base | Infrastructure | $5,732,000 |
| Georgia | Robins Air Force Base | 117 units | $7,424,000 |
| Louisiana | Barksdale Air Force Base | 118 units | $8,578,000 |
| Massachusetts | Hanscom Air Force Base | 48 units | $5,135,000 |
| Montana | Malmstrom Air Force Base | Housing Office | $581,000 |
| Texas | Dyess Air Force Base | Housing Maintenance Facility | $281,000 |
| | Lackland Air Force Base | 111 units | $8,770,000 |
| Virginia | Langley Air Force Base | Housing Office | $452,000 |
| Washington | Fairchild Air Force Base | 1 unit | $184,000 |
| Wyoming | F.E. Warren Air Force Base | 104 units | $10,572,000 |
| Italy | Comiso Air Base | 460 units | $20,200,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,901,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,181,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,031,428,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $794,492,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $33,852,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,882,000.

(5) For advances to the Secretary of Transportation for construction of Defense Access Roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2594) for the construction of the climatic test chamber at Eglin Air Force Base, Florida, $57,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $183,346,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $869,862,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(8) For phase II of the relocation and construction of up to 1,068 family housing units at Scott Air Force Base, Illinois, authorized by section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat. 2590), $10,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

**SEC. 2305. RELOCATION OF AIR FORCE ACTIVITIES FROM SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE AIR FORCE BASE, CALIFORNIA.**

(a) STUDENT DORMITORY.—Section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended in the matter under the heading ''CALIFORNIA''—

(1) by striking out ''Sierra Army Depot, $3,650,000.''; and

(2) by striking out ''Beale Air Force Base, $6,300,000.'' and inserting in lieu thereof the following: ''Beale Air Force Base, $9,950,000.''.

(b) MUNITION MAINTENANCE FACILITY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended in the matter under the heading ''CALIFORNIA''—

(1) by striking out ''Sierra Army Depot, $2,700,000.''; and

(2) by striking out ''Beale Air Force Base, $2,250,000.'' and inserting in lieu thereof the following: ''Beale Air Force Base, $4,950,000.''.

**SEC. 2306. COMBAT ARMS TRAINING AND MAINTENANCE FACILITY RELOCATION FROM WHEELER AIR FORCE BASE, HAWAII, TO UNITED STATES ARMY SCHOFIELD BARRACKS OPEN RANGE, HAWAII.**

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1770) is amended in the matter under the heading ''HAWAII''—

(1) by striking out ''Wheeler Air Force Base, $3,500,000.'' and inserting in lieu thereof the following: ''Wheeler Air Force Base, $2,100,000.''; and

(2) by inserting after the item relating to Hickam Air Force Base the following new item:

''United States Army Schofield Barracks Open Range, $1,400,000.''.

**SEC. 2307. AUTHORITY TO TRANSFER FUNDS AS PART OF THE IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.**

(a) TRANSFER AUTHORITY.—Subject to subsections (b) and (c), the Secretary of the Air Force may transfer to Maricopa County, Arizona (in this section referred to as the ''County''), funds appropriated for fiscal years beginning after September 30, 1993, for a project, authorized in section 2301(a) of this Act, to widen and make

other improvements to the Dysart Channel that are needed to prevent flooding of Luke Air Force Base, Arizona.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County only for the purpose of conducting the project described in such subsection.

(c) CONDITIONS ON TRANSFER.—Funds may not be transferred pursuant to subsection (a) until after the date on which the Secretary and the County enter into an agreement that addresses cost sharing for the widening and other improvements to be made to the Dysart Channel and such other matters associated with the project as the Secretary considers to be appropriate.

(d) LIMITATION ON AIR FORCE COST SHARE.—The Air Force share of the costs of the project described in subsection (a) may not exceed the lesser of—

(1) 50 percent of the total project cost; or

(2) $6,000,000.

(e) ACQUISITION OF REAL PROPERTY.—Any acquisition of real property for the project described in subsection (a) by the County on behalf of the Air Force shall require the approval of the Secretary of the Air Force. Upon completion of the project, all right, title, and interest in real property contiguous to the existing right-of-way so acquired shall be transferred to the United States.

**SEC. 2308. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL CONSTRUCTION FOR LACKLAND AIR FORCE BASE, TEXAS.**

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the Lackland Independent School District, Texas, not more than $8,000,000 of the funds appropriated by the Military Construction Appropriations Act, 1993 (Public Law 102–380; 106 Stat. 1366), pursuant to the authorization of appropriations in section 2304(a)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2596) for military construction relating to Lackland Air Force Base, Texas, as authorized in section 2301(a) of such Act.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the Lackland Independent School District to pay for the design and construction of a new high school, the renovation of an elementary school, and the design and construction of a new kindergarten and special education facility.

**SEC. 2309. AUTHORITY TO TRANSFER FUNDS AS PART OF THE REPLACEMENT FAMILY HOUSING PROJECT AT SCOTT AIR FORCE BASE, ILLINOIS.**

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the

County of St. Clair, Illinois (in this section referred to as the ''County''), funds appropriated for the construction of 1,068 units of military family housing at Scott Air Force Base, Illinois, as authorized in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595).

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County to pay for the construction of a replacement family housing complex for Scott Air Force Base at a location acceptable to the Secretary of the Air Force.

# TITLE XXIV—DEFENSE AGENCIES

## SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

| Agency | Installation or location | Amount |
|---|---|---|
| Defense Logistics Agency | Defense Reutilization and Marketing Office, Fairbanks, Alaska | $6,500,000 |

**Defense Agencies: Inside the United States**—Continued

| Agency | Installation or location | Amount |
|---|---|---|
| | Defense Reutilization and Marketing Office, March Air Force Base, California | $630,000 |
| | Defense Fuel Support Point, Pearl Harbor, Hawaii | $2,250,000 |
| | Defense Construction Supply Center, Columbia, Ohio | $3,100,000 |
| | Defense Electronic Supply Center, Dayton, Ohio | $6,000,000 |
| | Defense Reutilization and Marketing Office, Hill Air Force Base, Utah | $1,700,000 |
| | Defense General Supply Center, Richmond, Virginia | $17,000,000 |
| | Fort Belvoir, Virginia | $5,200,000 |
| | Marine Corps Air Station, Yuma, Arizona | $6,000,000 |
| Defense Medical Facility Office | Cannon Air Force Base, New Mexico | $13,600,000 |
| | Edwards Air Force Base, California | $1,700,000 |
| | Ellsworth Air Force Base, South Dakota | $1,400,000 |
| | Fairchild Air Force Base, Washington | $8,250,000 |
| | Fort Detrick, Maryland | $4,300,000 |
| | Fort Eustis, Virginia | $3,650,000 |
| | Fort Sam Houston, Texas | $4,800,000 |
| | Grand Forks Air Force Base, North Dakota | $860,000 |
| | Naval Education Training Center, Rhode Island | $4,000,000 |
| | Offutt Air Force Base, Nebraska | $1,100,000 |
| National Security Agency | Fort Meade, Maryland | $53,630,000 |
| Office Secretary of Defense | Various Locations, Special Activities, Air Force | $16,355,000 |
| Section 6 Schools | Camp Lejeune, North Carolina | $1,793,000 |
| | Fort Bragg, North Carolina | $8,838,000 |
| | Fort Campbell, Kentucky | $13,182,000 |
| | Fort Knox, Kentucky | $7,707,000 |
| | Fort McClellan, Alabama | $2,798,000 |
| | Quantico Marine Corps Base, Virginia | $422,000 |
| | Robins Air Force Base, Georgia | $3,160,000 |
| Special Operations Force | Eglin Auxiliary Field No. 9, Florida | $19,582,000 |
| | Fort Campbell, Kentucky | $4,300,000 |
| | Fort Bragg, North Carolina | $38,450,000 |
| | Little Creek Naval Amphibious Base, Virginia | $7,500,000 |
| | Olmstead Field, Pennsylvania | $1,300,000 |

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-

tions in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

| Agency | Installation or location | Amount |
|---|---|---|
| Defense Logistics Agency ..... | Diego Garcia ..... | $9,558,000 |
| | Roosevelt Roads, Puerto Rico ..... | $5,800,000 |

**SEC. 2402. ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,198,684,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $271,057,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $15,358,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4035), $75,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $20,000,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $48,140,000.

(6) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military

Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $37,000,000.

(7) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $35,000,000.

(8) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $5,000,000.

(9) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(12) For energy conservation projects authorized by section 2402, $60,000,000.

(13) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $127,870,000.

(14) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note):

(A) For military installations selected for closure or realignment in 1991, $2,200,500,000.

(B) For military installations selected for closure or realignment in 1993, $1,306,000,000.

(15) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost

of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b).

# TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

### SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

### SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $240,000,000.

# TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

## SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $229,023,000; and

(B) for the Army Reserve, $88,433,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $20,591,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $218,114,000; and

(B) for the Air Force Reserve, $84,004,000.

(b) INCREASE IN ARMY NATIONAL GUARD AUTHORIZATION.—The amount provided in subsection (a)(1)(A)

for the Army National Guard of the United States is hereby increased by $4,867,000.

(c) OFFSETTING REDUCTION.—The amount provided in section 2104(a) for military construction, land acquisition, and military family housing functions of the Department of the Army, and the amount provided in paragraph (3) of such section for construction of the Chemical Demilitarization Facility, Anniston Army Depot, Alabama, are each hereby reduced by $4,867,000.

**SEC. 2602. TERMINATION OF AUTHORITY TO CARRY OUT LAND ACQUISITION FOR ARMY NATIONAL GUARD TRAINING AREA IN MUSKINGUM COUNTY, OHIO.**

(a) REDUCTION IN FISCAL YEAR 1991 AUTHORIZATION.—Section 2601(1)(A) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1781), as amended by section 2602(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1535), is further amended by striking out ''$314,887,000'' and inserting in lieu thereof ''$309,217,000''.

(b) PURPOSE OF REDUCTION.—The amount of the reduction in the amount authorized to be appropriated for the Army National Guard of the United States under sec-

tion 2601(1)(A) of the National Defense Authorization Act for Fiscal Year 1991 corresponds to the amount authorized to be appropriated by such section for land acquisition to establish an Army National Guard Training Area in Muskingum County, Ohio, and the authority of the Secretary of Defense or the Secretary of the Army to carry out such land acquisition is hereby terminated.

# TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

## SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

**SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.**

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510, 104 Stat. 1758), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the

1 date of the enactment of an Act authorizing funds for mili-
2 tary construction for fiscal year 1995, whichever is later.
3 (b) TABLES.—The tables referred to in subsection (a)
4 are as follows:

**Army: Extension of 1991 Project Authorizations**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Maryland | Aberdeen Proving Ground | Toxicology Research Facility | $33,000,000 |
| Missouri | Fort Leonard Wood | Child Development Center | $3,050,000 |
| Virginia | Fort Myer | Child Development Center | $2,150,000 |

**Air Force: Extension of 1991 Project Authorizations**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Alaska | Clear Air Force Station | Alter Dormitory (Phase II) | $5,000,000 |
| California | Sierra Army Depot | Dormitory | $3,650,000 |
| Colorado | Buckley Air National Guard Base | Child Development Center | $4,550,000 |
| | United States Air Force Academy | Consolidated Education & Training Facility | $15,000,000 |
| Hawaii | Hickam Air Force Base | Dormitory | $6,100,000 |
| | Wheeler Air Force Base | Combat Arms Training & Maintenance Facility | $1,400,000 |
| Oklahoma | Tinker Air Force Base | AWACS Aircraft Fire Protection | $2,750,000 |
| Texas | Dyess Air Force Base | Corrosion Control Facility | $4,100,000 |
| Utah | Hill Air Force Base | Depot Warehouse | $16,000,000 |

**Defense Agencies: Extension of 1991 Project Authorizations**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Maryland ..... | DLA, Defense Reutilization and Marketing Office, Fort Meade ..... | Covered Storage | $9,500,000 |

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.**

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189, 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act (103 Stat. 1631) and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2604), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 1990 Project Authorizations**

| State | Installation | Project | Amount |
|---|---|---|---|
| Colorado ..... | Lowry Air Force Base ..... | Computer operations facility .. | $15,500,000 |

**Air Force: Extension of 1990 Project Authorizations**—Continued

| State | Installation | Project | Amount |
|---|---|---|---|
| | | Logistics support facility ..... | $3,500,000 |

**SEC. 2704. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1993; and

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

# TITLE XXVIII—GENERAL PROVISIONS

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

**SEC. 2801. INCREASE IN THE MAXIMUM AMOUNT AUTHORIZED TO BE OBLIGATED FOR EMERGENCY CONSTRUCTION IN A FISCAL YEAR.**

Section 2803(c)(1) of title 10, United States Code, is amended by striking out ''$30,000,000'' and inserting in lieu thereof ''$50,000,000''.

**SEC. 2802. MILITARY FAMILY HOUSING LEASING PROGRAMS.**

(a) LEASES IN UNITED STATES, PUERTO RICO, OR GUAM.—Subsection (b) of section 2828 of title 10, United

States Code, is amended by adding at the end the following new paragraph:

''(4) The maximum rental amount under paragraphs (2) and (3) shall be adjusted annually at the beginning of each fiscal year by an amount which corresponds to the change in the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, for the previous one-year period ending on September 30.''.

(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e) of such section is amended—

(1) in the first sentence of paragraph (1), by striking out ''as adjusted for foreign currency fluctuation from October 1, 1987.'' and inserting in lieu thereof '', except that 300 units may be leased for not more than $25,000 per unit per year.''; and

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

''(3) The dollar limitations contained in paragraph (1) shall be adjusted—

''(A) for foreign currency fluctuation from October 1, 1987; and

''(B) annually at the beginning of each fiscal year by an amount which corresponds to the change in the Consumer Price Index for all Urban Consum-

ers, published by the Bureau of Labor Statistics for the Department of Labor, for the previous one-year period ending on September 30.''.

**SEC. 2803. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.**

Section 2483 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period the following: ''and may be used, subject to the availability of appropriations for this purpose, to carry out energy-related military construction projects as authorized in sections 2805(a)(1) and 2865(a)(3) of this title''; and

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

''(c) When a decision is made to carry out an energy-related military construction project under section 2805(a)(1) or 2865(a)(3) of this title using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.''.

**SEC. 2804. ENERGY SAVINGS AT MILITARY INSTALLATIONS.**

(a) ENERGY EFFICIENT MAINTENANCE.—Subsection (a) of section 2865 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ‘‘, including energy efficient maintenance,’’ after ‘‘conservation measures’’; and

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

‘‘(4) For purposes of paragraph (3), the term ‘energy efficient maintenance’ includes—

‘‘(A) the repair by replacement of equipment or systems with the best available technology to meet the same end needs, such as lighting, heating, cooling, or industrial process; and

‘‘(B) improvements in the operation and maintenance process that result in energy cost savings, such as training or improved controls.’’.

(b) USE OF AMOUNTS FROM SALES OF ELECTRICITY.—Subsection (b)(2) of such section is amended by inserting ‘‘and pursuant to section 2483(b) of this title’’ after ‘‘under paragraph (1)’’.

**SEC. 2805. AUTHORIZATION TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.**

(a) ESTABLISHMENT OF AUTHORITY.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

**"SEC. 2813. ACQUISITION OF EXISTING FACILITIES IN LIEU OF CONSTRUCTION.**

''(a) ACQUISITION AUTHORITY.—Subject to subsections (b) and (c), if the Secretary concerned determines that an existing facility at or near a military installation would satisfy the requirements of a military construction project authorized by law, the Secretary may acquire that facility, including real property, using the funds appropriated for the authorized construction project in lieu of carrying out the authorized construction project.

''(b) REQUIRED DETERMINATION.—The authority provided by this section may only be exercised if the Secretary concerned makes a determination that the acquisition of an existing facility in lieu of new construction is in the best interests of the Government.

''(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into under this section until the end of the 21-day period beginning on the date the Secretary concerned notifies Congress in writing of the trans-

action proposed in the contract, the justification for the transaction, and the estimated cost of the transaction.''.

(b) APPLICATION OF SECTION.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to—

(1) projects authorized on or after the date of the enactment of this Act; and

(2) projects authorized before that date for which construction contracts have not been awarded.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2813. Acquisition of existing facilities in lieu of construction.''.

**SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS.**

Section 2834(b) of title 10, United States Code, is amended to read as follows:

''(b) The maximum lease amount specified in section 2828(e)(1) of this title for the rental of family housing in foreign countries shall not apply to housing made available to the Department of Defense under this section. To the extent that the lease amount for units of housing made available under this subsection exceeds such maximum lease amount, such units shall not be counted in applying the limitation contained in such section on the number of

units of family housing for which the Secretary concerned may waive such maximum lease amount.''.

**SEC. 2807. NAVY HOUSING INVESTMENT AGREEMENTS AND HOUSING INVESTMENT BOARD.**

(a) IN GENERAL.—Chapter 649 of title 10, United States Code, is amended by inserting after section 7573 the following new sections:

**"§ 7574. Investment agreements with private developers of housing**

''(a) INVESTMENT AGREEMENTS.—The Secretary of the Navy may enter into investment agreements with private developers to encourage the construction of housing and accessory structures within commuting distance of a military installation under the jurisdiction of the Secretary at which there is a shortage of suitable housing to meet the requirements of members of the naval service with or without dependents.

''(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into an investment agreement under subsection (a) to ensure that, where appropriate—

''(1) members of the naval service will have priority for a fair share of any housing within the scope of the investment contract; or

''(2) rental rates or sale prices, as appropriate, for some or all of the units will be affordable for such members.

''(c) TRANSFER OF NAVY LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of an agreement entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

''(d) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into an agreement under this section shall expire on September 30, 1998.

**"§ 7575. Navy Housing Investment Board**

''(a) ESTABLISHMENT.—The Secretary of the Navy may establish a board to be known as the 'Navy Housing Investment Board'.

''(b) MEMBERS.—(1) The Navy Housing Investment Board shall be composed of seven members appointed for a two-year term by the Secretary. The Secretary may appoint to the Board, without regard to the civil service laws, two persons from the private sector who have knowledge and experience in the financing and the construction of housing.

''(2) The Secretary shall designate one of the members as chairperson of the Board.

''(3) Members of the Board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the Board or otherwise serving at the request of the Secretary, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(c) DUTIES.—The Navy Housing Investment Board shall—

''(1) advise the Secretary regarding which proposed investment agreements under section 7574 of this title, if any, are financially and otherwise sound investments for meeting the objectives of such section; and

''(2) assist the Secretary in such other ways as the Secretary determines to be necessary and appropriate.

''(d) SELECTION OF INVESTMENT OPPORTUNITIES.—Any investment agreement under section 7574 of

this title may be made through the use of publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title, or such other contracting procedures as the Secretary considers to be appropriate.

''(e) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Navy Housing Investment Account', which shall be administered by the Navy Housing Investment Board.

''(2) There shall be deposited into the Account—

''(A) such funds as may be authorized for and appropriated to the Account; and

''(B) any proceeds received from the repayment of investments or profits on investments under section 7574 of this title.

''(3) The Account shall be available without fiscal year limitation for contracts, investments, and expenses necessary for the implementation of this section and section 7574 of this title.

''(f) REPORT.—Not later than 60 days after the end of each fiscal year in which the Secretary and Navy Housing Investment Board carry out activities under section 7574 of this title, the Secretary shall transmit a report to Congress specifying the amount and nature of the deposits into, and the expenditures from, the Account during

such fiscal year and of the amount and nature of all other expenditures made pursuant to such section during such fiscal year.

''(g) TERMINATION OF BOARD.—The Navy Housing Investment Board shall terminate on November 30, 1998.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7573 the following new items:

''7574. Investment agreements with private developers of housing.
''7575. Navy Housing Investment Board.''.

# Subtitle B—Defense Base Closure and Realignment

**SEC. 2811. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.**

(a) BASE CLOSURES UNDER 1988 ACT.—Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title shall be deposited directly into the Department of Defense Base Closure Account 1990, as established by section 2906(a) of

the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out ''and'' at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

''(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

(c) TECHNICAL CORRECTION.—Paragraphs (2) and (3) of section 2906(c) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) are amended by striking out ''after the termination of the Commission'' and inserting in lieu thereof ''after the termination of the authority of the Secretary to carry out a closure or realignment under this part''.

**SEC. 2812. AUTHORITY TO CONTRACT FOR CERTAIN FUNCTIONS AT INSTALLATIONS BEING CLOSED OR REALIGNED.**

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(5) The Secretary of Defense may contract with local governments for community services, including police

and fire protection, at those military installations to be closed under this title if the Secretary determines that it is in the best interest of the Department to have these services provided by local governmental entities.''.

(2) Section 205 of such Act is amended—

(A) by striking out ''and'' at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) chapter 146 of title 10, United States Code.''.

(b) BASE CLOSURES UNDER 1990 ACT.—(1) Subsection (b)(2) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) The Secretary of Defense may contract with local governments for community services, including police and fire protection, at those military installations to be

closed under this part if the Secretary determines that it is in the best interest of the Department to have these services provided by local governmental entities.''.

(2) Subsection (d) of such section is amended—

(A) by striking out ''and'' at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) chapter 146 of title 10, United States Code.''.

**SEC. 2813. INCREASED FUNDING SOURCES FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.**

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subsection (b).

(b) BASE CLOSURES UNDER 1990 ACT.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510;

10 U.S.C. 2687 note) is amended by striking out subsection (e).

(2) Section 2905(a)(1)(C) of such Act is amended by inserting after ''the Account'' the following: ''and, in addition, may use for such purposes other funds appropriated to the Department of Defense and available for environmental restoration and mitigation''.

**SEC. 2814. TESTIMONY BEFORE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.**

(a) OATHS REQUIRED.—Section 2903(d)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after the date of the enactment of this Act.

**SEC. 2815. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.**

(a) INCLUSION OF OTHER DEPOSITORY INSTITUTIONS IN ADDITION TO CREDIT UNIONS.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2687 note) is amended—

(1) by striking ''credit union'' each place it appears and inserting in lieu thereof ''depository institution'';

(2) in subsection (c), by striking ''business''; and

(3) by adding at the end the following new subsection:

''(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term 'depository institution' has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).''.

(b) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

**"SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED.".**

**SEC. 2816. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS PAYING THE COST OF ENVIRONMENTAL RESTORATION ACTIVITIES ON THE PROPERTY.**

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

''(d) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

''(1) Subject to paragraph (2) and the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer real property or facilities located at a military installation closed or to be closed under this title with any person who agrees to pay all costs in connection with all environmental restoration, waste management, and environmental compliance activities that—

''(A) are required for the property or facilities under Federal and State laws, administrative decisions, agreements, and concurrences; and

''(B) are known to be necessary on the date of the agreement, or reasonably could have been known or foreseen to be necessary as a result of Department of Defense activities at the military installation.

