

103^D CONGRESS
2^D SESSION

H. R. 4301

AN ACT

To authorize appropriations for fiscal year 1995 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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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 1995”.

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

3 (a) DIVISIONS.—This Act is organized into three divi-
 4 sions as follows:

5 (1) Division A—Department of Defense Au-
 6 thorizations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy Na-
 10 tional Security Authorizations and Other Authoriza-
 11 tions.

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

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Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

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- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Revision of family housing project at Tyndall Air Force Base, Florida.
- Sec. 2306. Authorization of military construction projects at Tyndall Air Force Base, Florida, for which funds have been appropriated.
- Sec. 2307. Modification of Air Force Plant No. 3.
- Sec. 2308. Repeal of limitation on order of retirement of Minuteman II missiles.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Family housing.
- Sec. 2403. Improvement to military family housing units.
- Sec. 2404. Energy conservation projects.
- Sec. 2405. Authorization of appropriations, Defense Agencies.
- Sec. 2406. Community impact assistance with regard to Naval Weapons Station, Charleston, South Carolina.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
- Sec. 2602. Prohibition on using funds for unauthorized Guard and Reserve projects.
- Sec. 2603. Authorization of projects for which funds have been appropriated.
- Sec. 2604. State National Guard headquarters, Fort Dix, New Jersey.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 1992 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1991 projects.
- Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Strengthening monetary limitation on renovation of facilities.
- Sec. 2802. Navy housing investment agreements.
- Sec. 2803. Navy Housing Investment Board.

Subtitle B—Defense Base Closure and Realignment

- Sec. 2811. Prohibition against consideration in base closure process of advance economic planning undertaken by communities adjacent to military installations.
- Sec. 2812. Repayment of State and local costs incurred in connection with establishment of certain military installations selected for closure.
- Sec. 2813. Limitation on sources of funds available to implement base closures and realignments.
- Sec. 2814. Prohibition on transfer of certain property located at military installations to be closed pending completion of redevelopment plans.
- Sec. 2815. Report of effect of base closures on future mobilization options.
- Sec. 2816. Restoration of annual leave for civilian employees in connection with certain base realignments.
- Sec. 2817. Government rental of facilities located on closed military installations.

Subtitle C—Changes to Existing Land Conveyance Authority

- Sec. 2821. Additional lessee of property at Naval Supply Center, Oakland, California.
- Sec. 2822. Modification of land conveyance, Fort A.P. Hill Military Reservation, Virginia.
- Sec. 2823. Preservation of Calverton Pine Barrens, Naval Weapons Industrial Reserve Plant, New York, as nature preserve.
- Sec. 2824. Release of reversionary interest retained as part of conveyance of electricity distribution system, Fort Dix, New Jersey.

Subtitle D—Land Conveyances

- Sec. 2831. Land conveyance, Air Force Plant No. 3, Tulsa, Oklahoma.

- Sec. 2832. Land conveyance, Air Force Plant No. 59, Johnson City (Westover), New York.
- Sec. 2833. Land conveyance, Radar Bomb Scoring Site, Dickinson, North Dakota.
- Sec. 2834. Land conveyance, Army Reserve Facility, Rio Vista, California.
- Sec. 2835. Land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York.
- Sec. 2836. Lease of property, Naval Radio Receiving Facility, Imperial Beach, Coronado, California.
- Sec. 2837. Release of requirements and reversionary interest on certain property in Baltimore, Maryland.
- Sec. 2838. Release of reversionary interest on certain property in York County, James City County, and Newport News, Virginia.
- Sec. 2839. Transfer of jurisdiction, Air Force housing at radar site, Holbrook, Arizona.
- Sec. 2840. Land conveyance, Fort Dix, New Jersey.
- Sec. 2841. Land conveyance, naval shipyard, Vallejo, California.

Subtitle E—Other Matters

- Sec. 2851. Authority for Oxnard Harbor District, Port Hueneme, California, to use certain navy property.
- Sec. 2852. Environmental education and training program for defense personnel.
- Sec. 2853. Repeal of restriction on land transactions relating to Presidio of San Francisco, California.
- Sec. 2854. Report on use of military installations in Okinawa.
- Sec. 2855. Modification of height restriction in avigation easement.
- Sec. 2856. Continued operation of military medical treatment facility at K. I. Sawyer Air Force Base, Michigan.
- Sec. 2857. Technical amendment to correct reference in land transaction.
- Sec. 2858. Additional exception to prohibition on storage and disposal of nondefense toxic and hazardous materials at military installations.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Transfer authority.
- Sec. 3125. Authority for construction design.
- Sec. 3126. Requirement of conceptual design for request of construction funds.

- Sec. 3127. Authority for emergency planning, design, and construction activities.
- Sec. 3128. Funds available for all national security programs of the Department of Energy.
- Sec. 3129. Availability of funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Stockpile stewardship recruitment and training program.
- Sec. 3132. Defense inertial confinement fusion program.
- Sec. 3133. Payment of penalties.
- Sec. 3134. Water management programs.
- Sec. 3135. Worker protection at nuclear weapons facilities.
- Sec. 3136. Worker health and protection.
- Sec. 3137. Limitation on use of program direction funds.
- Sec. 3138. Limitation on use of funds for new construction projects.
- Sec. 3139. Limitation on use of funds for special access programs.
- Sec. 3140. Prohibition on prefinancing.
- Sec. 3141. International Center for Applied Research.
- Sec. 3142. Limitation on study or relocation of tritium-related activities and operations.

Subtitle D—Other Matters

- Sec. 3151. Accounting procedures for Department of Energy funds.
- Sec. 3152. Approval for certain nuclear weapons activities.
- Sec. 3153. Study of feasibility of conducting certain activities at the Nevada Test Site, Nevada.
- Sec. 3154. Report on waste streams generated by nuclear weapons production cycle.
- Sec. 3155. Release of certain restricted data.
- Sec. 3156. Designation of Marilyn Lloyd Scholarship and Fellowship Program.
- Sec. 3157. Report on economic redevelopment and conversion activities resulting from reconfiguration of Department of Energy nuclear weapons complex.
- Sec. 3158. Prohibition on disclosure of certain information on exposure to radiation released from Hanford Nuclear Reservation.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY
BOARD AUTHORIZATION**

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Conditions on authority to dispose of certain strategic and critical materials.
- Sec. 3302. Rejection of change in stockpiling principles.
- Sec. 3303. Limitations on the disposal of chromite and manganese ores.
- Sec. 3304. Conditional prohibition on proposed disposal of zinc from National Defense Stockpile.
- Sec. 3305. Special program for conversion of low carbon ferro chromium to high purity electrolytic chromium metal.

TITLE XXXIV—CIVIL DEFENSE

- Sec. 3401. Authorization of appropriations.

Sec. 3402. Transfer of Federal Civil Defense Act of 1950 to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE XXXV—NAVAL PETROLEUM RESERVES

Sec. 3501. Authorization of appropriations.

Sec. 3502. Price requirement on sale of certain petroleum during fiscal year 1995.

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

2 For purposes of this Act, the term “congressional de-
3 fense committees” means the Committees on Armed Serv-
4 ices and the Committees on Appropriations of the Senate
5 and House of Representatives.

6 **DIVISION A—DEPARTMENT OF**
7 **DEFENSE AUTHORIZATIONS**

8 **TITLE I—PROCUREMENT**

9 **Subtitle A—Authorization of**
10 **Appropriations**

11 **SEC. 101. ARMY.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 1995 for procurement for the Army as follows:

14 (1) For aircraft, \$1,301,452,000.

15 (2) For missiles, \$685,136,000.

16 (3) For weapons and tracked combat vehicles,
17 \$942,886,000.

18 (4) For ammunition, \$854,883,000.

19 (5) For other procurement, \$2,651,233,000.

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

2 (a) NAVY.—Funds are hereby authorized to be appro-
3 priated for fiscal year 1995 for procurement for the Navy
4 as follows:

5 (1) For aircraft, \$4,588,007,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$2,223,246,000.

8 (3) For shipbuilding and conversion,
9 \$6,869,897,000.

10 (4) For other procurement, \$3,241,611,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 1995 for procurement for
13 the Marine Corps in the amount of \$528,352,000.

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

15 Funds are hereby authorized to be appropriated for
16 fiscal year 1995 for procurement for the Air Force as fol-
17 lows:

18 (1) For aircraft, \$6,101,767,000.

19 (2) For weapons including missiles,
20 \$3,953,232,000.

21 (3) For other procurement, \$6,855,423,000.

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

23 Funds are hereby authorized to be appropriated for
24 fiscal year 1995 for defense-wide procurement in the
25 amount of \$2,066,694,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1995 for procurement for the Inspector General
4 of the Department of Defense in the amount of
5 \$1,000,000.

6 **SEC. 106. RESERVE COMPONENTS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 1995 for procurement of aircraft, vehicles, com-
9 munications equipment, and other equipment for the re-
10 serve components of the Armed Forces as follows:

11 (1) For the Army National Guard,
12 \$262,000,000.

13 (2) For the Air National Guard, \$176,000,000.

14 (3) For the Army Reserve, \$50,000,000.

15 (4) For the Naval Reserve, \$183,000,000.

16 (5) For the Air Force Reserve, \$68,900,000.

17 (6) For the Marine Corps Reserve,
18 \$47,300,000.

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

20 (a) AUTHORIZATION.—There is hereby authorized to
21 be appropriated for fiscal year 1995 the amount of
22 \$670,349,000 for—

23 (1) the destruction of lethal chemical agents
24 and munitions in accordance with section 1412 of
25 the Department of Defense Authorization Act, 1986
26 (50 U.S.C. 1521); and

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

4 (b) ALLOCATION.—Of the funds specified in sub-
5 section (a)—

6 (1) \$365,084,000 is for operations and mainte-
7 nance;

8 (2) \$284,465,000 is for procurement; and

9 (3) \$20,800,000 is for research and develop-
10 ment efforts in support of the nonstockpile chemical
11 weapons program.

12 **Subtitle B—Army Programs**

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

14 Sections 132 and 133 of the National Defense Au-
15 thorization Act for Fiscal Years 1990 and 1991 (Public
16 Law 101–189) are repealed.

17 **Subtitle C—Navy Programs**

18 **SEC. 121. TERMINATION OF NAVY F-14A/B UPGRADE PRO-** 19 **GRAM.**

20 (a) TERMINATION.—The Secretary of Defense shall
21 terminate the F-14A/B aircraft upgrade program.

22 (b) LIMITATION ON FUNDS.—None of the funds ap-
23 propriated or otherwise made available to the Department
24 of Defense for procurement for fiscal year 1995 or a later

1 fiscal year may be obligated for the F-14A/B aircraft up-
2 grade program.

3 **SEC. 122. LIMITATION ON ACQUISITION OF GUIDANCE SYS-**
4 **TEMS FOR TRIDENT II MISSILES.**

5 No funds authorized to be appropriated for fiscal year
6 1995 for Mark 6 guidance systems for Trident II (D-5)
7 missiles may be obligated until the Secretary of Defense
8 certifies to the congressional defense committees that,
9 based upon a review by the Secretary of the readiness,
10 testing, spares, and logistics requirements for the guid-
11 ance system, the inventory objective of 562 units of the
12 guidance system is required to support the inventory ob-
13 jective for Trident II (D-5) missiles.

14 **SEC. 123. PROHIBITION ON TRIDENT II BACKFIT.**

15 (a) **LIMITATION.**—The Secretary of the Navy may
16 not modify any Trident I submarine to enable that sub-
17 marine to be deployed with Trident II (D-5) missiles.

18 (b) **WAIVER AUTHORITY.**—If the Secretary of De-
19 fense determines that adherence to the prohibition in sub-
20 section (a) would result in a significant national security
21 risk to the United States, the Secretary may waive that
22 prohibition. Such a waiver may not take effect until the
23 Secretary submits to Congress a certification of that de-
24 termination and of the reasons for that determination.

