

103D CONGRESS  
2D SESSION

**S. 2208**

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**AN ACT**

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

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

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Department of Defense  
5        Authorization Act for Fiscal Year 1995”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees defined.
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1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

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

6 **TITLE I—PROCUREMENT**  
7 **Subtitle A—Authorization of**  
8 **Appropriations**

9 **SEC. 101. ARMY.**

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

1 (1) For aircraft, \$1,073,781,000.

2 (2) For missiles, \$693,909,000.

3 (3) For weapons and tracked combat vehicles,  
4 \$1,132,886,000.

5 (4) For ammunition, \$870,361,000.

6 (5) For other procurement, \$2,677,719,000.

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

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

11 (1) For aircraft, \$4,535,601,000.

12 (2) For weapons, including missiles and tor-  
13 pedoes, \$2,428,539,000.

14 (3) For shipbuilding and conversion,  
15 \$6,132,807,000.

16 (4) For other procurement, \$3,310,217,000.

17 (b) MARINE CORPS.—Funds are hereby authorized to  
18 be appropriated for fiscal year 1995 for procurement for  
19 the Marine Corps in the amount of \$528,857,000.

20 **SEC. 103. AIR FORCE.**

21 Funds are hereby authorized to be appropriated for  
22 fiscal year 1995 for procurement for the Air Force as fol-  
23 lows:

24 (1) For aircraft, \$6,587,994,000.

25 (2) For missiles, \$4,330,473,000.

1 (3) For other procurement, \$6,961,153,000.

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

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 1995 for Defense-wide procurement in the  
5 amount of \$1,935,616,000.

6 **SEC. 105. RESERVE COMPONENTS.**

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

11 (1) For the Army National Guard,  
12 \$85,000,000.

13 (2) For the Air National Guard, \$270,000,000.

14 (3) For the Army Reserve, \$75,000,000.

15 (4) For the Naval Reserve, \$65,000,000.

16 (5) For the Air Force Reserve, \$60,000,000.

17 (6) For the Marine Corps Reserve,  
18 \$45,000,000.

19 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

20 (a) AUTHORIZATION.—There is hereby authorized to  
21 be appropriated for fiscal year 1995 the amount of  
22 \$590,149,000 for—

23 (1) the destruction of lethal chemical agents  
24 and munitions in accordance with section 1412 of

1 the Department of Defense Authorization Act, 1986  
2 (50 U.S.C. 1521); and

3 (2) the destruction of chemical warfare material  
4 of the United States that is not covered by section  
5 1412 of such Act.

6 (b) LIMITATION.—Of the funds specified in sub-  
7 section (a)—

8 (1) \$363,584,000 is for operation and mainte-  
9 nance;

10 (2) \$215,265,000 is for procurement; and

11 (3) \$11,300,000 is for research and develop-  
12 ment efforts in support of the nonstockpile chemical  
13 weapons program.

14 (c) AUTHORITY FOR OBLIGATION OF UNAUTHORIZED  
15 APPROPRIATIONS.—The Department of Defense may obli-  
16 gate and expend \$25,000,000 of the funds appropriated  
17 for research, development, test, and evaluation under the  
18 heading “CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
19 TION, DEFENSE” in title VI of Public Law 103–139 (107  
20 Stat. 1436) in accordance with the appropriation for such  
21 funds in that Act.

22 (d) IDENTIFICATION OF FUNDS FOR PROGRAM.—  
23 Section 1412(f) of the Department of Defense Authoriza-  
24 tion Act, 1986 (50 U.S.C. 1521(f)) is amended by striking  
25 out the last sentence and inserting in lieu thereof the fol-

1 lowing: “Funds for military construction projects nec-  
2 essary to carry out this section shall be set forth in the  
3 budget of the Department of Defense for any fiscal year  
4 as a separate account.”.

5 **SEC. 107. JOINT TRAINING, ANALYSIS AND SIMULATION**  
6 **CENTER.**

7 Of the funds authorized to be appropriated for other  
8 procurement for the Navy, \$10,500,000 shall be available  
9 for procurement of command, control, communications  
10 and computer equipment for a Joint Training, Analysis  
11 and Simulation Center for the United States Atlantic  
12 Command.

13 **Subtitle B—Army Programs**

14 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
15 **M1A2 TANK UPGRADES.**

16 The Secretary of the Army may enter into multiyear  
17 procurement contracts for procurement of M1A2 Abrams  
18 tank upgrades in accordance with section 2306(h) of title  
19 10, United States Code.

20 **SEC. 112. TRANSFER OF REPLACEMENT ARMY TANK TO MA-**  
21 **RINE CORPS RESERVE.**

22 The Secretary of the Army shall transfer one M1A1  
23 common tank to the Marine Corps Reserve not later than  
24 the latest date on which any of the additional 24 M1A2

1 upgrades provided for under authorizations of appropria-  
2 tions in this Act is accepted by the Army.

3 **SEC. 113. REPLACEMENT SURVEILLANCE SYSTEM FOR**  
4 **KOREA.**

5 (a) LEASE AUTHORIZED.—Funds available to the  
6 Army for procurement of OV-1 aircraft that remain unob-  
7 ligated by reason of the early retirement of OV-1 aircraft  
8 deployed in Korea may be used for leasing a moving target  
9 indicator radar or another surveillance system to replace  
10 the surveillance capability of such aircraft in Korea if—

11 (1) the lease provides for deployment of the sys-  
12 tem within 180 days after the date of the enactment  
13 of this Act;

14 (2) the Republic of Korea pays 50 percent of  
15 the cost of the lease;

16 (3) the lease includes an option for the Republic  
17 of Korea to purchase the leased system after the  
18 joint surveillance and target attack radar surveil-  
19 lance system (JSTARS) program attains initial  
20 operational capability; and

21 (4) the lease expires within 180 days after the  
22 date on which the JSTARS system is planned, as of  
23 the date of the enactment of this Act, to attain ini-  
24 tial operational capability.

1 (b) WAIVER AUTHORITY.—Section 1024(b) of the  
2 National Defense Authorization Act for Fiscal Years 1992  
3 and 1993 (Public Law 102–190; 105 Stat. 1460) is  
4 amended by striking out “section 1439(b)(2)” and insert-  
5 ing in lieu thereof “section 1439”.

6 **SEC. 114. SMALL ARMS INDUSTRIAL BASE.**

7 (a) FUNDING FOR PROCUREMENT.—Of the funds au-  
8 thorized to be appropriated pursuant to section 101(3)—

9 (1) \$38,902,000 shall be available for procure-  
10 ment of MK19–3 grenade machine guns;

11 (2) \$13,000,000 shall be available for procure-  
12 ment of M16A2 rifles;

13 (3) \$24,016,000 shall be available for procure-  
14 ment of M249 squad automatic weapons; and

15 (4) \$13,165,000 shall be available for procure-  
16 ment of M4 carbines.

17 (b) MULTIYEAR CONTRACTS AUTHORIZED.—(1)  
18 During fiscal year 1995, the Secretary of the Army may,  
19 in accordance with section 2306(h) of title 10, United  
20 States Code, enter into multiyear contracts to meet the  
21 following objectives for quantities of small arms weapons  
22 to be acquired for the Army:

23 (A) 21,217 MK19–3 grenade machine guns;

24 (B) 1,002,277 M16A2 rifles;

1 (C) 71,769 M249 squad automatic weapons;  
2 and

3 (D) 132,510 M4 carbines.

4 (2) If the Army does not enter into contracts in fiscal  
5 year 1995 that will meet all the objectives set forth in  
6 paragraph (1), the Secretary shall, to the extent provided  
7 for in appropriations Acts, enter into multiyear contracts  
8 on or after October 1, 1995, to meet such objectives.

9 (3) Notwithstanding the first sentence of section  
10 2306(h)(8) of title 10, United States Code, the period of  
11 a multiyear contract entered into under this subsection  
12 may not exceed 10 years.

13 (c) FOLLOW-ON WEAPONS.—The Secretary of the  
14 Army shall provide for procurement of product improve-  
15 ments for existing small arms weapons and may do so  
16 within multiyear contracts entered into pursuant to sub-  
17 section (b).

18 (d) JOINT SMALL ARMS MASTER PLAN.—(1) The  
19 Secretaries of the military departments shall jointly de-  
20 velop a master plan for meeting the immediate and future  
21 needs of the Armed Forces for small arms. The Secretary  
22 of the Army shall coordinate the development of the joint  
23 small arms master plan. The joint small arms master plan  
24 shall include—

1 (A) an examination of the relative advantages  
2 and disadvantages of improving existing small arms  
3 weapons as compared to investing in new, advanced  
4 technology weapons; and

5 (B) an analysis of the effects of each such ap-  
6 proach on the small arms industrial base.

7 (2) Not later than April 1, 1995, the Under Secretary  
8 of Defense for Acquisition and Technology shall—

9 (A) review the joint small arms master plan  
10 and the results of the examination of relative advan-  
11 tages and disadvantages of the two courses of action  
12 described in paragraph (1); and

13 (B) transmit the plan, together with any com-  
14 ments that the Under Secretary considers appro-  
15 priate, to the congressional defense committees.

16 (e) FUNDING FOR RDT&E.—Of the funds authorized  
17 to be appropriated under section 201(1)—

18 (1) \$5,000,000 shall be available for the Objec-  
19 tive Crew-Served Weapons System; and

20 (2) \$3,000,000 shall be available for product  
21 improvements to existing small arms weapons.