''(2) RELATION OF COSTS TO FAIR MARKET VALUE.—A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

''(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

''(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) DISCLOSURE.—As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide this information as soon as possible before entering into the agreement.

"(4) APPLICATION OF CERCLA.—Nothing in this subsection shall be construed to modify or remove the environmental restoration, waste management, and environmental compliance requirements imposed by section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

"(1) Subject to paragraph (2) and the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer real property or facilities located at a military installation closed or to be closed under this title with any person who agrees to pay all costs in connection with all environmental restoration, waste management, and environmental compliance activities that—

"(A) are required for the property or facilities under Federal and State laws, administrative decisions, agreements, and concurrences; and

"(B) are known to be necessary on the date of the agreement, or reasonably could have been known or foreseen to be necessary as a result of Department of Defense activities at the military installation.

"(2) RELATION OF COSTS TO FAIR MARKET VALUE.—A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental

compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

''(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

''(3) DISCLOSURE.—As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide this information as soon as possible before entering into the agreement.

''(4) APPLICATION OF CERCLA.—Nothing in this subsection shall be construed to modify or remove the environmental restoration, waste management, and environmental compliance requirements imposed by section 120(h) of the Comprehensive En-

vironmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).''.

**SEC. 2817. AUTHORITY TO LEASE PROPERTY PENDING FINAL DISPOSITION.**

(a) LEASE AUTHORITY.—Subsection (f) of section 2667 of title 10, United States Code, is amended to read as follows:

''(f)(1) Pending the final disposition of real property (and associated personal property) located at a military installation to be closed or realigned under a base closure law, the Secretary of the military department concerned may lease the property to public or private entities under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

''(2) Notwithstanding subsection (b)(4), in the case of a lease under this subsection to a State or local government, the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease interest if the Secretary concerned determines that there is a public benefit accruing as a result of the lease.

''(3) The limitation contained in subsection (a)(3) shall not apply in selecting real or personal property to be leased under this subsection.''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(g) In this section, the term 'base closure law' means each of the following:

''(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

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

''(3) Section 2687 of this title.''.

**SEC. 2818. ELECTRIC POWER ALLOCATION AND ECONOMIC DEVELOPMENT AT CERTAIN MILITARY INSTALLATIONS TO BE CLOSED IN THE STATE OF CALIFORNIA.**

For a 10-year period beginning on the date of the enactment of this Act, the electric power allocations provided as of that date by the Western Area Power Administration from the Central Valley project to military installations in the State of California selected for closure pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military

installation that is closed or selected for closure pursuant to that Act.

**SEC. 2819. EXPANSION OF BASE CLOSURE LAW TO INCLUDE CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES FOR CLOSURE AND REALIGNMENT.**

(a) EXPANSION OF SCOPE OF BASE CLOSURE LAW.—The Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating sections 2910 and 2911 as sections 2911 and 2912, respectively; and

(2) by inserting after section 2909 the following new section:

**"SEC. 2910. CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.**

''(a) RECOMMENDATIONS FOR TERMINATION AND REDUCTIONS OF MILITARY OPERATIONS OUTSIDE THE UNITED STATES.—With respect to recommendations made in 1995 for the closure and realignment of military installations under this part, the Secretary and the Commission shall include recommendations for the termination and reduction of military operations carried out by the United States at military installations outside the United States.

"(b) SELECTION CRITERIA.—(1) Not later than December 31, 1993, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Department of Defense in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under the preceding sentence.

"(2) Not later than February 15, 1994, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States.

"(3) The criteria developed under this subsection, along with the force-structure plan referred to in section 2903(a), shall be the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States, unless the criteria are—

''(A) disapproved by a joint resolution of Congress enacted on or before March 15, 1994; or

''(B) amended by the Secretary in the manner described in section 2903(b)(2)(B).

''(c) RECOMMENDATIONS OF THE SECRETARY.—The Secretary shall transmit recommendations to the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States. The recommendations shall be included in the recommendations transmitted to the Commission with respect to the closure and realignment of military installations inside the United States under section 2903(c).

''(d) REVIEW AND RECOMMENDATIONS BY COMMISSION.—The Commission shall review the recommendations transmitted by the Secretary under subsection (c). The Commission may make changes in the recommendations made by the Secretary only in the manner provided in subparagraphs (B), (C), and (D) of section 2903(d)(2). The Commission shall include, in its recommendations to the President under section 2903(d), its recommendations for the termination and reduction of military operations of the United States at specified military installations outside the United States.

''(e) REVIEW AND TRANSMITTAL BY THE PRESIDENT.—The recommendations transmitted by the President under section 2903(e) shall contain the recommendations of the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States.''.

(b) EFFECT OF FAILURE TO INCLUDE SUFFICIENT OVERSEAS INSTALLATIONS.—Section 2903 of such Act is amended by adding at the end the following new subsection:

''(f) FAILURE TO INCLUDE SUFFICIENT OVERSEAS INSTALLATIONS.—(1) In the case of the recommendations of the Commission required to be transmitted to the Congress in 1995 pursuant to subsection (e), if the closure or realignment of military installations outside the United States does not account for at least 25 percent of the closure and realignment recommendations of the Commission, as certified by the Commission under paragraph (2), then the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

''(2) In determining whether the percentage specified in paragraph (1) is satisfied, the Commission shall calculate such percentage both in terms of—

''(A) the number of military installations outside the United States recommended for closure or realignment as a percentage of the total number of military installations recommended for closure or realignment that year; and

''(B) the number of military personnel and civilian employees of the Department of Defense stationed or employed outside the United States directly affected by the recommendations as a percentage of the total number of military personnel and civilian employees of the Department of Defense directly affected by the recommendations.''.

(c) CONFORMING AMENDMENTS.—(1) Subsection (b) of section 2901 of such Act is amended to read as follows:

''(b) Purpose.—The purpose of this part is to provide a fair process that will result in the timely closure and realignment of military installations inside and outside the United States.''.

(2) Section 2911 of such Act, as redesignated by subsection (a)(1), is amended—

(A) in paragraph (4), by inserting after the first sentence the following new sentence: ''With respect to military operations carried out by the United States outside the United States, such term includes the sites and facilities at which such oper-

ations are carried out without regard to whether the sites and facilities are owned by the United States.''; and

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

''(8) The terms 'closure' and 'realignment' include, with respect to military operations carried out by the United States outside the United States, the termination or reduction of such operations.''.

**SEC. 2820. LIMITATIONS ON THE REMOVAL OR DISPOSAL OF PERSONAL PROPERTY AND EQUIPMENT IN CONNECTION WITH THE CLOSURE OR MAJOR REALIGNMENT OF MILITARY INSTALLATIONS.**

(a) LIMITATION.—Except as provided in this section, in connection with the closure or major realignment of a military installation pursuant to a base closure law, the Secretary of Defense shall not permit the removal or disposal of any related personal property that—

(1) is located at the installation; and

(2) would be suitable for use by a governmental or private entity obtaining real property at the installation.

(b) AUTHORIZED REMOVALS AND DISPOSALS.—The limitation specified in subsection (a) shall not apply with

respect to the removal or disposal of related personal property from a military installation if—

(1) the property is regularly transferred or removed from the installation, such as in the case of military vehicles and aircraft;

(2) the property is unique to the military and its removal is required to support a specific mission of the Armed Forces; or

(3) the removal or disposal is pursuant to a reuse plan for the installation that is approved by the Secretary and consistent with the inventory requirements specified in subsections (c) and (d).

(c) INVENTORY OF RELATED PERSONAL PROPERTY.—As soon as practicable following the selection of a military installation for closure or major realignment pursuant to a base closure law, the Secretary of the military department exercising jurisdiction over the installation shall order an inventory to be taken of related personal property at the installation.

(d) SELECTION OF PERSONAL PROPERTY FOR RETENTION AT INSTALLATION.—Upon completion of the inventory under subsection (c) for a military installation, the entity recognized by the Secretary of Defense as developing the community base reuse plan for the installation shall be given not less than 12 months within which to

decide whether or not to retain all or a portion of the related personal property at the installation.

(e) DISPOSAL AUTHORITY.—As consideration for the property selected by the entity under subsection (d) to be retained at the installation, the Secretary of Defense may require the entity to pay to the United States such amount, not to exceed the fair market value of the retained property, as the Secretary considers to be appropriate. Related personal property that is not retained by the entity at the installation shall be removed or disposed of by the Secretary pursuant to subsection (b)(3).

(f) DEFINITIONS.—For purposes of this section:

(1) BASE CLOSURE LAW DEFINED.—The term ''base closure law'' means each of the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

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

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) RELATED PERSONAL PROPERTY DEFINED.—The term ''related personal property'' means any personal property owned by the United States that—

(A) is an integral part of real property at a military installation or is related to, designed for, or specially adapted to the functional or productive capacity of the real property, and the removal of this personal property would significantly diminish the economic value of the real property; or

(B) is essential to implement a community base reuse plan and to make the installation fully functional for civilian operations, including such personal property as office furniture and equipment, machine tools and industrial production equipment, dormitory and food service equipment, airport operating equipment, educational and instructional equipment, and spare parts for such personal property sufficient to cover the initial three years of civilian operations.

(3) MAJOR REALIGNMENT.—The term ''major realignment'' means any action under a base closure law that—

(A) reduces and relocates functions and civilian personnel positions at a military installation; and

(B) affects 500 or more employees at the installation.

**SEC. 2821. PREFERENCE FOR LOCAL AND SMALL BUSINESSES.**

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the greatest extent practicable, to qualified businesses located in the vicinity of the installation and small business concerns. Contracts for which this preference shall be given shall include contracts to carry out activities for the environmental restoration and mitigation at a military installation to be closed or realigned.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term ''base closure law'' means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of

Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

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

(C) Section 2687 of title 10, United States Code.

**SEC. 2822. PILOT PROGRAM TO CONVEY CLOSED MILITARY INSTALLATIONS TO NEIGHBORING COMMUNITIES.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to develop, and evaluate the adequacy of, economic revitalization criteria to govern the conveyance of surplus real property and related personal property at closed military installations to local redevelopment authorities in order to assist the communities adjacent to these installations recover from the adverse consequences of the closure of military installations pursuant to the base closure laws.

(b) MILITARY INSTALLATIONS IN THE PILOT PROGRAM.—The pilot program required by this section shall be conducted at Naval Air Station Alameda, California, Naval Depot Alameda, California, Loring Air Force Base,

Maine, Gentile Air Force Station, Ohio, and military installations in Charleston, South Carolina, to be closed.

(c) CONVEYANCE.—Subject to subsection (f), in the case of each military installation included in the pilot program, the Secretary shall convey all right, title, and interest of the United States in all surplus real property and related personal property at the installation to the local redevelopment authority for that installation. If a local redevelopment authority is in existence for such an installation on the date of the enactment of this Act, the conveyance shall be made to that local redevelopment authority.

(d) CONSIDERATION NOT TO BE REQUIRED.—No consideration may be required for a conveyance of property pursuant to this section.

(e) ECONOMIC REVITALIZATION CRITERIA.—As part of the pilot program, the Secretary shall develop economic revitalization criteria to be used as the basis for reviewing redevelopment plans submitted under subsection (f) to ensure that the plans promote the economic revitalization of areas within, and surrounding, closed military installations. Such criteria shall emphasize such factors as job creation, training, technology development, small business concerns, land use planning, and appropriate public purposes.