1 **SEC. 124. INCLUSION OF CONVERSION OF VESSELS IN FAST**
2 **SEALIFT PROGRAM.**

3 Section 1424(b) of the National Defense Authoriza-
4 tion Act for Fiscal Year 1991 (10 U.S.C. 7291 note) is
5 amended—

6 (1) by inserting “or converted” after “con-
7 structed” each place it appears; and

8 (2) by inserting “or conversion” after “con-
9 struction” each place it appears.

10 **SEC. 125. LIMITATION ON COST OF SEAWOLF SUBMARINE**
11 **PROGRAM.**

12 No more than \$4,673,371,000 may be obligated or ex-
13 pended for procurement of the SSN-21 and SSN-22
14 Seawolf submarines.

15 **SEC. 126. LIMITATION ON PROCUREMENT OF TAGS VES-**
16 **SELS.**

17 (a) **LIMITATION.**—The Secretary of the Navy may
18 not obligate funds for any of the vessels designated as
19 TAGS-63, TAGS-64, or TAGS-65 unless the Secretary
20 certifies to the congressional defense committees that the
21 multibeam sonars to be used on those vessels (whether
22 new or remanufactured) have been obtained through the
23 use of competitive acquisition procedures.

24 (b) **NATIONAL SECURITY WAIVER.**—The Secretary of
25 the Navy may waive the limitation in subsection (a) for
26 reasons of national security. Such a waiver may not take

1 effect until the Secretary submits to the Committees on
2 Armed Services of the Senate and House of Representa-
3 tives a report giving notice of the waiver and an expla-
4 nation of the national security reasons for the waiver.

5 **SEC. 127. ADVANCED CAPABILITY (ADCAP) MODIFICATION**
6 **PROGRAM FOR THE MK-48 TORPEDO.**

7 Within the amount provided in section 102(a)(2) for
8 procurement of weapons, including missiles and torpedoes,
9 for the Navy—

10 (1) the amount provided for the Advanced Ca-
11 pability (ADCAP) modification program for the
12 MK-48 torpedo is hereby increased by \$52,300,000;
13 and

14 (2) the amount provided for the Fleet Satellite
15 Communications program is hereby reduced by
16 \$52,300,000.

17 **Subtitle D—Air Force Programs**

18 **SEC. 131. INTERTHEATER AIRLIFT PROGRAMS.**

19 (a) AUTHORIZATION.—Of the amount provided in
20 section 103 for procurement of aircraft for the Air
21 Force—

22 (1) \$103,000,000 shall be available for Non-De-
23 velopmental Alternative Aircraft procurement; and

24 (2) \$2,303,402,000 shall be available for the C-
25 17 aircraft program, of which—

1 (A) \$2,249,819,000 is for procurement of
2 six C-17 aircraft;

3 (B) \$47,475,000 is for advance procure-
4 ment of up to eight C-17 aircraft for fiscal year
5 1996; and

6 (C) \$6,108,000 is for C-17 modifications.

7 (b) REQUIREMENT FOR COMPETITION.—The Sec-
8 retary of Defense shall use competitive procedures in se-
9 lecting a source for the aircraft to be procured as Non-
10 Developmental Alternative Aircraft under subsection (a).

11 (c) NOTICE TO CONGRESS.—Funds described in sub-
12 section (a) may not be obligated for procurement under
13 subsection (a) until 60 days after the date which the Sec-
14 retary of Defense submits to the congressional defense
15 committees a report describing the Secretary's plan for the
16 obligation of those funds.

17 (d) PRESERVATION OF INTERTHEATER AIRLIFT CA-
18 PACITY.—In acquiring aircraft under subsection (a), the
19 Secretary of Defense shall structure the acquisition of
20 those aircraft so as to preserve the aggregate intertheater
21 airlift capacity of the Air Force (measured in millions of
22 ton-miles per day) as of the date of the enactment of this
23 Act.

1 **SEC. 132. B-2 BOMBER PROGRAM COST LIMITATION.**

2 In determining the expenditures to be applied against
3 the total program cost limitation of \$28,968,000,000 (in
4 fiscal year 1981 constant dollars) specified by law for the
5 B-2 bomber program, expenditures by the Department of
6 Defense associated with preserving the industrial facilities
7 used to produce that aircraft shall be included in that total
8 program cost.

9 **SEC. 133. BOMBER FORCE UPGRADE PROGRAM.**

10 (a) HEAVY BOMBER FORCE UPGRADE FUND.—From
11 funds authorized by section 104 for defense-wide procure-
12 ment activities, \$100,000,000 shall be for a heavy bomber
13 force upgrade fund. The Secretary of Defense may obli-
14 gate amounts in the fund for—

15 (1) long-range heavy bombers that would other-
16 wise become attrition reserve aircraft;

17 (2) accelerating conventional mission upgrades
18 for the B-1 bomber; or

19 (3) a combination of expenditures under para-
20 graphs (1) and (2).

21 (b) NOTICE TO CONGRESS.—Funds described in sub-
22 section (a) may not be obligated until 30 days after the
23 date on which the Secretary of Defense submits to the
24 congressional defense committees notice of the Secretary's
25 proposed expenditures from that fund for the purposes
26 specified in subsection (a).

1 **SEC. 134. EVALUATION OF RESTART OF C-5B AIRCRAFT**
2 **PROCUREMENT.**

3 (a) EVALUATION.—The Secretary of the Air Force
4 shall conduct an evaluation of the costs of restarting pro-
5 duction of C-5B aircraft for the strategic airlift mission.
6 The evaluation shall include startup costs and production
7 costs for a production run of from 30 to 70 units.

8 (b) REPORT.—The Secretary shall submit to the con-
9 gressional defense committees a report on the evaluation
10 under subsection (a). The report may be submitted as part
11 of any other required report to those committees relating
12 to intertheater airlift.

13 **Subtitle E—Defense-Wide Activities**

14 **SEC. 141. BALLISTIC MISSILE EARLY WARNING PROGRAMS.**

15 (a) RISK MITIGATION FUND.—From funds author-
16 ized by section 104 for defense-wide procurement,
17 \$300,000,000 shall be for a satellite early-warning assur-
18 ance fund. The Secretary of Defense may obligate
19 amounts in the fund for—

20 (1) continued procurement of Defense Support
21 Program (DSP) satellite number 24;

22 (2) accelerated development of the Alert, Lo-
23 cate, and Report Missiles (ALARM) satellite pro-
24 gram leading to launch of the first satellite under
25 that program no later than the first quarter of
26 2002;

1 (3) development of the Brilliant Eyes satellite
2 sensor system;

3 (4) acquisition of up to three additional interim
4 theater missile sensors; or

5 (5) a combination of expenditures under para-
6 graphs (1), (2), (3), and (4).

7 (b) NOTICE TO CONGRESS.—Funds described in sub-
8 section (a) may not be obligated until after the date on
9 which the Secretary of Defense submits to the congres-
10 sional defense committees notice of the Secretary’s pro-
11 posed expenditures from that fund for the purposes speci-
12 fied in subsection (a).

13 **Subtitle F—National Defense**
14 **Sealift Fund**

15 **SEC. 161. PROHIBITION OF TRANSFER OF FISCAL YEAR 1994**

16 **FUNDS TO CVN-76 CONSTRUCTION.**

17 None of the fiscal year 1994 unauthorized sealift ap-
18 propriation (as defined in section 164) may be transferred
19 (pursuant to the provisions of an Act making appropria-
20 tions for a fiscal year after fiscal year 1994 or to authority
21 provided under such an Act) to funds appropriated for fis-
22 cal year 1994 or a later fiscal year for Shipbuilding and
23 Conversion, Navy, to be available for CVN-76 construc-
24 tion.

1 **SEC. 162. FISCAL YEAR 1995 NATIONAL DEFENSE SEALIFT**
2 **FUND PROGRAM.**

3 (a) USE OF FISCAL YEAR 1994 UNAUTHORIZED
4 SEALIFT APPROPRIATION.—From the fiscal year 1994
5 unauthorized sealift appropriation (as defined in section
6 164), the amount of \$608,600,000 shall, to the extent pro-
7 vided in appropriations Acts making appropriations for a
8 fiscal year after fiscal year 1994, be available for fiscal
9 year 1995 programs to be carried out through the Na-
10 tional Defense Sealift Fund, of which—

11 (1) \$546,400,000 is for the execution of new
12 ship construction contract options for construction
13 of two prepositioning surge ships;

14 (2) \$43,000,000 is for procurement and instal-
15 lation of national defense sealift features on pri-
16 vately owned, United States documented commercial
17 roll-on/roll-off vessels that are constructed after the
18 date of the enactment of this Act by a shipyard lo-
19 cated in the United States; and

20 (3) \$19,200,000 is for research and develop-
21 ment of strategic sealift technology.

22 (b) DENIAL OF AUTHORIZATION OF APPROPRIA-
23 TIONS FOR FISCAL YEAR 1995.—No funds are authorized
24 to be appropriated to the National Defense Sealift Fund
25 for fiscal year 1995.

1 **SEC. 163. TRANSFER OF EXCESS AMOUNT TO BRAC III**
2 **ACCOUNT.**

3 From the fiscal year 1994 unauthorized sealift appro-
4 priation (as defined in section 164), the amount of
5 \$591,400,000 shall, to the extent provided in appropria-
6 tions Acts, be transferred to, and deposited in, the account
7 “BASE REALIGNMENT AND CLOSURE ACCOUNT, PART
8 III”, to be available for the same purposes, and subject
9 to the same limitations, as other funds in that account.

10 **SEC. 164. FISCAL YEAR 1994 UNAUTHORIZED SEALIFT AP-**
11 **PROPRIATION DEFINED.**

12 For purposes of this subtitle, the term “fiscal year
13 1994 unauthorized sealift appropriation” means
14 \$1,200,000,000 of the amount appropriated for fiscal year
15 1994 to the National Defense Sealift Fund (in title V of
16 the Department of Defense Appropriations Act, 1994
17 (Public Law 103–139; 107 Stat. 1435)).

18 **SEC. 165. OPERATION OF SEALIFT VESSELS FOR WHICH AS-**
19 **SISTANCE IS PROVIDED THROUGH NATIONAL**
20 **DEFENSE SEALIFT FUND.**

21 Section 2218(f) of title 10, United States Code, is
22 amended by adding at the end the following new para-
23 graph:

24 “(3)(A) A vessel that is constructed, altered, con-
25 verted, purchased, operated, maintained, leased, or char-

1 tered with funds in the National Defense Sealift Fund
2 pursuant to subsection (c)(1)—

3 “(i) may not be operated or maintained directly
4 by the Department of Defense or Department of
5 Transportation; and

6 “(ii) may not be crewed by employees of the
7 United States.

8 “(B) Operation and maintenance of any such vessel
9 with funds in the National Defense Sealift Fund (includ-
10 ing retention of the vessel in reduced operating status)
11 shall be conducted using private operating companies em-
12 ploying only merchant mariners on board such vessel who
13 are United States citizens. To the extent possible, pref-
14 erence in employing such mariners shall be given to other-
15 wise qualified former or retired military personnel who are
16 released from active duty as a result of the downsizing
17 of the armed forces.

18 “(C) Subparagraphs (A) and (B) do not apply during
19 time of war or national emergency declared by the Presi-
20 dent or the Congress if the Secretary of Defense certifies
21 that no qualified private contractor or private sector mer-
22 chant mariners are available to operate the vessel.

23 “(D) Nothing in this paragraph shall be construed
24 to—

1 “(i) require the separation by reduction in force
2 of any employee of the United States who, on the
3 date of the enactment of this paragraph, is employed
4 as a crewmember on a vessel described in subpara-
5 graph (A); or

6 “(ii) restrict the ability to embark military de-
7 tachments to operate special equipment.”.

