Union Calendar No. 112

103D CONGRESS
1ST SESSION

H. R. 2401

[Report No. 103–200]

A BILL

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

JULY 30, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1993

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

JULY 30, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 14, 1993]

A BILL

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

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

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

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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.
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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.

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Sec. 131. Intertheater airlift program.
Sec. 132. RC–135 aircraft program.

Subtitle E—Strategic Programs

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Sec. 152. B–1 bomber aircraft program.
Sec. 153. Trident II (D–5) missile procurement.
Sec. 154. Prohibition on retrofitting Trident I submarines to carry Trident II (D–5) missiles.

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Sec. 172. Authority to convey Los Alamos dry dock.
Sec. 173. Sales authority of certain working-capital funded industrial facilities of the Army.

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Sec. 202. Manufacturing technology development.

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Sec. 215. High Performance Computing and Communication Initiative.
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Sec. 217. Single stage rocket technology.
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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.

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Sec. 252. Continuation of army breast cancer research program.
Sec. 253. Inclusion of women and minorities in clinical research projects.
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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.
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Sec. 320. Prohibition on contracts with the Bahrain Ship Repairing and Engineering Company for ship repair.
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Sec. 322. One-year prohibition on reduction of force structure for reserve component special operations forces.
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Sec. 371. Maintenance of Pacific battle monuments.
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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.

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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.

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.

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.

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).

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 air-

craft 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.

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 air-

craft (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.

(c) LIMITATION ON FY94 PRODUCTION AND ADVANCE PROCUREMENT.—None of the funds appropriated for the Navy referred to in subsection (a) may be obligated for production or advance procurement of Trident II (D–5) missiles until the later of (1) the date on which the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, or (2) the date on which the report required by subsection (b) is received by Congress.

SEC. 154. PROHIBITION ON RETROFITTING TRIDENT I SUBMARINES TO CARRY TRIDENT II (D–5) MISSILES.

The Secretary of the Navy may not modify any Trident I submarine to enable that submarine to be deployed with Trident II (D–5) missiles.

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 completion 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 Navi-

gation 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, ammuni-

tion, 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 sec-

tion 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 mechanisms, 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.

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.

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 development 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 aspects 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 of-

fice 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 Energy 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 programs, $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 appropriated 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, Research 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 pro-

vided 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 De-

fense 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 Defense 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 mul-

tiple 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 description 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 contribution 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'';

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

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

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

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.

"(I) Mental health, including post-traumatic stress disorder and depression.

"(J) Menopause, osteoporosis, Alzheimer's disease, and other conditions and diseases related to aging.

"(K) Substance abuse.

"(L) Sexual violence and related trauma.

"(M) Human factor studies related to women in combat.

"(c) REQUIREMENTS RELATING TO ESTABLISHMENT OF CENTER.—The Center may be established only at a facility of the Army in existence on July 1, 1993, having the following characteristics:

"(1) A physical plant immediately available to serve as headquarters for the medical activities to be carried out by the Center.

"(2) Ongoing fellowship and residency programs colocated with ongoing collaborative health-related and interdisciplinary research of (A) a facility of the Department of Veterans Affairs, (B) an accredited university with specialties in medical research and clinical diagnostics, and (C) a hospital owned and operated by a municipality.

"(3) A technologically modern laboratory capability 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 covered 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 therof ''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,''.

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.

SECTION 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 organizations, 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.

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 (P.L. 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 accounts 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 mem-

ber 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 legislative 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. PROHIBITION ON PERFORMANCE OF DEPOT-LEVEL SUPPORT PRIMARILY BY NON-GOVERNMENT PERSONNEL.

(a) PROHIBITION.—The Secretary of Defense may not require or permit the long-term, depot-level support of a weapon system referred to in subsection (b) to be provided primarily by non-Government personnel.

(b) COVERED WEAPON SYSTEMS.—A weapon system referred to in subsection (a) is a weapon system—

(1) which has not entered production by the date of the enactment of this Act; or

(2) which has entered production by the date of the enactment of this Act but is planned for depot-

level support primarily by Government or non-Government personnel.

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.

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 military 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 P.L. 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, ac-

cess 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.

"(2) The Director of a facility maintained as a separate establishment of the Retirement Home may designate an attorney to serve as attorney-general for the facility in any probate proceeding in which the Retirement Home may have a legal interest as nominated fiduciary, testamentary legatee, escheat legatee, or in any other capacity. The attorney-general may, in the domiciliary jurisdiction of the deceased resident and in any ancillary jurisdictions, petition for appointment as fiduciary under any resulting court appointment. In a probate proceeding in which the heirs of an intestate deceased resident cannot be located, the attorney-agent shall be appointed as the fiduciary of the estate of the decedent.

