

Union Calendar No. 278

103D CONGRESS
2D SESSION

H. R. 4301

[Report No. 103-499]

A BILL

To authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes.

MAY 10, 1994

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

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IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1994

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

MAY 10, 1994

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

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

[For text of introduced bill, see copy of bill as introduced on April 26, 1994]

A BILL

To authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Defense Au-*
 3 *thorization Act for Fiscal Year 1995”.*

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

6 (a) *DIVISIONS.*—*This Act is organized into three divi-*
 7 *sions as follows:*

8 (1) *Division A—Department of Defense Author-*
 9 *izations.*

10 (2) *Division B—Military Construction Author-*
 11 *izations.*

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

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Reserve components.

Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.

Subtitle C—Navy Programs

- Sec. 121. Termination of Navy F-14A/B upgrade program.*
- Sec. 122. Limitation on acquisition of guidance systems for Trident II missiles.*
- Sec. 123. Prohibition on Trident II backfit.*
- Sec. 124. Inclusion of conversion of vessels in Fast Sealift Program.*

Subtitle D—Air Force Programs

- Sec. 131. Intertheater airlift programs.*
- Sec. 132. B-2 bomber program cost limitation.*
- Sec. 133. Bomber force upgrade program.*

Subtitle E—Defense-Wide Activities

- Sec. 141. Ballistic missile early warning programs.*

Subtitle F—National Defense Sealift Fund

- Sec. 161. Prohibition of transfer of fiscal year 1994 funds to CVN-76 construction.*
- Sec. 162. Fiscal year 1995 National Defense Sealift fund program.*
- Sec. 163. Transfer of excess amount to BRAC III account.*
- Sec. 164. Fiscal year 1994 unauthorized sealift appropriation defined.*

Subtitle G—Other Matters

- Sec. 171. Transfer of USNS Maury.*

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

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.*
- Sec. 202. Amount for basic research and exploratory development.*

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Space launch modernization.*
- Sec. 212. Standoff air-to-surface munitions technology demonstration.*
- Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.*
- Sec. 214. Applicability of certain electronic combat systems testing requirements.*
- Sec. 215. Advanced Self Protection Jammer (ASPJ) program.*
- Sec. 216. Advanced lithography program.*
- Sec. 217. Federally funded research and development centers.*
- Sec. 218. Defense experimental program to stimulate competitive research.*
- Sec. 219. Digital battlefield program.*
- Sec. 220. Mobile Off-Shore Base and Landing Ship Quay Causeway program.*

Subtitle C—Missile Defense Programs

- Sec. 231. Ballistic missile defense organization budget presentation.*
- Sec. 232. Theater missile defense programs.*
- Sec. 233. Theater missile defense risk reduction activities.*
- Sec. 234. Military satellite communications.*
- Sec. 235. Limitation on flight tests of certain missiles.*

Subtitle D—Women's Health Research

Sec. 241. Defense women's health research program.

TITLE III—OPERATION AND MAINTENANCE*Subtitle A—Authorization of Appropriations*

- Sec. 301. Operation and maintenance funding.*
Sec. 302. Defense Business Operations Fund.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Funds for depot-level maintenance and repair work.
Sec. 305. Support for the 1996 Olympics.

Subtitle B—Limitations

- Sec. 311. Reports and limitation on transfer of certain operations and maintenance funds.*
Sec. 312. Limitation on retention of morale, welfare, and recreation funds by military installations.
Sec. 313. Prohibition on use of appropriated funds for operation of Armed Forces Recreation Center, Europe.
Sec. 314. Limitation on use of specifications for procurement of subsistence items.

Subtitle C—Depot-Level Activities

- Sec. 321. Findings.*
Sec. 322. Modification of limitation on performance of depot-level maintenance.
Sec. 323. Limitation on the performance of depot-level maintenance of materiel for new weapon systems.
Sec. 324. Audits to monitor cost growth of contracts to perform depot-level maintenance and repair.
Sec. 325. Consideration of costs of closing Department of Defense depots in certain cost comparisons.
Sec. 326. Authority for depot-level activities of the Department of Defense to compete for maintenance and repair workloads of other Federal agencies.
Sec. 327. Authority of depots to provide services outside of the Department of Defense.
Sec. 328. Maintenance of sufficient depot-level facilities, activities, and employees of the Department of Defense.
Sec. 329. Reutilization initiative for Army and Navy depot-level activities.

Subtitle D—Defense Business Operations Fund

- Sec. 341. Oversight of Defense Business Operations Fund.*
Sec. 342. Review by Comptroller General of charges imposed by Defense Business Operations Fund.

Subtitle E—Department of Defense Domestic and Overseas Schools

- Sec. 351. Reauthorization of Department of Defense domestic elementary and secondary schools for military dependents.*
Sec. 352. Survey and pilot program for the transfer of Department of Defense domestic dependent elementary and secondary schools to appropriate local educational agencies.
Sec. 353. Evaluation of schools of the defense dependents' education system with fewer than 150 students.

Sec. 354. Prohibition on tuition ceiling for schools of the defense dependents' education system.

Subtitle F—Other Matters

Sec. 361. Modification of fees paid by residents of Armed Forces Retirement Home.

Sec. 362. National Guard youth program.

Sec. 363. Department of Defense food inventory program.

Sec. 364. Department of Defense special supplemental food program.

Sec. 365. Transportation of the remains of deceased retired members who die outside of the United States.

Sec. 366. Authority to transport the remains of certain deceased veterans on Department of Defense aeromedical evacuation aircraft.

Sec. 367. Modification of Air Force support for the Civil Air Patrol.

Sec. 368. Review and report on use of operations and maintenance funds by the Department of Defense.

Sec. 369. Requirement of comparative report on operations and maintenance funding.

Sec. 370. Automated data processing programs of the Department of Defense.

Sec. 371. Review by Defense Inspector General of cost growth in certain contracts.

Sec. 372. Cost comparison studies for contracts for advisory and assistance services.

Sec. 373. Requirement and plan for converting performance of certain positions to performance by Department of Defense employees.

Sec. 374. Use of service contract funds for separation incentive programs for Department of Defense employees.

Sec. 375. Non-Federal employment incentive pilot program.

Sec. 376. Uniform health benefits program for employees of the Department of Defense assigned to nonappropriated fund instrumentalities.

Sec. 377. Operation of military exchange and commissary store at Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.

Sec. 378. Ships' stores.

Sec. 379. Program to commemorate World War II.

Sec. 380. One-year extension of certain programs.

Sec. 381. Clarification and codification of overseas military end strength limitation.

Sec. 382. Authority to issue military identification cards to so-called honorary retirees of the Naval and Marine Corps Reserves.

Sec. 383. Modification of statute of limitations for certain claims for personal property damage or loss.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Limitation on deployment of divisions constituting Army contingency force.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for reserves on active duty in support of the reserves.

Sec. 413. Active component members to be assigned for training compatibility with guard units.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY*Subtitle A—Officer Personnel Policy*

Sec. 501. Authority for officers to serve on successive promotion boards.

Sec. 502. Army field grade officer strength limitations.

Sec. 503. Technical changes to provisions enacted by Warrant Officer Management Act.

Sec. 504. Navy and Marine Corps limited duty officers.

Sec. 505. Retirement or enlistment of certain limited duty officers of the Navy and Marine Corps.

Sec. 506. Temporary exclusion of Superintendent of Naval Academy from counting toward number of senior admirals authorized to be on active duty.

Sec. 507. Grade of heads of certain professional military education schools.

Subtitle B—Reserve Component Matters

Sec. 511. Selected Reserve activation authority.

Sec. 512. Reserve general and flag officers on active duty.

Sec. 513. Definition of active guard and reserve duty.

Sec. 514. Repeal of obsolete provisions pertaining to transfer of regular enlisted members to the Retired Reserve.

Sec. 515. Guard and reserve transition initiatives.

Subtitle C—Other Matters

Sec. 521. Repeal of required reduction in recruiting personnel.

Sec. 522. Coast Guard force reduction transition benefits.

Sec. 523. Extension of Warrant Officer Management Act to Coast Guard.

Sec. 524. Authorized active duty strengths for Army enlisted members in pay grade E-8.

Sec. 525. Reimbursement for certain losses of household effects during PCS moves.

Sec. 526. Victims' advocates programs in Department of Defense.

Sec. 527. Prohibition of retaliatory actions against members of the Armed Forces making allegations of sexual harassment or unlawful discrimination.

Sec. 528. Annual report on personnel readiness.

Sec. 529. Programs related to Desert Storm mystery illness.

Sec. 530. Upgrade of Armed Forces Staff College wargaming and other capabilities.

Sec. 531. Prohibition on imposition of additional charges or fees for attendance at certain academies.

Sec. 532. Authorization for instruction of civilian students at Foreign Language Center of the Defense Language Institute.

Sec. 533. Sense of Congress concerning appropriate Department of Defense force structure through 1997.

Sec. 534. Discharge of members who are permanently nonworldwide assignable.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL
BENEFITS**

Subtitle A—Pay and Allowances

- Sec. 601. Military pay raise for fiscal year 1995.*
Sec. 602. Cost-of-living allowance for members of the uniformed services assigned to high cost areas in the continental United States.
Sec. 603. Increase in subsistence allowance payable to members of Senior Reserve Officers' Training Corps.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Increase in authorized incentive special pay for certified registered nurse anesthetists.*
Sec. 612. Extension of authority for payment of aviation officer retention bonus

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Change in provision of transportation incident to personal emergencies for members stationed outside the continental United States.*
Sec. 622. Clarification of travel and transportation allowance of family members incident to the serious illness or injury of members.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 631. Elimination of disparity between effective dates for military and civilian retiree cost-of-living adjustments for fiscal year 1995.*
Sec. 632. Clarification of calculation of retired pay for officers who retire in a grade lower than the grade held at retirement.
Sec. 633. Crediting of reserve service of enlisted members for computation of retired pay.
Sec. 634. Minimum required reserve service for eligibility for retired pay for nonregular service during force drawdown period.
Sec. 635. SBP premiums for reserve-component child-only coverage.
Sec. 636. Discontinuation of insurable interest coverage under survivor benefit plan.

Subtitle E—Other Matters

- Sec. 641. Authority for survivors to receive payment for all leave accrued by deceased members.*

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

- Sec. 701. Revision of definition of dependents to include young people being adopted by members or former members.*
Sec. 702. Treatment of certain dependents as children for purposes of CHAMPUS, dependents' dental program, and continued health benefits coverage.
Sec. 703. Authorization for medical and dental care of abused dependents of certain members.
Sec. 704. Additional authorized health care service available through military health care system.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

- Sec. 711. Expanded use of partnership and resource sharing programs for improved cost-effectiveness.*
Sec. 712. Imposition of enrollment fees for managed care plans.
Sec. 713. Strengthening managed health care authorities.
Sec. 714. Delay in deadline for use of health maintenance organization model as option for military health care.
Sec. 715. Limitation on reduction in number of reserve component medical personnel.

Subtitle C—Other Matters

- Sec. 721. Delay in closure of army hospital at Vicenza, Italy.*
Sec. 722. Demonstration program for admission of civilians as physician assistant students at Academy of Health Sciences, Fort Sam Houston, Texas.
Sec. 723. Report on expanded use of nonavailability of health care statements.
Sec. 724. Sense of Congress on continuity of health care services for covered beneficiaries in certain areas affected by base closures.

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

Subtitle A—Acquisition Assistance Programs

- Sec. 801. Procurement technical assistance programs.*

Subtitle B—Acquisition Improvement

PART I—GENERAL IMPROVEMENTS

- Sec. 811. Congressional defense procurement policy.*
Sec. 812. Repeal of requirement relating to production special tooling and production special test equipment.
Sec. 813. Repeal of vouchering procedures section.
Sec. 814. Clarification of provision relating to quality control of certain spare parts.
Sec. 815. Contractor guarantees regarding weapon systems.

PART II—MAJOR SYSTEMS STATUTES

- Sec. 821. Weapon development and procurement schedules.*
Sec. 822. Selected Acquisition Report requirement.
Sec. 823. Unit cost report requirement.
Sec. 824. Requirement for independent cost estimates and manpower estimates before development or production.
Sec. 825. Baseline description.
Sec. 826. Repeal of requirement for competitive prototyping in major programs.
Sec. 827. Repeal of requirement for competitive alternative sources in major programs.

PART III—TESTING STATUTES

- Sec. 831. Authorization of less than full-up testing.*
Sec. 832. Limitation on quantities to be procured for low-rate initial production.
Sec. 833. Operational test and evaluation of defense acquisition programs.

PART IV—CIVIL RESERVE AIR FLEET

- Sec. 841. Definition of contractor.*
Sec. 842. Consolidation of provisions relating to contractual commitment of aircraft.
Sec. 843. Use of military installations by contractors.

PART V—MISCELLANEOUS

- Sec. 851. Extension to Department of Defense generally of provision relating to manufacture at factories and arsenals.*
Sec. 852. Regulations on procurement, production, warehousing, and supply distribution functions.
Sec. 853. Repeal of requirements regarding product evaluation activities.
Sec. 854. Codification and revision of limitation on lease of vessels, aircraft, and vehicles.
Sec. 855. Repeal of application of Public Contracts Act to certain naval vessel contracts.
Sec. 856. Consolidation of limitations on procurement of goods other than American goods.
Sec. 857. Department of Defense acquisition of intellectual property rights.
Sec. 858. Department of Defense review of antitrust cases with national security implications.