22 **SEC. 115. BUNKER DEFEAT MUNITION MISSILES.**

23 (a) AUTHORITY.—The Secretary of the Army may ac-  
24 quire up to 6,000 type classified standard bunker defeat  
25 munition weapons.

1 (b) FUNDING.—Funds authorized to be appropriated  
2 for the Army for fiscal year 1994 shall be available for  
3 acquisition of bunker defeat munition weapons in accord-  
4 ance with subsection (a) as follows:

5 (1) Of the amount authorized to be appro-  
6 priated by section 101(4), \$7,761,000.

7 (2) Of the amount authorized to be appro-  
8 priated by section 201(1), \$2,600,000.

### 9 **Subtitle C—Navy Programs**

#### 10 **SEC. 121. NUCLEAR AIRCRAFT CARRIER PROGRAM.**

11 (a) TRANSFER OF FISCAL YEAR 1994 FUNDS.—To  
12 the extent provided in appropriations Acts,  
13 \$1,200,000,000 may be transferred from the National De-  
14 fense Sealift Fund to the funds appropriated pursuant to  
15 the authorization in section 102(a)(3).

16 (b) AVAILABILITY FOR CVN-76.—The funds trans-  
17 ferred shall be available for the CVN-76 nuclear aircraft  
18 carrier program.

19 (c) RELATIONSHIP TO OTHER AUTHORIZATION.—  
20 The amount of the funds transferred shall be in addition  
21 to the amount authorized to be appropriated in section  
22 102(a)(3) of the National Defense Authorization Act for  
23 Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1563).

24 (d) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
25 ITY.—The transfer authority in paragraph (1) is in addi-

1 tion to any other transfer authority provided in this or  
2 any other Act.

3 **SEC. 122. SEAWOLF SUBMARINE PROGRAM.**

4 (a) LIMITATION OF COSTS.—Except as provided in  
5 subsection (b), the total amount obligated or expended for  
6 procurement of the SSN-21 and SSN-22 Seawolf sub-  
7 marines may not exceed \$4,759,571,000.

8 (b) AUTOMATIC INCREASE OF LIMITATION  
9 AMOUNT.—The amount of the limitation set forth in sub-  
10 section (a) is increased by the following amounts:

11 (1) The amounts of outfitting costs and post-  
12 delivery costs incurred for the submarines referred  
13 to in such subsection.

14 (2) The amounts of increases in costs attrib-  
15 utable to economic inflation.

16 (3) The amounts of increases in costs attrib-  
17 utable to compliance with changes in Federal, State,  
18 or local laws.

19 **SEC. 123. NAVAL AMPHIBIOUS READY GROUPS.**

20 (a) FINDINGS.—Congress makes the following find-  
21 ings:

22 (1) Extensive and compelling testimony from  
23 uniformed military and Department of Defense lead-  
24 ership has been received which supports a military  
25 requirement for twelve Amphibious Ready Groups.

1           (2) An official Department of Navy report re-  
2           quired by the Fiscal Year 1993 National Defense  
3           Authorization Act clearly stipulates that a seventh  
4           LHD is required in order for the Navy to achieve a  
5           force structure of twelve Amphibious Ready Groups.

6           (3) The Department of Navy has identified  
7           funds for the purchase of LHD-7 in outyear budget  
8           projections.

9           (4) A significant shortfall in amphibious ship-  
10          ping and amphibious lift exists, both in the fiscal  
11          year 1995 budget request and in outyear force struc-  
12          ture projections.

13          (5) Amphibious Assault Ships (LHDs) provide  
14          an important contingency capability and are unique-  
15          ly suited to respond to world crises and to provide  
16          assistance after natural disasters.

17          (6) Twelve Amphibious Ready Groups are the  
18          correct number to sustain forward deployment and  
19          contingency requirements of the Navy.

20          (b) SENSE OF CONGRESS.—It is the sense of  
21          Congress that the Secretary of the Navy should,  
22          plan for, and budget to provide for, the attainment  
23          of a twelfth Amphibious Ready Group as soon as  
24          possible. Further, the Secretary of the Navy should  
25          extend the existing contract option on the LHD-7

1 Amphibious Assault Ship in order to achieve twelve  
2 Amphibious Ready Groups.

3 (c) LHD-7 CONTRACT OPTION EXTENSION.—

4 (1) The Secretary of the Navy is authorized to  
5 extend the existing contract option for the LHD-7  
6 Amphibious Assault ship if the Secretary determines  
7 that the extension would be in the best interest of  
8 the United States.

9 (2) The Secretary of the Navy shall imme-  
10 diately begin negotiations to extend the existing con-  
11 tract option for the LHD-7 Amphibious Assault  
12 Ship Program.

13 (3) On and after the date that is 30 days after  
14 the date on which the Secretary notifies Congress of  
15 an intention to do so, the Secretary may use such  
16 program funds authorized to be appropriated for  
17 other Navy programs for such contract. The notifi-  
18 cation shall include a description of the intended use  
19 of the funds.

20 (d) REPORT REQUIREMENT.—The Secretary of the  
21 Navy shall report to the Congress, after December 31,  
22 1994, but before March 31, 1995, Department of the  
23 Navy intentions related to contract execution of the exist-  
24 ing contract option for the LHD-7 Amphibious Assault  
25 Ship. The report shall include an explanation of the De-

1 department's actions related to the attainment of a twelfth  
2 Amphibious Ready Group and the costs and benefits of  
3 extending the existing contract option on the LHD-7 Am-  
4 phibious Assault Ship.

## 5 **Subtitle D—Air Force Programs**

### 6 **SEC. 131. SETTLEMENT OF CLAIMS UNDER THE C-17 AIR-** 7 **CRAFT PROGRAM.**

8 (a) SUPPLEMENTAL AGREEMENTS AUTHORIZED.—  
9 On or before September 30, 1995, but subject to sub-  
10 section (e), the Secretary of the Air Force may enter into  
11 supplemental agreements pertaining to Air Force prime  
12 contract F33657-81-C-2108 and such other Air Force  
13 contracts relating to the C-17 aircraft program in effect  
14 on the date of enactment of this Act as the Secretary de-  
15 termines appropriate—

16 (1) to settle claims and disputes arising under  
17 such contracts as provided in the C-17 settlement  
18 agreement letter;

19 (2) to revise the delivery schedules under such  
20 contracts as provided in the C-17 settlement agree-  
21 ment letter, for aircraft T-1 and P-1 through P-6;  
22 and

23 (3) to revise range specifications, payload speci-  
24 fications, and other specifications under such con-

1 tracts as provided in Attachment B to the C-17 set-  
2 tlement agreement letter.

3 (b) FURTHER CONSIDERATION NOT REQUIRED.—

4 The supplemental agreements referred to in subsection (a)  
5 may be entered into without requiring further consider-  
6 ation from the contractor only to the extent provided for  
7 in the C-17 settlement agreement letter.

8 (c) RELEASE OF CONTRACTOR CLAIMS REQUIRED.—

9 Each supplemental agreement referred to in subsection (a)  
10 shall require the prime contractor to release and forever  
11 discharge the Government from all contractual claims, de-  
12 mands, requests for equitable adjustment, and any other  
13 causes of action, known or unknown, that the prime con-  
14 tractor may have on or before January 6, 1994 arising  
15 out of the C-17 program contracts as provided in the C-  
16 17 settlement agreement letter.

17 (d) CONTRACT MODIFICATIONS REGARDING CON-

18 TRACTOR COMMITMENTS.—The Secretary of the Air

19 Force shall incorporate in each appropriate C-17 contract

20 the prime contractor's commitment to extend the flight

21 test program, redesign the wing, implement Computer

22 Aided Design/Computer Aided Manufacturing System im-

23 provements, Management Information System improve-

24 ments, and Advanced Quality System improvements, im-

25 plement product improvement cost reduction projects, and

1 resolve other C-17 program issues on a nonreimbursable  
2 or cost-share basis as provided in the C-17 settlement  
3 agreement letter.

4 (e) NOTICE-AND-WAIT REQUIREMENT.—The Sec-  
5 retary of the Air Force may not enter into a supplemental  
6 agreement referred to in subsection (a) until 30 days after  
7 the date on which the Secretary of Defense certifies to  
8 Congress that the terms and conditions set forth in the  
9 C-17 settlement agreement letter, including the settle-  
10 ment of claims, are in the best interests of the Govern-  
11 ment.

12 (f) CONSTRUCTION REGARDING OTHER CONTRAC-  
13 TOR OBLIGATIONS.—Nothing in this section shall be con-  
14 strued as relieving the contractor of any obligation pro-  
15 vided for in the C-17 settlement agreement letter.

16 (g) C-17 SETTLEMENT AGREEMENT LETTER.—The  
17 C-17 settlement agreement letter referred to in this sec-  
18 tion is the agreement that was proposed to the prime con-  
19 tractor for the C-17 aircraft program by the Under Sec-  
20 retary of Defense for Acquisition and Technology by letter  
21 dated January 3, 1994, and was accepted by the prime  
22 contractor on January 6, 1994.

23 **SEC. 132. RETIREMENT OF BOMBER AIRCRAFT.**

24 No funds authorized to be appropriated by this Act  
25 or any other Act may be obligated or expended during fis-

1 cal year 1995 for retiring, or preparing to retire, any B-  
2 52H, B-1B, or F-111 bomber aircraft.