8 **Subtitle G—Other Matters**

9 **SEC. 171. TRANSFER OF USNS MAURY.**

10 (a) IN GENERAL.—The Secretary of the Navy shall
11 transfer the USNS Maury (TAGS-39) to the Department
12 of Transportation for assignment as a training ship to the
13 California Maritime Academy at Vallejo, California. The
14 transfer shall be made on the date of the decommissioning
15 of that vessel.

16 (b) TERMS AND CONDITIONS.—(1) In carrying out
17 subsection (a), the Secretary shall deliver the vessel—

18 (A) at the place where the vessel is located on
19 the date of the conveyance;

20 (B) in its condition on that date; and

21 (C) at no cost to the United States.

22 (2) The Secretary may require such additional terms
23 and conditions in connection with the transfer authorized
24 by this section as the Secretary considers appropriate.

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUA-**
3 **TION**

4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 1995 for the use of the Department of Defense
9 for research, development, test, and evaluation as follows:

10 (1) For the Army \$5,425,303,000.

11 (2) For the Navy, \$8,913,963,000.

12 (3) For the Air Force, \$12,318,766,000.

13 (4) For Defense-wide activities, \$9,325,708,000,

14 of which—

15 (A) \$254,995,000 is authorized for the ac-
16 tivities of the Director, Test and Evaluation;
17 and

18 (B) \$12,501,000 is authorized for the Di-
19 rector of Operational Test and Evaluation.

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

22 (a) FISCAL YEAR 1995.—Of the amounts authorized
23 to be appropriated by section 201, \$4,288,064,000 shall
24 be available for basic research and exploratory develop-
25 ment projects.

1 (b) BASIC RESEARCH AND EXPLORATORY DEVELOP-
2 MENT DEFINED.—For purposes of this section, the term
3 “basic research and exploratory development” means work
4 funded in program elements for defense research and de-
5 velopment under Department of Defense category 6.1 or
6 6.2.

7 **SEC. 203. TACONITE PROCESSING TECHNOLOGY.**

8 Of the amount provided in section 201 for the Navy,
9 the sum of \$500,000 shall be available for the purpose
10 of initiating and carrying out a manufacturing technology
11 program for taconite processing technology.

12 **Subtitle B—Program Requirements, Restrictions, and Limita-**
13 **tions**
14

15 **SEC. 211. SPACE LAUNCH MODERNIZATION.**

16 (a) POLICY.—(1) It is in the Nation’s long-term na-
17 tional security and economic interests to regain pre-
18 eminence in the area of space launch technology and oper-
19 ations.

20 (2) Access to space at affordable costs is fundamental
21 to maintaining required command, control, communica-
22 tions, intelligence, navigation, weather, and early warning
23 support to United States and coalition forces.

24 (3) Encouragement of privately financed, cost effec-
25 tive expendable and reusable launch vehicles is in the eco-

1 nomic interest of the Department of Defense and the
2 United States Government.

3 (b) REQUIRED ACTIONS.—The Secretary of Defense
4 shall take the following actions in pursuance of the space
5 launch modernization policy set forth in subsection (a):

6 (1) Begin and complete a program to replace or
7 consolidate the current fleet of medium and heavy
8 expendable launch vehicles with new or upgraded ex-
9 pendable launch vehicles or with a combination of
10 expendable and reusable launch vehicles. The Sec-
11 retary shall initiate flight tests of new or upgraded
12 expendable launch vehicles and of reusable launch
13 vehicles not later than 1998 to achieve an initial
14 launch capability for selected replacement vehicles
15 not later than July 1, 2002. The program shall in-
16 clude a fly-before-buy acquisition strategy with both
17 advanced concept technology demonstrations of ex-
18 pendable launch vehicles and advanced technology
19 demonstrations of reusable launch vehicles.

20 (2) For purposes of paragraph (1), initiate a
21 competitive Advanced Concept Technology Dem-
22 onstration program to achieve a cost reduction over
23 current medium and heavy expendable launch vehi-
24 cles of at least 15 percent in flyaway cost per pound
25 (in fiscal year 1994 dollars) and at least 25 percent

1 reduction in launch operations costs per launch (in
2 fiscal year 1994 dollars).

3 (3) Encourage and evaluate innovative acquisi-
4 tion, technical, and financing (including best com-
5 mercial practices) solutions for providing affordable,
6 operable, reliable, and responsive access to space.

7 (4) Centralize oversight of launch requirements
8 of the Department of Defense and other users to
9 preclude inflated requirements from escalating cur-
10 rent and future launch costs.

11 (5) Encourage and provide incentives for the
12 use of commercial practices in the acquisition, oper-
13 ation, and support of Department of Defense space
14 operations.

15 (6) Establish effective suitable coordination
16 among military, civilian, and commercial launch de-
17 velopers and users.

18 (c) ALLOCATION OF FUNDS.—Of the amount author-
19 ized to be appropriated in section 201(3), \$200,000,000
20 shall be available for research, development, test, and eval-
21 uation of non-man-rated space launch systems and tech-
22 nologies. Of that amount—

23 (1) \$100,000,000 shall be available only for a
24 competitive reusable rocket technology demonstra-
25 tion program, including—

1 (A) use of at least 90 percent of such
2 amount for development and flight testing of
3 one or more technology demonstration vehicles,
4 and

5 (B) further development of reusable rocket
6 technologies; and

7 (2) \$100,000,000 shall be available only for an
8 Advanced Concept Technology Demonstration pro-
9 gram for expendable launch vehicles, including—

10 (A) competitive development and flight
11 testing of advanced concept technology dem-
12 onstration vehicles, and

13 (B) further development of enhanced tech-
14 nologies related to expendable launch vehicles,
15 including Russian rocket propulsion technology.

16 (d) LIMITATIONS.—(1) Not more than 2 percent of
17 the funds made available by subsection (c) may be used
18 for direct and indirect Department of Defense-related pro-
19 gram office, contractor support, and management over-
20 head costs.

21 (2) Program office staff may not exceed 10 individ-
22 uals, including contractor support.

23 (3) None of the funds authorized in this section may
24 be released or otherwise transferred for execution or obli-

1 gation to any Government department, agency, or organi-
2 zation outside the Department of Defense.

3 **SEC. 212. STANDOFF AIR-TO-SURFACE MUNITIONS TECH-**
4 **NOLOGY DEMONSTRATION.**

5 (a) IN GENERAL.—(1) Of the amounts authorized to
6 be appropriated pursuant to section 201, up to \$2,000,000
7 of the amount for the Navy and up to \$2,000,000 of the
8 amount for the Air Force shall be used for the conduct
9 of a demonstration of nondevelopmental technology that
10 would enable the use of a single adaptor kit for munitions
11 described in paragraph (2) in order to give those muni-
12 tions a standoff and near-precision guided capability. Such
13 amounts shall be obligated not later than nine months
14 after the date of the enactment of this Act.

15 (2) Paragraph (1) applies to guided and unguided in-
16 ventory munitions of the class of 1,000 pounds and
17 below.

18 (b) REPORT.—The Secretary of the Defense shall
19 submit to the congressional defense committees a report
20 setting forth in detail the results and costs of the dem-
21 onstration and the applicability of the technology dem-
22 onstrated in providing the Armed Forces with an inexpen-
23 sive solution to providing both range extension and near-
24 precision guided capability to in-inventory munitions.

1 **SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-IN-**
2 **FRARED ADVANCED CHEMICAL LASER**
3 **AGAINST AN OBJECT IN SPACE.**

4 The Secretary of Defense may not carry out a test
5 of the Mid-Infrared Advanced Chemical Laser (MIRACL)
6 transmitter and associated optics against an object in
7 space during fiscal year 1995 unless such testing is spe-
8 cifically authorized by law.

9 **SEC. 214. APPLICABILITY OF CERTAIN ELECTRONIC COM-**
10 **BAT SYSTEMS TESTING REQUIREMENTS.**

11 (a) COVERED SYSTEMS.—Subsection (a) of section
12 220 of the National Defense Authorization Act for Fiscal
13 Year 1994 (Public Law 103–160; 107 Stat. 1589) is
14 amended—

15 (1) by inserting “ACAT I level integrated or
16 stand-alone” before “electronic combat system”; and

17 (2) by inserting “ACAT I level integrated or
18 stand-alone” before “command, control, and commu-
19 nications countermeasure system”.

20 (b) APPLICABILITY.—Subsection (e) of section 220 of
21 such Act is amended to read as follows:

22 “(e) APPLICABILITY.—The provisions of subsections
23 (a) and (b) shall apply to an ACAT I level integrated or
24 stand-alone electronic combat system and to an ACAT I
25 level integrated or stand-alone command, control, and
26 communications countermeasure system regardless of

1 whether development of the electronic combat system or
2 the command, control, and communications counter-
3 measure system, as the case may be, began before, on,
4 or after the date of the enactment of this Act.”.

5 **SEC. 215. ADVANCED SELF PROTECTION JAMMER (ASPJ)**
6 **PROGRAM.**

7 (a) Subject to subsection (b), the Secretary of the
8 Navy shall, not later than September 30, 1994, obligate
9 funds appropriated to the Department of Defense for fis-
10 cal year 1994 and prior years to carry out logistics sup-
11 port, maintenance, and integration of existing Advanced
12 Self Protection Jammer systems from the Navy inventory
13 into the F-14D aircraft for testing and evaluation. The
14 Secretary may acquire sufficient racks, spares, and logistic
15 support, including hardware and software, necessary to
16 maintain the existing ASPJ systems in the Navy inven-
17 tory.

18 (b) The Secretary of the Navy may obligate funds
19 under subsection (a) only to the extent provided in appro-
20 priations Acts.

21 (c) The Secretary of the Navy shall carry out sub-
22 section (a) notwithstanding section 122 of the National
23 Defense Authorization Act for Fiscal Year 1993 (Public
24 Law 102-484; 106 Stat. 2334).

1 **SEC. 216. ADVANCED LITHOGRAPHY PROGRAM.**

2 (a) PURPOSE.—The purpose of the Advanced Lithog-
3 raphy Program (hereinafter in this section referred to as
4 the “ALP”) is to fund goal-oriented research and develop-
5 ment to be conducted in both the public and private sec-
6 tors to help achieve a competitive position for American
7 lithography tool manufacturers in the international mar-
8 ket place.

9 (b) CONDUCT OF PROGRAM.—(1) The program shall
10 be conducted in accordance with research and development
11 plans (including an interim plan) developed by the Semi-
12 conductor Technology Council, established in section 273
13 of the National Defense Authorization Act for Fiscal
14 Years 1988 and 1989 (15 U.S.C. 4603) (as amended by
15 section 263 of the National Defense Authorization Act for
16 Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1608)).

17 (2) The interim plan referred to in paragraph (1)
18 shall be the Semiconductor Industry Association (SIA)
19 1994 development plan for lithography.

20 (c) PROGRAM MANAGEMENT.—The Advanced Re-
21 search Projects Agency (ARPA) shall be the executive
22 agent for the ALP and shall ensure seamless program
23 planning of the ALP into the full range of ARPA core
24 electronics development programs.

1 (d) FUNDING.—Of the funds authorized to be appro-
2 priated in section 201, \$100,000,000 shall be available for
3 the advanced lithography program. Of that amount—

4 (1) \$75,000,000 shall be available to conduct
5 research and development activities in accordance
6 with subsection (b); and

7 (2) \$25,000,000 shall be available to procure
8 advanced American-manufactured lithography tools
9 for evaluation at Government-owned or Government-
10 sponsored research facilities engaged in advanced li-
11 thography.