Subtitle C—Other Matters

- Sec. 871. Environmental consequence analysis of major defense acquisition programs.*
Sec. 872. Award of contracts and grants on the basis of competition.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Revision of National Guard Bureau charter.*
Sec. 902. Army Reserve Command.
Sec. 903. Assignment of reserve forces to combatant commands.
Sec. 904. Budget support for reserve elements of Special Operations Command.
Sec. 905. Change of title of Comptroller of the Department of Defense to Under Secretary of Defense (Comptroller).
Sec. 906. Reclarification of independent status of Director of Operational Test and Evaluation.

TITLE X—GENERAL PROVISIONS*Subtitle A—Financial Matters*

- Sec. 1001. Transfer authority.*
Sec. 1002. Clarification of scope of authorizations.
Sec. 1003. Incorporation of classified annex.
Sec. 1004. Date for submission of future-years mission budget.

Subtitle B—Contingency Operations

- Sec. 1021. Funding for contingency operations.*

Subtitle C—Other Matters

- Sec. 1031. Annual report on denial, revocation, and suspension of security clearances.*
- Sec. 1032. Commission on Roles and Missions of the Armed Forces.*
- Sec. 1033. Prohibition on authorization of payment of costs under defense contracts for restructuring costs of a merger or acquisition.*
- Sec. 1034. Transfer of certain B-17G aircraft.*
- Sec. 1035. USS Indianapolis (CA-35): gallantry, sacrifice and a decisive mission to end WW II.*
- Sec. 1036. Sense of Congress concerning commendation of individuals exposed to mustard agents during World War II testing activities.*
- Sec. 1037. Sense of Congress concerning eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador.*

***TITLE XI—DEFENSE CONVERSION, REINVESTMENT, AND
TRANSITION ASSISTANCE***

- Sec. 1101. Short title.*
- Sec. 1102. Funding of defense conversion, reinvestment, and transition assistance programs for fiscal year 1995.*

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

- Sec. 1111. Funding of defense technology reinvestment programs for fiscal year 1995.*
- Sec. 1112. Clarification of eligible non-Department of Defense participants in technology reinvestment projects.*
- Sec. 1113. Additional criteria for loan guarantees under the defense dual-use assistance extension program.*
- Sec. 1114. Financial commitment requirements for small business concerns for participation in technology reinvestment projects.*
- Sec. 1115. Conditions on funding of defense technology reinvestment projects.*

Subtitle B—Community Adjustment and Assistance Programs

- Sec. 1121. Funds for adjustment and diversification assistance for States and local governments from Office of Economic Adjustment.*
- Sec. 1122. Studies and plans for market diversification.*
- Sec. 1123. Advance community adjustment and economic diversification planning.*

Subtitle C—Personnel Adjustment, Education, and Training Programs

- Sec. 1131. Continuation of teacher and teacher's aide placement programs.*
- Sec. 1132. Programs to place separated members and terminated defense employees in employment positions as public safety officers.*
- Sec. 1133. Pilot program to place separated members and terminated defense employees in teaching positions as bilingual math and science teachers.*
- Sec. 1134. Demonstration project to assist separated members and terminated defense workers to become business owners.*
- Sec. 1135. Demonstration project to promote ship recycling as a method to assist separated members and terminated defense workers.*

Subtitle D—ARMS Initiative

Sec. 1141. Extension of Armament Retooling and Manufacturing Support Initiative.

Subtitle E—Other Matters

Sec. 1151. Changes in notice requirements upon pending or actual termination of defense programs.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Authorization of military construction project at Fort Bragg, North Carolina, for which funds have been appropriated.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Restoration of authority to carry out military construction project at Naval Supply Center, Pensacola, Florida.

Sec. 2206. Design activities for upgrade of Mayport Naval Station, Florida.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. 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.

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.*

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. Study of height restriction and aviation requirements surrounding Eglin Air Force Base, Florida.*
- 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.*

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.*

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.*

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 Services*

1 *and the Committees on Appropriations of the Senate and*
2 *House of Representatives.*

3 ***DIVISION A—DEPARTMENT OF***
4 ***DEFENSE AUTHORIZATIONS***
5 ***TITLE I—PROCUREMENT***
6 ***Subtitle A—Authorization of***
7 ***Appropriations***

8 ***SEC. 101. ARMY.***

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal year 1995 for procurement for the Army as follows:*

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

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

13 *(3) For weapons and tracked combat vehicles,*
14 *\$942,886,000.*

15 *(4) For ammunition, \$854,833,000.*

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

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

18 *(a) NAVY.—Funds are hereby authorized to be appro-*
19 *priated for fiscal year 1995 for procurement for the Navy*
20 *as follows:*

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

22 *(2) For weapons, including missiles and tor-*
23 *pedoes, \$2,223,246,000.*

24 *(3) For shipbuilding and conversion,*
25 *\$6,869,897,000.*

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

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

5 **SEC. 103. AIR FORCE.**

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 1995 for procurement for the Air Force as follows:*

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

9 (2) *For weapons including missiles,*
10 *\$3,953,232,000.*

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

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

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 1995 for defense-wide procurement in the amount*
15 *of \$2,066,694,000.*

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

17 *Funds are hereby authorized to be appropriated for fis-*
18 *cal year 1995 for procurement for the Inspector General of*
19 *the Department of Defense in the amount of \$1,000,000.*

20 **SEC. 106. RESERVE COMPONENTS.**

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 1995 for procurement of aircraft, vehicles, commu-*
23 *nications equipment, and other equipment for the reserve*
24 *components of the Armed Forces as follows:*

25 (1) *For the Army National Guard, \$262,000,000.*

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

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

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

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

5 (6) *For the Marine Corps Reserve, \$47,300,000.*

6 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

7 (a) *AUTHORIZATION.—There is hereby authorized to be*
8 *appropriated for fiscal year 1995 the amount of*
9 *\$670,349,000 for—*

10 (1) *the destruction of lethal chemical agents and*
11 *munitions in accordance with section 1412 of the De-*
12 *partment of Defense Authorization Act, 1986 (50*
13 *U.S.C. 1521); and*

14 (2) *the destruction of chemical warfare material*
15 *of the United States that is not covered by section*
16 *1412 of such Act.*

17 (b) *ALLOCATION.—Of the funds specified in subsection*
18 *(a)—*

19 (1) *\$365,084,000 is for operations and mainte-*
20 *nance;*

21 (2) *\$284,465,000 is for procurement; and*

22 (3) *\$20,800,000 is for research and development*
23 *efforts in support of the nonstockpile chemical weap-*
24 *ons program.*

1 **Subtitle B—Army Programs**

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

3 *Sections 132 and 133 of the National Defense Author-*
4 *ization Act for Fiscal Years 1990 and 1991 (Public Law*
5 *101–189) are repealed.*

6 **Subtitle C—Navy Programs**

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

9 *(a) TERMINATION.—The Secretary of Defense shall ter-*
10 *minate the F-14A/B aircraft upgrade program.*

11 *(b) LIMITATION ON FUNDS.—None of the funds appro-*
12 *priated or otherwise made available to the Department of*
13 *Defense for procurement for fiscal year 1995 or a later fiscal*
14 *year may be obligated for the F-14A/B aircraft upgrade*
15 *program.*

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

18 *No funds authorized to be appropriated for fiscal year*
19 *1995 for Mark 6 guidance systems for Trident II (D-5)*
20 *missiles may be obligated until the Secretary of Defense cer-*
21 *tifies to the congressional defense committees that, based*
22 *upon a review by the Secretary of the readiness, testing,*
23 *spares, and logistics requirements for the guidance system,*
24 *the inventory objective of 562 units of the guidance system*

1 *is required to support the inventory objective for Trident*
2 *II (D-5) missiles.*

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

4 *The Secretary of the Navy may not modify any Tri-*
5 *dent I submarine to enable that submarine to be deployed*
6 *with Trident II (D-5) missiles.*

7 **SEC. 124. INCLUSION OF CONVERSION OF VESSELS IN FAST**
8 **SEALIFT PROGRAM.**

9 *Section 1424(b) of the National Defense Authorization*
10 *Act for Fiscal Year 1991 (10 U.S.C. 7291 note) is*
11 *amended—*

12 *(1) by inserting “or converted” after “con-*
13 *structed” each place it appears; and*

14 *(2) by inserting “or conversion” after “construc-*
15 *tion” each place it appears.*

16 **Subtitle D—Air Force Programs**

17 **SEC. 131. INTERTHEATER AIRLIFT PROGRAMS.**

18 *(a) AUTHORIZATION.—Of the amount provided in sec-*
19 *tion 103 for procurement of aircraft for the Air Force—*

20 *(1) \$550,000,000 shall be available for Non-De-*
21 *velopmental Alternative Aircraft procurement; and*

22 *(2) \$1,856,402,000 shall be available for the C-*
23 *17 aircraft program, of which—*

24 *(A) \$1,802,819,000 is for procurement of*
25 *four C-17 aircraft;*

1 (B) \$47,475,000 is for advance procurement
2 of four C-17 aircraft for fiscal year 1996; and

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

4 (b) *REQUIREMENT FOR COMPETITION.*—The Secretary
5 of Defense shall use competitive procedures in selecting a
6 source for the aircraft to be procured as Non-Developmental
7 Alternative Aircraft under subsection (a).

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

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

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

21 In determining the expenditures to be applied against
22 the total program cost limitation of \$28,968,000,000 (in fis-
23 cal year 1981 constant dollars) specified by law for the
24 B-2 bomber program, expenditures by the Department of
25 Defense associated with preserving the industrial facilities

1 *used to produce that aircraft shall be included in that total*
2 *program cost.*

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

4 *(a) HEAVY BOMBER FORCE UPGRADE FUND.—From*
5 *funds authorized by section 104 for defense-wide procure-*
6 *ment activities, \$100,000,000 shall be for a heavy bomber*
7 *force upgrade fund. The Secretary of Defense may obligate*
8 *amounts in the fund for—*

9 *(1) long-range heavy bombers that would other-*
10 *wise become attrition reserve aircraft;*

11 *(2) accelerating conventional mission upgrades*
12 *for the B-1 bomber; or*

13 *(3) a combination of expenditures under para-*
14 *graphs (1) and (2).*

15 *(b) NOTICE TO CONGRESS.—Funds described in sub-*
16 *section (a) may not be obligated until 30 days after the*
17 *date on which the Secretary of Defense submits to the con-*
18 *gressional defense committees notice of the Secretary's pro-*
19 *posed expenditures from that fund for the purposes specified*
20 *in subsection (a).*

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

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

23 *(a) RISK MITIGATION FUND.—From funds authorized*
24 *by section 104 for defense-wide procurement, \$300,000,000*
25 *shall be for a satellite early-warning assurance fund. The*

1 *Secretary of Defense may obligate amounts in the fund*
2 *for—*

3 *(1) continued procurement of Defense Support*
4 *Program (DSP) satellite number 24;*

5 *(2) accelerated development of the Alert, Locate,*
6 *and Report Missiles (ALARM) satellite program lead-*
7 *ing to launch of the first satellite under that program*
8 *no later than the first quarter of 2002;*

9 *(3) development of the Brilliant Eyes satellite*
10 *sensor system;*

11 *(4) acquisition of up to three additional interim*
12 *theater missile sensors; or*

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

15 *(b) NOTICE TO CONGRESS.—Funds described in sub-*
16 *section (a) may not be obligated until after the date on*
17 *which the Secretary of Defense submits to the congressional*
18 *defense committees notice of the Secretary's proposed ex-*
19 *penditures from that fund for the purposes specified in sub-*
20 *section (a).*

1 **Subtitle F—National Defense**
2 **Sealift Fund**

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

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

5 *None of the fiscal year 1994 unauthorized sealift ap-*
6 *propriation (as defined in section 164) may be transferred*
7 *(pursuant to the provisions of an Act making appropria-*
8 *tions for a fiscal year after fiscal year 1994 or to authority*
9 *provided under such an Act) to funds appropriated for fis-*
10 *cal year 1994 or a later fiscal year for Shipbuilding and*
11 *Conversion, Navy, to be available for CVN-76 construction.*

12 **SEC. 162. FISCAL YEAR 1995 NATIONAL DEFENSE SEALIFT**

13 **FUND PROGRAM.**

14 *(a) USE OF FISCAL YEAR 1994 UNAUTHORIZED SEA-*
15 *LIFT APPROPRIATION.—From the fiscal year 1994 unau-*
16 *thorized sealift appropriation (as defined in section 164),*
17 *the amount of \$608,600,000 shall, to the extent provided*
18 *in appropriations Acts making appropriations for a fiscal*
19 *year after fiscal year 1994, be available for fiscal year 1995*
20 *programs to be carried out through the National Defense*
21 *Sealift Fund, of which—*

22 *(1) \$546,400,000 is for the execution of new ship*
23 *construction contract options for construction of two*
24 *prepositioning surge ships;*

1 *of the amount appropriated for fiscal year 1994 to the Na-*
2 *tional Defense Sealift Fund (in title V of the Department*
3 *of Defense Appropriations Act, 1994 (Public Law 103–139;*
4 *107 Stat. 1435)).*

5 ***Subtitle G—Other Matters***

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

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

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

15 *(A) at the place where the vessel is located on the*
16 *date of the conveyance;*

17 *(B) in its condition on that date; and*

18 *(C) at no cost to the United States.*

19 *(2) The Secretary may require such additional terms*
20 *and conditions in connection with the transfer authorized*
21 *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 fis-*
8 *cal year 1995 for the use of the Department of Defense for*
9 *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; and*

17 *(B) \$12,501,000 is authorized for the Direc-*
18 *tor of Operational Test and Evaluation.*

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

21 *(a) FISCAL YEAR 1995.—Of the amounts authorized*
22 *to be appropriated by section 201, \$4,288,064,000 shall be*
23 *available for basic research and exploratory development*
24 *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 devel-
5 opment under Department of Defense category 6.1 or 6.2.