### 3 **Subtitle E—Other Matters**

#### 4 **SEC. 141. PRESERVING THE BOMBER INDUSTRIAL BASE.**

5 (a) FUNDS TO PRESERVE THE BOMBER INDUSTRIAL  
6 BASE.—Of the funds authorized to be appropriated under  
7 section 103(1), not more than \$150,000,000 shall be  
8 available only for the following purposes:

9 (1) To retain B-2 bomber production tooling in  
10 ready status.

11 (2) To preserve a production capability for  
12 spare parts and aircraft subsystems among lower-  
13 tier vendors.

14 (3) To develop detailed production plans for a  
15 derivative of the B-2 bomber that is not capable of  
16 delivering nuclear weapons.

17 (4) To carry out any other program, project, or  
18 activity, not prohibited by subsection (b) or (c), that  
19 the Secretary determines will help to preserve the  
20 bomber industrial base of the United States.

21 (b) PROHIBITION.—None of the funds made available  
22 pursuant to this section may be used to procure any major  
23 structural part for B-2 bomber aircraft or any other part  
24 for B-2 bomber aircraft that is not a part previously ac-

1 quired or planned to be acquired for the B-2 bomber air-  
2 craft under the initial or sustaining spares program.

3 (c) NO AUTHORIZATION OF ADVANCE PROCURE-  
4 MENT.—Nothing in this section shall be construed as au-  
5 thorizing the procurement, including long-lead procure-  
6 ment, of a twenty-second B-2 bomber.

7 (d) EXEMPTION FROM LIMITATION ON TOTAL PRO-  
8 GRAM COST.—Obligations of funds made available pursu-  
9 ant to this section for the purposes set forth in subsection  
10 (a) may not be counted for purposes of the limitation in  
11 section 131(d) of the National Defense Authorization Act  
12 for Fiscal Year 1994 (Public Law 103-160; 107 Stat.  
13 1569).

14 (e) ESTIMATES OF TOTAL COST REQUIRED—(1) Not  
15 later than January 15, 1995, the Secretary of Defense  
16 shall submit to the congressional defense committees two  
17 estimates of the total cost of acquisition of 20 additional  
18 B-2 bomber aircraft, including the cost of research, devel-  
19 opment, test and evaluation and the cost of related mili-  
20 tary construction.

21 (2) The Secretary shall assume for purposes of mak-  
22 ing one of the estimates that such aircraft will be procured  
23 at the rate of 2 aircraft in each of fiscal years 1997 and  
24 1998, 3 such aircraft in each of fiscal years 1999 through  
25 2002, and 4 such aircraft in fiscal year 2003. The Sec-

1 retary shall assume for purposes of making the other esti-  
2 mate that such aircraft will be procured at an annual rate  
3 of 2.5 aircraft beginning in fiscal year 1997.

4 (3) In addition to stating the estimates in terms of  
5 estimated total actual cost, the Secretary shall state the  
6 estimates in terms of fiscal year 1995 constant dollars.

7 **SEC. 142. DUAL-USE ELECTRIC AND HYBRID VEHICLES.**

8 (a) FUNDING.—Of the funds authorized to be appro-  
9 priated by this title, \$15,000,000 shall be available for  
10 procurement of electric and hybrid vehicles for military  
11 uses and for commercialization of such vehicles for non-  
12 military uses.

13 (b) LIMITATION.—(1) Funds made available pursu-  
14 ant to subsection (a) may not be expended until the Sec-  
15 retary of Defense and the Secretary of Energy enter into  
16 a memorandum of understanding that specifies the re-  
17 sponsibilities of each Secretary for procurement and com-  
18 mercialization activities to be carried out with such funds.

19 (2) The provisions of the memorandum of under-  
20 standing shall be consistent with the missions of the De-  
21 partment of Defense and the Department of Energy and  
22 with the goals and requirements set forth in the Energy  
23 Policy Act of 1992 (Public Law 102–486; 42 U.S.C.  
24 13271 et seq.) and the amendments made to the Clean  
25 Air Act (42 U.S.C. 7401 et seq.) by Public Law 101–549

1 (commonly known as the “Clean Air Act Amendments of  
2 1990”; 104 Stat. 2399).

3 **SEC. 143. SALES AUTHORITY OF WORKING-CAPITAL FUND-**  
4 **ED ARMY INDUSTRIAL FACILITIES.**

5 Section 4543(a) of title 10, United States Code, is  
6 amended—

7 (1) in the matter above paragraph (1), by strik-  
8 ing out “nondefense-related commercial”;

9 (2) by striking out “and” at the end of para-  
10 graph (3);

11 (3) by striking out the period at the end of  
12 paragraph (4) and inserting in lieu thereof a semi-  
13 colon; and

14 (4) by adding at the end the following new  
15 paragraphs:

16 “(5) the Secretary of the Army determines that  
17 the articles or services are not available from a com-  
18 mercial source located in the United States;

19 “(6) the purchaser of an article or service  
20 agrees to hold harmless and indemnify the United  
21 States, except in cases of willful misconduct or ex-  
22 treme negligence, from any claim for damages or in-  
23 jury to any person or property arising out of the ar-  
24 ticle or service;

1           “(7) the article to be sold can be manufactured,  
2           or the service to be sold can be substantially per-  
3           formed, by the industrial facility with only incidental  
4           subcontracting and it is in the public interest to  
5           manufacture such article or perform such service;  
6           and

7           “(8) the sale will not interfere with performance  
8           of the military mission of the industrial facility.”.

9       **TITLE II—RESEARCH, DEVELOP-**  
10       **MENT, TEST, AND EVALUA-**  
11       **TION**

12           **Subtitle A—Authorization of**  
13           **Appropriations**

14       **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

18           (1) For the Army, \$5,152,308,000.

19           (2) For the Navy, \$8,796,129,000.

20           (3) For the Air Force, \$12,329,796,000.

21           (4)       For       Defense-wide       activities,  
22       \$9,565,299,000, of which—

23                   (A) \$230,495,000 is authorized for the ac-  
24                   tivities of the Director, Test and Evaluation;

25           and

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

3 **SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLOR-**  
4 **ATORY DEVELOPMENT.**

5 (a) FISCAL YEAR 1995.—Of the amounts authorized  
6 to be appropriated by section 201, \$4,210,356,000 shall  
7 be available for basic research and exploratory develop-  
8 ment projects.

9 (b) BASIC RESEARCH AND EXPLORATORY DEVELOP-  
10 MENT DEFINED.—For purposes of this section, the term  
11 “basic research and exploratory development” means work  
12 funded in program elements for defense research and de-  
13 velopment under Department of Defense category 6.1 or  
14 6.2.

15 **SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DE-**  
16 **VELOPMENT PROGRAM.**

17 Of the amounts authorized to be appropriated by sec-  
18 tion 201, \$170,000,000 shall be available for the Strategic  
19 Environmental Research and Development Program.

20 **SEC. 204. HIGH RESOLUTION IMAGING.**

21 Of the funds authorized to be appropriated pursuant  
22 to section 201(3), \$10,000,000 shall be available for high  
23 resolution imaging of space objects using excimer lasers.

1 **Subtitle B—Programs Require-**  
2 **ments, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 211. TACTICAL ANTISATELLITE TECHNOLOGIES PRO-**  
5 **GRAM.**

6 (a) DEMONSTRATION AND VALIDATION ACTIVI-  
7 TIES.—Subject to subsection (e), the Secretary of Defense  
8 shall continue the demonstration and validation of kinetic  
9 energy antisatellite technologies under the tactical antisat-  
10 ellite technologies program.

11 (b) LEVEL FUNDING.—Subject to subsection (e), of  
12 the amounts authorized to be appropriated in this title,  
13 \$10,000,000 shall be available for fiscal year 1995 for en-  
14 gineering development under the tactical antisatellite tech-  
15 nologies program.

16 (c) REQUIREMENT OF OBLIGATION OF PRIOR YEAR  
17 FUNDS.—To the extent provided in appropriations Acts,  
18 the Secretary shall obligate for engineering development  
19 under the tactical antisatellite technologies program all  
20 funds available for fiscal year 1993 and fiscal year 1994  
21 for the Kinetic Energy Antisatellite (KE-ASAT) program  
22 that remain available for obligation on the date of the en-  
23 actment of this Act.

24 (d) REPORT.—The Secretary shall submit to Con-  
25 gress the report required by section 1363 of the National

1 Defense Authorization Act for Fiscal Year 1993 (Public  
2 Law 102-484; 106 Stat. 2560).

3 (e) LIMITATION.—No funds appropriated to the De-  
4 partment of Defense for fiscal year 1995 may be obligated  
5 for the tactical antisatellite technologies program until the  
6 Secretary of Defense certifies to Congress that there is  
7 a requirement for an antisatellite program.

8 **SEC. 212. TRANSFER OF MILSTAR COMMUNICATIONS SAT-**  
9 **ELLITE PROGRAM.**

10 (a) TRANSFER TO NAVY.—The Secretary of Defense  
11 shall transfer responsibility for program management and  
12 funding for the MILSTAR communications satellite pro-  
13 gram from the Secretary of the Air Force to the Secretary  
14 of the Navy before October 1, 1995.

15 (b) FUNDING IN FUTURE YEARS DEFENSE PRO-  
16 GRAM.—It is the sense of Congress that the Secretary  
17 should transfer from the Air Force to the Navy sufficient  
18 proposed funding in the Future Years Defense Program  
19 to cover all costs for the MILSTAR communications sat-  
20 ellite program and related programs, projects, and activi-  
21 ties.