"(3) The designation of a facility of the Retirement Home as personal representative of the estate of a resident of the Retirement Home or as a legatee under the will or codicil of the resident shall not disqualify an employee or staff member of that facility from serving as an eligible witness to a will or codicil of the resident.

"(4) After the expiration of the three-year period beginning on the date of the death of a resident of the facility, the Director of the facility shall dispose of all property of the deceased resident that is not otherwise disposed of as provided for in this subsection, including personal effects 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 March 31, 1994, the Secretary of Defense shall submit to the congressional committees referred to in paragraph (2) a report on any edu-

cational 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 contain the assessment and recommendations of the Secretary of Defense regarding the justification of the continuing need for school facilities under any such educational arrangement.

(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''.

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 (which-

ever 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, in-

cluding, 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 De-

fense 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 restoration 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 Comprehen-

sive 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 action 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.''.

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 ac-

tive 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 before 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 defi-

ciencies 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 requirements 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 war-

rant 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 Department 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. CRITERIA FOR CLOSING SENIOR ROTC UNITS.

(a) CLOSURE CRITERIA.—Section 2102 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) The Secretary of a military department may not close a unit of the program that is located at a land grant institution.

''(2) The Secretary of a military department may not close a unit of the program if there is no other unit of the

program under the jurisdiction of the Secretary at an institution located in the State in which the unit being considered for closure is located.

''(3) The Secretary of a military department may not close a unit of the program that is not subject to paragraph (1) or (2) unless the Secretary certifies to Congress, in advance of the closure, that the decision to close the unit is based on—

''(A) considerations of the cost per officer commissioned through that unit compared to the average such cost per officer commissioned for all units of the program under the jurisdiction of the Secretary; and

''(B) considerations of the number (and percentage) of members of the program enrolled in that unit who are expected to enter critical or hard to fill officer specialties compared to the average number (and percentage) of such members for all units of the program under the jurisdiction of the Secretary.''.

(b) REVIEW OF RECENT CLOSURES.—The Secretary of each military department shall review each closure of a senior Reserve Officers' Training Corps unit under that Secretary's jurisdiction that was decided upon after January 1, 1991, and before the date of the enactment of this Act. The Secretary concerned shall certify to Congress in each case whether or not the closure decision was made in accord-

ance with the criteria specified in section 2102(e) of title 10, United States Code, as added by subsection (a). In any case in which the Secretary is unable to certify that such closure decision was made in accordance with such criteria, the Secretary shall reestablish that unit as soon as practicable and not later than the beginning of the first academic year beginning after the date of the enactment of this Act.

SEC. 572. 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. 573. 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. 574. 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. 575. 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 estab-

lish 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 military 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 responsibil-

ities 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 pre-

scribed 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 pro-

pensity 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. 576. 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 include 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 stu-

dent 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 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 SELECTED 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, Fis-

cal 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 designated 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 Or-

ganization 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 services 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.

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 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 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, re-

paired, 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.—Paragraph (7) of section 2302 of title 10, United States Code, is amended to read as follows:

''(7) 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 relat-

ing 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 fur-

nishing 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 ''section 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 sub-

section (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 146 of title 10, United States Code, as amended by sections 342 and 344, is further amended by adding at the end the following new section:

"§ 2472. Contracts to perform depot-level maintenance: prohibition on competition between depot-level activities and small businesses and certain other entities

"(a) EXCLUSION.—In any case in which the Secretary of Defense plans to use competitive procedures to select an entity to perform a depot-level maintenance workload, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude from competing in the procurement depot-level activities of the Department of Defense.

"(b) PROCUREMENT DESCRIPTION.—The requirement to exclude depot-level activities 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 further amended by adding at the end the following new item:

''2472. Contracts to perform depot-level maintenance: prohibition on competition between depot-level activities and small businesses and certain other entities.''.

(b) EFFECTIVE DATE.—Section 2472 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.''.

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 trans-

ferred 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, 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 Acquisition'' 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 De-

fense 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, certification,

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 decreases 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 'Safe-

guarding 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 modi-

fications 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 dur-

ing 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 manage-

ment 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 Congress'' 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.

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 au-

thorized 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 re-

quirements 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. GLOBAL COOPERATIVES INITIATIVE.

There is hereby authorized to be appropriated for Operation and Maintenance for the Secretary of Defense for fiscal year 1994 the sum of $111,000,000 for Global Cooperative Initiatives.

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.