6 ***Subtitle B—Program Requirements,***
7 ***Restrictions, and Limitations***

8 ***SEC. 211. SPACE LAUNCH MODERNIZATION.***

9 (a) *POLICY.*—(1) *It is in the Nation’s long-term na-*
10 *tional security and economic interests to regain pre-*
11 *eminence in the area of space launch technology and oper-*
12 *ations.*

13 (2) *Access to space at affordable costs is fundamental*
14 *to maintaining required command, control, communica-*
15 *tions, intelligence, navigation, weather, and early warning*
16 *support to United States and coalition forces.*

17 (3) *Encouragement of privately financed, cost effective*
18 *expendable and reusable launch vehicles is in the economic*
19 *interest of the Department of Defense and the United States*
20 *Government.*

21 (b) *REQUIRED ACTIONS.*—*The Secretary of Defense*
22 *shall take the following actions in pursuance of the space*
23 *launch modernization policy set forth in subsection (a):*

24 (1) *Begin and complete a program to replace or*
25 *consolidate the current fleet of medium and heavy ex-*

1 *pendable launch vehicles with new or upgraded ex-*
2 *pendable launch vehicles or with a combination of ex-*
3 *pendable and reusable launch vehicles. The Secretary*
4 *shall initiate flight tests of new or upgraded expend-*
5 *able launch vehicles and of reusable launch vehicles*
6 *not later than 1998 to achieve an initial launch capa-*
7 *bility for selected replacement vehicles not later than*
8 *July 1, 2002. The program shall include a fly-before-*
9 *buy acquisition strategy with both advanced concept*
10 *technology demonstrations of expendable launch vehi-*
11 *cles and advanced technology demonstrations of reus-*
12 *able launch vehicles.*

13 *(2) For purposes of paragraph (1), initiate a*
14 *competitive Advanced Concept Technology Dem-*
15 *onstration program to achieve a cost reduction over*
16 *current medium and heavy expendable launch vehicles*
17 *of at least 15 percent in flyaway cost per pound (in*
18 *fiscal year 1994 dollars) and at least 25 percent re-*
19 *duction in launch operations costs per launch (in fis-*
20 *cal year 1994 dollars).*

21 *(3) Encourage and evaluate innovative acquisi-*
22 *tion, technical, and financing (including best com-*
23 *mercial practices) solutions for providing affordable,*
24 *operable, reliable, and responsive access to space.*

1 (4) *Centralize oversight of launch requirements*
2 *of the Department of Defense and other users to pre-*
3 *clude inflated requirements from escalating current*
4 *and future launch costs.*

5 (5) *Encourage and provide incentives for the use*
6 *of commercial practices in the acquisition, operation,*
7 *and support of Department of Defense space oper-*
8 *ations.*

9 (6) *Establish effective suitable coordination*
10 *among military, civilian, and commercial launch de-*
11 *velopers and users.*

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

17 (1) *\$100,000,000 shall be available only for a*
18 *competitive reusable rocket technology demonstration*
19 *program, including—*

20 (A) *use of at least 90 percent of such*
21 *amount for development and flight testing of one*
22 *or more technology demonstration vehicles, and*

23 (B) *further development of reusable rocket*
24 *technologies; and*

1 (2) \$100,000,000 shall be available only for an
2 Advanced Concept Technology Demonstration pro-
3 gram for expendable launch vehicles, including—

4 (A) competitive development and flight test-
5 ing of advanced concept technology demonstra-
6 tion vehicles, and

7 (B) further development of enhanced tech-
8 nologies related to expendable launch vehicles, in-
9 cluding Russian rocket propulsion technology.

10 (d) LIMITATIONS.—(1) Not more than 2 percent of the
11 funds made available by subsection (c) may be used for di-
12 rect and indirect Department of Defense-related program
13 office, contractor support, and management overhead costs.

14 (2) Program office staff may not exceed 10 individuals,
15 including contractor support.

16 (3) None of the funds authorized in this section may
17 be released or otherwise transferred for execution or obliga-
18 tion to any Government department, agency, or organiza-
19 tion outside the Department of Defense.

20 **SEC. 212. STANDOFF AIR-TO-SURFACE MUNITIONS TECH-**
21 **NOLOGY DEMONSTRATION.**

22 (a) IN GENERAL.—(1) Of the amounts authorized to
23 be appropriated pursuant to section 201, up to \$2,000,000
24 of the amount for the Navy and up to \$2,000,000 of the
25 amount for the Air Force shall be used for the conduct of

1 *a demonstration of nondevelopmental technology that would*
2 *enable the use of a single adaptor kit for munitions de-*
3 *scribed in paragraph (2) in order to give those munitions*
4 *a standoff and near-precision guided capability. Such*
5 *amounts shall be obligated not later than nine months after*
6 *the date of the enactment of this Act.*

7 (2) Paragraph (1) applies to guided and unguided in-
8 inventory munitions of the class of 1,000 pounds and below.

9 (b) REPORT.—The Secretary of the Defense shall sub-
10 mit to the congressional defense committees a report setting
11 forth in detail the results and costs of the demonstration
12 and the applicability of the technology demonstrated in pro-
13 viding the Armed Forces with an inexpensive solution to
14 providing both range extension and near-precision guided
15 capability to in-inventory munitions.

16 **SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-IN-**
17 **FRARED ADVANCED CHEMICAL LASER**
18 **AGAINST AN OBJECT IN SPACE.**

19 *The Secretary of Defense may not carry out a test of*
20 *the Mid-Infrared Advanced Chemical Laser (MIRACL)*
21 *transmitter and associated optics against an object in space*
22 *during fiscal year 1995 unless such testing is specifically*
23 *authorized by law.*

1 **SEC. 214. APPLICABILITY OF CERTAIN ELECTRONIC COM-**
2 **BAT SYSTEMS TESTING REQUIREMENTS.**

3 (a) *COVERED SYSTEMS.*—Subsection (a) of section 220
4 of the National Defense Authorization Act for Fiscal Year
5 1994 (Public Law 103–160; 107 Stat. 1589) is amended—

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

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

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

13 “(e) *APPLICABILITY.*—The provisions of subsections
14 (a) and (b) shall apply to an ACAT I level integrated or
15 stand-alone electronic combat system and to an ACAT I
16 level integrated or stand-alone command, control, and com-
17 munications countermeasure system regardless of whether
18 development of the electronic combat system or the com-
19 mand, control, and communications countermeasure sys-
20 tem, as the case may be, began before, on, or after the date
21 of the enactment of this Act.”.

22 **SEC. 215. ADVANCED SELF PROTECTION JAMMER (ASPJ)**
23 **PROGRAM.**

24 (a) Subject to subsection (b), the Secretary of the Navy
25 shall, not later than September 30, 1994, obligate funds ap-
26 propriated to the Department of Defense for fiscal year

1 1994 and prior years to carry out logistics support, mainte-
2 nance, and integration of existing Advanced Self Protection
3 Jammer systems from the Navy inventory into the F-14D
4 aircraft for testing and evaluation. The Secretary may ac-
5 quire sufficient racks, spares, and logistic support, includ-
6 ing hardware and software, necessary to maintain the exist-
7 ing ASPJ systems in the Navy inventory.

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

11 (c) The Secretary of the Navy shall carry out sub-
12 section (a) notwithstanding section 122 of the National De-
13 fense Authorization Act for Fiscal Year 1993 (Public Law
14 102-484; 106 Stat. 2334).

15 **SEC. 216. ADVANCED LITHOGRAPHY PROGRAM.**

16 (a) *PURPOSE.*—The purpose of the Advanced Lithog-
17 raphy Program (hereinafter in this section referred to as
18 the “ALP”) is to fund goal-oriented research and develop-
19 ment to be conducted in both the public and private sectors
20 to help achieve a competitive position for American lithog-
21 raphy tool manufacturers in the international market
22 place.

23 (b) *CONDUCT OF PROGRAM.*—(1) The program shall
24 be conducted in accordance with research and development
25 plans (including an interim plan) developed by the Semi-

1 *conductor Technology Council, established in section 273 of*
2 *the National Defense Authorization Act for Fiscal Years*
3 *1988 and 1989 (15 U.S.C. 4603) (as amended by section*
4 *263 of the National Defense Authorization Act for Fiscal*
5 *Year 1994 (Public Law 103-160; 107 Stat. 1608)).*

6 *(2) The interim plan referred to in paragraph (1) shall*
7 *be the Semiconductor Industry Association (SIA) 1994 de-*
8 *velopment plan for lithography.*

9 *(c) PROGRAM MANAGEMENT.—The Advanced Research*
10 *Projects Agency (ARPA) shall be the executive agent for the*
11 *ALP and shall ensure seamless program planning of the*
12 *ALP into the full range of ARPA core electronics develop-*
13 *ment programs.*

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

17 *(1) \$75,000,000 shall be available to conduct re-*
18 *search and development activities in accordance with*
19 *subsection (b); and*

20 *(2) \$25,000,000 shall be available to procure ad-*
21 *vanced American-manufactured lithography tools for*
22 *evaluation at Government-owned or Government-*
23 *sponsored research facilities engaged in advanced li-*
24 *thography.*

1 (e) *REQUIREMENTS.*—Not later than January 1,
2 1995—

3 (1) *the President shall appoint to the Semi-*
4 *conductor Technology Council, referred to in sub-*
5 *section (a), the members listed in section 273(c) of the*
6 *National Defense Authorization Act for Fiscal Years*
7 *1988 and 1989 (15 U.S.C. 4603);*

8 (2) *the Under Secretary of Defense for Acquisi-*
9 *tion and Technology, in his capacity as Cochairman*
10 *of the Council, shall call a meeting of the Council for*
11 *the purpose of developing a national strategy for li-*
12 *thography;*

13 (3) *the Council shall issue a Department of De-*
14 *fense instruction for the operation of the Council; and*

15 (4) *the Council shall develop and submit to the*
16 *Secretary of Defense a plan for achieving the national*
17 *strategy for lithography.*

18 (f) *RESTRICTION.*—After January 1, 1995, no funds
19 *may be obligated by the Department of Defense for the High*
20 *Performance Computing Program (PE 602301E), Sematech*
21 *(PE 603745E), or Warbreaker (PE 603226E; Project*
22 *EE40) unless the events listed in subsection (e) have oc-*
23 *curred.*

1 **SEC. 217. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
2 **MENT CENTERS.**

3 (a) *AUTHORITY.*—A Federally Funded Research and
4 Development Center (FFRDC) of the Department of Defense
5 that functions primarily as a research laboratory may re-
6 spond to solicitations and announcements under programs
7 authorized by the Federal Government for the purpose of
8 promoting the development and transfer of dual-use tech-
9 nology to the United States industrial sector if such
10 FFRDC meets the following conditions:

11 (1) *The FFRDC is a collaborating member of a*
12 *United States industry-led team.*

13 (2) *The nature of such collaboration is that of a*
14 *precompetitive research and technology development*
15 *effort.*

16 (b) *USE OF COOPERATIVE AGREEMENTS.*—An FFRDC
17 described in subsection (a) that responds to a solicitation
18 or announcement described in such subsection shall not be
19 considered to be engaging in a competitive procedure and
20 may use a cooperative research and development agreement
21 (as defined in section 12 of the Stevenson-Wydler Tech-
22 nology Innovation Act of 1980 (15 U.S.C. 3710a)) or other
23 cooperative agreement as the instrument of participation
24 in the solicitation or announcement.