22 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
23 ITY.—The transfer authority in subsection (b) is in addi-  
24 tion to the transfer authority provided in section 1001.

1 **SEC. 213. TRANSFER OF FUNDS FOR SINGLE-STAGE TO**  
2 **ORBIT ROCKET.**

3 The Secretary of Defense shall, to the extent provided  
4 in appropriations Acts, transfer to the National Aero-  
5 nautics and Space Administration the unobligated balance  
6 of funds appropriated to the Department of Defense for  
7 the Advanced Research Projects Agency for single-stage  
8 to orbit rocket research and development.

9 **SEC. 214. LIMITATION ON DISMANTLEMENT OF INTER-**  
10 **CONTINENTAL BALLISTIC MISSILES.**

11 Funds authorized to be appropriated in this Act may  
12 not be obligated or expended for deactivating or disman-  
13 tling United States intercontinental ballistic missiles  
14 (ICBMs) of the United States below that number of such  
15 missiles that is necessary to support 500 deployed inter-  
16 continental ballistic missiles until 180 days after the date  
17 on which the Secretary of Defense has delivered to the  
18 congressional defense committees a report on the results  
19 of a nuclear posture review being conducted by the Sec-  
20 retary.

21 **SEC. 215. LIMITATION ON OBLIGATION OF FUNDS FOR SEIS-**  
22 **MIC MONITORING RESEARCH.**

23 Funds authorized to be appropriated by this Act that  
24 are made available for seismic monitoring of nuclear explo-  
25 sions may not be obligated for a project unless the project

1 is authorized in a plan approved in advance by the Sec-  
2 retary of Defense and the Secretary of Energy.

3 **SEC. 216. FEDERALLY FUNDED RESEARCH AND DEVELOP-**  
4 **MENT CENTERS.**

5 (a) CENTERS COVERED.—Funds appropriated or  
6 otherwise made available for the Department of Defense  
7 for fiscal year 1995 pursuant to an authorization of appro-  
8 priations in section 201 may be obligated to procure work  
9 from a federally funded research and development center  
10 only in the case of a center named in the report required  
11 by subsection (b) and, in the case of such a center, only  
12 in an amount not in excess of the amount of the proposed  
13 funding level set forth for that center in such report.

14 (b) REPORT ON ALLOCATIONS FOR CENTERS.—Not  
15 later than 30 days after the date of the enactment of this  
16 Act, the Secretary of Defense shall submit to the congres-  
17 sional defense committees a report containing—

18 (1) the name of each federally funded research  
19 and development center from which work is proposed  
20 to be procured for the Department of Defense for  
21 fiscal year 1995; and

22 (2) for each such center, the proposed funding  
23 level and the estimated personnel level for fiscal year  
24 1995.

1 The total of the proposed funding levels set forth in the  
2 report for all federally funded research and development  
3 centers may not exceed the amount set forth in subsection  
4 (d).

5 (c) LIMITATION PENDING SUBMISSION OF RE-  
6 PORT.—No funds appropriated or otherwise made avail-  
7 able for the Department of Defense for fiscal year 1995  
8 may be obligated to obtain work from a federally funded  
9 research and development center until the Secretary of  
10 Defense submits the report required by subsection (b).

11 (d) FUNDING.—Of the amounts authorized to be ap-  
12 propriated to the Department of Defense for research, de-  
13 velopment, test, and evaluation for fiscal year 1995 pursu-  
14 ant to section 201, not more than a total of  
15 \$1,300,000,000 may be obligated to procure services from  
16 the federally funded research and development centers  
17 named in the report required by subsection (b).

18 (e) AUTHORITY TO WAIVE FUNDING LIMITATION.—  
19 The Secretary of Defense may waive the limitation regard-  
20 ing the maximum funding amount that applies under sub-  
21 section (a) to a federally funded research and development  
22 center. Whenever the Secretary proposes to make such a  
23 waiver, the Secretary shall submit to the congressional de-  
24 fense committees notice of the proposed waiver and the  
25 reasons for the waiver. The waiver may then be made only

1 after the end of the 60-day period that begins on the date  
2 on which the notice is submitted to those committees, un-  
3 less the Secretary determines that it is essential to the  
4 national security that funds be obligated for work at that  
5 center in excess of that limitation before the end of such  
6 period and notifies the congressional defense committees  
7 of that determination and the reasons for the determina-  
8 tion.

9 (f) **UNDISTRIBUTED REDUCTION.**—The total amount  
10 authorized to be appropriated for research, development,  
11 test, and evaluation in section 201 is hereby reduced by  
12 \$52,650,000.

13 (g) **LIMITATION ON COMPENSATION.**—No employee  
14 or executive officer of a federally funded research and de-  
15 velopment center named in the report required by sub-  
16 section (b) may be compensated at a rate exceeding Exec-  
17 utive Schedule Level I by that federally funded research  
18 and development center.

## 19 **Subtitle C—Missile Defense** 20 **Programs**

### 21 **SEC. 221. COMPLIANCE OF BALLISTIC MISSILE DEFENSE** 22 **SYSTEMS AND COMPONENTS WITH ABM** 23 **TREATY.**

24 (a) **REQUIRED COMPLIANCE REVIEW FOR BRILLIANT**  
25 **EYES.**—The Secretary of Defense shall review the space-

1 based, midcourse missile tracking system known as Brill-  
2 liant Eyes to determine whether, and under what condi-  
3 tions, the development, testing, and deployment of that  
4 system in conjunction with a theater ballistic missile de-  
5 fense system, with a limited national missile defense sys-  
6 tem, and with both such systems, would be in compliance  
7 with the ABM Treaty, including the interpretation of that  
8 treaty set forth in the enclosure to the July 13, 1993,  
9 ACDA letter.

10 (b) LIMITATION.—Of the funds appropriated pursu-  
11 ant to the authorizations of appropriations in section 201  
12 that are made available for the Brilliant Eyes program,  
13 not more than \$50,000,000 may be obligated until the  
14 Secretary of Defense submits to the appropriate congres-  
15 sional committees a report on the compliance of the Brill-  
16 liant Eyes program with the ABM Treaty.

17 (c) COMPLIANCE REVIEW FOR NAVY UPPER TIER  
18 SYSTEM.—(1) If the funds made available for fiscal year  
19 1995 for the theater ballistic missile program known as  
20 the “Navy Upper Tier” program pursuant to the author-  
21 izations of appropriations in section 201 or otherwise ex-  
22 ceed \$17,725,000, the Secretary of Defense shall review  
23 the Navy Upper Tier program to determine whether the  
24 development, testing, and deployment of that system  
25 would be in compliance with the ABM Treaty, including

1 the interpretation of the Treaty set forth in the enclosure  
2 to the July 13, 1993, ACDA letter.

3 (2) In the event a compliance review is necessary  
4 under paragraph (1), not more than \$17,725,000 may be  
5 obligated for the Navy Upper Tier program before the  
6 date on which the Secretary submits to the appropriate  
7 congressional committees a report on the compliance of  
8 the Navy Upper Tier program with the ABM Treaty.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “July 13, 1993, ACDA letter”  
11 means the letter dated July 13, 1993, from the Act-  
12 ing Director of the Arms Control and Disarmament  
13 Agency to the chairman of the Committee on For-  
14 eign Relations of the Senate relating to the correct  
15 interpretation of the ABM Treaty and accompanied  
16 by an enclosure setting forth such interpretation.

17 (2) The term “ABM Treaty” means the Treaty  
18 between the United States of America and the  
19 Union of Soviet Socialist Republics on the Limita-  
20 tion of Anti-Ballistic Missiles, signed in Moscow on  
21 May 26, 1972.

22 (3) The term “appropriate congressional com-  
23 mittees” means—

24 (A) the Committee on Armed Services, the  
25 Committee on Foreign Affairs, and the Com-

1           committee on Appropriations of the House of Rep-  
2           resentatives; and

3                       (B) the Committee on Armed Services, the  
4           Committee on Foreign Relations, and the Com-  
5           mittee on Appropriations of the Senate.

6 **SEC. 222. REVISIONS TO THE MISSILE DEFENSE ACT OF**  
7                       **1991.**

8           The Missile Defense Act of 1991 (part C of title II  
9 of Public Law 102–190; 10 U.S.C. 2431 note) is amend-  
10 ed—

11                   (1) by striking out sections 235, 236, and 237;

12                   (2) in section 238, by inserting before the pe-  
13 riod at the end of the second sentence the following:  
14 “, and shall submit to the Congress additional in-  
15 terim reports on the progress of such negotiations at  
16 six-month intervals thereafter until such time as the  
17 President notifies the congressional defense commit-  
18 tees that such negotiations have been concluded or  
19 terminated”; and

20                   (3) by redesignating section 238, 239, and 240  
21 as sections 234, 235, and 236, respectively.

22 **SEC. 223. LIMITATION.**

23           No funds appropriated pursuant to an authorization  
24 of appropriations in this title or otherwise made available  
25 for fiscal year 1995 for programs managed by the Ballistic

1 Missile Defense Organization may be obligated for such  
2 programs until the Secretary of Defense submits to Con-  
3 gress the report required by section 235(b) of the National  
4 Defense Authorization Act for Fiscal Year 1994 (Public  
5 Law 103-160; 107 Stat. 1598).