(f) REDEVELOPMENT PLAN REQUIRED.—To be eligible to receive property under subsection (c), the local redevelopment authority for a military installation included in the pilot project shall submit to the Secretary a redevelopment plan for the installation not later than 120 days after the date on which the installation is first included in the pilot program. Not later than 120 days after the submission of the redevelopment plan, the Secretary shall complete a review of the redevelopment plan using the economic revitalization criteria developed under subsection (e) and either approve the plan or reject the plan as incomplete or inadequate. If the Secretary determines that the redevelopment plan is incomplete or does not adequately address the redevelopment and reuse of the installation, the Secretary shall inform the local redevelopment authority involved of the reasons for the determination and shall give the local development authority a sufficient period within which to resubmit an adequate redevelopment plan.

(g) TIME FOR CONVEYANCE.—The conveyance of all surplus real property and related personal property at a military installation included in the pilot program shall be completed pursuant to the terms of the approved redevelopment plan for the installation, but not later than the date the Secretary officially closes the installation.

(h) RELATIONSHIP TO CERCLA.—Nothing in this section shall be construed as superseding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(i) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit a report to Congress evaluating the success of the pilot program and containing such recommendations as the Secretary considers to be appropriate.

(j) DEFINITIONS.—For purposes of the section:

(1) The term ''military installation'' has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(2) The term ''base closure law'' means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

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

(C) Section 2687 of title 10, United States Code.

**SEC. 2823. BASE DISPOSAL MANAGEMENT COOPERATIVE AGREEMENT.**

(a) USE OF INDEPENDENT SITE MANAGER.—(1) In order to fulfill the responsibilities of the Secretary of Defense under a base closure law, the Secretary may enter into not less than one and not more than 10 cooperative agreements described in section 6305 of title 31, United States Code, with independent entities (in this section referred to as a ''Site Manager'') to assist the Secretary in managing the site planning, approval, preparation, and disposal of excess and surplus real property under the authority delegated to the Secretary for military installations to be closed or realigned under a base closure law. The selection of a Site Manager under this subsection for a military installation shall be made by the Secretary, after suitable public notice, through the good faith exercise of the Secretary's discretion and in consultation with the affected local community in which the military installation is located.

(2) During the term of a cooperative agreement entered under this subsection and the five-year period beginning on the termination date of the cooperative agreement, the Site Manager subject to that cooperative agreement (and its affiliates) shall be barred from bidding for or acquiring any interest in real property or facilities located at any of the military installations to be managed by the

Site Manager, unless such acquisition is necessary to execute the terms of the cooperative agreement.

(b) QUALIFICATIONS.—In selecting a Site Manager under subsection (a), the Secretary of Defense shall ensure that the Site Manager, either directly or through its principals, has had prior experience—

(1) in the site planning of properties located at Federal facilities;

(2) in dealing with local land use authorities in the States in which the military installations to be managed are located;

(3) in managing the cleanup of hazardous waste contamination;

(4) in resolving land use issues under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et. seq.); and

(5) in meeting such other qualifications as the Secretary considers to be necessary to perform the tasks set forth in this section.

(c) DUTIES GENERALLY.—Under the cooperative agreement entered into under subsection (a), a Site Manager shall—

(1) analyze the land use potential of the military installations to be managed by the Site Manager;

(2) coordinate with the applicable State and local authorities to develop reuse options and obtain necessary zoning and infrastructure approvals with respect to these installations;

(3) manage the remediation of any adverse environmental conditions on these installations in accordance with remediation plans prepared and approved pursuant to applicable laws;

(4) coordinate with State and Federal agencies to complete all reports and analyses required under applicable law with respect to these installations;

(5) initiate and coordinate the notices and consultations with Federal, State, regional, and local agencies contemplated under the authority delegated to the Secretary of Defense under a base closure law and the procedures contemplated under section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411);

(6) manage through the use of community assets the maintenance and interim use of these installations pending final disposition;

(7) prepare real property and facilities at these installations for disposal; and

(8) manage the competitive public sale of sale parcels in accordance with subsection (f).

(d) BUDGET AND SUBCONTRACTS.—(1) A Site Manager and the Secretary of Defense shall jointly develop a detailed budget for each phase of the site preparation and approval process for each military installation to be managed by the Site Manager.

(2) The cooperative agreement entered into under subsection (a) shall authorize the Site Manager, through the sole exercise of its reasonable business judgment and in accordance with the approved budget, to engage contractors and other professionals to complete all aspects of the site preparation and approval process, including environmental remediation. A Site Manager shall enter into such contracts in accordance with such contracting guidelines as the Secretary may reasonably require in the cooperative agreement to promote fair competition, fair labor practices, and good faith commercially reasonable efforts to afford contracting opportunities to small business concerns owned by socially- or economically-disadvantaged persons.

(3) The Secretary shall reimburse the Site Manager for the reasonable overhead costs incurred by the Site

Manager and shall make funds available for the timely payment of amounts due under the contracts and subcontracts entered into in accordance with the cooperative agreement and the approved budget.

(e) CONTINUED LIABILITY FOR ENVIRONMENTAL REMEDIATION.—Nothing in this section shall be considered to diminish the liability of the Federal Government with respect to environmental conditions existing on a military installation managed by a Site Manager pursuant to a cooperative agreement entered into under subsection (a).

(f) SALE PROCEDURES.—After a sale parcel managed by a Site Manager has received all necessary approvals and is otherwise ready for competitive public sale, the Site Manager shall sell the parcel, as an agent for the Secretary of Defense, in one or more transactions. Each sale shall be on terms acceptable to the Secretary, determined in consultation with the Site Manager and appropriate local authorities.

(g) DISPOSITION OF PROCEEDS.—The proceeds from each sale under subsection (f) shall be divided among the Department of Defense, the Site Manager involved, and appropriate local authorities as follows:

(1) The Secretary of Defense shall receive an amount equal to—

(A) the costs incurred by the Secretary under the cooperative agreement with the Site Manager and under applicable contracts and subcontracts entered into by the Site Manager pursuant to the cooperative agreement (other than environmental analysis and remediation costs, costs of preparing or conducting reports, analyses, notices, and consultations required under applicable law, property maintenance costs, and all other costs that the Secretary would be required to incur if the cooperative agreement with the Site Manager did not exist) and the reasonable costs of conducting the sale; and

(B) ⅓ of the remainder of the proceeds.

(2) From amounts remaining after operation of paragraph (1), the applicable local authorities, as determined by the Secretary, shall receive ½ of the remainder. If the appropriate local authorities cannot be determined satisfactorily to the Secretary, the State in which the military installation involved is located shall receive the amount that would be distributed pursuant to this paragraph.

(3) From amounts remaining after operation of paragraph (1), the Site Manager involved shall receive ½ of the remainder.

(h) REPORTS.—(1) At such intervals as the Secretary of Defense may prescribe, each Site Manager shall submit to the Secretary reports describing the activities of the Site Manager under a cooperative agreement entered into under subsection (a) and such other information as the Secretary may require.

(2) Not later than May 31, 1994, and May 31, 1995, the Secretary of Defense shall submit to Congress a report regarding all military installations covered by a cooperative agreement under this section and the status of the site preparation and disposal process at the installations.

(i) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term ''base closure law'' means each of the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

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

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

## Subtitle C—Land Transactions

### SEC. 2824. MODIFICATION OF LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) CONVEYANCE WITHOUT CONSIDERATION.—Subsection (a) of section 2841 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 102 Stat. 1557) is amended by inserting after ''convey'' the following: '', without consideration,''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking out paragraph (4);

(2) by striking out subsection (c); and

(3) redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

### SEC. 2825. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) LAND CONVEYANCE.—Subject to subsection (b), the Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising

a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—As consideration for the conveyance by the Secretary of the parcel of real property under subsection (a), the County shall elect either—

(1) to construct (or pay the costs of constructing) at a location selected by the Secretary within the County a suitable replacement facility for the improvements conveyed as part of such conveyance; or

(2) to pay to the United States an amount equal to the fair market value of the parcel conveyed under subsection (a), including improvements thereon.

(c) REPLACEMENT FACILITY.—If the County elects to pay the fair market value of the real property under subsection (b)(2), the Secretary shall use the amount paid by the County, subject to the availability of appropriations for this purpose, to construct a suitable facility to replace the improvements conveyed under subsection (a).

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a). Such determination shall be final.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2826. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property included on the real property inventory of Naval Air Station Oceana in Virginia Beach, Virginia, and consisting of approximately 3.5 acres. As part of the conveyance of such parcel, the Secretary shall grant the City an easement on such additional acreage as may be necessary to provide adequate ingress and egress to the parcel.

(b) CONSIDERATION.—As consideration for the conveyance and easement under subsection (a), the City shall

pay to the United States an amount equal to the fair market value of the property to be conveyed and the fair market value of the easement to be granted. The Secretary shall determine fair market value, and such determination shall be final.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City may use the property conveyed only for the following purposes:

(1) The maintenance, repair, storage, and berthing of erosion control and beach replenishment equipment and materiel, including a dredge.

(2) The berthing of police boats.

(3) The provision of operational and administrative personnel space related to the purposes specified in paragraphs (1) and (2).

(d) REVERSION.—All right, title and interest in and to the property conveyed under subsection (a) (including any improvements thereon) and the easement granted under such subsection shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines—

(1) at any time, that the property conveyed under subsection (a) is not being used for the purposes specified in subsection (c); or

(2) at the end of the 10-year period beginning on the date of the conveyance, that no significant improvements associated with such purposes have been constructed on the property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) and the easement to be granted under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance and easement under subsection (a) as the Secretary determines are appropriate to protect the interests of the United States.

**SEC. 2827. RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.**

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release the reversionary interest of the United States in and to approximately 6.89 acres of real property, including improvements thereon, containing the Old Spanish Trail Armory in Harris County, Texas. The United States acquired the reversionary interest by virtue of a quitclaim deed dated June 18, 1936.

(b) CONDITION.—The Secretary may effectuate the release authorized in subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a parcel of real property that—

(1) is at least equal in value to the real property referred to in subsection (a), and

(2) beginning on the date on which the State first obtains the new parcel of real property, is subject to the same restrictions and covenants with respect to the United States as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary.

**SEC. 2828. LEASE AND JOINT USE OF CERTAIN REAL PROPERTY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.**

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to Tri-Cities Municipal Water District, a special governmental district of the State of California (in the section referred to as the ''district''), such interests in real property located on, under, and within the northern

portion of the Marine Corps Base, Camp Pendleton, California, as the Secretary determines to be necessary for the district to develop, operate, and maintain water extraction and distribution facilities for the mutual benefit of the district and the base. The lease may be for a period of up to 50 years, or such additional period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the district shall—

(1) construct, operate, and maintain such improvements as are necessary to fully develop the potential of the lower San Mateo Water Basin for sustained yield and storage of imported water for the joint benefit of the district and the base;

(2) assume operating and maintenance responsibilities for the existing water extraction, storage, distribution, and related infrastructure within the northern portion of the base; and

(3) pay to the United States, in the form of cash or additional required services, an amount equal to the amount, if any, by which the fair market value of the real property interests leased under subsection (a) exceeds the fair market value of the services provided under paragraphs (1) and (2).

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall establish a system of accounts to establish the relative costs and benefits accruing to the district and the United States under the lease under subsection (a) and to ensure that the United States receives at least fair market value, as determined by an independent appraisal acceptable to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary determines are appropriate to protect the interests of the United States.