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.

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 reviewing 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 sponsored 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, Dis-

trict 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 that 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).

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 inspection 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 appropriations 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 Support Act of 1992 (Public Law 102–511) so as to optimize the contribution such programs make to the national interests of the United States.

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 activities 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 Assistance 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.

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 eco-

nomic 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 continued 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 section 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 cooperative 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.

''(4) Loan guarantees shall be issued under subsection (b)(3) on a competitive basis after consideration of the following criteria:

''(A) Whether credit is not otherwise commercially available under reasonable terms and conditions.

''(B) The applicability of the program to be funded by the loan to the technology areas outlined in the Technology Reinvestment Project proposed by the President on March 10, 1993.

''(C) The ability of the program to preserve or enhance critical technology and national technology and industrial base skills.

''(D) The market potential of any product or technology to be developed using the loan.

''(E) The importance of the program to future United States economic competitiveness and the economic strength of United States.

''(F) The economic viability and perceived ability of the business concern to repay the loan.

''(G) The technical soundness of the proposal.

''(H) The selection criteria specified in subsection (f).

''(5) The Secretary shall give a preference in issuing 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 are 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 Pro-

gram 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.''.

(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 are 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.''.

(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 are 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.''.

(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 program, 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. 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 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.''.

(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 are 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.".

(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).".

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.

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 Realignment 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 installa-

tion 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 mem-

bers 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) 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 in-

stitution 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 environ-

mental 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 Public 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 organizations 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 nonveterans 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,''.

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

contract 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 regula-

tions 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 termi-

nation 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 para-

graph (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.".

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.

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 a private shipyard located in the United States.

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 guar-

anteed 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, continu-

ous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, 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 per-

formance 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.

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 established, 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 recommendations 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 Com-

mission 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 per-

form 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 allowances, 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.

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

***Army: Inside the United States**—Continued*

State	Installation or location	Amount
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
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 Unit-

ed 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, Ala-

bama, 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).

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
	Barstow Marine Corps Logistics Base	$8,690,000

***Navy: Inside the United States**—Continued*

State	Installation or location	Amount
	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
	Philadelphia NISMF	$8,660,000
	Philadelphia Naval Shipyard	$13,500,000

***Navy: Inside the United States**—Continued*

State	Installation or location	Amount
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*
	Naval Magazine	*$3,750,000*
	Naval Ocean Communication Center	*$690,000*
	Naval Station	*$14,520,000*

***Navy: Outside the United States**—Continued*

Country	Installation or location	Amount
	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*
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
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

***Air Force: Inside the United States**—Continued*

State	Installation or location	Amount
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*
	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*

***Air Force: Inside the United States**—Continued*

State	Installation or location	Amount
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 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 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

***Defense Agencies: Inside the United States**—Continued*

Agency	Installation or location	Amount
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*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations 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 Sec-

retary 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 Authoriza-

tion 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.

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.

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 section 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 contribu-

tions 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 date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) 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
		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 De-

partment 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 Consumers, 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 transaction 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 mem-

ber 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 Comprehen-

sive 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 informa-

tion 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)).''.

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.

Subtitle C—Land Transactions

SEC. 2821. 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. 2822. 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. 2823. 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. 2824. 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 Span-

ish 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. 2825. 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. 2826. 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 hazardous 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. 2827. 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. 2828. 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 system 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. 2829. 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 pur-

suant 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. 2830. 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. 2831. 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 born 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. 2832. 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. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) EXPANSION OF NUMBER OF ACRES FOR LEASE.—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 ''195 acres of real property'' and inserting in lieu thereof ''300 acres of real property''.

(b) DEMOLITION.—Paragraph (6) of such subsection is amended to read as follows:

''(6) Subject to the availability of appropriations for this purpose, the Secretary shall expend not more than $10,000,000 to demolish facilities and remediate environmental hazards within the area to be leased under this subsection. In addition, the Secretary may authorize the City or the Port (as the case may be) to demolish any additional facilities on the leased property and, consistent with the re-

strictions required by paragraph (2)(B), construct new facilities on the property for the use of the City or the Port.''.

SEC. 2834. 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. 2835. 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.

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 revitalization, 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 Laboratories, 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.

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 determined 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 less than the lowest yield nuclear weapon type in the nuclear weapons stockpile in existence on the date of the enactment of this Act.

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 construction 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 con-

gressional 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 congres-

sional 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 Con-

gress 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 submit-

ted 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 Department 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 High-

er 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.

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 pursu-

ant 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 addition 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 procurement 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.

Amend the title so as to read: ''A bill 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.''.

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