6 **SEC. 224. MANAGEMENT AND BUDGET RESPONSIBILITY**  
7 **FOR SPACE-BASED CHEMICAL LASER PRO-**  
8 **GRAM.**

9 (a) FINDINGS.—Congress makes the following find-  
10 ings:

11 (1) In section 243 of the National Defense Au-  
12 thorization Act for Fiscal Year 1994 (Public Law  
13 103-160; 107 Stat. 1615) Congress directed the  
14 Secretary of Defense to transfer management and  
15 budget responsibility for research and development  
16 regarding far-term follow-on technologies from the  
17 Ballistic Missile Defense Organization unless the  
18 Secretary certifies that it is in the national security  
19 interest of the United States for the Ballistic Missile  
20 Defense Organization to retain that responsibility.

21 (2) For purposes of section 243 of such Act, a  
22 far-term follow-on technology was defined as any  
23 technology that is not incorporated into a ballistic  
24 missile defense architecture and is not likely to be

1 incorporated within 15 years into a weapon system  
2 for ballistic missile defense.

3 (3) The Secretary of Defense has recommended  
4 pursuant to section 243 of such Act that manage-  
5 ment and budget responsibility for chemical laser  
6 technology be retained in the Ballistic Missile De-  
7 fense Organization.

8 (b) ASSIGNMENT OF RESPONSIBILITY.—Subject to  
9 subsection (c), the Ballistic Missile Defense Organization  
10 is authorized to retain management and budget respon-  
11 sibility for chemical laser technology programs.

12 (c) REQUIREMENTS.—(1) The Director of the Ballis-  
13 tic Missile Defense Organization shall ensure that, to the  
14 extent practicable, the conduct of research and develop-  
15 ment related to space-based chemical lasers reflects appro-  
16 priate consideration of a broad range of military missions  
17 and possible nonmilitary applications for such lasers.

18 (2) If, as a result of budgetary limitations, the Direc-  
19 tor of the Ballistic Missile Defense Organization is unable  
20 to program sufficient funds to ensure that the space-based  
21 chemical laser program remains an option for the acquisi-  
22 tion process within the next fifteen years, the Secretary  
23 of Defense shall—

1 (A) establish a new high energy laser research  
2 and development program outside of the Ballistic  
3 Missile Defense Organization;

4 (B) transfer \$50,000,000 out of funds available  
5 for fiscal year 1995 for programs administered by  
6 the Ballistic Missile Defense Organization to the  
7 new high energy laser research and development pro-  
8 gram; and

9 (C) assign the duty to perform the management  
10 and budget responsibilities for the new program to  
11 the Secretary of the military department determined  
12 by the Secretary of Defense most appropriate to per-  
13 form such responsibilities or, if the Secretary deter-  
14 mines more appropriate, to the head of the Defense  
15 Agency of the Department of Defense that the Sec-  
16 retary determines most appropriate to perform such  
17 responsibilities.

18 **SEC. 225. SENATE ADVICE AND CONSENT ON AGREEMENTS**

19 **THAT MODIFY THE ANTI-BALLISTIC MISSILE**  
20 **TREATY.**

21 (a) REQUIREMENT FOR ADVICE AND CONSENT OF  
22 SENATE.—Whenever the President negotiates an inter-  
23 national agreement that would substantively modify the  
24 ABM Treaty, the United States shall not be bound by  
25 such agreement unless the agreement is entered into pur-

1 suant to the treaty making power of the President under  
2 the Constitution (which includes a requirement for advice  
3 and consent of the Senate).

4 (b) ABM TREATY DEFINED.—In this section, the  
5 term “ABM Treaty” means the Treaty Between the Unit-  
6 ed States of America and the Union of Soviet Socialist  
7 Republics on the Limitation of Anti-Ballistic Missile Sys-  
8 tems, signed in Moscow on May 26, 1972, with related  
9 protocol, signed in Moscow on July 3, 1974.

10 **Subtitle D—Defense Conversion,**  
11 **Reinvestment, and Transition**  
12 **Assistance Matters**

13 **SEC. 231. FUNDING OF DEFENSE TECHNOLOGY REINVEST-**  
14 **MENT PROGRAMS FOR FISCAL YEAR 1995.**

15 (a) FUNDS AVAILABLE.—Of the amount authorized  
16 to be appropriated under section 201 for Defense-wide ac-  
17 tivities, \$625,000,000 shall be available for activities de-  
18 scribed in the defense reinvestment program element of  
19 the budget of the Department of Defense for fiscal year  
20 1995.

21 (b) ALLOCATION OF FUNDS.—The funds made avail-  
22 able under subsection (a) shall be allocated as follows:

23 (1) \$245,000,000 shall be available for defense  
24 dual-use critical technology partnerships under sec-  
25 tion 2511 of title 10, United States Code.

1           (2) \$80,000,000 shall be available for commer-  
2           cial-military integration partnerships under section  
3           2512 of such title.

4           (3) \$80,000,000 shall be available for defense  
5           regional technology alliances under section 2513 of  
6           such title.

7           (4) \$30,000,000 shall be available for defense  
8           advanced manufacturing technology partnerships  
9           under section 2522 of such title.

10          (5) \$50,000,000 shall be available for support  
11          of manufacturing extension programs under section  
12          2523 of such title.

13          (6) \$25,000,000 shall be available for defense  
14          manufacturing engineering education grants under  
15          section 2196 of such title.

16          (7) \$30,000,000 shall be available for the ad-  
17          vanced materials synthesis and processing partner-  
18          ship program.

19          (8) \$35,000,000 shall be available for the agile  
20          manufacturing/enterprise integration program.

21          (9) \$40,000,000 shall be available for the mari-  
22          time technology program, as provided for in section  
23          1352(c)(2) of the National Shipbuilding and Ship-  
24          yard Conversion Act of 1993 (subtitle D of title XIII

1 of Public Law 103–160; 107 Stat. 1809; 10 U.S.C.  
2 2501 note).

3 (10) \$10,000,000 shall be available for grants  
4 under section 2198 of title 10, United States Code,  
5 to United States institutions of higher education and  
6 other United States not-for-profit organizations to  
7 support the management training program in Japa-  
8 nese language and culture.

9 (c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1994  
10 PROJECTS.—Funds made available under subsection (a)  
11 may also be used to make awards to projects of the types  
12 that were solicited under programs referred to in sub-  
13 section (b) in fiscal year 1994.

14 **SEC. 232. FINANCIAL COMMITMENT REQUIREMENTS FOR**  
15 **SMALL BUSINESS CONCERNS FOR PARTICI-**  
16 **PATION IN TECHNOLOGY REINVESTMENT**  
17 **PROJECTS.**

18 (a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY  
19 PARTNERSHIPS.—Section 2511(c) of title 10, United  
20 States Code, is amended by adding at the end the follow-  
21 ing new paragraph:

22 “(3) The Secretary shall consider a partnership pro-  
23 posal submitted by a small business concern without re-  
24 gard to the ability of the small business concern to imme-  
25 diately meet its share of the anticipated partnership costs.

1 Upon the selection of a partnership proposal submitted by  
2 a small business concern, the Secretary shall extend to the  
3 small business concern a period of not less than 120 days  
4 within which to arrange to meet its financial commitment  
5 requirements under the partnership from sources other  
6 than a person of a foreign country. If the Secretary deter-  
7 mines upon the expiration of that period that the small  
8 business concern will be unable to meet its share of the  
9 anticipated partnership costs, the Secretary may revoke  
10 the selection of the partnership proposal submitted by the  
11 small business concern.”.

12 (b) COMMERCIAL-MILITARY INTEGRATION PARTNER-  
13 SHIPS.—Section 2512(c)(3) of such title is amended by  
14 adding at the end the following new subparagraph:

15 “(C) The Secretary shall consider a partnership pro-  
16 posal submitted by a small business concern without re-  
17 gard to the ability of the small business concern to imme-  
18 diately meet its share of the anticipated partnership costs.  
19 Upon the selection of a partnership proposal submitted by  
20 a small business concern, the Secretary shall extend to the  
21 small business concern a period of not less than 120 days  
22 within which to arrange to meet its financial commitment  
23 requirements under the partnership from sources other  
24 than a person of a foreign country. If the Secretary deter-  
25 mines upon the expiration of that period that the small

1 business concern will be unable to meet its share of the  
2 anticipated partnership costs, the Secretary may revoke  
3 the selection of the partnership proposal submitted by the  
4 small business concern.”.

5 (c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE  
6 PROGRAM.—Section 2513(e) of such title is amended by  
7 adding at the end the following new paragraph:

8 “(4) The Secretary shall consider a proposal for a  
9 regional technology alliance that is submitted by a small  
10 business concern without regard to the ability of the small  
11 business concern to immediately meet its share of the an-  
12 ticipated costs of the alliance. Upon the selection of a pro-  
13 posal submitted by a small business concern, the Secretary  
14 shall extend to the small business concern a period of not  
15 less than 120 days within which to arrange to meet its  
16 financial commitment requirements under the regional  
17 technology alliance from sources other than a person of  
18 a foreign country. If the Secretary determines upon the  
19 expiration of that period that the small business concern  
20 will be unable to meet its share of the anticipated costs,  
21 the Secretary may revoke the selection of the proposal sub-  
22 mitted by the small business concern.”.

23 (d) DEFINITION OF PERSON OF A FOREIGN COUN-  
24 TRY.—Section 2491 of such title is amended by adding  
25 at the end the following new paragraph:

1           “(16) The term ‘person of a foreign country’  
2           has the meaning given such term in section 3502(d)  
3           of the Primary Dealers Act of 1988 (22 U.S.C.  
4           5342(d)).”.