1 **SEC. 218. DEFENSE EXPERIMENTAL PROGRAM TO STIMU-**
2 **LATE COMPETITIVE RESEARCH.**

3 (a) *IN GENERAL.*—(1) *The Secretary, through the Di-*
4 *rector of Defense Research and Engineering, shall operate*
5 *a Defense Experimental Program to Stimulate Competitive*
6 *Research (hereinafter in this section referred to as*
7 *“DEPSCoR”) as part of the university research programs*
8 *of the Department of Defense.*

9 (2) *The objectives of DEPSCoR shall be—*

10 (A) *to enhance the competitiveness within the*
11 *peer-review system of investigators from academic in-*
12 *stitutions in eligible States; and*

13 (B) *to increase the probability of long-term*
14 *growth of competitive funding to investigators at in-*
15 *stitutions from eligible States.*

16 (3) *In order to carry out the objectives stated in para-*
17 *graph (2), DEPSCoR shall provide for activities which may*
18 *include competitive research awards, research infrastruc-*
19 *ture support, and graduate traineeships.*

20 (4) *DEPSCoR shall assist those States that—*

21 (A) *historically have received relatively little*
22 *Federal research and development funding; and*

23 (B) *have demonstrated a commitment to develop*
24 *their research bases and improve science and engi-*
25 *neering research and education programs at their*
26 *universities and colleges.*

1 (b) *DEFINITION.*—The term “eligible States” means
2 States that have been designated by the Director of the Na-
3 tional Science Foundation as eligible to participate in the
4 Experimental Program to Stimulate Competitive Research.

5 (c) *COORDINATION.*—The Secretary shall consult with
6 the Director of the National Science Foundation and the
7 Director of the Office of Science and Technology Policy in
8 the planning, development, and execution of DEPSCoR and
9 shall coordinate the Department’s program with similar
10 programs sponsored by other Federal agencies. All solicita-
11 tions shall be made to, and all awards shall be made
12 through, the State committees established by the National
13 Science Foundation for the purpose of administering the
14 Experimental Program to Stimulate Competitive Research.
15 The State committees shall ensure that the DEPSCoR pro-
16 gram is coordinated with other Federal Experimental Pro-
17 gram to Stimulate Competitive Research initiatives in their
18 respective States.

19 **SEC. 219. DIGITAL BATTLEFIELD PROGRAM.**

20 (a) *ESTABLISHMENT OF PROGRAM.*—The Secretary of
21 the Army shall establish a Digital Battlefield program to
22 provide enhancements required to field components for a
23 digitalized battlefield by 1996. These enhancements shall in-
24 clude electronics, second-generation forward-looking infra-
25 red technology, and communications for major platforms

1 *and development of applique packages for platforms without*
2 *embedded digital systems.*

3 (b) *FUNDING.*—*Of the amounts authorized to be appro-*
4 *priated pursuant to section 201, \$50,000,000 shall be avail-*
5 *able for fiscal year 1995 for the digital battlefield program*
6 *(PE 203758A).*

7 (c) *PROGRAM LIMITATION.*—*None of the funds appro-*
8 *priated pursuant to section 201 for the digital battlefield*
9 *program (PE 203758A) for the Army for fiscal year 1995*
10 *may be obligated for research and development activities for*
11 *development or integration of such program until the Sec-*
12 *retary of the Army—*

13 (1) *establishes, and programs funds for, a re-*
14 *search and development program to enhance the proc-*
15 *essing and memory capability of the electronic sys-*
16 *tems on the Abrams tank to make the M1/M1A2*
17 *Abrams tank compatible and interoperable with the*
18 *digital battlefield, when placed into service;*

19 (2) *restructures the M1 Abrams tank upgrade*
20 *program to incorporate the enhancements produced by*
21 *the research and development program established*
22 *under paragraph (1);*

23 (3) *transmits to the congressional defense com-*
24 *mittees a report providing notice of the restructured*

1 *M1A2 program under paragraph (2) and a descrip-*
2 *tion of the program;*

3 *(4) coordinates with the Secretary of the Navy to*
4 *include the Marine Corps in the Army's plans for the*
5 *digital battlefield; and*

6 *(5) transmits to the congressional defense com-*
7 *mittees a report describing—*

8 *(A) the Army's plan of actions and mile-*
9 *stones for defining the overall system architecture*
10 *for the digital battlefield, the standards and pro-*
11 *ocols for the digital battlefield, and resulting re-*
12 *quirements;*

13 *(B) how those requirements affect or will af-*
14 *fect the major platforms that will make up the*
15 *digital battlefield; and*

16 *(C) the manner in which coordination with*
17 *the Secretary of the Navy under paragraph (4)*
18 *is being carried out.*

19 **SEC. 220. MOBILE OFF-SHORE BASE AND LANDING SHIP**
20 **QUAY CAUSEWAY PROGRAM.**

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

22 *(1) The concepts of the sea-going Mobile Off-*
23 *Shore Base and the related Landing Ship Quay*
24 *Causeway could result in significant improvements in*
25 *the capability for the Armed Forces to respond to cri-*

1 *ses in those areas where land bases are not available*
2 *for use by those forces.*

3 *(2) The potential development and acquisition*
4 *costs of the Mobile Off-Shore Base and the Landing*
5 *Ship Quay Causeway are such that any program for*
6 *development of the Mobile Off-Shore Base or the*
7 *Landing Ship Quay Causeway should be designated*
8 *as a major defense acquisition program.*

9 *(b) LIMITATION.—No funds are authorized for fiscal*
10 *year 1995 for research and development for a Mobile Off-*
11 *Shore Base or a Landing Ship Quay Causeway program.*
12 *The Secretary of Defense may not develop or acquire a Mo-*
13 *bile Off-Shore Base or a Landing Ship Quay Causeway*
14 *until both of the following occur:*

15 *(1) The military requirement for a Mobile Off-*
16 *Shore Base and a Landing Ship Quay Causeway, as*
17 *reflected in operational requirements documents, is*
18 *approved by the Joint Requirements Oversight Coun-*
19 *cil.*

20 *(2) The Secretary of Defense certifies to the con-*
21 *gressional defense committees that—*

22 *(A) there is a validated requirement for the*
23 *Mobile Off-Shore Base or the Landing Ship*
24 *Quay Causeway; and*

1 (B) the acquisition plan and program to
2 fulfill the requirement are established and are
3 funded to the end of the current future-years de-
4 fense program submitted pursuant to section 221
5 of title 10, United States Code.

6 **Subtitle C—Missile Defense**
7 **Programs**

8 **SEC. 231. BALLISTIC MISSILE DEFENSE ORGANIZATION**
9 **BUDGET PRESENTATION.**

10 *In the budget of the President for any fiscal year,*
11 *amounts requested for the Ballistic Missile Defense Organi-*
12 *zation shall be set forth showing the amounts requested for*
13 *each individual program, project, and activity of that orga-*
14 *nization as well as the total amount requested for the orga-*
15 *nization.*

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

17 (a) *NAVAL THEATER MISSILE DEFENSE.*—Of the
18 amount provided for the Ballistic Missile Defense Organi-
19 zation under section 201 for Theater Missile Defense, not less
20 than \$40,000,000 shall be available to support the aggres-
21 sive exploration of the Navy Upper Tier Program for Naval
22 Theater Missile Defense.

23 (b) *ACCELERATED ADVANCED CONCEPT TECHNOLOGY*
24 *DEMONSTRATION PROGRAM.*—The Secretary of Defense,
25 acting through the Director of the Ballistic Missile Defense

1 *Organization, shall initiate during fiscal year 1995 an ac-*
2 *celerated Advanced Concept Technology Demonstration*
3 *Program to demonstrate the technical feasibility of using*
4 *the Navy's Block IV Standard Missile combined with a kick*
5 *stage rocket motor and the lightweight Exoatmospheric Pro-*
6 *jectile (LEAP) as a near-term option for cost-effective wide-*
7 *area Theater Missile Defense.*

8 (c) *THEATER MISSILE DEFENSE PROGRAM PRIOR-*
9 *ITIES.—(1) The Secretary of Defense, acting through the*
10 *Director of the Ballistic Missile Defense Organization, shall*
11 *establish as the first priority of the Theater Missile Defense*
12 *Program the deployment of—*

13 (A) *a layered land-based Theater Missile Defense*
14 *capability consisting of the Patriot Advanced Capa-*
15 *bility (PAC-3) system and the Theater High-Altitude*
16 *Area Defense (THAAD) system; and*

17 (B) *a layered sea-based Theater Missile Defense*
18 *capability consisting of the Navy Lower Tier theater*
19 *missile defense program and the Navy Upper Tier*
20 *theater missile defense program.*

21 (2) *Each program referred to in paragraph (1) shall*
22 *be treated by the Department of Defense as a major acquisi-*
23 *tion program for funding purposes for fiscal years 1995*
24 *through 1999, as prescribed in the October 1993 report of*

1 *the Secretary of Defense entitled “Report on the Bottom Up*
2 *Review” and in Defense Planning Guidance.*

3 **SEC. 233. THEATER MISSILE DEFENSE RISK REDUCTION AC-**
4 **TIVITIES.**

5 (a) *IN GENERAL.*—*Of the amount provided in section*
6 *201 for Defense-Wide Activities, \$210,000,000 is for theater*
7 *missile defense risk reduction activities of the Ballistic Mis-*
8 *sile Defense Organization. None of such amount may be ob-*
9 *ligated for a program specified in subsection (b) until 30*
10 *days after the date on which the Secretary of Defense sub-*
11 *mits to the congressional defense committees notice of the*
12 *Secretary’s plans to obligate funds for such program.*

13 (b) *PROGRAMS.*—*The programs referred to in sub-*
14 *section (a) are the following:*

15 (1) *The Extended-Range Interceptor (ERINT)*
16 *program.*

17 (2) *The Multi-Mode Missile.*

18 (3) *Sea-based lower tier systems.*

19 (4) *Sea-based upper tier systems.*

20 **SEC. 234. MILITARY SATELLITE COMMUNICATIONS.**

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

1 (b) *MILITARY COMMUNICATIONS MASTER PLAN.*—The
2 Secretary of Defense shall develop a military communica-
3 tions master plan that addresses—

4 (1) *the projected military communications re-*
5 *quirements of the Department of Defense;*

6 (2) *alternate and innovative ways of meeting*
7 *those requirements (including greater reliance on the*
8 *commercial sector); and*

9 (3) *methods to ensure that those elements of the*
10 *Department of Defense that create the demand for*
11 *such communications services are required to have an*
12 *important role in paying for the provision of those*
13 *services.*

14 **SEC. 235. LIMITATION ON FLIGHT TESTS OF CERTAIN MIS-**
15 **SILES.**

16 (a) *LIMITATION.*—The Secretary of Defense may not
17 conduct a flight test program of theater missile defense
18 interceptors and sensors if an anticipated result of the
19 launch of a missile under that test program would be release
20 of debris in a land area of the United States outside a des-
21 ignated Department of Defense test range.

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

1 (c) *CERTAIN TESTING UNAFFECTED.*—Nothing in this
2 section shall be construed as prohibiting or limiting testing
3 of cruise missiles, unmanned aerial vehicles (UAVs), or pre-
4 cision-guided munitions.

5 ***Subtitle D—Women’s Health***
6 ***Research***

7 ***SEC. 241. DEFENSE WOMEN’S HEALTH RESEARCH PRO-***
8 ***GRAM.***

9 (a) *CONTINUATION OF THE PROGRAM.*—The Secretary
10 of Defense shall continue the Defense Women’s Health Re-
11 search Program (hereinafter in this section referred to as
12 the “Program”) established in fiscal year 1994 pursuant
13 to the authority in section 251 of the National Defense Au-
14 thorization Act for Fiscal Year 1994 (Public Law 103–160;
15 107 Stat. 1606). The Program shall continue under an
16 Army executive agency or agent and shall serve as the co-
17 ordinating agent for multidisciplinary and multi-institu-
18 tional research within the Department of Defense on wom-
19 en’s health issues related to service in the Armed Forces.
20 The Program also shall coordinate with research supported
21 by the Department of Health and Human Services and
22 other agencies that is aimed at improving the health of
23 women.

24 (b) *IMPLEMENTATION PLAN.*—If the Secretary of De-
25 fense intends to change the plan for the implementation of

1 *the Program previously submitted to the Committees on*
2 *Armed Services of the Senate and House of Representatives,*
3 *the amended plan shall be submitted to such committees be-*
4 *fore implementation.*

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

8 *(1) Epidemiologic research, including health care*
9 *needs of deployed women, patterns of illness and in-*
10 *jury, environmental and occupational hazards, side-*
11 *effects of pharmaceuticals and biologicals, and psy-*
12 *chological stress associated with military training, de-*
13 *ployment, traumatic incidents, and other military life*
14 *conditions.*

15 *(2) Data base development designed to facilitate*
16 *long-term research studies of women's health issues,*
17 *and continued development and support of a military*
18 *women's health information clearinghouse to serve as*
19 *an information resource for clinical, research, and*
20 *policy issues affecting women in the Armed Forces.*

21 *(3) Policies and standards issues, including re-*
22 *search supporting development of military standards*
23 *related to training, operations, deployment, and re-*
24 *tion and their relationship to factors affecting*
25 *women's health.*

1 (4) *Research emphasizing interventions that have*
2 *a potential for affecting health issues associated with*
3 *women's military service.*

4 (d) *FUNDING.—Of the amount authorized to be appro-*
5 *priated pursuant to section 201, \$40,000,000 shall be avail-*
6 *able for the Program.*

7 ***TITLE III—OPERATION AND***
8 ***MAINTENANCE***

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

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

12 *Funds are hereby authorized to be appropriated for fis-*
13 *cal year 1995 for the use of the Armed Forces and other*
14 *activities and agencies of the Department of Defense for ex-*
15 *penses, not otherwise provided for, for operation and main-*
16 *tenance in amounts as follows:*

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

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

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

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

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

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

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

24 (8) *For the Marine Corps Reserve, \$81,462,000.*

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

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

3 (11) For the Air National Guard,
4 \$2,780,178,000.