12 (e) REQUIREMENTS.—Not later than January 1,
13 1995—

14 (1) the President shall appoint to the Semi-
15 conductor Technology Council, referred to in sub-
16 section (a), the members listed in section 273(c) of
17 the National Defense Authorization Act for Fiscal
18 Years 1988 and 1989 (15 U.S.C. 4603);

19 (2) the Under Secretary of Defense for Acquisi-
20 tion and Technology, in his capacity as Cochairman
21 of the Council, shall call a meeting of the Council for
22 the purpose of developing a national strategy for li-
23 thography;

1 (B) to increase the probability of long-term
2 growth of competitive funding to investigators at in-
3 stitutions from eligible States.

4 (3) In order to carry out the objectives stated in para-
5 graph (2), DEPSCoR shall provide for activities which
6 may include competitive research awards, research infra-
7 structure support, and graduate traineeships.

8 (4) DEPSCoR shall assist those States that—

9 (A) historically have received relatively little
10 Federal research and development funding; and

11 (B) have demonstrated a commitment to de-
12 velop their research bases and improve science and
13 engineering research and education programs at
14 their universities and colleges.

15 (b) DEFINITION.—The term “eligible States” means
16 States that have been designated by the Director of the
17 National Science Foundation as eligible to participate in
18 the Experimental Program to Stimulate Competitive Re-
19 search.

20 (c) COORDINATION.—The Secretary shall consult
21 with the Director of the National Science Foundation and
22 the Director of the Office of Science and Technology Pol-
23 icy in the planning, development, and execution of
24 DEPSCoR and shall coordinate the Department’s pro-
25 gram with similar programs sponsored by other Federal

1 agencies. All solicitations shall be made to, and all awards
2 shall be made through, the State committees established
3 by the National Science Foundation for the purpose of ad-
4 ministering the Experimental Program to Stimulate Com-
5 petitive Research. The State committees shall ensure that
6 the DEPSCoR program is coordinated with other Federal
7 Experimental Program to Stimulate Competitive Research
8 initiatives in their respective States.

9 **SEC. 219. DIGITAL BATTLEFIELD PROGRAM.**

10 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
11 of the Army shall establish a Digital Battlefield program
12 to provide enhancements required to field components for
13 a digitalized battlefield by 1996. These enhancements
14 shall include electronics, second-generation forward-look-
15 ing infrared technology, and communications for major
16 platforms and development of applique packages for plat-
17 forms without embedded digital systems.

18 (b) FUNDING.—Of the amounts authorized to be ap-
19 propriated pursuant to section 201, \$50,000,000 shall be
20 available for fiscal year 1995 for the digital battlefield pro-
21 gram (PE 203758A).

22 (c) PROGRAM LIMITATION.—None of the funds ap-
23 propriated pursuant to section 201 for the digital battle-
24 field program (PE 203758A) for the Army for fiscal year
25 1995 may be obligated for research and development ac-

1 tivities for development or integration of such program
2 until the Secretary of the Army—

3 (1) establishes, and programs funds for, a re-
4 search and development program to enhance the
5 processing and memory capability of the electronic
6 systems on the Abrams tank to make the M1/M1A2
7 Abrams tank compatible and interoperable with the
8 digital battlefield, when placed into service;

9 (2) restructures the M1 Abrams tank upgrade
10 program to incorporate the enhancements produced
11 by the research and development program estab-
12 lished under paragraph (1);

13 (3) transmits to the congressional defense com-
14 mittees a report providing notice of the restructured
15 M1A2 program under paragraph (2) and a descrip-
16 tion of the program;

17 (4) coordinates with the Secretary of the Navy
18 to include the Marine Corps in the Army's plans for
19 the digital battlefield; and

20 (5) transmits to the congressional defense com-
21 mittees a report describing—

22 (A) the Army's plan of actions and mile-
23 stones for defining the overall system architec-
24 ture for the digital battlefield, the standards

1 and protocols for the digital battlefield, and re-
2 sulting requirements;

3 (B) how those requirements affect or will
4 affect the major platforms that will make up
5 the digital battlefield; and

6 (C) the manner in which coordination with
7 the Secretary of the Navy under paragraph (4)
8 is being carried out.

9 **SEC. 220. MOBILE OFF-SHORE BASE AND LANDING SHIP**
10 **QUAY CAUSEWAY PROGRAM.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) The concepts of the sea-going Mobile Off-
14 Shore Base and the related Landing Ship Quay
15 Causeway could result in significant improvements
16 in the capability for the Armed Forces to respond to
17 crises in those areas where land bases are not avail-
18 able for use by those forces.

19 (2) The potential development and acquisition
20 costs of the Mobile Off-Shore Base and the Landing
21 Ship Quay Causeway are such that any program for
22 development of the Mobile Off-Shore Base or the
23 Landing Ship Quay Causeway should be designated
24 as a major defense acquisition program.

1 (b) LIMITATION.—No funds are authorized for fiscal
2 year 1995 for research and development for a Mobile Off-
3 Shore Base or a Landing Ship Quay Causeway program.
4 The Secretary of Defense may not develop or acquire a
5 Mobile Off-Shore Base or a Landing Ship Quay Causeway
6 until both of the following occur:

7 (1) The military requirement for a Mobile Off-
8 Shore Base and a Landing Ship Quay Causeway, as
9 reflected in operational requirements documents, is
10 approved by the Joint Requirements Oversight
11 Council.

12 (2) The Secretary of Defense certifies to the
13 congressional defense committees that—

14 (A) there is a validated requirement for
15 the Mobile Off-Shore Base or the Landing Ship
16 Quay Causeway; and

17 (B) the acquisition plan and program to
18 fulfill the requirement are established and are
19 funded to the end of the current future-years
20 defense program submitted pursuant to section
21 221 of title 10, United States Code.

22 **SEC. 221. ARROW/ACES PROGRAM.**

23 Of the amount provided in section 201 for Defense-
24 wide activities, \$52,400,000 is available for the Arrow/
25 ACES program.

1 **SEC. 222. ARMY HELICOPTER ENGINE UPGRADE PROGRAM.**

2 The amount authorized in section 201 for the Army
3 is hereby reduced by \$4,500,000, to be derived from the
4 amount provided for development of an electronic fuel con-
5 trol to upgrade the hydromechanical unit for the T53-se-
6 ries helicopter engine.

7 **SEC. 223. RESEARCH AND DEVELOPMENT FOR STRATEGIC**
8 **METALS.**

9 (a) RESEARCH AND DEVELOPMENT.—The Secretary
10 of Defense, in consultation with the Secretary of Com-
11 merce, shall give consideration to acceleration of research
12 and development projects for strategic metals and alloys
13 to support the objectives of section 2501(c) of title 10,
14 United States Code. In carrying out the preceding sen-
15 tence, the Secretary of Defense shall begin by conducting
16 a project for the acceleration of research in aluminum be-
17 ryllium alloys to meet military and commercial standards
18 for emerging applications.

19 (b) FUNDING.—Of the amounts authorized in section
20 201(4) for materials and electronic technology carried out
21 by the Advanced Research Projects Agency, \$2,000,000
22 is authorized for the project for acceleration of research
23 in aluminum beryllium alloys described in subsection (a).

1 **Subtitle C—Missile Defense**
2 **Programs**

3 **SEC. 231. BALLISTIC MISSILE DEFENSE ORGANIZATION**
4 **BUDGET PRESENTATION.**

5 In the budget of the President for any fiscal year,
6 amounts requested for the Ballistic Missile Defense Orga-
7 nization shall be set forth showing the amounts requested
8 for each individual program, project, and activity of that
9 organization as well as the total amount requested for the
10 organization.

11 **SEC. 232. THEATER MISSILE DEFENSE PROGRAMS.**

12 (a) NAVAL THEATER MISSILE DEFENSE.—Of the
13 amount provided for the Ballistic Missile Defense Organi-
14 zation under section 201 for Theater Missile Defense, not
15 less than \$40,000,000 shall be available to support the
16 aggressive exploration of the Navy Upper Tier Program
17 for Naval Theater Missile Defense.

18 (b) ACCELERATED ADVANCED CONCEPT TECH-
19 NOLOGY DEMONSTRATION PROGRAM.—The Secretary of
20 Defense, acting through the Director of the Ballistic Mis-
21 sile Defense Organization, shall initiate during fiscal year
22 1995 an accelerated Advanced Concept Technology Dem-
23 onstration Program to demonstrate the technical feasibil-
24 ity of using the Navy's Block IV Standard Missile com-
25 bined with a kick stage rocket motor and the lightweight

1 Exoatmospheric Projectile (LEAP) as a near-term option
2 for cost-effective wide-area Theater Missile Defense.

3 (c) THEATER MISSILE DEFENSE PROGRAM PRIOR-
4 ITIES.—(1) The Secretary of Defense, acting through the
5 Director of the Ballistic Missile Defense Organization,
6 shall establish as the first priority of the Theater Missile
7 Defense Program the deployment of—

8 (A) a layered land-based Theater Missile De-
9 fense capability consisting of the Patriot Advanced
10 Capability (PAC-3) system and the Theater High-
11 Altitude Area Defense (THAAD) system; and

12 (B) a layered sea-based Theater Missile De-
13 fense capability consisting of the Navy Lower Tier
14 theater missile defense program and the Navy Upper
15 Tier theater missile defense program.

16 (2) Each program referred to in paragraph (1) shall
17 be treated by the Department of Defense as a major acqui-
18 sition program for funding purposes for fiscal years 1995
19 through 1999, as prescribed in the October 1993 report
20 of the Secretary of Defense entitled “Report on the Bot-
21 tom Up Review” and in Defense Planning Guidance.

22 **SEC. 233. THEATER MISSILE DEFENSE RISK REDUCTION**
23 **ACTIVITIES.**

24 (a) IN GENERAL.—Of the amount provided in section
25 201 for Defense-wide Activities, \$210,000,000 is for thea-

1 ter missile defense risk reduction activities of the Ballistic
2 Missile Defense Organization. None of such amount may
3 be obligated for a program specified in subsection (b) until
4 30 days after the date on which the Secretary of Defense
5 submits to the congressional defense committees notice of
6 the Secretary's plans to obligate funds for such program.

7 (b) PROGRAMS.—The programs referred to in sub-
8 section (a) are the following:

9 (1) The Extended-Range Interceptor (ERINT)
10 program.

11 (2) The Multi-Mode Missile.

12 (3) Sea-based lower tier systems.

13 (4) Sea-based upper tier systems.

14 **SEC. 234. MILITARY SATELLITE COMMUNICATIONS.**

15 (a) MILSTAR LIMITATION.—Of the amount author-
16 ized in section 201 for the MILSTAR satellite communica-
17 tions program, \$50,000,000 may not be obligated until a
18 report setting forth the plan described in subsection (b)
19 has been received by the congressional defense committees.

20 (b) MILITARY COMMUNICATIONS MASTER PLAN.—
21 The Secretary of Defense shall develop a military commu-
22 nications master plan that addresses—

23 (1) the projected military communications re-
24 quirements of the Department of Defense;

1 (2) alternate and innovative ways of meeting
2 those requirements (including greater reliance on the
3 commercial sector); and

4 (3) methods to ensure that those elements of
5 the Department of Defense that create the demand
6 for such communications services are required to
7 have an important role in paying for the provision
8 of those services.

9 **SEC. 235. LIMITATION ON FLIGHT TESTS OF CERTAIN MIS-**
10 **SILES.**

11 (a) **LIMITATION.**—The Secretary of Defense may not
12 conduct a flight test program of theater missile defense
13 interceptors and sensors if an anticipated result of the
14 launch of a missile under that test program would be re-
15 lease of debris in a land area of the United States outside
16 a designated Department of Defense test range.

17 (b) **DEFINITION OF DEBRIS.**—For purposes of sub-
18 section (a), the term “debris” does not include particulate
19 matter that is regulated for considerations of air quality.