5   **SEC. 233. CONDITIONS ON FUNDING OF DEFENSE TECH-**  
6                           **NOLOGY REINVESTMENT PROJECTS.**

7           (a) BENEFITS TO UNITED STATES ECONOMY.—In  
8           providing for the establishment or financial support of  
9           partnerships and other cooperative arrangements under  
10          chapter 148 of title 10, United States Code, using funds  
11          made available under section 231, the Secretary of De-  
12          fense shall ensure that the principal economic benefits of  
13          such partnerships and other arrangements accrue to the  
14          economy of the United States.

15          (b) USE OF COMPETITIVE SELECTION PROCE-  
16          DURES.—Funds made available under subsection (a) of  
17          section 231 for defense reinvestment programs described  
18          in subsection (b) of such section shall be provided only  
19          to projects selected using competitive procedures pursuant  
20          to a solicitation incorporating cost-sharing requirements  
21          for the non-Federal Government participants in the  
22          projects.

1 **SEC. 234. FEDERAL DEFENSE LABORATORY DIVERSIFICA-**  
2 **TION AND NAVY REINVESTMENT IN THE**  
3 **TECHNOLOGY AND INDUSTRIAL BASE.**

4 (a) REQUIREMENT FOR PROGRAMS.—(1) Subchapter  
5 III of chapter 148 of title 10 is amended by inserting at  
6 the end thereof the following:

7 **“SEC. 2519. FEDERAL DEFENSE LABORATORY DIVERSI-**  
8 **FICATION PROGRAM.**

9 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary  
10 of Defense shall conduct a program in accordance with  
11 this section for the purpose of promoting cooperation be-  
12 tween Department of Defense laboratories and industry  
13 on research and development of dual-use technologies in  
14 order to further the national security objectives set forth  
15 in section 2501(a) of this title.

16 “(b) PARTNERSHIPS.—(1) The Secretary shall pro-  
17 vide for the establishment under the program of coopera-  
18 tive arrangements (hereinafter in this section referred to  
19 as ‘partnerships’) between a Department of Defense lab-  
20 oratory and eligible firms and nonprofit research corpora-  
21 tions referred to in section 2511(b) of this title. A partner-  
22 ship may also include one or more additional Federal lab-  
23 oratories, institutions of higher education, agencies of  
24 State and local governments, and other entities, as deter-  
25 mined appropriate by the Secretary.

1       “(2) For purposes of this section, a federally funded  
2 research and development center shall be considered a De-  
3 partment of Defense laboratory if the center is sponsored  
4 by the Department of Defense.

5       “(c) ASSISTANCE AUTHORIZED.—(1) The Secretary  
6 may make grants, enter into contracts, enter into coopera-  
7 tive agreements and other transactions pursuant to section  
8 2371 of this title, and enter into cooperative research and  
9 development agreements under section 12 of the Steven-  
10 son-Wylder Technology Innovation Act of 1980 (15 U.S.C.  
11 3710a) in order to establish partnerships.

12       “(2) Subject subsection (d), the Secretary may pro-  
13 vide a partnership with technical and other assistance in  
14 order to facilitate the achievement of the purpose of this  
15 section.

16       “(d) FINANCIAL COMMITMENT OF NON-FEDERAL  
17 GOVERNMENT PARTICIPANTS.—(1) The Secretary shall  
18 ensure that the non-Federal Government participants in  
19 a partnership make a substantial contribution to the total  
20 cost of partnership activities. The amount of the contribu-  
21 tion shall be commensurate with the risk undertaken by  
22 such participants and the potential benefits of the activi-  
23 ties for such participants.

24       “(2) The regulations prescribed pursuant to section  
25 2511(c)(2) of this title shall apply to in-kind contributions

1 made by non-Federal Government participants in a part-  
2 nership.

3 “(e) SELECTION PROCESS.—Competitive procedures  
4 shall be used in the establishment of partnerships.

5 “(f) SELECTION CRITERIA.—The criteria for the se-  
6 lection of a proposed partnership for establishment under  
7 this section shall include the criteria set forth in section  
8 2511(f) of this title.

9 “(g) REGULATIONS.—The Secretary shall prescribe  
10 regulations for the purposes of this section.

11 **“SEC. 2520. NAVY REINVESTMENT PROGRAM.**

12 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary  
13 of the Navy shall conduct a program in accordance with  
14 this section for the purpose of promoting cooperation be-  
15 tween the Department of the Navy and industry on re-  
16 search and development of dual-use technologies in order  
17 to further the national security objectives set forth in sec-  
18 tion 2501(a) of this title.

19 “(b) PARTNERSHIPS.—The Secretary shall provide  
20 for the establishment under the program of cooperative  
21 arrangements (hereinafter in this section referred to as  
22 ‘partnerships’) between Department of the Navy entities  
23 and eligible firms and nonprofit research corporations re-  
24 ferred to in section 2511(b) of this title. A partnership  
25 may also include one or more Federal laboratories, institu-

1 tions of higher education, agencies of State and local gov-  
2 ernments, and other entities, as determined appropriate  
3 by the Secretary.

4 “(c) PROGRAM REQUIREMENTS AND ADMINISTRA-  
5 TION.—Subsections (c) through (f) of section 2519 of this  
6 title shall apply in the administration of the program.

7 “(d) SELECTION CRITERIA.—In addition to the selec-  
8 tion criteria referred to in section 2519(f) of this title, the  
9 criteria for the selection of a proposed partnership for es-  
10 tablishment under this section shall include the potential  
11 effectiveness of the partnership in the further development  
12 and application of each technology proposed to be devel-  
13 oped by the partnership for Navy acquisition programs.

14 “(e) REGULATIONS.—The Secretary shall prescribe  
15 regulations for the purposes of this section.”.

16 (2) The table of sections at the beginning of such sub-  
17 chapter is amended by adding at the end the following:

2519. Federal Defense Laboratory Diversification Program.

2520. Navy Reinvestment Program.

18 (b) CLARIFYING AMENDMENT.—Section 2491(5) of  
19 title 10, United States Code, is amended by inserting be-  
20 fore the period at the end the following: “, and includes  
21 a federally funded research and development center spon-  
22 sored by a Federal agency”.

23 (c) FUNDING.—(1) Of the amount authorized to be  
24 appropriated in section 201(4), \$56,600,000 shall be

1 available for the Federal Defense Laboratory Diversifica-  
2 tion Program under section 2519 of title 10, as added by  
3 subsection (a)(1).

4 (2) Of the amount authorized to be appropriated in  
5 section 201(2), \$50,000,000 shall be available for the  
6 Navy Reinvestment Program under section 2520 of title  
7 10, as added by subsection (a)(1).

8 **SEC. 235. SMALL BUSINESS DEFENSE CONVERSION GUAR-**  
9 **ANTEED LOANS.**

10 (a) AUTHORIZATIONS.—Section 20 of the Small  
11 Business Act (15 U.S.C. 631 note) is amended—

12 (1) in subsection (l), as added by section 405(3)  
13 of the Small Business Credit and Business Oppor-  
14 tunity Enhancement Act of 1992—

15 (A) by striking “(l) There” and inserting  
16 “(3) There” and indenting appropriately; and

17 (B) by striking “subsection (k)”, and in-  
18 serting “paragraphs (1) and (2)”;

19 (2) by redesignating subsection (k), as added by  
20 section 405(3) of the Small Business Credit and  
21 Business Opportunity Act of 1992, as subsection (l);

22 (3) in subsection (l), as so redesignated, by in-  
23 serting after paragraph (1), the following new para-  
24 graph:

1           “(2) The Administration is authorized to make  
2 not more than \$1,000,000,000 in loans on a guaran-  
3 teed basis, in accordance with section 7(a)(21), such  
4 amount to remain available until expended.”;

5           (4) in subsection (n)—

6                 (A) by striking “(n) There” and inserting  
7 “(3) There” and indenting appropriately; and

8                 (B) by striking “subsection (m)” and in-  
9 serting “paragraphs (1) and (2)”;

10           (5) in subsection (m), by inserting after para-  
11 graph (1), the following new paragraph:

12                 “(2) The Administration is authorized to make  
13 not more than \$1,000,000,000 in loans on a guaran-  
14 teed basis, in accordance with section 7(a)(21), such  
15 amount to remain available until expended.”;

16           (6) by redesignating subsection (o) as sub-  
17 section (n); and

18           (7) in subsection (p)—

19                 (A) by striking “(p) There” and inserting  
20 “(2) There”, and indenting appropriately; and

21                 (B) by striking “subsection (o)” and in-  
22 serting “paragraph (1)”.

23           (b)       TECHNICAL       CLARIFICATION.—Section  
24 7(a)(21)(A) of the Small Business Act (15 U.S.C.

1 636(a)(21)(A) is amended by striking “under the” and  
2 inserting “on a guaranteed basis under the”.

3 (c) JOB CREATION AND COMMUNITY BENEFIT.—  
4 Section 7(a)(21) of the Small Business Act (15 U.S.C.  
5 636(a)(21)) is amended by adding at the end the following  
6 new subparagraph:

7 “(E) In providing assistance under this para-  
8 graph, the Administration shall develop procedures  
9 to ensure, to the maximum extent practicable, that  
10 such assistance is used for projects that have sub-  
11 stantial potential for stimulating new economic ac-  
12 tivity in communities most impacted by reductions in  
13 Federal defense expenditures.”.