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

7 (13) For the Defense Inspector General,
8 \$147,172,000.

9 (14) For the Court of Military Appeals,
10 \$6,152,000.

11 (15) For Environmental Restoration, Defense,
12 \$2,655,200,000.

13 (16) For Drug Interdiction and Counter-drug
14 Activities, Defense-wide, \$714,200,000 (none of the
15 funds of which may be used to carry out section 1004
16 of the National Defense Authorization Act for Fiscal
17 Year 1991 (10 U.S.C. 374 note)).

18 (17) For Medical Programs, Defense,
19 \$9,613,331,000.

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

22 (19) For Department of Defense World War II
23 50th Anniversary Program, \$500,000.

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

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 1995 for the use of the Armed Forces and other*
4 *activities and agencies of the Department of Defense for the*
5 *Defense Business Operations Fund in the amount of*
6 *\$1,212,038,000.*

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

8 *There is hereby authorized to be appropriated for fiscal*
9 *year 1995 from the Armed Forces Retirement Home Trust*
10 *Fund the sum of \$59,317,000 for the operation of the Armed*
11 *Forces Retirement Home, including the United States Sol-*
12 *diers' and Airmen's Home and the Naval Home.*

13 **SEC. 304. FUNDS FOR DEPOT-LEVEL MAINTENANCE AND RE-**
14 **PAIR WORK.**

15 *(a) INCREASED FUNDING FOR DEPARTMENT OF DE-*
16 *FENSE DEPOT-LEVEL ACTIVITIES.—Of amounts authorized*
17 *to be appropriated for fiscal year 1995 under section 301,*
18 *the amount that shall be available for the performance of*
19 *depot-level maintenance and repair work by depot-level ac-*
20 *tivities of the Department of Defense is the amount equal*
21 *to the sum of—*

22 *(1) the total amount requested in the President's*
23 *budget for that fiscal year for the Department of De-*
24 *fense for the performance of depot-level maintenance*
25 *and repair work; and*

26 *(2) \$600,000,000, of which—*

1 (A) \$300,000,000 shall be available for the
2 Army;

3 (B) \$100,000,000 shall be available for the
4 Navy;

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

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

9 (b) *DECREASED FUNDING FOR CONTRACTORS.*—Of
10 amounts appropriated for fiscal year 1995 pursuant to sec-
11 tion 301, the amount that shall be available for the perform-
12 ance of depot-level maintenance and repair work by non-
13 Federal Government personnel is not more than the amount
14 equal to 40 percent of the total amount requested in the
15 President's budget for that fiscal year for the Department
16 of Defense for the performance of depot-level maintenance
17 and repair work.

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

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

23 (b) *PAY AND NONTRAVEL-RELATED ALLOWANCES.*—
24 (1) Except as provided in paragraph (2), the costs for pay
25 and nontravel-related allowances of members of the Armed

1 *Forces for the support and services referred to in subsection*
2 *(a) may not be charged to appropriations made pursuant*
3 *to the authorization of appropriations in subsection (c).*

4 *(2) Paragraph (1) does not apply in the case of mem-*
5 *bers of a reserve component called or ordered to active duty*
6 *to provide logistical support and personnel services for the*
7 *games of the XXVI Olympiad.*

8 *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
9 *authorized to be appropriated \$4,000,000 for the Depart-*
10 *ment of Defense for fiscal year 1995 to carry out subsection*
11 *(a).*

12 ***Subtitle B—Limitations***

13 ***SEC. 311. REPORTS AND LIMITATION ON TRANSFER OF CER-*** 14 ***TAIN OPERATION AND MAINTENANCE FUNDS.***

15 *(a) LIMITATION ON TRANSFER.—Section 116 of title*
16 *10, United States Code, is amended—*

17 *(1) by redesignating subsection (b) as subsection*
18 *(d); and*

19 *(2) by inserting after subsection (a) the follow-*
20 *ing:*

21 *“(b) REPORTS ON TRANSFERS OF CERTAIN FUNDS.—*

22 *(1) Each report required by subsection (a) shall include a*
23 *report on the following:*

24 *“(A) Each transfer of amounts provided in an*
25 *appropriation Act to the Department of Defense for*

1 *the activities referred to in paragraph (3) between ap-*
2 *propriations during the preceding fiscal year, includ-*
3 *ing the reason for the transfer.*

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

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

12 “(A) *Each transfer during the first six months of*
13 *the fiscal year in which the report is submitted of*
14 *amounts provided in an appropriation Act to the De-*
15 *partment of Defense for the activities referred to in*
16 *paragraph (3) between appropriations, including the*
17 *reason for the transfer.*

18 “(B) *Each transfer during the first six months*
19 *of the fiscal year in which the report is submitted of*
20 *amounts provided in an appropriation Act to the De-*
21 *partment of Defense for an activity referred to in*
22 *paragraph (3) within that appropriation for any*
23 *other such activity, including the reason for the*
24 *transfer.*

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

3 “(A) *Activities for which amounts are appro-*
4 *priated for the Army for operations and maintenance*
5 *for operating forces for (i) combat units, (ii) tactical*
6 *support, and (iii) force-related training/special activi-*
7 *ties.*

8 “(B) *Activities for which amounts are appro-*
9 *priated for the Navy for operations and maintenance*
10 *for operating forces for (i) mission and other flight*
11 *operations, (ii) mission and other ship operations,*
12 *(iii) fleet air training, and (iv) ship operational sup-*
13 *port and training.*

14 “(C) *Activities for which amounts are appro-*
15 *priated for the Air Force for operations and mainte-*
16 *nance for operating forces for (i) primary combat*
17 *forces, (ii) primary combat weapons, (iii) global and*
18 *early warning, and (iv) air operations training.*

19 “(c) *LIMITATION.—The Secretary of Defense may not*
20 *transfer an amount that exceeds \$20,000,000 of amounts*
21 *provided in an appropriation Act to the Department of De-*
22 *fense for the activities referred to in subsection (b)(3) be-*
23 *tween appropriations or within that appropriation for any*
24 *other such activity until—*

25 “(1) *the Congress is notified of the transfer; and*

1 *ferred to a single, department-wide nonappropriated mo-*
 2 *rale, welfare, and recreation account of the military depart-*
 3 *ment.”.*

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

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

7 **SEC. 313. PROHIBITION ON USE OF APPROPRIATED FUNDS**
 8 **FOR OPERATION OF ARMED FORCES RECRE-**
 9 **ATION CENTER, EUROPE.**

10 *No funds appropriated to the Department of Defense*
 11 *for any fiscal year may be used to operate the Armed Forces*
 12 *Recreation Center, Europe, except that such funds may be*
 13 *used for the payment of utilities, emergency repairs, and*
 14 *transportation of United States products for the Center.*

15 **SEC. 314. LIMITATION ON USE OF SPECIFICATIONS FOR**
 16 **PROCUREMENT OF SUBSISTENCE ITEMS.**

17 (a) *IN GENERAL.*—*Chapter 137 of title 10, United*
 18 *States Code, is amended by adding at the end the following*
 19 *new section:*

20 **“§2332. Subsistence items: limitation on use of speci-**
 21 **fications and restrictions in procurement**
 22 **of**

23 *“(a) LIMITATION.*—*Except as provided in subsection*
 24 *(b), the Secretary of Defense may not use specifications or*

1 *restrictions in the procurement of subsistence items for use*
2 *at military installations.*

3 “(b) *EXCEPTION.—The Secretary of Defense may use*
4 *specifications and restrictions in the procurement of field*
5 *rations and shipboard rations (including tray packs and*
6 *meals ready-to-eat), except that any such specifications and*
7 *restrictions shall be developed consistent with the preference*
8 *of the Department of Defense for commercial items.”*

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

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

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

13 ***SEC. 321. FINDINGS.***

14 *The Congress finds the following:*

15 (1) *By providing the Armed Forces with a criti-*
16 *cal capacity to respond to the needs of the Armed*
17 *Forces for depot-level maintenance and repair of*
18 *weapon systems and equipment, the depot-level main-*
19 *tenance and repair activities of the Department of*
20 *Defense play an essential role in maintaining the*
21 *readiness of the Armed Forces.*

22 (2) *The consolidation of entities within the de-*
23 *fense industry has jeopardized the capability of the*

1 *defense industry to perform maintenance and repair*
2 *of weapon systems and equipment.*

3 (3) *The defense industry maintains not less than*
4 *60 percent of the total capability to perform mainte-*
5 *nance and repair of weapon systems and equipment.*

6 (4) *The capability of the depot-level maintenance*
7 *and repair activities of the Department of Defense to*
8 *perform maintenance and repair of weapon systems*
9 *and equipment should not be determined by policies*
10 *established by the defense industry.*

11 (5) *Reductions in the number of civilian employ-*
12 *ees of the depot-level maintenance and repair activi-*
13 *ties of the Department of Defense may account for ap-*
14 *proximately 80 percent of all reductions in the com-*
15 *ing years in the number of civilian employees of the*
16 *Department.*

17 (6) *An increase from one fiscal year to the next*
18 *in the amount of funds available for the maintenance*
19 *and repair of weapon systems and equipment does*
20 *not necessarily result in a corresponding increase in*
21 *the performance of such maintenance and repair.*

22 **SEC. 322. MODIFICATION OF LIMITATION ON PERFORM-**
23 **ANCE OF DEPOT-LEVEL MAINTENANCE.**

24 (a) *MODIFICATION.*—*Subsection (a) of section 2466 of*
25 *title 10, United States Code, is amended to read as follows:*

1 “(a) *PERCENTAGE LIMITATION.*—Not more than 40
2 percent of the funds made available in a fiscal year to a
3 military department or a Defense Agency for depot-level
4 maintenance and repair workload may be used to contract
5 for the performance by non-Federal Government personnel
6 of such workload for the military department or the Defense
7 Agency. Any such funds that are not used for such a con-
8 tract shall be used for the performance of depot-level mainte-
9 nance and repair workload by employees of the Department
10 of Defense.”.

11 (b) *INCLUSION OF REPAIR ACTIVITIES.*—Subsection
12 (b) of such section is amended by inserting “and repair”
13 after “maintenance” each place it appears.

14 (c) *COMPUTATION OF PERCENTAGE.*—Such section is
15 further amended—

16 (1) by redesignating subsections (d) and (e) as
17 subsections (e) and (f), respectively; and

18 (2) by inserting after subsection (c) the following
19 new subsection (d):

20 “(d) *COMPUTATION OF PERCENTAGE.*—In computing
21 for purposes of subsection (a) the percentage of funds re-
22 ferred to in that subsection that are used to contract for
23 the performance of depot-level maintenance and repair
24 workload by non-Federal Government personnel, the Sec-
25 retary of the military department, or in the case of a De-

1 *fense Agency, the Secretary of Defense shall include in the*
2 *computation any funds provided for the performance by*
3 *such personnel of the following:*

4 “(1) *Interim contractor support.*”

5 “(2) *Contract logistic support.*”

6 “(3) *Maintenance and repair workload above the*
7 *unit level.*”

8 “(4) *The provision of materials and parts by a*
9 *contractor to a depot.*”

10 (d) *REPORT.—Subsection (f) of such section, as reded-*
11 *ignated by subsection (c)(1), is amended to read as follows:*

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

19 **SEC. 323. LIMITATION ON THE PERFORMANCE OF DEPOT-**
20 **LEVEL MAINTENANCE OF MATERIEL FOR NEW**
21 **WEAPON SYSTEMS.**

22 (a) *LIMITATION.—Subsection (a) of section 2466 of*
23 *title 10, United States Code, as amended by section 322*
24 *of this Act, is amended—*

1 curred by the contractor to perform the contract. An audit
 2 of a contract under this section shall be performed at least
 3 once during the period in which the contract is performed
 4 and shall take account of any costs incurred by the contract
 5 in excess of the amount proposed by the contractor to per-
 6 form the contract or in excess of costs incurred by the con-
 7 tractor during the previous year.”.