**SEC. 2829. LAND CONVEYANCE, CRANEY ISLAND FUEL DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Portsmouth, Virginia, (in this section referred to as the ''City'') all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 135.7 acres, including improvements thereon, comprising a portion of the Craney Island Fuel Depot, Naval Supply Center, Norfolk, Virginia.

(b) CONDITIONS OF CONVEYANCE.—(1) Inasmuch as the City has used the real property referred to in subsection (a) as a landfill while the property has been in

the ownership of the United States, the conveyance authorized by subsection (a) shall be subject to the condition that the City of Portsmouth accept the property as is, notwithstanding the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)).

(2) Except as provided in paragraph (4), with respect to the real property to be conveyed under subsection (a), the United States shall not be subject to liability as a prior owner or operator under section 107(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(2)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental liability law or regulation with respect to any release of hazardous substances or petroleum products from the landfill situated on such property or arising out of the City's use of the property to operate a landfill.

(3) Except as provided in paragraph (4), the indemnification provisions contained in the third proviso in the undesignated paragraph under the heading ''ENVIRONMENTAL RESTORATION, DEFENSE'' in title II of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1883) shall not apply with respect to the presence, release, or threatened release of haz-

ardous substances, pollutants, or contaminants resulting from the use of the real property to be conveyed under subsection (a) by the City as a landfill.

(4) Nothing in paragraph (2) or (3) alters any liability of the United States with respect to—

(A) releases of hazardous substances or petroleum products from properties other than the real property to be conveyed under subsection (a); or

(2) sites 3 and 12 located within the real property to be conveyed under subsection (a).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed. The Secretary shall determine the fair market value of the property. Such determination shall be final.

(d) DEPOSIT OF PROCEEDS.—The Secretary shall deposit amounts received as consideration for the conveyance under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satis-

factory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers to be necessary to protect the interests of the United States and are agreed to by the City.

**SEC. 2830. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Peck Iron and Metal Company, Inc. (in this section referred to as ''Peck''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.45 acres, including improvements thereon, located in Portsmouth, Virginia, that, on the date of the enactment of this Act, is leased to Peck pursuant to Department of the Navy lease N62470–91–RP–00261, effective August 1, 1991.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Peck shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary shall deposit the amount received from Peck under subsection (b) in the special account established pursuant to section 204(h)

of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) CONDITIONS.—Inasmuch as Peck has been the only occupant of the property referred to in subsection (a) while the property has been in the ownership of the United States, the conveyance authorized by subsection (a) shall be subject to the conditions that—

(1) Peck accept the property as is, notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(2) Peck indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions which may be found on the property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Peck.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

**SEC. 2834. TRANSFER OF NATURAL GAS DISTRIBUTION SYSTEM AT FORT BELVOIR, VIRGINIA, TO THE WASHINGTON GAS COMPANY.**

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the Washington Gas Company, Virginia, all right, title, and interest of the United States in the following real property natural gas system:

(1) All Government-owned utility fixtures, structures, and improvements used to provide natural gas service to Fort Belvoir, Virginia, without the underlying fee (land).

(2) Transfer includes a natural gas distribution system consisting of approximately 15.6 miles of natural gas distribution lines and other improvements thereon and appurtenances thereto at Fort Belvoir, Virginia.

(3) A utility easement and right of way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the natural gas system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the Washington Gas Company, shall—

(1) accept the natural gas system to be conveyed under this section in its existing condition;

(2) provide natural gas service to Fort Belvoir, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements;

(4) not expand the existing on-post natural gas distribution system unless approved by the Installation Commander or his or her designee;

(5) take over the responsibility for ownership, maintenance, repair, safety inspections, and leak test surveys for the entire Fort Belvoir natural gas distribution system; and

(6) upgrade natural gas system at no cost to the Government based on anticipated fuel oil conversions to natural gas.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the Washington Gas Company is not complying with the conditions specified in this section, all right, title, and interest in and to the natural gas sys-

tem conveyed pursuant to subsection (a), including improvements to the natural gas system, shall revert to the United States and the United States shall have the right to access and operation of the natural gas system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Washington Gas Company.

(g) ENVIRONMENTAL COMPLIANCE.—The Washington Gas Company, Virginia, shall be responsible for owning, operating and installing natural gas distribution lines. The Secretary of the Army will be responsible for clean-up of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

**SEC. 2832. TRANSFER OF WATER DISTRIBUTION SYSTEM AT FORT LEE, VIRGINIA, TO THE AMERICAN WATER COMPANY.**

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the American Water Company, Virginia, all right, title, and interest of the United States in the following real property water system:

(1) All Government-owned utility fixtures, structures, and improvements used to provide water service and water distribution service to Fort Lee, Virginia, without the underlying fee (land).

(2) Water system includes approximately 7 miles of transmission mains, 85 miles of distribution and service lines, 416 fire hydrants, 3 elevated storage tanks, 2 pumping stations and other improvements thereon and appurtenances thereto at Fort Lee, Virginia.

(3) A utility easement and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the water system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the American Water Company shall—

(1) accept the water system to be conveyed under this section in its existing condition;

(2) provide water service to Fort Lee, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements; and

(4) not expand the existing onpost water distribution system unless approved by the Installation Commander or his or her designee.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the American Water Company is not complying with the conditions specified in this section, all right, title, and interest in and to the water system conveyed pursuant to subsection (a), including improvements to the water system, shall revert to the United States and the United States shall have the right of access and operation of the water system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of

equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys will be borne by the American Water Company.

(g) ENVIRONMENTAL COMPLIANCE.—The American Water Company will be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The American Water Company will be responsible for executing and constructing environmental betterments to the water system as required by applicable law. The United States Army, based on the availability of appropriated funding, will share future environmental compliance costs based on a pro rata share of the water distribution system as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

**SEC. 2833. TRANSFER OF WASTE WATER TREATMENT FACILITY AT FORT PICKETT, VIRGINIA, TO BLACKSTONE, VIRGINIA.**

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the town of Blackstone, Virginia (in this section referred to as the ''town''), all right, title, and interest of the United States in the following real property waste water treatment facility:

(1) A parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon and appurtenances thereto at Fort Pickett, Virginia.

(2) All utility easements and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the facility and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the town shall—

(1) design and construct an environmental upgrade to the existing plant to meet environmental standards;

(2) provide waste water treatment service to Fort Pickett, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations, including any permit or license requirements;

(4) reserve 75 percent of the existing Fort Pickett, Virginia, waste water plant capacity for the Army's use at Fort Pickett, Virginia, should a future need arise due to force realignment and mission requirements; and

(5) become responsible for future environmental cleanup of the facility in accordance with the Comprehensive Environmental Response, Compensation and Liability Act resulting from customers other than the United States Army.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the town is not complying with the conditions specified in this section, all right, title, and interest in and to the waste water treatment system conveyed pursuant to subsection (a), including improvements to the waste water treatment system, shall revert to the United States and the United States shall have the right

of access and operation of the waste water treatment system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the town.

(g) ENVIRONMENTAL COMPLIANCE.—The town shall be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The town shall also be responsible for executing and constructing environmental betterments to the plan as required by applicable law. The United States Army based on the availability of appropriated funding and the town will share future environmental compliance costs based on a pro rata share of reserved plant capacity as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive

Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

**SEC. 2834. TRANSFER OF WATER DISTRIBUTION SYSTEM AND RESERVOIR AT STEWART ARMY SUBPOST TO NEW WINDSOR, NEW YORK.**

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the town of New Windsor, New York (in this section referred to as the ''town''), all right, title, and interest of the United States in the following real property water system:

(1) All Government-owned utility fixtures, structures, water reservoir, distribution plant, and improvements currently used to provide water service and water distribution service to Stewart Army Subpost, New York, and the surrounding area, to include the underlying fee (land) of the reservoir and the water treatment plan.

(2) Transfer also includes all water transmission mains, water distribution and service lines, fire hydrants, water pumping stations, and other improvements thereon and appurtenances thereto at Stewart Army Subpost, New York.

(3) A utility easement and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the water

system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the town shall—

(1) accept the water system to be conveyed under this section in its existing conditions;

(2) provide water service to Stewart Army Subpost, New York, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements; and

(4) not expand the existing on-post water service system unless approved by the Installation Commander or his or her designee.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the town is not complying with the conditions specified in this section, all right, title, and interest in and to the water system conveyed pursuant to subsection (a), including improvements to the water system, shall revert to the United States and the United

States shall have the right of access and operation of the water system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys will be borne by the town.

(g) ENVIRONMENTAL COMPLIANCE.—The town will be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The town will be responsible for executing and constructing environmental betterments to the water system as required by applicable law. The United States Army, based on the availability of appropriated funding, will share future environmental compliance costs based on a pro rata share of the water distribution system as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive

Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

**SEC. 2835. EXPANSION OF LAND TRANSACTION AUTHORITY INVOLVING HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.**

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1790) is amended by adding at the end the following new paragraph:

''(3) In lieu of entering into a lease under paragraph (1), the Secretary may convey the property described in such paragraph to the City (or a local reuse organization approved by the City) for such consideration and under such terms as the Secretary considers to be appropriate.''.

**SEC. 2836. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.**

(a) EXPANSION OF LEASE AUTHORITY.—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614) is amended by striking out ''not more than 195 acres of real property'' and all that follows through the period and inserting in lieu thereof ''those portions of the Naval Supply Center, Oakland, California, that the Secretary determines to be available for lease.''.

(b) CONSIDERATION.—Paragraph (2) of such subsection is amended—

(1) by striking out ''and'' at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) be for nominal consideration.''.

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking out paragraphs (3), (4), and (5); and

(2) by redesignating paragraph (6) as paragraph (3).

**SEC. 2837. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, IOWA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middletown, Iowa (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) consisting of approximately 127 acres at the Iowa Army Ammunition

Plant, Iowa. The conveyance shall be made at the request of the City.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine fair market value, and such determination shall be final.

(c) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property authorized to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2838. TRANSFER OF ELECTRIC POWER DISTRIBUTION SYSTEM AT NAVAL AIR STATION, ALAMEDA, CALIFORNIA, TO THE CITY OF ALAMEDA BUREAU OF ELECTRICITY.**

(a) CONVEYANCE.—The Secretary of the Navy may convey to the Bureau of Electricity of the City of Alameda, California (in this section referred to as the ''Bureau''), all right, title, and interest of the United States in and to the electric power distribution system located at the

Naval Air Station, Alameda, California, including such utility easements and right of ways as may be necessary or appropriate to provide for ingress and egress to and from the system.

(b) CONSIDERATION.—(1) As consideration for the conveyance authorized in subsection (a), the Bureau shall—

(A) accept the system to be conveyed under this section in its existing condition;

(B) provide electric power to the Naval Air Station at a beneficial rate to the Government;

(C) comply with all applicable environmental laws and regulations, including any permit or license requirements;

(D) not expand the existing system without the approval of the Secretary; and

(E) take over the responsibility for ownership, operation, maintenance, repair, and safety inspections for the system.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary.

(d) REVERSION.—If the Secretary determines at any time that the Bureau is not complying with the conditions specified in this section, all right, title, and interest in and

to the system conveyed pursuant to subsection (a), including improvements to the system, shall revert to the United States and the United States shall have the right to access and operation of the system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this conveyance (value defined as benefits to the Navy), shall be certified by the Secretary to be of equal or greater value than the fair market value of the system.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Bureau.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

**SEC. 2839. CONVEYANCE OF SURPLUS REAL PROPERTY, FORT ORD, CALIFORNIA.**

(a) CONVEYANCE.—The Secretary of the Army shall convey to the Regents of the University of California and the Trustees of the California State University (in this section referred to as the ''recipient institutions'') all

right, title, and interest of the United States in and to certain parcels of real property located at Ford Ord, California, and described in subsection (b). The conveyance shall include all land and water rights applicable to the parcels, all air quality permits to operate facilities and air emission reduction credits applicable to the parcels, and all infrastructure and improvements on the parcels.