14 (d) AUTHORITY TO TRANSFER APPROPRIATIONS.—  
15 Of the amount authorized to be appropriated pursuant to  
16 section 201(4), \$27,400,000 may be transferred by the  
17 Secretary of Defense, to the extent provided in an act ap-  
18 propriating funds for the Department of Defense, to the  
19 Small Business Administration for the purpose of provid-  
20 ing loan guarantees under section 7(a)(21)(A) of the  
21 Small Business Act, such amount to remain available until  
22 expended.

1           **Subtitle E—Other Matters**

2   **SEC. 241. COOPERATIVE RESEARCH AND DEVELOPMENT**

3           **AGREEMENTS WITH NATO ORGANIZATIONS.**

4           (a) **APPLICABILITY OF EXISTING AUTHORITY TO**  
5 **NATO ORGANIZATIONS.**—Section 2350a of title 10, Unit-  
6 ed States Code, is amended in subsections (a), (e)(2), and  
7 (i)(1) by inserting “or NATO organizations” after “major  
8 allies of the United States” each place it appears.

9           (b) **NATO ORGANIZATION DEFINED.**—Subsection (i)  
10 of such section is amended by adding at the end the follow-  
11 ing new paragraph:

12                   “(4) The term ‘NATO organization’ means any  
13 North Atlantic Treaty Organization subsidiary body  
14 referred to in section 2350(2) of this title and any  
15 other organization of the North Atlantic Treaty Or-  
16 ganization.”.

17   **SEC. 242. DEFENSE WOMEN’S HEALTH RESEARCH PRO-**

18           **GRAM.**

19           (a) **CONTINUATION OF PROGRAM.**—The Secretary of  
20 Defense shall continue the Defense Women’s Health Re-  
21 search Program established in response to the enactment  
22 of section 251 of the National Defense Authorization Act  
23 for Fiscal Year 1994 (Public Law 103–160; 107 Stat.  
24 1606).

1 (b) PARTICIPATION BY ALL MILITARY DEPART-  
2 MENTS.—The Departments of the Army, Navy, and Air  
3 Force shall each participate in the activities under the pro-  
4 gram.

5 (c) ARMY TO BE EXECUTIVE AGENT.—The Sec-  
6 retary of Defense shall designate the Secretary of the  
7 Army to be the executive agent for administering the pro-  
8 gram.

9 (d) PROGRAM ACTIVITIES.—The program shall in-  
10 clude the following activities regarding health risks and  
11 health care for women in the Armed Forces:

12 (1) The coordination and support activities de-  
13 scribed in section 251 of Public Law 103–160.

14 (2) Epidemiologic research regarding women  
15 deployed for military operations, including research  
16 on patterns of illness and injury, environmental and  
17 occupational hazards (including exposure to toxins),  
18 side-effects of pharmaceuticals used by women so de-  
19 ployed, psychological stress associated with military  
20 training, deployment, combat and other traumatic  
21 incidents, and other conditions of life, and human  
22 factor research regarding women so deployed.

23 (3) Development of a data base to facilitate  
24 long-term research studies on issues related to the  
25 health of women in military service, and continued

1 development and support of a women's health infor-  
2 mation clearinghouse to serve as an information re-  
3 source for clinical, research, and policy issues affect-  
4 ing women in the Armed Forces.

5 (4) Research on policies and standards issues,  
6 including research supporting the development of  
7 military standards related to training, operations,  
8 deployment, and retention and the relationship be-  
9 tween such activities and factors affecting women's  
10 health.

11 (5) Research on interventions having a potential  
12 for addressing conditions of military service that ad-  
13 versely affect the health of women in the Armed  
14 Forces.

15 (e) IMPLEMENTATION PLAN.—If, before October 1,  
16 1995, the Secretary of Defense changes the implementa-  
17 tion plan for the program that the Secretary submitted  
18 to the Committees on Armed Services of the Senate and  
19 the House of Representatives on May 2, 1994, the Sec-  
20 retary shall submit the modified plan to such committees  
21 before executing the changes.

22 (f) FUNDING.—Of the amount authorized to be ap-  
23 propriated pursuant to section 201, \$40,000,000 shall be  
24 available for the Defense Women's Health Research Pro-  
25 gram referred to in subsection (a).

1 **SEC. 243. REQUIREMENT FOR SUBMISSION OF ANNUAL RE-**  
2 **PORT OF THE SEMICONDUCTOR TECH-**  
3 **NOLOGY COUNCIL TO CONGRESS.**

4 Section 273(b)(2)(I) of the National Defense Author-  
5 ization Act for Fiscal Years 1988 and 1989 (15 U.S.C.  
6 4603) is amended by inserting “and submit to Congress  
7 by March 31 of each year after “Publish”.

8 **SEC. 244. REPORT ON OCEANOGRAPHIC SURVEY AND RE-**  
9 **SEARCH REQUIREMENTS TO SUPPORT LIT-**  
10 **TORAL WARFARE.**

11 (a) REPORT REQUIRED.—Not later than March 1,  
12 1995, the Secretary of the Navy shall submit to Congress  
13 a report on the oceanographic survey and research and  
14 development requirements needed to support Navy oper-  
15 ations in littoral regions.

16 (b) CONTENT OF REPORT.—The report shall contain  
17 the following:

18 (1) An identification of unique properties, in-  
19 cluding acoustics, bathymetry, bottom type, and  
20 ocean dynamics that affect shallow water operations  
21 in littoral regions.

22 (2) A list of the principal littoral regions that—  
23 (A) designates each region as high, me-  
24 dium, or low priority based on the probable  
25 need for Navy operations in such regions; and

1 (B) for each region, is annotated to iden-  
2 tify—

3 (i) the date of the most recent de-  
4 tailed survey; and

5 (ii) the extent to which that survey  
6 provides insight into the region's properties  
7 identified pursuant to paragraph (1).

8 (3) An assessment of the Navy's current and  
9 projected access to each region for surveying pur-  
10 poses.

11 (4) An assessment of the ability of current  
12 oceanographic survey and research assets to develop  
13 the information identified in paragraph (1).

14 **SEC. 245. LANSCE/LAMPF UPGRADES.**

15 Of the amounts authorized to be appropriated by sec-  
16 tion 201(4), \$20,000,000 shall be available to complete  
17 the Los Alamos Neutron Scattering Experiment/Los Ala-  
18 mos Meson Physics Facility upgrades at the Los Alamos  
19 National Laboratory, Los Alamos, New Mexico.

20 **SEC. 246. STUDY REGARDING LIVE-FIRE SURVIVABILITY**  
21 **TESTING OF F-22 AIRCRAFT.**

22 (a) REQUIREMENT.—The Secretary of Defense shall  
23 request the National Research Council of the National  
24 Academy of Sciences to conduct a study regarding the de-  
25 sirability of waiving for the F-22 aircraft program the

1 survivability tests required by section 2366(c) of title 10,  
2 United States Code, and to submit to the Secretary and  
3 Congress, within 180 days after the date of the enactment  
4 of this Act, a report containing the conclusions of the  
5 Council regarding the desirability of waiving such tests.

6 (b) CONTENT OF REPORT.—The report shall contain  
7 the following matters:

8 (1) Conclusions regarding the practicality of  
9 full-scale, full-up testing for the F-22 aircraft pro-  
10 gram.

11 (2) A discussion of the implications regarding  
12 the affordability of the F-22 aircraft program of  
13 conducting and of not conducting the survivability  
14 tests, including an assessment of the potential life  
15 cycle benefits that could be derived from full-scale,  
16 full-up live fire testing in comparison to the costs of  
17 such testing.

18 (3) A discussion of what, if any, changes of cir-  
19 cumstances affecting the F-22 aircraft program  
20 have occurred since completion of the milestone II  
21 program review to cause the program manager to re-  
22 quest a waiver of the survivability tests for the F-  
23 22 aircraft program that was not requested at that  
24 time.



1 **“SEC. 2525. MANUFACTURING SCIENCE AND TECHNOLOGY**  
2 **PROGRAM.**

3 “(a) ESTABLISHMENT.—The Secretary of Defense  
4 shall establish a Manufacturing Science and Technology  
5 Program to further the national security objectives of sec-  
6 tion 2501(a) of this title. The Under Secretary of Defense  
7 for Acquisition and Technology shall administer the pro-  
8 gram.

9 “(b) PURPOSE.—The purpose of the program is to  
10 enhance the capability of industry to meet the manufac-  
11 turing needs of the Department of Defense.

12 “(c) EXECUTION.—The Secretary may carry out  
13 projects under the program through the Secretaries of the  
14 military departments and the heads of Defense Agencies.

15 “(d) COMPETITION AND COST SHARING.—(1) Com-  
16 petitive procedures shall be used for awarding all grants  
17 and entering into all contracts, cooperative agreements,  
18 and other transactions under the program.

19 “(2) A grant may not be awarded under the program,  
20 and a contract, cooperative agreement, or other trans-  
21 action may not be entered into under the program, on any  
22 basis other than a cost-sharing basis unless the Secretary  
23 of Defense determines that the grant, contract, coopera-  
24 tive agreement, or other transaction, as the case may be,  
25 is for a program that—

1           “(A) is not likely to have any immediate and di-  
2           rect commercial application; or

3           “(B) is of sufficiently high risk to discourage  
4           cost sharing by non-Federal Government sources.”.