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

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

11 **SEC. 325. CONSIDERATION OF COSTS OF CLOSING DEPART-**
 12 **MENT OF DEFENSE DEPOTS IN CERTAIN COST**
 13 **COMPARISONS.**

14 Section 2467 of title 10, United States Code, is
 15 amended—

16 (1) by redesignating subsection (b) as subsection
 17 (c); and

18 (2) by inserting after subsection (a) the follow-
 19 ing:

20 “(b) REQUIREMENT TO CONSIDER COSTS OF CLOSING
 21 DEPOTS.—In any comparison conducted by the Depart-
 22 ment of Defense of the cost of performing depot-level mainte-
 23 nance and repair work by non-Federal Government person-
 24 nel and the cost of performing such work by employees of

1 *the Department of Defense, the Secretary of Defense shall,*
2 *to the maximum extent practicable, consider the estimated*
3 *cost (including the cost to perform any necessary environ-*
4 *mental restoration of the facility) that would be incurred*
5 *if the Department of Defense were required to close a De-*
6 *partment of Defense defense depot-level facility as a result*
7 *of awarding the contract to non-Federal Government per-*
8 *sonnel to perform such work.”.*

9 **SEC. 326. AUTHORITY FOR DEPOT-LEVEL ACTIVITIES OF**
10 **THE DEPARTMENT OF DEFENSE TO COMPETE**
11 **FOR MAINTENANCE AND REPAIR WORKLOADS**
12 **OF OTHER FEDERAL AGENCIES.**

13 *(a) IN GENERAL.—Chapter 146 of title 10, United*
14 *States Code, as amended by section 324 of this Act, is fur-*
15 *ther amended by adding at the end the following new*
16 *section:*

17 **“§2471. Depot-level activities of the Department of De-**
18 **fense: authority to compete for mainte-**
19 **nance and repair workloads of other Fed-**
20 **eral agencies**

21 *“A depot-level activity of the Department of Defense*
22 *shall be eligible to compete for the performance of any depot-*
23 *level maintenance and repair workload of a Federal agency*
24 *for which competitive procedures are used to select the en-*
25 *tity to perform the workload.”.*

1 (b) *CLERICAL AMENDMENT.*—The table of sections at
 2 the beginning of such chapter is amended by adding at the
 3 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 agen-
 cies.”.

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

5 **OUTSIDE OF THE DEPARTMENT OF DEFENSE.**

6 (a) *IN GENERAL.*—Chapter 146 of title 10, United
 7 States Code, as amended by section 326 of this Act, is fur-
 8 ther amended by adding at the end the following new
 9 section:

10 **“§2472. Persons outside the Department of Defense:**

11 **lease of excess depot-level equipment and**
 12 **facilities by**

13 “(a) *AUTHORITY TO LEASE EXCESS EQUIPMENT AND*
 14 *FACILITIES.*—Subject to subsection (b), the Secretary of a
 15 military department and, with respect to a Defense Agency,
 16 the Secretary of Defense, may lease excess equipment and
 17 facilities of a depot-level activity of the military depart-
 18 ment, or the Defense Agency, to a person outside the Depart-
 19 ment of Defense for the performance of depot-level mainte-
 20 nance and repair work by such person.

21 “(b) *LIMITATIONS.*—A lease under subsection (a) may
 22 be entered into only if—

23 “(1) the lease of any such equipment or facilities
 24 will not have a significant adverse effect on the readi-

1 *ness of the armed forces, as determined by the Sec-*
2 *retary concerned;*

3 *“(2) the person leasing such equipment or facili-*
4 *ties agrees to reimburse the Department of Defense for*
5 *the costs (both direct and indirect costs, including*
6 *any rental costs, as determined the Secretary con-*
7 *cerned) attributable to the lease of such equipment or*
8 *facilities;*

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

15 *“(4) the person leasing such equipment or facili-*
16 *ties agrees to hold harmless and indemnify the United*
17 *States from any liability or claim for damages or in-*
18 *jury to any person or property arising out of a deci-*
19 *sion by the Secretary concerned to suspend or termi-*
20 *nate the lease in times of war or national emergency.*

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

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

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

4 **SEC. 328. MAINTENANCE OF SUFFICIENT DEPOT-LEVEL FA-**
5 **CILITIES, ACTIVITIES, AND EMPLOYEES OF**
6 **THE DEPARTMENT OF DEFENSE.**

7 *The Secretary of Defense shall maintain sufficient*
8 *depot-level activities and facilities of the Department of De-*
9 *fense and a sufficient number of employees of the Depart-*
10 *ment that are assigned to the performance of depot-level*
11 *maintenance and repair to carry out this subtitle and the*
12 *amendments made by this subtitle.*

13 **SEC. 329. REUTILIZATION INITIATIVE FOR ARMY AND NAVY**
14 **DEPOT-LEVEL ACTIVITIES.**

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

20 (1) *demonstrating commercial uses of such depot-*
21 *level activities that are related to the principal mis-*
22 *sion of such depot-level activities;*

23 (2) *preserving employment and skills of employ-*
24 *ees currently employed by such depot-level activities*

1 *or providing for the reemployment and retraining of*
2 *employees who, as the result of the closure, realign-*
3 *ment, or reduced in-house workload of such activities,*
4 *may become unemployed; and*

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

10 *(b) PARTICIPANTS IN PILOT PROGRAM.—The Sec-*
11 *retary shall designate not less than five depot-level activities*
12 *of the Department of the Army and the Department of the*
13 *Navy to participate in the pilot program under this section.*
14 *Of these depot-level activities, at least two shall be depot-*
15 *level activities of the Department of the Army and at least*
16 *three shall be depot-level activities of the Department of the*
17 *Navy.*

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

21 *(1) does not interfere with the closure or realign-*
22 *ment of a depot-level activity of the Department of the*
23 *Army or the Department of the Navy under a base*
24 *closure law; and*

1 (2) does not adversely affect the readiness or pri-
2 mary mission of a participating depot-level activity.

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

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

9 ***SEC. 341. OVERSIGHT OF DEFENSE BUSINESS OPERATIONS***

10 ***FUND.***

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

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

23 (c) *PROHIBITION ON ADVANCE CHARGES.*—(1) After
24 September 30, 1995, the Secretary of Defense may not
25 charge for goods and services provided through the Defense

1 *Business Operations Fund in advance of the provision of*
2 *such goods and services.*

3 (2) *The payment of amounts to the Defense Business*
4 *Operations Fund from another fund or activity of the De-*
5 *partment of the Defense may be made only for goods or serv-*
6 *ices actually provided by the Defense Business Operations*
7 *Fund.*

8 (d) *PURCHASE FROM OTHER SOURCES.—The Sec-*
9 *retary of Defense or the Secretary of a military department*
10 *may purchase goods and services that are available for pur-*
11 *chase from the Defense Business Operations Fund from a*
12 *source other than the Defense Business Operations Fund if*
13 *the Secretary determines that such source offers a more com-*
14 *petitive rate for the goods and services than the Defense*
15 *Business Operations Fund offers.*

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

20 (A) *A detailed report that contains a statement*
21 *of all receipts and disbursements of the Defense Busi-*
22 *ness Operations Fund (including such a statement for*
23 *each subaccount of the Fund) for the year for which*
24 *the report is submitted.*

1 (B) A detailed proposed budget for the operation
2 of the Defense Business Operations Fund for the fiscal
3 year for which the budget is submitted.

4 (2) Not later than September 30 each year, the Sec-
5 retary of Defense shall submit to the Congress a report that
6 contains a comparison of the amounts actually expended
7 for the operation of the Defense Business Operations Fund
8 for the fiscal year ending on that September 30 with the
9 amount proposed for the operation of the Defense Business
10 Operations Fund for that fiscal year in the President's
11 budget.

12 (f) *LIMITATION ON INCLUSION OF CERTAIN COSTS IN*
13 *DBOF CHARGES.*—A charge for a good or service provided
14 through the Defense Business Operations Fund may not in-
15 clude amounts necessary to recover losses incurred by the
16 Defense Business Operations Fund that are unrelated to the
17 good or service or amounts to cover costs incurred in con-
18 nection with the closure or realignment of a military instal-
19 lation.

20 (g) *LIMITATION ON ACCUMULATION OF FUNDS.*—(1)
21 The Secretary of Defense shall establish billing procedures
22 to ensure that the balance in the Defense Business Oper-
23 ations Fund does not exceed \$300,000,000 more than
24 amount necessary to provide for the working capital re-

1 *quirements of the Defense Business Operations Fund, as de-*
2 *termined by the Secretary.*

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

8 **SEC. 342. REVIEW BY COMPTROLLER GENERAL OF CHARGES**

9 **IMPOSED BY DEFENSE BUSINESS OPER-**
10 **ATIONS FUND.**

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

15 *(1) charges for goods and services provided by*
16 *the Defense Business Operations Fund, including a*
17 *comparison of charges imposed for the provision of*
18 *goods and services to the military departments and*
19 *Defense Agencies with charges imposed for the provi-*
20 *sion of goods and services to persons outside the De-*
21 *partment of Defense;*

22 *(2) charges imposed by the Defense Business Op-*
23 *erations Fund for overhead costs and service charges;*
24 *and*

1 (3) *the extent to which charges imposed by the*
2 *Defense Business Operations Fund provide an advan-*
3 *tage or disadvantage for the military departments*
4 *and Defense Agencies or for persons outside the De-*
5 *partment of Defense for whom such goods and services*
6 *are provided.*

7 (b) *REPORT.—Not later than April 15, 1995, the*
8 *Comptroller General of the United States shall submit to*
9 *the Congress a report on the results of the review conducted*
10 *under subsection (a) and the recommendations of the Comp-*
11 *troller General for any legislative and administrative ac-*
12 *tion the Comptroller General considers to be appropriate.*

13 ***Subtitle E—Department of Defense***
14 ***Domestic and Overseas Schools***

15 ***SEC. 351. REAUTHORIZATION OF DEPARTMENT OF DE-***
16 ***FENSE DOMESTIC ELEMENTARY AND SEC-***
17 ***ONDARY SCHOOLS FOR MILITARY DEPEND-***
18 ***ENTS.***

19 (a) *CONTINUED AUTHORITY TO PROVIDE FOR EDU-*
20 *CATION OF MILITARY DEPENDENTS WHEN LOCAL AGEN-*
21 *CIES ARE UNABLE TO.—Chapter 108 of title 10, United*
22 *States Code, is amended by adding at the end the following*
23 *new section:*

1 **“§2164. Department of Defense domestic dependent**
2 **elementary and secondary schools**

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

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

15 “(1) *The extent to which such dependents are eli-*
16 *gible for free public education in the local area adja-*
17 *cent to the military installation.*

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

1 “(A) *in similar communities in the State,*
2 *in the case of a military installation located in*
3 *a State;*

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

7 “(C) *in the District of Columbia, in the case*
8 *of a military installation located in a territory,*
9 *commonwealth, or possession, except that an ap-*
10 *propriate educational program under this sub-*
11 *paragraph is also a program of education con-*
12 *ducted in the English language.*

13 “(c) *EDUCATION FOR DEPENDENTS OF FEDERAL EM-*
14 *PLOYEES.—(1) An individual who is a dependent of a Fed-*
15 *eral employee residing at any such military installation at*
16 *any time during the school year may enroll in an edu-*
17 *cational program provided by the Secretary of Defense pur-*
18 *suant to subsection (a).*

19 “(2)(A) *Except as provided in subparagraph (B), an*
20 *individual who is a dependent of a Federal employee, who*
21 *is enrolled in an educational program provided by the Sec-*
22 *retary pursuant to subsection (a), and who is not living*
23 *on the military installation may be enrolled in the program*
24 *for not more than five consecutive school years.*

1 “(B) An individual referred to in subparagraph (A)
2 may be enrolled in the program for more than five consecu-
3 tive school years if the Secretary determines, after consider-
4 ation of the individual’s educational well-being, that good
5 cause exists to extend the enrollment for more than the five-
6 year period described in such subparagraph. Any such ex-
7 tension may be made for only one school year at a time.

8 “(C) For purposes of this paragraph, the five-year pe-
9 riod described in subparagraph (A) begins on the date the
10 individual enrolls in the program pursuant to this section
11 or pursuant to any provision of law enacted before the date
12 of the enactment of this section that provided eligibility to
13 the individual for enrollment in a similar program.

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

21 “(d) ESTABLISHMENT OF SCHOOL BOARDS.—(1) The
22 Secretary of Defense shall provide for the establishment of
23 a school board for each Department of Defense elementary
24 or secondary school established for a military installation
25 under this section.

1 “(2) Each school board established for a school under
2 paragraph (1) shall be elected by the parents of individuals
3 attending the school. Meetings conducted by the school board
4 shall be open to the public.

5 “(3)(A) A school board elected for a school under this
6 subsection may develop fiscal, personnel, and educational
7 policies and procedures for the school, including fiscal, per-
8 sonnel, and educational program management, except that
9 the Secretary may issue any directive to the school board
10 and school administrative officials the Secretary considers
11 necessary for the effective operation of the school or the en-
12 tire school system.

13 “(B) Any directive referred to in subparagraph (A)
14 shall, to the maximum extent practicable, be issued only
15 after consultation with appropriate school boards elected
16 under this subsection. The Secretary shall establish a proc-
17 ess by which a school board or school administrative offi-
18 cials may formally appeal such directives directly to the
19 Secretary. Consideration of such appeals may not be dele-
20 gated below the Secretary of Defense.

21 “(e) STAFF.—(1) The Secretary of Defense, in coordi-
22 nation with the school board established for a school under
23 subsection (d), may enter into such arrangements as may
24 be necessary to provide educational programs under this
25 section.

1 “(2) The Secretary may, without regard to the provi-
2 sions of any other law relating to the number, classification,
3 or compensation of employees—

4 “(A) establish such positions for civilian employ-
5 ees in schools established under this section;

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

7 “(C) fix the compensation of such individuals for
8 service in such positions.