(b) DESCRIPTION OF PARCELS.—The parcels to be conveyed under subsection (a) shall either—

(1) substantially conform to the description of the land and facilities in the Educational Public Benefit Transfer Applications submitted by the recipient institutions with regard to Fort Ord on or before March 8, 1993, as supplemented or amended through September 30, 1993; or

(2) consist of such alternative parcels as shall, after negotiation, be mutually acceptable to the Secretary and the recipient institutions.

(c) CONDITIONS.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) The recipient institutions shall accept the conveyed parcels as is.

(2) The recipient institutions shall agree to provide the United States, its agents and assigns, access to Fort Ord in order to conduct the ongoing

Fort Ord Installation Restoration Program and to comply with the responsibilities of the United States under the amendments enacted by the Federal Facility Compliance Act of 1992 (Public Law 102–386; 106 Stat. 1505).

(3) The recipient institutions shall agree to ensure that they and their successors, agents, and assigns do not disrupt, destroy, or impede the remedial actions performed at Fort Ord by the United States, its agents or assigns.

(d) LEGAL DESCRIPTIONS AND SURVEYS.—The exact acreage and legal description of the parcels to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the recipient institutions.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

## Subtitle D—Other Matters

**SEC. 2841. FLOOD CONTROL PROJECT.**

(a) COYOTE AND BERRYESSA CREEKS, SANTA CLARA COUNTY, CALIFORNIA.—The Secretary of the Army is directed to construct a flood control project for Coyote and

Berryessa Creeks in Santa Clara County, California, using amounts appropriated for civil works activities of the Corps of Engineers for fiscal year 1994.

(b) MAXIMUM COST REQUIREMENT.—Section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183) shall not apply with respect to the project described in subsection (a).

**SEC. 2842. USE OF ARMY CORPS OF ENGINEERS TO MANAGE MILITARY CONSTRUCTION PROJECTS IN HAWAII.**

All military construction and military family housing carried out in the State of Hawaii for the Armed Forces and Defense Agencies using funds appropriated pursuant to an authorization of appropriations contained in this division shall be designed and conducted through the use of the Army Corps of Engineers.

**SEC. 2843. SPECIAL RULE FOR MILITARY CONSTRUCTION ON CERTAIN LANDS IN THE STATE OF HAWAII.**

(a) CONSULTATION AND CONCURRENCE.—In the case of any military construction project in the State of Hawaii to be carried out at a military installation located on public lands that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that

have been acquired in exchange for such lands, the Secretary concerned may not enter into any obligation or make any expenditure in connection with the project until the Secretary concerned has—

(1) consulted with the Governor of the State of Hawaii regarding the purpose and extent of the project; and

(2) obtained the written concurrence of the Governor to proceed with the project.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''Secretary concerned'' means—

(A) the Secretary of Defense, in the case of military construction functions (including military family housing functions) of the Department of Defense, other than the military departments; and

(B) the Secretary of a military department, in the case of military construction functions (including military family housing functions) of that department.

(2) The term ''military installation'' means any base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense.

(3) The term ''military construction'' has the meaning given that term in section 2801(a) of title 10, United States Code.

(c) APPLICATION.—This section shall apply with respect to military construction projects described in subsection (a) for which appropriated funds are first obligated after the date of the enactment of this Act.

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

# TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

## Subtitle A—National Security Programs Authorizations

### SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $3,662,954,000, to be allocated as follows:

(1) For research and development, $1,119,325,000.

(2) For testing, $222,383,000.

(3) For stockpile support, $1,802,280,000.

(4) For program direction, $280,466,000.

(5) For complex reconfiguration, $138,500,000.

(6) For stockpile stewardship, $100,000,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD–101, general plant projects, various locations, $11,500,000.

Project GPD–121, general plant projects, various locations, $7,700,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $11,110,000.

Project 94–D–124, hydrogen fluoride supply system, Oak Ridge Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93–D–123, complex–21, various locations, $25,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92–D–126, replace emergency notification systems, various locations, $10,500,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revi-

talization, Phase III, various locations, $30,805,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88–D–122, facilities capability assurance program, various locations, $27,100,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $20,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $123,034,000, to be allocated as follows:

(1) For research and development, $82,879,000.

(2) For testing, $24,400,000.

(3) For stockpile support, $12,136,000.

(4) For program direction, $3,619,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a)

through (c) reduced by $420,641,000 for use of prior year balances.

**SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.**

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,832,213,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,275,441,000.

(4) For technology development, $371,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized

in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $49,015,000.

Project 94–D–122, underground storage tanks, Rocky Flats, Colorado, $700,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $1,190,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $491,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94–D–405, central neutralization facility pipeline extension project, K–25, Oak Ridge, Tennessee, $1,714,000.

Project 94–D–406, low-level waste disposal facilities, K–25, Oak Ridge, Tennessee, $6,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94–D–408, office facilities—200 East, Richland, Washington, $1,200,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $7,100,000.

Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,100,000.

Project 94–D–414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,110,000.

Project 94–D–416, solvent storage tanks installation, Savannah River, South Carolina, $1,500,000.

Project 94–D–417, intermediate level and low activity waste vaults, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93–D–175, industrial waste compaction facility, Y–12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–25 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $1,000,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $6,700,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $52,615,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $13,230,000.

Project 93–D–188, new sanitary landfill, Savannah River, Aiken, South Carolina, $1,020,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system Richland, Washington, $7,000,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92–D–183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92–D–186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $3,888,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90–D–172, aging waste transfer line, Richland, Washington, $5,600,000.

Project 90–D–175, landlord program safety compliance–I, Richland, Washington, $1,800,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $1,800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $23,974,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,000,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $85,000,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,769,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition and management, $24,726,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $299,100,000 for use of prior year balances and for a general reduction.

**SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.**

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $2,226,039,000, to be allocated as follows:

(1) For nuclear materials support, $901,166,000.

(2) For verification and control technology, $349,741,000.

(3) For nuclear safeguards and security, $86,246,000.

(4) For security investigations, $53,335,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, including enrichment materials, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials support:

Project GPD–146, general plant projects, various locations, $31,760,000.

Project 93–D–147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, $7,720,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Lab-

oratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN–101, general plant projects, various locations, $7,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $2,800,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $7,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials support, $75,209,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c)—

(1) reduced by—

(A) $100,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(B) $251,065,000, for use of prior year balances for materials support and other defense programs;

(C) $100,067,000, for use of prior year balances for the new production reactor; and

(D) $110,000,000, for a general reduction; and

(2) increased by $58,000,000 for education programs.

(e) ECONOMIC ADJUSTMENT ASSISTANCE.—Of the amount provided under subsection (a)(7) for worker training and adjustment, $6,000,000 shall be available for providing economic assistance and development funding for local counties or localities containing the property of the Department of Energy defense nuclear facility known as the Savannah River Site. To the extent practicable, the amount of assistance to be provided should be distributed as follows:

(1) $1,000,000 to plan community adjustments and economic diversification.

(2) $5,000,000 to carry out a community adjustments and economic diversification program.

(f) USE OF TECHNOLOGY TRANSFER FUNDS AT THE SAVANNAH RIVER SITE.—Of amounts authorized to be appropriated in section 3101 for research and development and in this section for nuclear materials support and other defense programs, there are hereby authorized to be appropriated $4,000,000 for technology transfer activities at the Department of Energy defense production facility at the Savannah River Site, South Carolina.

**SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out the nuclear waste fund program in the amount of $120,000,000.

**SEC. 3105. FUNDING USES AND LIMITATIONS.**

(a) DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and plant and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

(b) PAYMENT OF PENALTY.—The Secretary of Energy may pay to the Hazardous Substance Superfund, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, a stipulated civil penalty in the amount of $100,000 assessed in accordance with Article XIX of the Hanford Consent Agreement and Compliance Order.

(c) CERTAIN WATER MANAGEMENT PROGRAMS.—From funds authorized to be appropriated pursuant to section 3102 to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglen, in the State of Colorado, $11,300,000 for the cost of implementing water management programs.

(d) TECHNOLOGY TRANSFER ACTIVITIES.—(1)(A) The Secretary of Energy may use for technology transfer activities described in subparagraph (B) funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 for stockpile support under section 3101 and for nuclear materials support and other defense programs under section 3103.

(B) The technology transfer activities that may be funded under this paragraph are those that are deter-

mined by the Secretary of Energy to facilitate the maintenance and enhancement of critical skills required for research on, and development of, any dual-use critical technology.

(2) The Secretary of Energy shall conduct the technology transfer activities funded under paragraph (1) in accordance with applicable laws and regulations relating to grants, contracts, and cooperative agreements of the Department of Energy, including the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), the National Competitiveness Technology Transfer Act of 1989 (Public Law 101–189; 103 Stat. 1674), and section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1577).

(3) For purposes of this subsection, the term ''dual-use critical technology'' has the meaning given that term by section 3136(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1577).

(4) Section 12(d) of the Stevenson-Wydler Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(A) in paragraph (2)(B)—

(i) by inserting ''(including a weapon production facility of the Department of Energy)'' after ''facilities under a common contract''; and

(ii) by inserting ''and production'' after ''research and development'';

(B) in paragraph (2), by striking out ''propulsion program; and'' and inserting in lieu thereof ''propulsion program;'';

(C) in paragraph (3), by striking out the period and inserting in lieu thereof ''; and''; and

(D) by adding at the end the following new paragraph:

''(4) the term 'weapon production facility of the Department of Energy' means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in the production of a nuclear weapon or its components.''.

(e) PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.—(1) The Congress finds the following:

(A) Section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 106 Stat. 1345) places severe restrictions

on the underground testing of a nuclear weapon by the United States.

(B) The use of low-yield nuclear weapons threatens to blur the distinction between nuclear and non-nuclear conflict.

(2) It shall be the policy of the United States not to conduct research and development of new low-yield nuclear weapons, including the precision low-yield warhead.

(3) No funds appropriated pursuant to this Act or any other Act in any fiscal year may be used to conduct or provide for the research and development of any low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(4) In this subsection, the term ''low-yield nuclear weapon'' means a nuclear weapon that has a yield of less than five kilotons.

## Subtitle B—Recurring General Provisions

**SEC. 3121. REPROGRAMMING.**

(a) NOTICE TO CONGRESS.—

(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

**SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

**SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

(a) IN GENERAL.—

(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construc-

tion project, which is authorized by sections 3101, 3102, 3103, and 3104 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

**SEC. 3124. FUND TRANSFER AUTHORITY.**

Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

**SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.**

(a) IN GENERAL.—

(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with a proposed construction project for a national security program if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any such project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any

funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any such construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

**SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.**

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

**SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.**

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

**SEC. 3128. AVAILABILITY OF FUNDS.**

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

# Subtitle C—Other Provisions

**SEC. 3131. IMPROVED CONGRESSIONAL OVERSIGHT OF DEPARTMENT OF ENERGY SPECIAL ACCESS PROGRAMS.**

(a) IN GENERAL.—Chapter 9 of the Atomic Energy Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding at the end the following new section:

**"SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.**

''(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—

''(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on special access programs of the Department of Energy carried out under the atomic energy defense activities of the Department.