20 (c) **CERTAIN TESTING UNAFFECTED.**—Nothing in
21 this section shall be construed as prohibiting or limiting
22 testing of cruise missiles, unmanned aerial vehicles
23 (UAVs), or precision-guided munitions.

1 **SEC. 236. COMPLIANCE WITH THE ABM TREATY.**

2 (a) LIMITATION.—Funds appropriated to the Depart-
3 ment of Defense for fiscal year 1995, or otherwise made
4 available to the Department of Defense from any funds
5 appropriated for fiscal year 1995 or for any fiscal year
6 before 1995, may not be obligated or expended—

7 (1) for any development or testing of anti-bal-
8 listic missile systems or components except for devel-
9 opment and testing consistent with the interpreta-
10 tion of the ABM Treaty set forth in the enclosure
11 to the July 13, 1993, ACDA letter; or

12 (2) for the acquisition of any material or equip-
13 ment (including long lead materials, components,
14 piece parts, or test equipment, or any modified space
15 launch vehicle) required or to be used for the devel-
16 opment or testing of anti-ballistic missile systems or
17 components, except for material or equipment re-
18 quired for development or testing consistent with the
19 interpretation of the ABM Treaty set forth in the
20 enclosure to the July 13, 1993, ACDA letter.

21 (b) DEFINITIONS.—In this section:

22 (1) The term “July 13, 1993, ACDA letter”
23 means the letter dated July 13, 1993, from the Act-
24 ing Director of the Arms Control and Disarmament
25 Agency to the chairman of the Committee on For-
26 eign Relations of the Senate relating to the correct

1 interpretation of the ABM Treaty and accompanied
2 by an enclosure setting forth such interpretation.

3 (2) The term “ABM Treaty” means the Treaty
4 between the United States of America and the
5 Union of Soviet Socialist Republics on the Limita-
6 tion of Anti-Ballistic Missiles, signed in Moscow on
7 May 26, 1972.

8 **Subtitle D—Women’s Health** 9 **Research**

10 **SEC. 241. DEFENSE WOMEN’S HEALTH RESEARCH PRO-** 11 **GRAM.**

12 (a) CONTINUATION OF THE PROGRAM.—The Sec-
13 retary of Defense shall continue the Defense Women’s
14 Health Research Program (hereinafter in this section re-
15 ferred to as the “Program”) established in fiscal year
16 1994 pursuant to the authority in section 251 of the Na-
17 tional Defense Authorization Act for Fiscal Year 1994
18 (Public Law 103–160; 107 Stat. 1606). The Program
19 shall continue under an Army executive agency or agent
20 and shall serve as the coordinating agent for multidisci-
21 plinary and multi-institutional research within the Depart-
22 ment of Defense on women’s health issues related to serv-
23 ice in the Armed Forces. The Program also shall coordi-
24 nate with research supported by the Department of Health

1 and Human Services and other agencies that is aimed at
2 improving the health of women.

3 (b) IMPLEMENTATION PLAN.—If the Secretary of
4 Defense intends to change the plan for the implementation
5 of the Program previously submitted to the Committees
6 on Armed Services of the Senate and House of Represent-
7 atives, the amended plan shall be submitted to such com-
8 mittees before implementation.

9 (c) PROGRAM ACTIVITIES.—The Program shall sup-
10 port health research into matters relating to the service
11 of women in the military, including the following matters:

12 (1) Epidemiologic research, including health
13 care needs of deployed women, patterns of illness
14 and injury, environmental and occupational hazards,
15 side-effects of pharmaceuticals and biologicals, and
16 psychological stress associated with military train-
17 ing, deployment, traumatic incidents, and other mili-
18 tary life conditions.

19 (2) Data base development designed to facili-
20 tate long-term research studies of women's health is-
21 sues, and continued development and support of a
22 military women's health information clearinghouse
23 to serve as an information resource for clinical, re-
24 search, and policy issues affecting women in the
25 Armed Forces.

1 (3) Policies and standards issues, including re-
2 search supporting development of military standards
3 related to training, operations, deployment, and re-
4 tention and their relationship to factors affecting
5 women's health.

6 (4) Research emphasizing interventions that
7 have a potential for affecting health issues associ-
8 ated with women's military service.

9 (d) FUNDING.—Of the amount authorized to be ap-
10 propriated pursuant to section 201, \$40,000,000 shall be
11 available for the Program.

12 **TITLE III—OPERATION AND**
13 **MAINTENANCE**
14 **Subtitle A—Authorization of**
15 **Appropriations**

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

17 Funds are hereby authorized to be appropriated for
18 fiscal year 1995 for the use of the Armed Forces and other
19 activities and agencies of the Department of Defense for
20 expenses, not otherwise provided for, for operation and
21 maintenance in amounts as follows:

22 (1) For the Army, \$17,362,741,000.

23 (2) For the Navy, \$20,110,196,000.

24 (3) For the Marine Corps, \$1,997,095,000.

25 (4) For the Air Force, \$18,733,458,000.

1 (5) For Defense-wide activities,
2 \$9,513,523,000.

3 (6) For the Army Reserve, \$1,255,057,000.

4 (7) For the Naval Reserve, \$827,819,000.

5 (8) For the Marine Corps Reserve,
6 \$81,462,000.

7 (9) For the Air Force Reserve, \$1,481,332,000.

8 (10) For the Army National Guard,
9 \$2,448,615,000.

10 (11) For the Air National Guard,
11 \$2,780,178,000.

12 (12) For the National Board for the Promotion
13 of Rifle Practice, \$2,544,000.

14 (13) For the Defense Inspector General,
15 \$147,172,000.

16 (14) For the Court of Military Appeals,
17 \$6,152,000.

18 (15) For Environmental Restoration, Defense,
19 \$2,180,200,000.

20 (16) For Drug Interdiction and Counter-drug
21 Activities, Defense-wide, \$714,200,000.

22 (17) For Medical Programs, Defense,
23 \$9,613,331,000.

24 (18) For the National Contingency Operation
25 Non-DBOF Costs Fund, \$300,000,000.

1 (19) For Department of Defense World War II
2 50th Anniversary Program, \$500,000.

3 (20) For Project Peace, \$15,000,000.

4 (21) For Former Soviet Union Threat Reduc-
5 tion, \$400,000,000.

6 (22) For Overseas Humanitarian, Disaster, and
7 Civic Aid programs, \$60,000,000.

8 **SEC. 302. DEFENSE BUSINESS OPERATIONS FUND.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 1995 for the use of the Armed Forces and other
11 activities and agencies of the Department of Defense for
12 the Defense Business Operations Fund in the amount of
13 \$1,212,038,000.

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

15 There is hereby authorized to be appropriated for fis-
16 cal year 1995 from the Armed Forces Retirement Home
17 Trust Fund the sum of \$59,317,000 for the operation of
18 the Armed Forces Retirement Home, including the United
19 States Soldiers' and Airmen's Home and the Naval Home.

20 **SEC. 304. FUNDS FOR DEPOT-LEVEL MAINTENANCE AND**
21 **REPAIR WORK.**

22 (a) INCREASED FUNDING FOR DEPARTMENT OF DE-
23 FENSE DEPOT-LEVEL ACTIVITIES.—Of amounts author-
24 ized to be appropriated for fiscal year 1995 under section
25 301, the amount that shall be available for the perform-

1 ance of depot-level maintenance and repair work by depot-
2 level activities of the Department of Defense is the amount
3 equal to the sum of—

4 (1) the total amount requested in the Presi-
5 dent's budget for that fiscal year for the Depart-
6 ment of Defense for the performance of depot-level
7 maintenance and repair work; and

8 (2) \$600,000,000, of which—

9 (A) \$300,000,000 shall be available for the
10 Army;

11 (B) \$100,000,000 shall be available for the
12 Navy;

13 (C) \$150,000,000 shall be available for the
14 Air Force; and

15 (D) \$50,000,000 shall be available for the
16 Marine Corps.

17 (b) DECREASED FUNDING FOR CONTRACTORS.—Of
18 amounts appropriated for fiscal year 1995 pursuant to
19 section 301, the amount that shall be available for the per-
20 formance of depot-level maintenance and repair work by
21 non-Federal Government personnel is not more than the
22 amount equal to 40 percent of the total amount requested
23 in the President's budget for that fiscal year for the De-
24 partment of Defense for the performance of depot-level
25 maintenance and repair work.

1 **SEC. 305. SUPPORT FOR THE 1996 SUMMER OLYMPICS.**

2 (a) AUTHORITY TO PROVIDE SUPPORT.—The Sec-
3 retary of Defense may provide logistical support and per-
4 sonnel services in connection with the 1996 games of the
5 XXVI Olympiad to be held in Atlanta, Georgia.

6 (b) PAY AND NONTRAVEL-RELATED ALLOW-
7 ANCES.—(1) Except as provided in paragraph (2), the
8 costs for pay and nontravel-related allowances of members
9 of the Armed Forces for the support and services referred
10 to in subsection (a) may not be charged to appropriations
11 made pursuant to the authorization of appropriations in
12 subsection (c).

13 (2) Paragraph (1) does not apply in the case of mem-
14 bers of a reserve component called or ordered to active
15 duty to provide logistical support and personnel services
16 for the games of the XXVI Olympiad.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated \$4,000,000 for the Depart-
19 ment of Defense for fiscal year 1995 to carry out sub-
20 section (a).

21 **SEC. 306. FUNDS FOR CLEARING LANDMINES.**

22 Of the funds authorized to be appropriated in section
23 301, not more than \$25,000,000 shall be available for ac-
24 tivities to support the clearing of landmines for humani-
25 tarian purposes, as determined by the Secretary of De-
26 fense.

1 **SEC. 307. SUPPORT FOR THE 1995 SPECIAL OLYMPICS**
2 **WORLD GAMES.**

3 (a) **AUTHORITY TO PROVIDE SUPPORT.**—The Sec-
4 retary of Defense may provide logistical support and per-
5 sonnel services in connection with the 1995 Special Olym-
6 pics World Games to be held in the State of Connecticut.

7 (b) **PAY AND NONTRAVEL-RELATED ALLOW-**
8 **ANCES.**—(1) Except as provided in paragraph (2), the
9 costs for pay and nontravel-related allowances of mem-
10 bers of the Armed Forces for the support and services re-
11 ferred to in subsection (a) may not be charged to appro-
12 priations made pursuant to the authorization in sub-
13 section (c).

14 (2) Paragraph (1) does not apply in the case of
15 members of a reserve component called or ordered to ac-
16 tive duty to provide logistical support and personnel serv-
17 ices for the 1995 Special Olympics World Games.

18 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
19 authorized to be appropriated for the Department of De-
20 fense for fiscal year 1995 the sum of \$2,000,000 to carry
21 out subsection (a).

Subtitle B—Limitations

SEC. 311. REPORTS AND LIMITATION ON TRANSFER OF CERTAIN OPERATION AND MAINTENANCE FUNDS.

(a) LIMITATION ON TRANSFER.—Section 116 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following:

“(b) REPORTS ON TRANSFERS OF CERTAIN FUNDS.—(1) Each report required by subsection (a) shall include a report on the following:

“(A) Each transfer of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in paragraph (3) between appropriations during the preceding fiscal year, including the reason for the transfer.

“(B) Each transfer of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in paragraph (3) within that appropriation for any other such activity during the preceding fiscal year, including the reason for the transfer.

1 “(2) On May 1 of each year, the Secretary of Defense
2 shall submit to the Congress a report on the following:

3 “(A) Each transfer during the first six months
4 of the fiscal year in which the report is submitted
5 of amounts provided in an appropriation Act to the
6 Department of Defense for the activities referred to
7 in paragraph (3) between appropriations, including
8 the reason for the transfer.