9 “(3)(A) Except as provided in subparagraph (B), in
10 fixing the compensation of employees appointed under
11 paragraph (2), the Secretary, in coordination with the
12 school board established for a school under subsection (d),
13 shall consider—

14 “(i) the compensation of comparable employees
15 of the local educational agency in the capital of the
16 State where the military installation is located;

17 “(ii) the compensation of comparable employees
18 in the local educational agency that provides public
19 education to students who live adjacent to the mili-
20 tary installation; or

21 “(iii) the average compensation for similar posi-
22 tions in not more than three other local educational
23 agencies, as determined by the Secretary and the ap-
24 propriate local school boards in the State in which the
25 military installation is located.

1 “(B) In fixing the compensation of employees in
2 schools established in the territories, commonwealths, and
3 possessions under this section or any other provision of law
4 enacted before the date of the enactment of this section that
5 provided for similar schools, the Secretary shall determine
6 the level of compensation required to attract qualified em-
7 ployees. For employees in such schools, the Secretary, in co-
8 ordination with the local school boards and without regard
9 to the provisions of title 5, may arrange for the tenure,
10 leave, hours of work, and other incidents of employment on
11 a similar basis as is provided for comparable positions in
12 the public schools of the District of Columbia.

13 “(f) REIMBURSEMENT.—When the Secretary of Defense
14 provides educational services under this section to an indi-
15 vidual who is a dependent of an employee of another Fed-
16 eral agency, the head of the other Federal agency shall, upon
17 request of the Secretary of Defense, reimburse the Secretary
18 of Defense for those services at rates routinely prescribed
19 by the Secretary of Defense for those services. Any payments
20 received by the Secretary of Defense under this section shall
21 be credited to the account designated by the Secretary for
22 the operation of educational programs under this section.”.

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

"2164. Department of Defense domestic dependent elementary and secondary schools."

1 **SEC. 352. SURVEY AND PILOT PROGRAM FOR THE TRANS-**
2 **FER OF DEPARTMENT OF DEFENSE DOMES-**
3 **TIC DEPENDENT ELEMENTARY AND SECOND-**
4 **ARY SCHOOLS TO APPROPRIATE LOCAL EDU-**
5 **CATIONAL AGENCIES.**

6 (a) *SURVEY.*—(1) *The Secretary of Defense shall con-*
7 *duct a survey of each Department of Defense domestic de-*
8 *pendent elementary and secondary school operated by the*
9 *Department of Defense to determine the feasibility of, and*
10 *actions necessary to be taken to provide for, the transfer*
11 *of that school to the appropriate local educational agency.*

12 (2) *The Secretary of Defense shall coordinate the con-*
13 *duct of the survey of each such school with representatives*
14 *of the local educational agency referred to in paragraph (1)*
15 *and of parent organizations representing parents of stu-*
16 *dents enrolled in the school.*

17 (3) *Issues addressed by the survey shall include—*

18 (A) *the opinions and attitudes of such parents*
19 *with respect to the appropriate entity to operate the*
20 *school;*

21 (B) *the position of the local educational agency*
22 *and the appropriate education officials of the State in*
23 *which the school is located regarding the extent to*
24 *which the transfer of the school to the local edu-*

1 *cational agency is feasible and desirable, including*
2 *the financial and legal justifications for that position;*
3 *and*

4 *(C) the requirements, as specified by the local*
5 *educational agency and the appropriate education of-*
6 *icials of the State in which the school is located, for*
7 *financial support, military construction, and any*
8 *other support provided by the Department of Defense*
9 *in order to complete the transfer of the school to the*
10 *local educational agency.*

11 *(4) Not later than June 30, 1995, the Secretary of De-*
12 *fense shall submit to the Committees on Armed Services of*
13 *the Senate and the House of Representatives a report on*
14 *the results of the survey. The report shall include the rec-*
15 *ommendations of the Secretary with respect to the transfer*
16 *of each such school.*

17 *(b) PILOT PROGRAM.—(1) The Secretary of Defense*
18 *shall conduct a pilot program to assess the potential for*
19 *the transfer of Department of Defense domestic dependent*
20 *elementary and secondary schools to appropriate local edu-*
21 *cational agencies.*

22 *(2) The Secretary of Defense shall select two schools*
23 *for participation in the pilot program based on the results*
24 *of the survey conducted by the Secretary under subsection*
25 *(a). The Secretary shall provide for the transfer of each such*

1 *school to the appropriate local educational agency not later*
2 *than the date on which the 1995 school year begins for that*
3 *school.*

4 *(3) Not later than March 31, 1996, the Secretary of*
5 *Defense shall submit to the Committees on Armed Services*
6 *of the Senate and House of Representatives a report on the*
7 *results of the pilot program. The report shall include the*
8 *recommendation of the Secretary with respect to the extent*
9 *to which other Department of Defense domestic dependent*
10 *elementary and secondary schools should be transferred to*
11 *appropriate local educational agencies.*

12 *(c) LIMITATION.—A Department of Defense domestic*
13 *dependent elementary or secondary school may not be trans-*
14 *ferred to a local educational agency under this section ex-*
15 *cept on terms that are agreeable to the local educational*
16 *agency.*

17 **SEC. 353. EVALUATION OF SCHOOLS OF THE DEFENSE DE-**
18 **PENDENTS' EDUCATION SYSTEM WITH FEWER**
19 **THAN 150 STUDENTS.**

20 *Section 1407 of the Defense Dependents' Education Act*
21 *of 1978 (20 U.S.C. 926) is amended by adding at the end*
22 *the following new subsection:*

23 *“(e)(1)(A) Each school year, the Secretary of Defense,*
24 *in consultation with the Secretaries of the military depart-*
25 *ments, shall conduct an evaluation of each school referred*

1 *to in subparagraph (B) to assess the alternatives to operat-*
2 *ing that school.*

3 “(B) A school referred to in subparagraph (A) is a
4 *school of the defense dependents’ education system that had,*
5 *during the previous school year, an enrollment at any time*
6 *during the school year (except during a summer school ses-*
7 *sion) of fewer than 150 students or that is projected to have*
8 *such an enrollment during the next school year.*

9 “(2) If, after the evaluation conducted under para-
10 *graph (1), the Secretary determines that a school referred*
11 *to in paragraph (1)(B) should remain open, the Secretary*
12 *shall require the payment each fiscal year of 70 percent of*
13 *the costs to operate the school from operations and mainte-*
14 *nance funds appropriated to the military departments dur-*
15 *ing that fiscal year. The ratio of funds paid by a military*
16 *department in a fiscal year under this paragraph shall bear*
17 *the same ratio to the total amount of funds paid by the*
18 *military departments in a fiscal year under this paragraph*
19 *as the ratio of the number of students enrolled in the school*
20 *who are sponsored by a member of that service bears to the*
21 *number of all students enrolled in the school who are spon-*
22 *sored by a member of the Armed Forces.”.*

1 **SEC. 354. PROHIBITION ON TUITION CEILING FOR SCHOOLS**
2 **OF THE DEFENSE DEPENDENTS' EDUCATION**
3 **SYSTEM.**

4 *Section 1404(b)(1) of the Defense Dependents' Edu-*
5 *cation Act of 1978 (20 U.S.C. 923(b)(1)) is amended by*
6 *adding at the end the following: "The Secretary may not*
7 *impose a ceiling for a tuition rate determined under this*
8 *paragraph."*

9 **Subtitle F—Other Matters**

10 **SEC. 361. MODIFICATION OF FEES PAID BY RESIDENTS OF**
11 **ARMED FORCES RETIREMENT HOME.**

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

15 *"(2) The fee shall be fixed as a percentage of the month-*
16 *ly income and monthly payments (including Federal pay-*
17 *ments) received by a resident, subject to such adjustments*
18 *in the fee as the Retirement Home Board may make under*
19 *paragraph (1). The percentage shall be the same for each*
20 *establishment of the Retirement Home."*

21 *(b) APPLICATION OF MODIFIED FEES TO ALL RESI-*
22 *DENTS.—(1) Subsections (d) and (e) of section 1514 of such*
23 *Act are repealed.*

24 *(2) Such section is further amended by adding after*
25 *subsection (c) the following new subsection (d):*

1 “(d) *APPLICATION OF FEES.*—Subject to such adjust-
2 ments in the fee as the Retirement Home Board may make
3 under subsection (c), each resident of the Retirement Home
4 shall be required to pay a monthly fee equal to—

5 “(1) in the case of a resident who is receiving as-
6 sisted-living services at the Retirement Home, 65 per-
7 cent of all monthly income and monthly payments
8 (including Federal payments) received by the resi-
9 dent; and

10 “(2) in the case of a resident who is not receiv-
11 ing assisted-living services at the Retirement Home,
12 40 percent of all such monthly income and monthly
13 payments.”.

14 (c) *EFFECTIVE DATE.*—The amendments made by this
15 section shall take effect one year after the date of the enact-
16 ment of this Act.

17 **SEC. 362. NATIONAL GUARD YOUTH PROGRAM.**

18 (a) *AUTHORITY.*—Chapter 5 of title 32, United States
19 Code, is amended by adding at the end the following new
20 section:

21 **“§ 508. Assistance to certain youth organizations**

22 “(a) Members or units of the National Guard may pro-
23 vide the services described in subsection (b) to an organiza-
24 tion described in subsection (c) in conjunction with train-
25 ing required under this chapter if—

1 “(1) the provision of such services does not de-
2 grade the quality of the training or otherwise interfere
3 with the ability of any unit to perform its military
4 functions;

5 “(2) the services provided are not commercially
6 available or affected commercial entities have agreed
7 in writing not to object to the provision of the serv-
8 ices;

9 “(3) members of the National Guard providing
10 the services perform activities which enhance their
11 skills in their military specialties; and

12 “(4) such assistance does not materially increase
13 the cost of training activities under this chapter.

14 “(b) Services which may be provided under this section
15 are the following:

16 “(1) Ground transportation.

17 “(2) Limited air transportation, but only in the
18 case of the Special Olympics.

19 “(3) Administrative support.

20 “(4) Technical training.

21 “(5) Emergency medical assistance.

22 “(6) Communications.

23 “(c) The organizations which may be assisted under
24 this section are the following:

25 “(1) The Boy Scouts of America.

1 “(2) *The Girl Scouts of America.*

2 “(3) *The Boys and Girls Clubs of America.*

3 “(4) *The YMCA.*

4 “(5) *The YWCA.*

5 “(6) *The Civil Air Patrol.*

6 “(7) *The Special Olympics.*

7 “(8) *Campfire Boys and Girls.*

8 “(9) *The 4-H Club.*

9 “(10) *The Police Athletic League.”.*

10 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
11 *the beginning of chapter 5 of title 32, United States Code,*
12 *is amended by adding at the end the following item:*

“508. Assistance to certain youth organizations.”.

13 **SEC. 363. DEPARTMENT OF DEFENSE FOOD INVENTORY**
14 **PROGRAM.**

15 (a) *DEMONSTRATION PROJECT.*—*The Department of*
16 *Defense Food Inventory Demonstration Project (the imple-*
17 *mentation of which was requested of the military depart-*
18 *ments and the Defense Logistics Agency by the Deputy*
19 *Under Secretary of Defense, Logistics, in a memorandum*
20 *dated August 16, 1993) shall be completed by the Depart-*
21 *ment of Defense not later than September 30, 1995 and*
22 *shall be expanded to cover two geographic areas, as des-*
23 *ignated by the Secretary of Defense.*

24 (b) *REPORT.*—*Not later than October 1, 1995, the Sec-*
25 *retary of Defense shall submit to the Committees on Armed*

1 *Services of the Senate and House of Representatives a re-*
2 *port on the implementation of the demonstration project re-*
3 *ferred to in subsection (a).*

4 (c) *IMPLEMENTATION OF PROGRAM THROUGHOUT*
5 *UNITED STATES.*—Not later than October 1, 1996, the Sec-
6 *retary of Defense shall provide for the expanded use*
7 *throughout the United States of full-line commercial food*
8 *distributors to meet the food requirements of the Depart-*
9 *ment of Defense.*

10 **SEC. 364. DEPARTMENT OF DEFENSE SPECIAL SUPPLE-**
11 **MENTAL FOOD PROGRAM.**

12 (a) *IN GENERAL.*—Chapter 53 of title 10, United
13 *States Code, is amended by adding at the end the following*
14 *new section:*

15 **“§ 1060a. Special supplemental food program**

16 “(a) *AUTHORITY.*—The Secretary of Defense may
17 *carry out a program to provide special supplemental food*
18 *benefits to members of the armed forces on duty at stations*
19 *outside the United States (and its territories and posses-*
20 *sions) and to eligible civilians serving with, employed by,*
21 *or accompanying the armed forces outside the United States*
22 *(and its territories and possessions).*

23 “(b) *FEDERAL PAYMENTS AND COMMODITIES.*—For
24 *the purpose of obtaining Federal payments and commod-*
25 *ities in order to carry out the program referred to in sub-*

1 *section (a), the Secretary of Defense shall make available,*
2 *from funds appropriated for such purpose, the same pay-*
3 *ments and commodities as are made for the special supple-*
4 *mental food program in the United States under section*
5 *17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).*