''(2) MATTERS TO BE INCLUDED.—Each such report shall set forth—

''(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

''(B) for each such program in that budget the following:

"(i) A brief description of the program.

"(ii) A brief discussion of the major milestones established for the program.

"(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

"(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

"(A) notice of the designation of the program as a special access program; and

"(B) justification for such designation.

"(2) MATTERS TO BE INCLUDED.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) NEW SPECIAL ACCESS PROGRAM DEFINED.—In this subsection, the term 'new special access program' means a special access program that has not previously been covered in a notice and justification under this subsection.

"(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—

"(1) NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever a change in the classification of a special access program of the Department of Energy is planned to be made or whenever classified information concerning a special access program of the Department of Energy is to be declassified and made public, the Secretary of Energy shall submit to

the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

''(2) TIME FOR NOTICE.—Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

''(3) TIME WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Energy, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

''(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program

of the Department of Energy as a special access program, the Secretary of Energy shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

''(e) WAIVER AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Energy may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

''(2) LIMITED NOTICE REQUIRED.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

"(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

"(1) the congressional defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.

"(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 92 the following new item:

"Sec. 93. Congressional oversight of special access programs.".

**SEC. 3132. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.**

(a) ENVIRONMENTAL RESTORATION REPORT.—At the same time the President submits to the Congress the budget for each fiscal year, the Secretary of Energy shall submit to the Congress a report on the activities and projects necessary to complete the environmental restoration of all Department of Energy defense nuclear facilities not later than the year 2019.

(b) WASTE MANAGEMENT REPORT.—Not later than 30 days after the date on which the President submits to the Congress the budget for each fiscal year, the Secretary of Energy shall submit to the Congress a report on all activities and projects for waste management, decontamination and decommissioning, and technology research and development that are necessary for Department of Energy defense nuclear facilities through the year 2019.

(c) CONTENTS OF REPORTS.—A report required under subsection (a) or (b) shall be based on compliance with all applicable provisions of law and shall—

(1) provide the estimated total cost of, and the complete schedule for, the activities and projects covered by the report; and

(2) with respect to each such activity and project, contain—

(A) a description of the activity or project;

(B) a description of the problem addressed by the activity or project;

(C) the proposed remediation of the problem, if the remediation is known or decided;

(D) the estimated cost to complete the activity or project, including, where appropriate, the cost for every five-year increment; and

(E) the estimated date for completion of the project or activity, including, where appropriate, progress milestones for every five-year increment.

(d) ANNUAL STATUS AND VARIANCE REPORT.—(1) The Secretary of Energy shall annually submit to the Congress, at the same time the President submits to the Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), a status and variance report on environmental restoration and waste management activities and projects at Department of Energy defense nuclear facilities. The status and variance report shall contain the following:

(A) Information on each such activity and project for which funds were appropriated for the fiscal year immediately prior to the fiscal year during which the status report is submitted, including the following:

(i) Information on whether or not the activity or project has been completed, and information on the estimated date of completion for activities or projects that have not been completed.

(ii) The total amount of funds expended for the activity or project, including the amount

of funds expended from amounts made available as the result of supplemental appropriations or a transfer of funds, and an estimate of the total amount of funds required to complete the activity or project.

(iii) Information on whether the President requested in the budget an amount of funds for the activity or project for the fiscal year during which the status report is submitted, and whether such funds were appropriated or transferred.

(iv) An explanation of the reasons for any projected cost variance of more than 10 percent or $10,000,000, or any schedule delay of more than six months, for the activity or project.

(B) A disaggregation of the funds appropriated for Department of Energy defense environmental restoration and waste management, for the fiscal year during which the status report is submitted, into the activities and projects (including discrete parts of multi-year activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(C) A disaggregation of the Department of Energy defense environmental restoration and waste

management budget request for the fiscal year for which the budget is submitted into the activities and projects (including discrete parts of multi-year activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(2) The first annual report required under paragraph (1) shall be submitted at the same time the President submits to the Congress the budget for fiscal year 1995. A subsequent annual report under this subsection shall be submitted for each fiscal year following fiscal year 1995 during which the Secretary of Energy conducts environmental restoration activities and projects.

(e) COMPLIANCE TRACKING.—In preparing a report under this section, the Secretary of Energy shall provide with respect to each activity and project identified in the report information which is sufficient to track the Department of Energy's compliance with relevant Federal and State regulatory milestones.

**SEC. 3133. EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.**

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1)(A) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2074) is amended—

(1) in clause (i), by striking out ''and'' after the semicolon;

(2) in clause (ii), by striking out the period and inserting in lieu thereof ''; and''; and

(3) by adding after clause (ii) the following new clause:

''(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to the community development organization known as the Savannah River Regional Diversification Initiative.''.

(b) PURPOSE.—Subsection (a)(1)(B) of such section is amended by striking out ''the Hanford Reservation and the Idaho National Engineering Laboratory'' and inserting in lieu thereof ''the Hanford Reservation, the Idaho National Engineering Laboratory, and the Savannah River Site''.

(c) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such section is amended by striking out ''or the Idaho National Engineering Laboratory, Idaho,'' and inserting in lieu thereof ''the Idaho National Engineering Laboratory, Idaho, and the Savannah River Site, South Carolina,''.

(d) DURATION OF PROGRAM.—Subsection (c) of such program is amended by striking out ''terminate on'' and

all that follows through the period and inserting in lieu thereof the following: ''terminate on—

''(1) September 30, 1993, with respect to the Hanford Reservation;

''(2) September 30, 1994, with respect to the Idaho National Engineering Laboratory; and

''(3) September 30, 1995, with respect to the Savannah River Site.''.

**SEC. 3134. MODIFICATION OF PAYMENT PROVISION.**

Section 1532(a) of the Department of Defense Authorization Act, 1986 (42 U.S.C. 2391 note), is amended by striking out ''1996'' and inserting in lieu thereof ''1995''.

**SEC. 3135. STOCKPILE STEWARDSHIP PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(b) PROGRAM ELEMENTS.—The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States.

(2) An increased level of effort for above-ground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for above-ground experiments to assess weapon effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, $100,000,000 shall be available for the stewardship program established in subsection (a).

**SEC. 3136. COUNTER-PROLIFERATION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Energy, with the concurrence of the Secretary of Defense and the Secretary of State, shall establish a program to counter the increasing threat of nuclear weapons proliferation.

(b) PROGRAM ELEMENTS.—The program established pursuant to subsection (a) shall include the following:

(1) Ongoing counter-proliferation efforts within the national security programs of the Department of Energy.

(2) The establishment of a database and tracking system to account for production, storage, and usage of weapons-grade plutonium, uranium, and tritium in the newly independent states of the former Soviet Union and in other states, as appropriate.

(3) Increased research and development with respect to the detection and disablement of terrorist weapons.

(4) Increased support for—

(A) weapons dismantlement and storage; and

(B) information and intelligence gathering on world-wide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for operating expenses for verification and control technology, $5,000,000 shall be available for the establishment of the database and tracking system referred to in subsection (b)(2).

**SEC. 3137. LIMITATIONS ON THE RECEIPT AND STORAGE OF SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS.**

(a) PURPOSE.—It is the purpose of this section to regulate the receipt and storage of spent nuclear fuel at the Department of Energy defense nuclear facility located at the Savannah River Site, South Carolina.

(b) RECEIPT IN EMERGENCY SITUATIONS.—(1) When the Secretary of Energy determines that emergency circumstances make it necessary to receive spent nuclear fuel referred to in paragraph (2), the Secretary shall submit a notification of that determination to the Committees on Armed Services of the Senate and House of Representatives. The Secretary may not receive the spent nuclear fuel at the Savannah River Site until 30 days (as computed in paragraph (3)) have expired following the date on which the notification is received by such committees.

(2) The spent nuclear fuel referred to in paragraph (1) is nuclear fuel that—

(A) is originally exported to a foreign country from the United States in the form of highly enriched uranium; and

(B) is used in a research reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

(3) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 30-day period.

(c) LIMITATION ON STORAGE.—The Secretary of Energy may not receive and store at the Department of Energy defense nuclear facility located at Savannah River Site, South Carolina any spent nuclear fuel referred to in subsection (b)(2) in excess of the amount that is the capacity of such fuel that may be received and stored at such facility, until the completion of an environmental impact statement (and the signing by the Secretary of a record of decision following such completion) under section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) with respect to the receipt and storage of spent nuclear fuel from foreign research reactors.

**SEC. 3138. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.**

(a) GOAL.—Except as provided in subsection (c), a goal of 5 percent of the amount described in subsection (b) shall be the objective of the Department of Energy in carrying out national security programs of the Depart-

ment in each of fiscal years 1994 through 2000 for the total combined amount obligated for contracts and subcontracts entered into with—

(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

(2) historically Black colleges and universities; and

(3) minority institutions (as defined in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058)), including any nonprofit research institution that was an integral part of a historically Black college or university before November 14, 1986.

(b) AMOUNT.—The requirements of subsection (a) for any fiscal year apply to the combined total of the funds obligated for contracts entered into by the Department of Energy pursuant to competitive procedures for such fiscal year for purposes of carrying out military applications of nuclear energy and other national security programs of the Department.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Energy determines that compelling national security considerations require otherwise; and

(2) if the Secretary notifies Congress of such a determination and the reasons for the determination.

**SEC. 3139. PROHIBITION ON CONDUCT OF SAFEGUARD C PROGRAM.**

None of the funds appropriated pursuant to this Act or any other Act for any fiscal year may be available to conduct the Safeguard C program or any other program to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.

**SEC. 3140. TRANSFER OR LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.**

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

(1) The termination or reconfiguration of weapon production activities at facilities of the Department of Energy within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A facility of the Department of Energy is a significant source of employment for many communities, and the closure or reconfiguration of such a facility may cause economic hardship for the workers and the communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as the result of the closure or reconfiguration of a Department of Energy facility and, where possible, prevent the occurrence of adverse economic circumstances.

(4) It is in the interest of the United States that the Federal Government work with communities that experience adverse economic circumstances as the result of the closure or reconfiguration of Department of Energy facilities to identify and implement means of reutilizing or redeveloping such facilities in a beneficial manner.

(5) The Federal Government may provide such assistance by closing or reconfiguring such facilities and conveying the real property in a manner that best ensures environmental protection and the beneficial reutilization or redevelopment of such facilities by such communities.

(6) The Federal Government may best ensure such reutilization and redevelopment by making available real and personal property of the closing or reconfigured Department of Energy facilities to communities affected by such closures or reconfigurations on a timely basis, and, if appropriate, at less than fair market value.

(7) Preservation of the national technology and industrial base could be assisted by the appropriate transfer, lease, or reutilization of property, facilities, and equipment which currently are not needed for the Department of Energy weapon production mission.

(8) A delay in the transfer, lease, or reutilization of such property, facilities, and equipment for commercial use will reduce the national technology and industrial base because of lost skilled personnel and lost business opportunities.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Energy, with respect to property covered under subsection (d)—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal

Property and Administrative Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (C), the Secretary of Energy shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this Act governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary, after consulting with the Administrator of General Services, may issue regulations that are

necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(c) ADDITIONAL AUTHORITY TO TRANSFER AND LEASE.—(1) The Secretary of Energy may transfer or lease any or all right, title, and interest of the United States in and to the property referred to in subsection (d) to any public agency if the Secretary determines that such transfer or lease will mitigate the adverse economic consequences that might otherwise arise from the closure or reconfiguration of a Department of Energy facility.