9 “(B) Each transfer during the first six months
10 of the fiscal year in which the report is submitted
11 of amounts provided in an appropriation Act to the
12 Department of Defense for an activity referred to in
13 paragraph (3) within that appropriation for any
14 other such activity, including the reason for the
15 transfer.

16 “(3) The activities referred to in paragraphs (1) and
17 (2) are the following:

18 “(A) Activities for which amounts are appro-
19 priated for the Army for operations and mainte-
20 nance for operating forces for (i) combat units, (ii)
21 tactical support, and (iii) force-related training/spe-
22 cial activities.

23 “(B) Activities for which amounts are appro-
24 priated for the Navy for operations and maintenance
25 for operating forces for (i) mission and other flight

1 operations, (ii) mission and other ship operations,
2 (iii) fleet air training, and (iv) ship operational sup-
3 port and training.

4 “(C) Activities for which amounts are appro-
5 priated for the Air Force for operations and mainte-
6 nance for operating forces for (i) primary combat
7 forces, (ii) primary combat weapons, (iii) global and
8 early warning, and (iv) air operations training.

9 “(c) LIMITATION.—The Secretary of Defense may
10 not transfer an amount that exceeds \$20,000,000 of
11 amounts provided in an appropriation Act to the Depart-
12 ment of Defense for the activities referred to in subsection
13 (b)(3) between appropriations or within that appropriation
14 for any other such activity until—

15 “(1) the Congress is notified of the transfer;
16 and

17 “(2) a period of 30 days elapses after such noti-
18 fication is received.”.

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

21 **“§ 116. Operations and maintenance activities: con-
22 gressional oversight”.**

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

“116. Operations and maintenance activities: congressional oversight.”.

1 (c) CONFORMING REPEAL.—Section 377 of the Na-
2 tional Defense Authorization Act for Fiscal Year 1994
3 (Public Law 103–160; 107 Stat. 1638) is repealed.

4 **SEC. 312. LIMITATION ON RETENTION OF MORALE, WEL-**
5 **FARE, AND RECREATION FUNDS BY MILITARY**
6 **INSTALLATIONS.**

7 (a) LIMITATION.—Chapter 131 of title 10, United
8 States Code, is amended by adding at the end the follow-
9 ing new section:

10 **“§2219. Retention of morale, welfare, and recreation**
11 **funds by military installations: limitation**

12 “Amounts may not be retained in a nonappropriated
13 morale, welfare, and recreation account of a military in-
14 stallation of a military department in excess of the amount
15 necessary to meet working capital requirements of that in-
16 stallation. Amounts in excess of that amount shall be
17 transferred to a single, department-wide nonappropriated
18 morale, welfare, and recreation account of the military de-
19 partment.”.

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

“2219. Retention of morale, welfare, and recreation funds by military installa-
tions: limitation.”.

1 **SEC. 313. PROHIBITION ON USE OF APPROPRIATED FUNDS**
2 **FOR OPERATION OF ARMED FORCES RECRE-**
3 **ATION CENTER, EUROPE.**

4 No funds appropriated to the Department of Defense
5 for any fiscal year may be used to operate the Armed
6 Forces Recreation Center, Europe, except that such funds
7 may be used for the payment of utilities, emergency re-
8 pairs, and transportation of United States products for
9 the Center.

10 **SEC. 314. LIMITATION ON USE OF SPECIFICATIONS FOR**
11 **PROCUREMENT OF SUBSISTENCE ITEMS.**

12 (a) IN GENERAL.—Chapter 137 of title 10, United
13 States Code, is amended by adding at the end the follow-
14 ing new section:

15 **“§ 2332. Subsistence items: limitation on use of speci-**
16 **fications and restrictions in procurement**
17 **of**

18 “(a) LIMITATION.—Except as provided in subsection
19 (b), the Secretary of Defense may not use specifications
20 or restrictions in the procurement of subsistence items for
21 use at military installations.

22 “(b) EXCEPTION.—The Secretary of Defense may
23 use specifications and restrictions in the procurement of
24 field rations and shipboard rations (including tray packs
25 and meals ready-to-eat), except that any such specifica-
26 tions and restrictions shall be developed consistent with

1 the preference of the Department of Defense for commer-
2 cial items.”.

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

“2332. Subsistence items: limitation on use of specifications and restrictions in
procurement of.”.

6 **Subtitle C—Depot-Level Activities**

7 **SEC. 321. FINDINGS.**

8 The Congress finds the following:

9 (1) By providing the Armed Forces with a criti-
10 cal capacity to respond to the needs of the Armed
11 Forces for depot-level maintenance and repair of
12 weapon systems and equipment, the depot-level
13 maintenance and repair activities of the Department
14 of Defense play an essential role in maintaining the
15 readiness of the Armed Forces.

16 (2) The consolidation of entities within the de-
17 fense industry has jeopardized the capability of the
18 defense industry to perform maintenance and repair
19 of weapon systems and equipment.

20 (3) The defense industry maintains not less
21 than 60 percent of the total capability to perform
22 maintenance and repair of weapon systems and
23 equipment.

1 (4) The capability of the depot-level mainte-
2 nance and repair activities of the Department of De-
3 fense to perform maintenance and repair of weapon
4 systems and equipment should not be determined by
5 policies established by the defense industry.

6 (5) Reductions in the number of civilian em-
7 ployees of the depot-level maintenance and repair ac-
8 tivities of the Department of Defense may account
9 for approximately 80 percent of all reductions in the
10 coming years in the number of civilian employees of
11 the Department.

12 (6) An increase from one fiscal year to the next
13 in the amount of funds available for the mainte-
14 nance and repair of weapon systems and equipment
15 does not necessarily result in a corresponding in-
16 crease in the performance of such maintenance and
17 repair.

18 **SEC. 322. MODIFICATION OF LIMITATION ON PERFORM-**
19 **ANCE OF DEPOT-LEVEL MAINTENANCE.**

20 (a) MODIFICATION.—Subsection (a) of section 2466
21 of title 10, United States Code, is amended to read as
22 follows:

23 “(a) PERCENTAGE LIMITATION.—Not more than 40
24 percent of the funds made available in a fiscal year to a
25 military department or a Defense Agency for depot-level

1 maintenance and repair workload may be used to contract
2 for the performance by non-Federal Government personnel
3 of such workload for the military department or the De-
4 fense Agency. Any such funds that are not used for such
5 a contract shall be used for the performance of depot-level
6 maintenance and repair workload by employees of the De-
7 partment of Defense.”.

8 (b) INCLUSION OF REPAIR ACTIVITIES.—Subsection
9 (b) of such section is amended by inserting “and repair”
10 after “maintenance” each place it appears.

11 (c) COMPUTATION OF PERCENTAGE.—Such section is
12 further amended—

13 (1) by redesignating subsections (d) and (e) as
14 subsections (e) and (f), respectively; and

15 (2) by inserting after subsection (c) the follow-
16 ing new subsection (d):

17 “(d) COMPUTATION OF PERCENTAGE.—In computing
18 for purposes of subsection (a) the percentage of funds re-
19 ferred to in that subsection that are used to contract for
20 the performance of depot-level maintenance and repair
21 workload, the Secretary of the military department, or in
22 the case of a Defense Agency, the Secretary of Defense
23 shall include in the computation any funds provided for
24 the performance by such personnel of the following:

25 “(1) Interim contractor support.

1 “(2) Contract logistic support.

2 “(3) Maintenance and repair workload above
3 the unit level.

4 “(4) The provision of materials and parts.”.

5 (d) REPORT.—Subsection (f) of such section, as re-
6 designated by subsection (c)(1), is amended to read as fol-
7 lows:

8 “(f) REPORT.—Not later than January 15, 1995, the
9 Secretary of Defense shall submit to the Congress a report
10 describing the progress during the preceding fiscal year
11 by each military department and Defense Agency to
12 achieve and maintain the percentage of depot-level mainte-
13 nance and repair required to be performed by employees
14 of the Department of Defense pursuant to subsection
15 (a).”.

16 **SEC. 323. LIMITATION ON THE PERFORMANCE OF DEPOT-**
17 **LEVEL MAINTENANCE OF MATERIEL FOR**
18 **NEW WEAPON SYSTEMS.**

19 (a) LIMITATION.—Subsection (a) of section 2466 of
20 title 10, United States Code, as amended by section 322
21 of this Act, is amended—

22 (1) by inserting “(1)” before “Not more than
23 40 percent”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(2) The Secretary concerned shall, within 5 years
2 after the initial delivery of a weapon system by a contrac-
3 tor to the Department of Defense, provide for the perform-
4 ance by employees of the Department of Defense of not
5 less than 60 percent of the depot-level maintenance of the
6 weapon system.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply only with respect to a weapon sys-
9 tem initially delivered after the date of the enactment of
10 this Act.

11 **SEC. 324. AUDITS TO MONITOR COST GROWTH OF CON-**
12 **TRACTS TO PERFORM DEPOT-LEVEL MAINTEN-**
13 **NANCE AND REPAIR.**

14 (a) REQUIREMENT.—Chapter 146 of title 10, United
15 States Code, is amended by adding at the end the follow-
16 ing new section:

17 **“§ 2470. Audits of cost growth in contracts to perform**
18 **depot-level maintenance and repair**

19 “The Secretary of Defense shall audit contracts en-
20 tered into by the Department of Defense for the perform-
21 ance of depot-level maintenance and repair to monitor the
22 costs incurred by the contractor to perform the contract.
23 An audit of a contract under this section shall be per-
24 formed at least once during the period in which the con-
25 tract is performed and shall take account of any costs in-

1 curred by the contract in excess of the amount proposed
2 by the contractor to perform the contract or in excess of
3 costs incurred by the contractor during the previous
4 year.”.

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

“2470. Audits of cost growth in contracts to perform depot-level maintenance
and repair.”.

8 **SEC. 325. CONSIDERATION OF COSTS OF CLOSING DEPART-**
9 **MENT OF DEFENSE DEPOTS IN CERTAIN**
10 **COST COMPARISONS.**

11 Section 2467 of title 10, United States Code, is
12 amended—

13 (1) by redesignating subsection (b) as sub-
14 section (c); and

15 (2) by inserting after subsection (a) the follow-
16 ing:

17 “(b) REQUIREMENT TO CONSIDER COSTS OF CLOS-
18 ING DEPOTS.—In any comparison conducted by the De-
19 partment of Defense of the cost of performing depot-level
20 maintenance and repair work by non-Federal Government
21 personnel and the cost of performing such work by em-
22 ployees of the Department of Defense, the Secretary of
23 Defense shall, to the maximum extent practicable, con-
24 sider the estimated cost (including the cost to perform any

1 necessary environmental restoration of the facility) that
2 would be incurred if the Department of Defense were re-
3 quired to close a Department of Defense defense depot-
4 level facility as a result of awarding the contract to non-
5 Federal Government personnel to perform such work.”.

6 **SEC. 326. AUTHORITY FOR DEPOT-LEVEL ACTIVITIES OF**
7 **THE DEPARTMENT OF DEFENSE TO COMPETE**
8 **FOR MAINTENANCE AND REPAIR WORK-**
9 **LOADS OF OTHER FEDERAL AGENCIES.**

10 (a) IN GENERAL.—Chapter 146 of title 10, United
11 States Code, as amended by section 324 of this Act, is
12 further amended by adding at the end the following new
13 section:

14 **“§2471. Depot-level activities of the Department of**
15 **Defense: authority to compete for mainte-**
16 **nance and repair workloads of other Fed-**
17 **eral agencies**

18 “A depot-level activity of the Department of Defense
19 shall be eligible to compete for the performance of any
20 depot-level maintenance and repair workload of a Federal
21 agency for which competitive procedures are used to select
22 the entity to perform the workload.”.

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

“2471. Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies.”.