6 “(c) *PROGRAM ADMINISTRATION.—(1)(A) The Sec-*
7 *retary of Defense shall administer the program referred to*
8 *in subsection (a) and, except as provided in subparagraph*
9 *(B), shall determine eligibility for program benefits under*
10 *the criteria published by the Secretary of Agriculture under*
11 *section 17 of the Child Nutrition Act of 1966 (42 U.S.C.*
12 *1786).*

13 “(B) *The Secretary of Defense shall prescribe regula-*
14 *tions governing computation of income eligibility standards*
15 *for families of individuals participating in the program*
16 *under this section.*

17 “(2) *The program benefits provided under the program*
18 *shall be similar to benefits provided by State and local*
19 *agencies in the United States.*

20 “(d) *DEPARTURES FROM STANDARDS.—The Secretary*
21 *of Defense may authorize departures from standards pre-*
22 *scribed by the Secretary of Agriculture regarding the sup-*
23 *plemental foods to be made available in the program when*
24 *local conditions preclude strict compliance or when such*
25 *compliance is highly impracticable.*

1 “(e) *AUTHORIZATION OF APPROPRIATIONS.—Funds*
2 *are hereby authorized to be appropriated to the Department*
3 *of Defense for operations and maintenance for any fiscal*
4 *year in such amounts as may be necessary for the adminis-*
5 *trative expenses of the Department of Defense under this*
6 *section.*

7 “(f) *REGULATIONS.—The Secretary of Defense shall*
8 *prescribe regulations to administer the program authorized*
9 *by this section.*

10 “(g) *DEFINITIONS.—In this section:*

11 “(1) *The term ‘eligible civilian’ means—*

12 “(A) *a dependent of a member of the armed*
13 *forces residing with the member outside the Unit-*
14 *ed States;*

15 “(B) *a employee of a military department*
16 *who is a national of the United States and is re-*
17 *siding outside the United States in connection*
18 *with such individual’s employment or a depend-*
19 *ent of such individual residing with the employee*
20 *outside the United States; or*

21 “(C) *an employee of a Department of De-*
22 *fense contractor who is a national of the United*
23 *States and is residing outside the United States*
24 *in connection with such individual’s employment*

1 or a dependent of such individual residing with
2 the employee outside the United States.

3 “(2) The term ‘national of the United States’
4 means—

5 “(A) a citizen of the United States; or

6 “(B) a person who, though not a citizen of
7 the United States, owes permanent allegiance to
8 the United States (as defined in section
9 101(a)(22) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(22))).

11 “(3) The term ‘dependent’ has the meaning given
12 such term in subparagraphs (A), (D), (E), and (I) of
13 section 1072(2) of this title.”.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at
15 the beginning of chapter 53 of title 10, United States Code,
16 is amended by adding at the end the following new item:
 “1060a. Special supplemental food program.”.

17 **SEC. 365. TRANSPORTATION OF THE REMAINS OF DE-**
18 **CEASED RETIRED MEMBERS WHO DIE OUT-**
19 **SIDE OF THE UNITED STATES.**

20 (a) *AUTHORITY.*—Section 1481 of title 10, United
21 States Code, is amended—

22 (1) in subsection (a)—

23 (A) by striking out “the remains of—” and
24 inserting in lieu thereof “the remains of the fol-
25 lowing:”;

1 (B) by amending the first word in each
2 paragraph by capitalizing the first letter of that
3 first word;

4 (C) by striking out “and” after the semi-
5 colon in paragraph (7);

6 (D) by striking out the semicolon at the end
7 of each paragraph and inserting in lieu thereof
8 a period; and

9 (E) by inserting after paragraph (8) the fol-
10 lowing new paragraph:

11 “(9) To the extent authorized under section
12 1482(g) of this title, any retired member of an armed
13 force or a dependent of such a member who dies while
14 outside the United States.”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(c) In this section, the term ‘dependent’ has the mean-
18 ing given such term in section 1072(2) of this title.”.

19 (b) *EXPENSES INCIDENT TO DEATH.*—Section 1482 of
20 such title is amended by adding at the end the following
21 new subsection:

22 “(g) The payment of expenses incident to the recovery,
23 care, and disposition of a decedent covered by section
24 1481(a)(9) of this title is limited to the payment of expenses
25 described in paragraphs (1) through (5) of subsection (a)

1 *and air transportation of the remains from a location out-*
2 *side the United States to a point of entry in the United*
3 *States. Such air transportation may be provided without*
4 *reimbursement on a space-available basis in military or*
5 *military-chartered aircraft. The Secretary concerned shall*
6 *pay all other expenses authorized to be paid under this sub-*
7 *section only on a reimbursable basis. Amounts reimbursed*
8 *to the Secretary concerned under this subsection shall be*
9 *credited to appropriations available, at the time of reim-*
10 *bursement, for the payment of such expenses.”.*

11 *(c) EFFECTIVE DATE.—The amendments made by this*
12 *section shall apply with respect to the remains of, and inci-*
13 *dental expenses incident to the recovery, care, and disposi-*
14 *tion of, an individual who dies after the date of the enact-*
15 *ment of this Act.*

16 **SEC. 366. AUTHORITY TO TRANSPORT THE REMAINS OF**
17 **CERTAIN DECEASED VETERANS ON DEPART-**
18 **MENT OF DEFENSE AEROMEDICAL EVACU-**
19 **ATION AIRCRAFT.**

20 *(a) TRANSPORTATION AUTHORIZED.—Subsection (a)*
21 *of section 2641 of title 10, United States Code, is amended*
22 *by inserting before the period the following: “or of trans-*
23 *porting the remains of a deceased veteran who died at the*
24 *facility after being transported to the facility under this*
25 *subsection. Transportation of the remains of a deceased vet-*

1 *eran under this subsection may be provided to the place*
2 *from which the veteran was transported to the facility or*
3 *to any other destination which is not farther away from*
4 *the facility than such place”.*

5 *(b) CONFORMING AMENDMENTS.—Such section is fur-*
6 *ther amended—*

7 *(1) in subsection (b)—*

8 *(A) by inserting “or for the remains of a*
9 *veteran” after “furnished to a veteran”;*

10 *(B) in paragraph (1), by inserting “or of*
11 *the remains of such veteran” after “of such vet-*
12 *eran”;* and

13 *(C) in paragraph (2), by inserting “or the*
14 *remains of the veteran” after “for the veteran”;*

15 *(2) in subsection (d)(1)—*

16 *(A) by inserting “or on the survivors of a*
17 *veteran” after “on a veteran”;* and

18 *(B) by inserting “or for the remains of the*
19 *veteran” after “to the veteran”;* and

20 *(3) in subsection (d)(2), by inserting “or for the*
21 *remains of veterans” after “to veterans”.*

22 *(c) CROSS REFERENCE AMENDMENT.—Subsection (c)*
23 *of such section is amended by striking out “5011(g)(5)” and*
24 *inserting in lieu thereof “8111(g)(5)”.*

1 **SEC. 367. MODIFICATION OF AIR FORCE SUPPORT FOR THE**
2 **CIVIL AIR PATROL.**

3 (a) *PROVISION OF FUNDS.*—Subsection (b) of section
4 9441 of title 10, United States Code, is amended—

5 (1) by redesignating paragraphs (8), (9), (10),
6 and (11) as paragraphs (9), (10), (11), and (12), re-
7 spectively; and

8 (2) by inserting after paragraph (7) the follow-
9 ing new paragraph (8):

10 “(8) provide funds for the national headquarters
11 of the Civil Air Patrol, including the provision (in
12 advance of payment) of funds for the payment of staff
13 compensation and benefits, administrative expenses,
14 travel, per diem and allowances, rent and utilities,
15 and other operational expenses;”.

16 (b) *LIAISONS.*—Such section is further amended by
17 adding at the end the following new subsection:

18 “(d)(1) The Secretary of the Air Force may authorize
19 the Civil Air Patrol to employ, as administrators and liai-
20 son officers, retired members of the Air Force whose quali-
21 fications are approved under regulations prescribed by the
22 Secretary and who request such employment.

23 “(2) A retired member employed pursuant to para-
24 graph (1) may receive the member’s retired pay and an ad-
25 ditional amount that is not more than the difference be-
26 tween the member’s retired pay and the pay and allowances

1 *the member would be entitled to receive if ordered to active*
2 *duty in the grade in which the member retired. The addi-*
3 *tional amount shall be paid to the Civil Air Patrol by the*
4 *Secretary from funds generally available to the Air Force*
5 *for civil air assistance.*

6 “(3) A retired member employed pursuant to para-
7 graph (1) shall not, while so employed, be considered to be
8 on active duty or inactive-duty training for any purpose.”.

9 **SEC. 368. REVIEW AND REPORT ON USE OF OPERATIONS**
10 **AND MAINTENANCE FUNDS BY THE DEPART-**
11 **MENT OF DEFENSE.**

12 (a) *REVIEW.*—The Secretary of Defense shall conduct
13 a review of each operations and maintenance account of
14 the Department of Defense to determine the extent to which
15 funds appropriated to the Department for operations and
16 maintenance accounts are used for an activity for which
17 funds have been appropriated to, or are more appropriately
18 made available from, accounts of the Department for pro-
19 curement, research, development, test, and evaluation, or
20 military construction.

21 (b) *REPORT.*—Not later than March 31, 1995, the Sec-
22 retary of Defense shall submit to the Committees on Armed
23 Services of the Senate and House of Representatives a re-
24 port that contains the result of the review conducted by the
25 Secretary under subsection (a) and a report on the extent

1 *to which funds appropriated to the Department of Defense*
2 *for operations and maintenance accounts are being used for*
3 *an activity for which funds have been appropriated to, or*
4 *are more appropriately made available from, accounts of*
5 *the Department for procurement, research, development,*
6 *test, and evaluation, or military construction.*

7 **SEC. 369. REQUIREMENT OF COMPARATIVE REPORT ON**
8 **OPERATIONS AND MAINTENANCE FUNDING.**

9 (a) *REQUIREMENT.*—Subsection (a) of section 116 of
10 *title 10, United States Code, is amended by adding at the*
11 *end the following new paragraph:*

12 “(3) *The Secretary shall include in each such report*
13 *a comparison of the level of funding for operations and*
14 *maintenance for the next fiscal year with the level of oper-*
15 *ations and maintenance funding for each previous fiscal*
16 *year beginning with fiscal year 1975, using constant dollars*
17 *and the same standard of comparison for each such fiscal*
18 *year.”.*

19 (b) *DEVELOPMENT OF COMPARATIVE METHOD.*—Not
20 *later than February 1, 1995, the Secretary of Defense shall*
21 *submit to the Committees on Armed Services of the Senate*
22 *and House of Representatives a report on the development*
23 *by the Secretary of a method to make the comparison re-*
24 *quired under paragraph (3) of section 116(a) of title 10,*
25 *United States Code, as added by subsection (a).*

1 **SEC. 370. AUTOMATED DATA PROCESSING PROGRAMS OF**
2 **THE DEPARTMENT OF DEFENSE.**

3 (a) *LIMITATION.*—Of amounts authorized to be appro-
4 priated under section 301, not more than \$2,575,000,000
5 shall be available for new development and modernization
6 of automated data processing programs of the Department
7 of Defense. The Secretary of Defense may not obligate or
8 expend amounts in excess of \$2,000,000,000 for any such
9 new development or modernization until the Secretary—

10 (1) makes a determination that any such new
11 development or modernization is based on—

12 (A) a sound functional economic analysis;

13 (B) objectives of the defense information in-
14 frastructure;

15 (C) migratory assessment guidance provided
16 by the Defense Information Systems Agency; and

17 (D) Department of Defense directives on life
18 cycle management; and

19 (2) establishes performance measures and man-
20 agement controls to oversee and manage the acceler-
21 ated implementation of migration systems, data
22 standards, and process improvement.

23 (b) *REPORTS.*—(1) Not later than December 15, 1994,
24 the Secretary of Defense shall submit to the Congress a re-
25 port on the establishment by the Secretary of performance
26 measures and management controls to ensure, to the maxi-

1 *imum extent practicable, the best possible return on invest-*
2 *ment for any funds used by the Secretary for new develop-*
3 *ment and modernization of automated data processing pro-*
4 *grams of the Department of Defense.*

5 *(2) Not later than March 15 and December 15 of each*
6 *year, the Secretary of Defense shall submit to the Congress*
7 *a report on the progress made by the Secretary in improv-*
8 *ing the defense information infrastructure, realizing a re-*
9 *duction in the overall support infrastructure of the Depart-*
10 *ment of Defense, selecting and converting to migration sys-*
11 *tems, establishing data standards, and improving the func-*
12 *tional business process for the automated data processing*
13 *programs of the Department. The report shall include infor-*
14 *mation (by functional area) on—*

15 *(A) the migration systems selected for the pro-*
16 *grams;*

17 *(B) the systems that will be migrated or elimi-*
18 *nated;*

19 *(C) the total cost of migration, including conver-*
20 *sion and interface costs;*

21 *(D) the number of corporate data elements that*
22 *have been standardized; and*

23 *(E) the improvements that have been made to*
24 *any such process, including the savings that have been*
25 *achieved by such improvements.*