(2)(A) The consideration to be paid to the United States for any transfer or lease under paragraph (1) shall be for the estimated fair market value of such property or leasehold interest, as determined by the Secretary of Energy, except that the Secretary may accept consideration for an amount that is not less than 50 percent of the estimated fair market value of such property if the Secretary determines that—

(i) the discount is required to implement the plans established in the report under subsection (i); and

(ii) 30 days after published notice, no private or public party has made a bona fide offer for such property at the estimated fair market value.

(B) The instrument transferring or leasing property for less than the estimated fair market value under this paragraph—

(i) shall contain a condition that all such property shall be used and maintained for the purpose for which it was transferred in perpetuity in accordance with the plans described in the report under subsection (i) or, in the case of a lease, for the term of the lease; and

(ii) may contain such additional terms, conditions, reservations, and restrictions as the Secretary determines to be necessary to safeguard the interests of the United States.

(C) The Secretary may—

(i) determine compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which a transfer or lease of property is made;

(ii) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument where necessary to correct such instrument or to conform such transfer or lease to the requirements of applicable law; and

(iii)(I) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (II) convey, quitclaim, or release to the transferee any right or interest reserved to the United States by, any instrument by which such transfer or lease is made, if the Secretary determines that the property transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim will not prevent accomplishment of the purpose for which such property was so transferred.

Any such releases, conveyance, or quitclaim may be granted on, or made subject to, such terms and conditions as the Secretary considers necessary to protect or advance the interests of the United States.

(d) COVERED PROPERTY.—Property that may be transferred or leased under subsections (c) and (g) is the related personal property and acquired real property at a facility of the Department of Energy to be closed or reconfigured that the Secretary of Energy determines to

be no longer necessary for weapon production or other missions of the Department.

(e) APPLICABILITY OF OTHER LAWS.—Property transferred or leased under subsections (c) and (g) shall be transferred or leased in accordance with—

(1) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to the extent not inconsistent with this section; and

(2) all applicable environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(f) LIMITATION ON RELOCATION OF EQUIPMENT.—The Secretary shall not relocate equipment from a facility, such as machine tools that could be useful in converting the facility, except in cases where buying new equipment would be significantly more costly or significantly more time-consuming than moving the equipment. The Secretary shall establish guidelines for determining costs under this subsection.

(g) REUTILIZATION.—To the extent practicable, the Secretary of Energy may make available for reutilization a facility or property of the Department of Energy that is not required for weapon production work in any case

in which the Secretary determines that such reutilization will—

(1) reduce the long-term cost to the Government, including the cost of worker displacement and retraining in the community in which the facility or property is located;

(2) contribute to the preservation of the national technology and industrial base by using the equipment at the facility or property; or

(3) assist the economic development in the community in which the facility or property is located.

(h) OTHER TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to a transfer or lease of property under subsection (c) as the Secretary determines appropriate to protect the interests of the United States.

(i) REPORT.—Not later than February 1, 1994, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report on the plans of the Secretary in accordance with applicable law for the reutilization of real property, facilities, equip-

ment, and supplies at weapon production facilities of the Department of Energy that are planned or scheduled for the termination of weapon production activities.

(j) DEFINITION.—For purposes of this section, the term ''reutilization'' means the development of sites previously used in the nuclear weapons complex of the Department of Energy for private commercial work or non-weapon production-related Government work. Such development may consist of—

(1) conversion of the site or portions of it to exclusively private or local government use;

(2) leasing of facilities or equipment to non-Department of Energy sources;

(3) use of Department of Energy facilities to enhance the national technology and industrial base through technology transfer and commercial work by Department of Energy contractors;

(4) development of a financial assistance arrangement with local communities to seek other uses for vacated or underutilized facilities;

(5) sale of all or portions of certain facilities to commercial concerns under terms that dictate economic development of the site; or

(6) any combination of paragraphs (1) through (5).

**SEC. 3141. PROHIBITION ON USE OF FUNDS FOR ADVANCED LIQUID METAL REACTOR.**

No funds authorized pursuant to this title or otherwise available for fiscal year 1994 or any previous fiscal year for the national security programs of the Department of Energy shall be used for the support of the advanced liquid metal reactor.

# TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 1994, $15,060,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

# TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

**SEC. 3301. DEFINITIONS.**

For purposes of this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund established under section 9(a) of such Act (50 U.S.C. 98h(a)).

(3) The term ''annual materials plan'' means the report containing an annual materials plan for the operation of the National Defense Stockpile required to be submitted to Congress each year under section 11(b) of such Act (50 U.S.C. 98h–2(b)).

**SEC. 3302. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.**

The President may dispose of obsolete and excess materials in the National Defense Stockpile, except that the amount of funds received from the sale of such materials may not exceed $500,000,000 in any fiscal year. All funds received from the sale of materials under this section shall be deposited in the National Defense Stockpile Transaction Fund.

**SEC. 3303. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR DEVIATIONS FROM ANNUAL MATERIALS PLAN.**

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out ''and a period of 30 days'' and all that follows through ''more than three days to a day certain.'' and inserting in lieu thereof ''and a period of 45 days has passed from the date of the receipt of such statement by such committees.''.

**SEC. 3304. CONTINUATION OF LIMITATIONS ON THE DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM AND MANGANESE FERRO.**

(a) LIMITATION REGARDING CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade from the National Defense Stockpile pursuant to any provision of law may be made only for processing within the United States and the territories and possessions of the United States.

(b) LIMITATION REGARDING CHROMIUM AND MANGANESE FERRO.—The disposal of chromium ferro and manganese ferro from the National Defense Stockpile pursuant to any provision of law may not commence before October 1, 1994.

**SEC. 3305. CONVERSION OF CHROMIUM ORE TO HIGH PURITY ELECTROLYTIC CHROMIUM METAL.**

(a) REQUIRED UPGRADING.—During each of fiscal years 1994 through 1996, the President shall—

(1) obtain bids from domestic producers of high purity electrolytic chromium metal; and

(2) award contracts for the conversion of chromium ores held in the National Defense Stockpile into high purity electrolytic chromium metal.

(b) QUANTITIES TO BE UPGRADED.—(1) Contracts awarded under subsection (a) shall provide for the addi-

tion of not less than 800 short tons of high purity electrolytic chromium metal to the National Defense Stockpile during each of the fiscal years covered by subsection (a).

(2) If, during any fiscal year referred to in subsection (a), the minimum quantity of high purity electrolytic chromium metal to be added to the National Defense Stockpile, as required by paragraph (1), is not met, the quantity of such material to be added to the stockpile in the next fiscal year shall be increased by the quantity of the deficiency.

# TITLE XXXIV—CIVIL DEFENSE

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

There is hereby authorized to be appropriated $146,391,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

**SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYSTEM.**

(a) DECLARATION OF POLICY.—Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended to read as follows:

**"SEC. 2. DECLARATION OF POLICY.**

''The purpose of this Act is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for

civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this Act.''.

(b) DEFINITION OF HAZARD.—Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(2) by inserting before subsection (b), as so redesignated, the following new subsection (a):

''(a) The term 'hazard' means an emergency or disaster resulting from—

''(1) a natural disaster; or

''(2) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.'';

(3) in subsection (b), as so redesignated—

(A) by striking out ''attack'' the first place it appears and inserting in lieu thereof ''attack-related disaster''; and

(B) by striking out ''atomic'' and inserting in lieu thereof ''nuclear'';

(4) in subsection (c), as so redesignated, by striking out ''and, for the purposes of this Act'' and all that follows through ''natural disaster;'' and inserting in lieu thereof a period; and

(5) by striking out subsection (d), as so redesignated, and inserting in lieu thereof the following new subsection:

''(d) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

''(1) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procure-

ment and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

''(2) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

''(3) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).''.

(c) CONFORMING AMENDMENTS TO REFLECT DEFINITION OF HAZARD.—(1) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(A) in subsection (c), by striking out ''an attack or natural disaster'' and inserting in lieu thereof ''a hazard'';

(B) in subsection (d), by striking out ''attacks and natural disasters'' and inserting in lieu thereof ''hazards''; and

(C) in subsection (g)—

(i) by striking out ''an attack or natural disaster'' the first place it appears and inserting in lieu thereof ''a hazard''; and

(ii) by striking out ''undergoing an attack or natural disaster'' and inserting in lieu thereof ''experiencing a hazard''.

(2) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by striking out ''natural disasters'' and inserting in lieu thereof ''hazards''.

(d) STATE USE OF FUNDS FOR PREPARATION AND RESPONSE.—(1) Section 207 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2289) is amended to read as follows:

**''SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.**

''Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to

hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act for civil defense activities and measures related to hazards.''.

(2) The item relating to section 207 in the table of contents in the first section of such Act is amended to read as follows:

''Sec. 207. Use of funds to prepare for and respond to hazards.''.

(e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301-2303) is repealed.

(2) The table of contents in the first section of such Act is amended by striking out the items related to title V.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of contents in the first section of the Federal Civil Defense Act of 1950 is amended—

(A) by inserting after the item relating to section 204 the following new item:

''Sec. 205. Contributions for personnel and administrative expenses.''; and

(B) by inserting after the item relating to section 412 the following new item:

''Sec. 413. Applicability of Reorganization Plan Numbered 1.''.

(2) Section 3 of such Act (50 U.S.C. App. 2252), as amended by subsection (b) of this section, is further amended—

(A) in each of subsections (b), (e), (f), and (g), as redesignated by subsection (b)(1) of this section, by striking out the semicolon at the end and inserting in lieu thereof a period; and

(B) in subsection (h), as so redesignated, by striking out ''; and'' and inserting in lieu thereof a period.

(3) Section 205 of such Act (50 U.S.C. App. 2286) is amended by striking out ''SEC. 205.'' and inserting in lieu thereof the following:

**''SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.''.**

(g) AMENDMENT FOR STYLISTIC CONSISTENCY.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is further amended so that the section designation and section heading of each section of such Act shall be in the same form and typeface as the section designation and heading of section 2 of such Act, as amended by subsection (a) of this section.

Passed the House of Representatives September 29, 1993.

Attest: DONNALD K. ANDERSON,

*Clerk.*

HR 2401 RDS——2

HR 2401 RDS——3

HR 2401 RDS——4

HR 2401 RDS——5

HR 2401 RDS——6

HR 2401 RDS——7

HR 2401 RDS——8

HR 2401 RDS——9

HR 2401 RDS——10

HR 2401 RDS——11

HR 2401 RDS——12

HR 2401 RDS——13

HR 2401 RDS——14

HR 2401 RDS——15

HR 2401 RDS——16

HR 2401 RDS——17

HR 2401 RDS——18

HR 2401 RDS——19

HR 2401 RDS——20

HR 2401 RDS——21

HR 2401 RDS——22

HR 2401 RDS——23

HR 2401 RDS——24

HR 2401 RDS——25

HR 2401 RDS——26

HR 2401 RDS——27

HR 2401 RDS——28

HR 2401 RDS——29

HR 2401 RDS——30

HR 2401 RDS——31

HR 2401 RDS——32

HR 2401 RDS——33

HR 2401 RDS——34

HR 2401 RDS——35

HR 2401 RDS——36

HR 2401 RDS——37

HR 2401 RDS——38

HR 2401 RDS——39

HR 2401 RDS——40

HR 2401 RDS——41

HR 2401 RDS——42

HR 2401 RDS——43

HR 2401 RDS——44

HR 2401 RDS——45

HR 2401 RDS——46

HR 2401 RDS——47

HR 2401 RDS——48

HR 2401 RDS——49

HR 2401 RDS——50

HR 2401 RDS——51