1 **SEC. 327. AUTHORITY OF DEPOTS TO PROVIDE SERVICES**

2 **OUTSIDE OF THE DEPARTMENT OF DEFENSE.**

3 (a) IN GENERAL.—Chapter 146 of title 10, United
4 States Code, as amended by section 326 of this Act, is
5 further amended by adding at the end the following new
6 section:

7 **“§2472. Persons outside the Department of Defense:**

8 **lease of excess depot-level equipment and**
9 **facilities by**

10 “(a) AUTHORITY TO LEASE EXCESS EQUIPMENT
11 AND FACILITIES.—Subject to subsection (b), the Sec-
12 retary of a military department and, with respect to a De-
13 fense Agency, the Secretary of Defense, may lease excess
14 equipment and facilities of a depot-level activity of the
15 military department, or the Defense Agency, to a person
16 outside the Department of Defense for the performance
17 of depot-level maintenance and repair work by such per-
18 son.

19 “(b) LIMITATIONS.—A lease under subsection (a)
20 may be entered into only if—

21 “(1) the lease of any such equipment or facili-
22 ties will not have a significant adverse effect on the
23 readiness of the armed forces, as determined by the
24 Secretary concerned;

1 “(2) the person leasing such equipment or fa-
2 cilities agrees to reimburse the Department of De-
3 fense for the costs (both direct and indirect costs,
4 including any rental costs, as determined the Sec-
5 retary concerned) attributable to the lease of such
6 equipment or facilities;

7 “(3) the person leasing such equipment or fa-
8 cilities agrees to hold harmless and indemnify the
9 United States, except in cases of willful conduct or
10 extreme negligence, from any claim for damages or
11 injury to any person or property arising out the
12 lease of such equipment or facilities; and

13 “(4) the person leasing such equipment or fa-
14 cilities agrees to hold harmless and indemnify the
15 United States from any liability or claim for dam-
16 ages or injury to any person or property arising out
17 of a decision by the Secretary concerned to suspend
18 or terminate the lease in times of war or national
19 emergency.

20 “(c) CREDIT TO GENERAL FUND.—Any reimburse-
21 ment received under this section shall be credited to the
22 General Fund of the Treasury.”.

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

“2472. Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by.”.

1 **SEC. 328. MAINTENANCE OF SUFFICIENT DEPOT-LEVEL FA-**
2 **CILITIES, ACTIVITIES, AND EMPLOYEES OF**
3 **THE DEPARTMENT OF DEFENSE.**

4 The Secretary of Defense shall maintain sufficient
5 depot-level activities and facilities of the Department of
6 Defense and a sufficient number of employees of the De-
7 partment that are assigned to the performance of depot-
8 level maintenance and repair to carry out this subtitle and
9 the amendments made by this subtitle. The Secretary of
10 Defense should seek to ensure that the military depart-
11 ments maintain depot-level maintenance and repair capa-
12 bilities necessary to ensure their critical readiness require-
13 ments.

14 **SEC. 329. REUTILIZATION INITIATIVE FOR DEPOT-LEVEL**
15 **ACTIVITIES.**

16 (a) PILOT PROGRAM AUTHORIZED.—During fiscal
17 year 1995, the Secretary of Defense shall carry out a pilot
18 program to encourage commercial firms to enter into part-
19 nerships with depot-level activities of the military depart-
20 ments for the purpose of—

21 (1) demonstrating commercial uses of such
22 depot-level activities that are related to the principal
23 mission of such depot-level activities;

1 (2) preserving employment and skills of employ-
2 ees currently employed by such depot-level activities
3 or providing for the reemployment and retraining of
4 employees who, as the result of the closure, realign-
5 ment, or reduced in-house workload of such activi-
6 ties, may become unemployed; and

7 (3) supporting the goals of other defense con-
8 version, reinvestment, and transition assistance pro-
9 grams while also allowing such depot-level activities
10 to remain in operation to continue to perform their
11 defense readiness mission.

12 (b) PARTICIPANTS IN PILOT PROGRAM.—The Sec-
13 retary shall designate not less than six depot-level activi-
14 ties of the military departments to participate in the pilot
15 program under this section. Of these depot-level activities,
16 at least two shall be depot-level activities of the Depart-
17 ment of the Army, at least two shall be depot-level activi-
18 ties of the Department of the Navy, and at least two shall
19 be depot-level activities of Department of the Air Force.

20 (c) CONDITIONS ON PILOT PROGRAM.—In carrying
21 out the pilot program under this section, the Secretary
22 shall ensure that the program—

23 (1) does not interfere with the closure or re-
24 alignment of a depot-level activity of the military de-
25 partments under a base closure law; and

1 (2) does not adversely affect the readiness or
2 primary mission of a participating depot-level activ-
3 ity.

4 (d) FUNDING FOR FISCAL YEAR 1995.—Of the
5 amounts authorized to be appropriated under section 301,
6 \$100,000,000 shall be available only to carry out the pilot
7 program under this section.

8 **Subtitle D—Defense Business**
9 **Operations Fund**

10 **SEC. 341. OVERSIGHT OF DEFENSE BUSINESS OPERATIONS**
11 **FUND.**

12 (a) EXTENSION OF AUTHORITY.—Section 316(a) of
13 the National Defense Authorization Act for Fiscal Years
14 1992 and 1993 (10 U.S.C. 2208 note) is amended by
15 striking out “During the period” and all that follows
16 through “December 31, 1994, the” and inserting in lieu
17 thereof “The”.

18 (b) LIMITATION ON TRANSFERS.—Except as other-
19 wise provided in this Act, the Secretary of Defense may
20 not transfer amounts to or from the Defense Business Op-
21 erations Fund from or to any other account or source until
22 after the expiration of 30 days from the date on which
23 the Secretary transmits to the Congress a notification of
24 the Secretary’s intent to make the transfer.

1 (c) PROHIBITION ON ADVANCE CHARGES.—(1) After
2 September 30, 1995, the Secretary of Defense may not
3 charge for goods and services provided through the De-
4 fense Business Operations Fund in advance of the provi-
5 sion of such goods and services.

6 (2) The payment of amounts to the Defense Business
7 Operations Fund from another fund or activity of the De-
8 partment of the Defense may be made only for goods or
9 services actually provided by the Defense Business Oper-
10 ations Fund.

11 (d) PURCHASE FROM OTHER SOURCES.—The Sec-
12 retary of Defense or the Secretary of a military depart-
13 ment may purchase goods and services that are available
14 for purchase from the Defense Business Operations Fund
15 from a source other than the Defense Business Operations
16 Fund if the Secretary determines that such source offers
17 a more competitive rate for the goods and services than
18 the Defense Business Operations Fund offers.

19 (e) ANNUAL REPORTS AND BUDGET.—(1) The Sec-
20 retary of Defense shall annually submit to the Congress,
21 at the same time that the President submits the budget
22 under section 1105 of title 31, United States Code, the
23 following:

24 (A) A detailed report that contains a statement
25 of all receipts and disbursements of the Defense

1 Business Operations Fund (including such a state-
2 ment for each subaccount of the Fund) for the year
3 for which the report is submitted.

4 (B) A detailed proposed budget for the oper-
5 ation of the Defense Business Operations Fund for
6 the fiscal year for which the budget is submitted.

7 (2) Not later than September 30 each year, the Sec-
8 retary of Defense shall submit to the Congress a report
9 that contains a comparison of the amounts actually ex-
10 pended for the operation of the Defense Business Oper-
11 ations Fund for the fiscal year ending on that September
12 30 with the amount proposed for the operation of the De-
13 fense Business Operations Fund for that fiscal year in the
14 President's budget.

15 (f) LIMITATION ON INCLUSION OF CERTAIN COSTS
16 IN DBOF CHARGES.—A charge for a good or service pro-
17 vided through the Defense Business Operations Fund may
18 not include amounts necessary to recover losses incurred
19 by the Defense Business Operations Fund that are unre-
20 lated to the good or service or amounts to cover costs in-
21 curred in connection with the closure or realignment of
22 a military installation.

23 (g) LIMITATION ON ACCUMULATION OF FUNDS.—(1)
24 The Secretary of Defense shall establish billing procedures
25 to ensure that the balance in the Defense Business Oper-

1 ations Fund does not exceed \$300,000,000 more than
2 amount necessary to provide for the working capital re-
3 quirements of the Defense Business Operations Fund, as
4 determined by the Secretary.

5 (2) The Secretary may waive the limitation described
6 in this subsection if the Secretary determines that such
7 waiver is critical to the national security of the United
8 States. The Secretary shall immediately notify the Con-
9 gress of any such waiver and the reasons for the waiver.

10 **SEC. 342. REVIEW BY COMPTROLLER GENERAL OF**
11 **CHARGES IMPOSED BY DEFENSE BUSINESS**
12 **OPERATIONS FUND.**

13 (a) REVIEW.—The Comptroller General of the United
14 States shall review the charges for goods and services pro-
15 vided by the Defense Business Operations Fund, including
16 a review of—

17 (1) charges for goods and services provided by
18 the Defense Business Operations Fund, including a
19 comparison of charges imposed for the provision of
20 goods and services to the military departments and
21 Defense Agencies with charges imposed for the pro-
22 vision of goods and services to persons outside the
23 Department of Defense;

1 States Code, is amended by adding at the end the follow-
2 ing new section:

3 **“§2164. Department of Defense domestic dependent**
4 **elementary and secondary schools**

5 “(a) AUTHORITY OF SECRETARY.—If the Secretary
6 of Defense makes a determination that appropriate edu-
7 cational programs are not available through a local edu-
8 cational agency for dependents of members of the armed
9 forces residing on or near a military installation in the
10 United States (including territories, commonwealths, and
11 possessions of the United States), the Secretary may pro-
12 vide for the elementary or secondary education of such de-
13 pendents.

14 “(b) FACTORS TO BE CONSIDERED.—Factors to be
15 considered by the Secretary of Defense in making a deter-
16 mination under subsection (a) shall include the following:

17 “(1) The extent to which such dependents are
18 eligible for free public education in the local area ad-
19 jacent to the military installation.

20 “(2) The extent to which the local educational
21 agency is able to provide an appropriate educational
22 program for such dependents. For purposes of this
23 section, an appropriate educational program, as de-
24 termined by the Secretary, is a program comparable

1 to a program of free public education provided for
2 children—

3 “(A) in similar communities in the State,
4 in the case of a military installation located in
5 a State;

6 “(B) in similar communities in adjacent
7 States, in the case of a military installation ad-
8 jacent to or located in more than one State; and

9 “(C) in the District of Columbia, in the
10 case of a military installation located in a terri-
11 tory, commonwealth, or possession, except that
12 an appropriate educational program under this
13 subparagraph is also a program of education
14 conducted in the English language.

15 “(c) EDUCATION FOR DEPENDENTS OF FEDERAL
16 EMPLOYEES.—(1) An individual who is a dependent of a
17 Federal employee residing at any such military installation
18 at any time during the school year may enroll in an edu-
19 cational program provided by the Secretary of Defense
20 pursuant to subsection (a).

21 “(2)(A) Except as provided in subparagraph (B), an
22 individual who is a dependent of a Federal employee, who
23 is enrolled in an educational program provided by the Sec-
24 retary pursuant to subsection (a), and who is not living

1 on the military installation may be enrolled in the program
2 for not more than five consecutive school years.

3 “(B) An individual referred to in subparagraph (A)
4 may be enrolled in the program for more than five con-
5 secutive school years if the Secretary determines, after
6 consideration of the individual’s educational well-being,
7 that good cause exists to extend the enrollment for more
8 than the five-year period described in such subparagraph.
9 Any such extension may be made for only one school year
10 at a time.

11 “(C) For purposes of this paragraph, the five-year
12 period described in subparagraph (A) begins on the date
13 the individual enrolls in the program pursuant to this sec-
14 tion or pursuant to any provision of law enacted before
15 the date of the enactment of this section that provided
16 eligibility to the individual for enrollment in a similar pro-
17 gram.

18 “(3) An individual enrolled in a program under this
19 subsection may participate in the program for the remain-
20 der of the school year notwithstanding a change in status
21 of the Federal employee with respect to whom the individ-
22 ual is a dependent, except that any such individual may
23 be removed from enrollment in the program at any time
24 for good cause, as determined by the Secretary.

1 “(d) ESTABLISHMENT OF SCHOOL BOARDS.—(1)
2 The Secretary of Defense shall provide for the establish-
3 ment of a school board for each Department of Defense
4 elementary or secondary school established for a military
5 installation under this section.

6 “(2) Each school board established for a school under
7 paragraph (1) shall be elected by the parents of individ-
8 uals attending the school. Meetings conducted by the
9 school board shall be open to the public.

10 “(3)(A) A school board elected for a school under this
11 subsection may develop fiscal, personnel, and educational
12 policies and procedures for the school, including fiscal,
13 personnel, and educational program management, except
14 that the Secretary may issue any directive to the school
15 board and school administrative officials the Secretary
16 considers necessary for the effective operation of the
17 school or the entire school system.

18 “(B) Any directive referred to in subparagraph (A)
19 shall, to the maximum extent practicable, be issued only
20 after consultation with appropriate school boards elected
21 under this subsection. The Secretary shall establish a
22 process by which a school board or school administrative
23 officials may formally appeal such directives directly to the
24 Secretary. Consideration of such appeals may not be dele-
25 gated below the Secretary of Defense.

1 “(e) STAFF.—(1) The Secretary of Defense, in co-
2 ordination with the school board established for a school
3 under subsection (d), may enter into such arrangements
4 as may be necessary to provide educational programs
5 under this section.

6 “(2) The Secretary may, without regard to the provi-
7 sions of any other law relating to the number, classifica-
8 tion, or compensation of employees—

9 “(A) establish such positions for civilian em-
10 employees in schools established under this section;

11 “(B) appoint individuals to such positions; and

12 “(C) fix the compensation of such individuals
13 for service in such positions.

14 “(3)(A) Except as provided in subparagraph (B), in
15 fixing the compensation of employees appointed under
16 paragraph (2), the Secretary, in coordination with the
17 school board established for a school under subsection (d),
18 shall consider—

19 “(i) the compensation of comparable employees
20 of the local educational agency in the capital of the
21 State where the military installation is located;

22 “(ii) the compensation of comparable employees
23 in the local educational agency that provides public
24 education to students who live adjacent to the mili-
25 tary installation; or

1 “(iii) the average compensation for similar posi-
2 tions in not more than three other local educational
3 agencies, as determined by the Secretary and the ap-
4 propriate local school boards in the State in which
5 the military installation is located.

6 “(B) In fixing the compensation of employees in
7 schools established in the territories, commonwealths, and
8 possessions under this section or any other provision of
9 law enacted before the date of the enactment of this sec-
10 tion that provided for similar schools, the Secretary shall
11 determine the level of compensation required to attract
12 qualified employees. For employees in such schools, the
13 Secretary, in coordination with the local school boards and
14 without regard to the provisions of title 5, may arrange
15 for the tenure, leave, hours of work, and other incidents
16 of employment on a similar basis as is provided for com-
17 parable positions in the public schools of the District of
18 Columbia.

19 “(f) REIMBURSEMENT.—When the Secretary of De-
20 fense provides educational services under this section to
21 an individual who is a dependent of an employee of an-
22 other Federal agency, the head of the other Federal agen-
23 cy shall, upon request of the Secretary of Defense, reim-
24 burse the Secretary of Defense for those services at rates
25 routinely prescribed by the Secretary of Defense for those

1 services. Any payments received by the Secretary of De-
2 fense under this section shall be credited to the account
3 designated by the Secretary for the operation of edu-
4 cational programs under this section.”.

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

“2164. Department of Defense domestic dependent elementary and secondary
schools.”.

8 (c) SAVINGS PROVISION.—Nothing in section 2164 of
9 title 10, United States Code, as added by subsection (a),
10 shall be construed as affecting the rights in existence on
11 the date of the enactment of this Act of an employee of
12 any school established under such section (or any other
13 provision of law enacted before the date of the enactment
14 of this Act that established a similar school) to negotiate
15 or bargain collectively with the Secretary with respect to
16 wages, hours, and other terms and conditions of employ-
17 ment.

18 **SEC. 352. SURVEY AND PILOT PROGRAM FOR THE TRANS-**
19 **FER OF DEPARTMENT OF DEFENSE DOMES-**
20 **TIC DEPENDENT ELEMENTARY AND SECOND-**
21 **ARY SCHOOLS TO APPROPRIATE LOCAL EDU-**
22 **CATIONAL AGENCIES.**

23 (a) SURVEY.—(1) The Secretary of Defense shall
24 conduct a survey of each Department of Defense domestic

1 dependent elementary and secondary school operated by
2 the Department of Defense to determine the feasibility of,
3 and actions necessary to be taken to provide for, the trans-
4 fer of that school to the appropriate local educational
5 agency.

6 (2) The Secretary of Defense shall coordinate the
7 conduct of the survey of each such school with representa-
8 tives of the local educational agency referred to in para-
9 graph (1) and of parent organizations representing par-
10 ents of students enrolled in the school.

11 (3) Issues addressed by the survey shall include—

12 (A) the opinions and attitudes of such parents
13 with respect to the appropriate entity to operate the
14 school;

15 (B) the position of the local educational agency
16 and the appropriate education officials of the State
17 in which the school is located regarding the extent
18 to which the transfer of the school to the local edu-
19 cational agency is feasible and desirable, including
20 the financial and legal justifications for that posi-
21 tion; and

22 (C) the requirements, as specified by the local
23 educational agency and the appropriate education of-
24 ficials of the State in which the school is located, for
25 financial support, military construction, and any

1 other support provided by the Department of De-
2 fense in order to complete the transfer of the school
3 to the local educational agency.

4 (4) Not later than June 30, 1995, the Secretary of
5 Defense shall submit to the Committees on Armed Serv-
6 ices of the Senate and the House of Representatives a re-
7 port on the results of the survey. The report shall include
8 the recommendations of the Secretary with respect to the
9 transfer of each such school.

10 (b) PILOT PROGRAM.—(1) The Secretary of Defense
11 shall conduct a pilot program to assess the potential for
12 the transfer of Department of Defense domestic dependent
13 elementary and secondary schools to appropriate local edu-
14 cational agencies.

15 (2) The Secretary of Defense shall select two schools
16 for participation in the pilot program based on the results
17 of the survey conducted by the Secretary under subsection
18 (a). The Secretary shall provide for the transfer of each
19 such school to the appropriate local educational agency not
20 later than the date on which the 1995 school year begins
21 for that school.

22 (3) Not later than March 31, 1996, the Secretary of
23 Defense shall submit to the Committees on Armed Serv-
24 ices of the Senate and House of Representatives a report
25 on the results of the pilot program. The report shall in-

1 clude the recommendation of the Secretary with respect
2 to the extent to which other Department of Defense do-
3 mestic dependent elementary and secondary schools
4 should be transferred to appropriate local educational
5 agencies.

6 (c) LIMITATION.—A Department of Defense domestic
7 dependent elementary or secondary school may not be
8 transferred to a local educational agency under this sec-
9 tion except on terms that are agreeable to the local edu-
10 cational agency.

11 **SEC. 353. REPORT ON CALCULATION AND RECOVERY OF**
12 **TUITION COSTS OF CERTAIN STUDENTS EN-**
13 **ROLLED IN SCHOOLS OF THE DEFENSE DE-**
14 **PENDENTS' EDUCATION SYSTEM.**

15 (a) REPORT.—Not later than March 31, 1995, the
16 Secretary of Defense shall submit to the Committees on
17 Armed Services of the Senate and House of Representa-
18 tives and the Committee on Education and Labor of the
19 House of Representatives a report on the calculation and
20 application of the tuition rate required to be determined
21 under section 1404(b) of the Defense Dependents' Edu-
22 cation Act of 1978 (20 U.S.C. 923(b)).

23 (b) CONTENTS OF REPORT.—The report required by
24 subsection (a) shall contain the following:

25 (1) A description of—

1 (A) the costs included in the tuition rate;

2 (B) the method by which the tuition rate
3 is determined; and

4 (C) the method by which any increase in
5 the tuition rate is determined.

6 (2) An analysis of—

7 (A) the variation in the cost of providing
8 educational services in the defense dependents'
9 education system in different geographic loca-
10 tions; and

11 (B) the extent to which the imposition of
12 a uniform tuition rate enables the system to re-
13 ceive adequate funds to defray the cost of pro-
14 viding educational services to tuition-paying
15 students.

16 (3) Recommendations of the Secretary with re-
17 spect to improvements that may be made in the de-
18 termination and application of the tuition rate.

19 **SEC. 354. AUTHORITY TO ACCEPT GIFTS FOR DEPARTMENT**
20 **OF DEFENSE DOMESTIC ELEMENTARY AND**
21 **SECONDARY SCHOOLS.**

22 (a) **AUTHORITY.**—Section 2605 of title 10, United
23 States Code, is amended—

24 (1) by striking out “the defense dependents’
25 education system provided for under the Defense

1 Dependents' Education Act of 1978 (20 U.S.C. 921
2 et seq.)" in subsection (a) and inserting in lieu
3 thereof "a defense dependents' school"; and

4 (2) by striking out "the defense dependent's
5 education system" in subsection (b) and inserting in
6 lieu thereof "defense dependents' schools".

7 (b) DEFINITION.—Such section is further amended
8 by adding at the end the following new subsection:

9 "(g) In this section, the term 'defense dependents'
10 school' means the following:

11 "(1) A school established as part of the defense
12 dependents' education system provided for under the
13 Defense Dependents' Education Act of 1978 (20
14 U.S.C. 921 et seq.).

15 "(2) An elementary or secondary school estab-
16 lished pursuant to section 2164 of this title."

17 (c) CLERICAL AMENDMENT.—(1) The heading of
18 such section is amended to read as follows:

19 **"§ 2605. Acceptance of gifts for defense dependents'
20 schools".**

21 (2) The item relating to such section in the table of
22 sections at the beginning of chapter 155 of such title is
23 amended to read as follows:

"2605. Acceptance of gifts for defense dependents' schools."

1 **Subtitle F—Other Matters**

2 **SEC. 361. MODIFICATION OF FEES PAID BY RESIDENTS OF**
3 **ARMED FORCES RETIREMENT HOME.**

4 (a) IN GENERAL.—Paragraph (2) of section 1514(c)
5 of the Armed Forces Retirement Home Act of 1991 (24
6 U.S.C. 414(c)(2)) is amended to read as follows:

7 “(2) The fee shall be fixed as a percentage of the
8 monthly income and monthly payments (including Federal
9 payments) received by a resident, subject to such adjust-
10 ments in the fee as the Retirement Home Board may
11 make under paragraph (1). The percentage shall be the
12 same for each establishment of the Retirement Home.”.

13 (b) APPLICATION OF MODIFIED FEES TO ALL RESI-
14 DENTS.—(1) Subsections (d) and (e) of section 1514 of
15 such Act are repealed.

16 (2) Such section is further amended by adding after
17 subsection (c) the following new subsection (d):

18 “(d) APPLICATION OF FEES.—Subject to such ad-
19 justments in the fee as the Retirement Home Board may
20 make under subsection (c), each resident of the Retire-
21 ment Home shall be required to pay a monthly fee equal
22 to—

23 “(1) in the case of a resident who is receiving
24 assisted-living services at the Retirement Home, 65
25 percent of all monthly income and monthly payments