5           (2) The item relating to section 2525 in the table of  
6           sections at the beginning of subchapter IV of chapter 148  
7           of such title is amended to read as follows:

          “2525. Manufacturing Science and Technology Program.”.

8           (b) FUNDING.—Of the amounts appropriated pursu-  
9           ant to section 201, not more than \$125,000,000 shall be  
10          available for the Manufacturing Science and Technology  
11          Program under section 2525 of title 10, United States  
12          Code (as amended by subsection (a)), of which—

13           (1) not more than \$30,000,000 shall be avail-  
14          able for the Army;

15           (2) not more than \$35,000,000 shall be avail-  
16          able for the Navy;

17           (3) not more than \$50,000,000 shall be avail-  
18          able for the Air Force; and

19           (4) not more than \$10,000,000 shall be avail-  
20          able for the Defense Logistics Agency.

21   **SEC. 249. DEFENSE EXPERIMENTAL PROGRAM TO STIMU-**  
22                                   **LATE COMPETITIVE RESEARCH.**

23           (a) PROGRAM REQUIRED.—The Secretary of De-  
24          fense, acting through the Director of Defense Research  
25          and Engineering, shall carry out a Defense Experimental

1 Program to Stimulate Competitive Research (DEPSCoR)  
2 as part of the university research programs of the Depart-  
3 ment of Defense.

4 (b) PROGRAM OBJECTIVES.—The objectives of the  
5 program are as follows:

6 (1) To enhance the capabilities of institutions  
7 of higher education in eligible States to develop,  
8 plan, and execute science and engineering research  
9 that is competitive under the peer-review systems  
10 used for awarding Federal research assistance.

11 (2) To increase the probability of long-term  
12 growth in the competitively awarded financial assist-  
13 ance that institutions of higher education in eligible  
14 States receive from the Federal Government for  
15 science and engineering research.

16 (c) PROGRAM ACTIVITIES.—In order to achieve the  
17 program objectives, the following activities are authorized  
18 under the program:

19 (1) Competitive award of research grants.

20 (2) Competitive award of financial assistance  
21 for graduate students.

22 (d) ELIGIBLE STATES.—(1) The Director of the Na-  
23 tional Science Foundation shall designate which States are  
24 eligible States for the purposes of this section and shall

1 notify the Director of Defense Research and Engineering  
2 of the States so designated.

3 (2) The Director of the National Science Foundation  
4 shall designate a State as an eligible State if, as deter-  
5 mined by the Director—

6 (A) the institutional average amount of Federal  
7 financial assistance for research and development re-  
8 ceived by the institutions of higher education in the  
9 State for the fiscal year preceding the fiscal year for  
10 which the designation is effective, or for the last fis-  
11 cal year for which statistics are available, is less  
12 than the amount equal to 50 percent of the national  
13 institutional average amount of Federal financial as-  
14 sistance for research and development received by  
15 the institutions of higher education in the United  
16 States for such preceding or last fiscal year, as the  
17 case may be;

18 (B) the State has demonstrated a commitment  
19 to developing research bases in the State and to im-  
20 proving science and engineering research and edu-  
21 cation programs at institutions of higher education  
22 in the State; and

23 (C) the State is an eligible State for purposes  
24 of the Experimental Program to Stimulate Competi-

1       tive Research conducted by the National Science  
2       Foundation.

3       (e) COORDINATION WITH SIMILAR FEDERAL PRO-  
4 GRAMS.—(1) The Secretary shall consult with the Director  
5 of the National Science Foundation and the Director of  
6 the Office of Science and Technology Policy in the plan-  
7 ning, development, and execution of the program and shall  
8 coordinate the program with the Experimental Program  
9 to Stimulate Competitive Research conducted by the Na-  
10 tional Science Foundation and with similar programs  
11 sponsored by other departments and agencies of the Fed-  
12 eral Government.

13       (2) All solicitations under the Defense Experimental  
14 Program to Stimulate Competitive Research shall be made  
15 to, and all awards shall be made through, the State com-  
16 mittees established for purposes of the Experimental Pro-  
17 gram to Stimulate Competitive Research conducted by the  
18 National Science Foundation.

19       (3) A State committee referred to in paragraph (2)  
20 shall ensure that activities carried out in the State of that  
21 committee under the Defense Experimental Program to  
22 Stimulate Competitive Research are coordinated with the  
23 activities carried out in the State under other similar ini-  
24 tiatives of the Federal Government to stimulate competi-  
25 tive research.

1 **SEC. 250. STUDY ON BEAMING HIGH POWER LASER ENERGY**  
2 **TO SATELLITES.**

3 (a) STUDY.—(1) The Secretary of Defense and the  
4 Administrator of the National Aeronautics and Space Ad-  
5 ministration shall jointly carry out a study to determine  
6 the cost, feasibility, and advisability of the development  
7 and utilization of a system to deliver energy to satellites  
8 by beaming high power laser energy from ground sources.

9 (2) In determining the cost, feasibility, and advisabil-  
10 ity of the system referred to in paragraph (1), the Sec-  
11 retary and the Administrator shall take into account the  
12 impact on the environment of the development and utiliza-  
13 tion of the system and the effect, if any, of the develop-  
14 ment and utilization of the system on the arms control  
15 efforts or obligations of the United States.

16 (3) In carrying out the study, the Secretary and the  
17 Administrator shall consider the development of a space  
18 energy laser (SELENE) system using a free electron laser  
19 at the Naval Air Weapons Station, China Lake, California.

20 (b) REPORT.—The Secretary and the Administrator  
21 shall jointly submit to the congressional defense commit-  
22 tees a report on the study required under subsection (a).  
23 The Secretary and the Administrator shall submit the re-  
24 port not later than July 1, 1995.

1 **SEC. 251. ADVANCED THREAT RADAR JAMMER.**

2 (a) LIMITATION REGARDING JOINT DEVELOPMENT  
3 PROGRAM WITH CERTAIN FOREIGN ENTITIES.—The Sec-  
4 retary of Defense may not negotiate or enter into any  
5 agreement with, nor accept funds from, a foreign govern-  
6 ment or an entity controlled by a foreign government for  
7 a joint program for the development of an advanced threat  
8 radar jammer for combat helicopters until 30 days after  
9 the Secretary, in consultation with the Secretary of State,  
10 the Secretary of the Army, and the Director of the De-  
11 fense Security Assistance Agency, conducts a comprehen-  
12 sive review of the program and submits a report on the  
13 results of that review to the congressional defense commit-  
14 tees.

15 (b) MATTERS COVERED BY REVIEW AND REPORT.—  
16 The matters relating to the program referred to in sub-  
17 section (a) that are required to be covered by the review  
18 and report are as follows:

19 (1) The legal basis for seeking for the program  
20 funds that are neither authorized to be appropriated  
21 nor appropriated.

22 (2) The consistency of the program with the  
23 Department of Defense policy that no foreign mili-  
24 tary sale of a defense system, and no commitment  
25 to foreign military sale of a defense system, be made  
26 before operational test and evaluation of the system

1 is successfully completed and the Under Secretary of  
2 Defense for Acquisition and Technology has specifi-  
3 cally approved the system for sale to a foreign gov-  
4 ernment.

5 (3) The mission requirement for an advanced  
6 threat radar jammer for combat helicopters.

7 (4) An assessment of each threat for which an  
8 advanced threat radar jammer would be developed,  
9 particularly with regard to each threat to a foreign  
10 country with which the United States would jointly  
11 develop an advanced threat radar jammer.

12 (5) The potential for sensitive electronic war-  
13 fare technology to be made available to potential ad-  
14 versaries of the United States as a result of United  
15 States participation in the program.

16 (6) The availability of other nondevelopmental  
17 items and less sophisticated technologies for counter-  
18 ing the emerging radar detection threats to United  
19 States combat helicopters and combat helicopters of  
20 United States allies.

21 (7) A capability assessment of similar tech-  
22 nologies available from other foreign countries and  
23 the consequences of proliferation of such tech-  
24 nologies in regions of potential conflict.

1 (c) INAPPLICABILITY TO MAJOR ALLIES OF THE  
2 UNITED STATES.—This section does not apply with re-  
3 spect to a major ally of the United States.

4 (d) DEFINITIONS.—In this section:

5 (1) The term “entity controlled by a foreign  
6 government” includes—

7 (A) any domestic or foreign organization  
8 or corporation that is effectively owned or con-  
9 trolled by a foreign government; and

10 (B) any individual acting on behalf of a  
11 foreign government,

12 as determined by the Secretary of Defense. Such  
13 term does not include an organization or corporation  
14 that is owned, but is not controlled, either directly  
15 or indirectly, by a foreign government if the owner-  
16 ship of that organization or corporation by that for-  
17 eign government was effective before October 23,  
18 1992.

19 (2) The term “major ally of the United States”  
20 has the meaning given such term in section  
21 2350a(i)(2) of title 10, United States Code.

1       **TITLE III—OPERATION AND**  
2                   **MAINTENANCE**  
3       **Subtitle A—Authorization of**  
4                   **Appropriations**

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

6       Funds are hereby authorized to be appropriated for  
7   fiscal year 1995 for the use of the Armed Forces and other  
8   activities and agencies of the Department of Defense for  
9   expenses, not otherwise provided for, for operation and  
10  maintenance in amounts as follows:

11           (1) For the Army, \$17,542,914,000.

12           (2) For the Navy, \$21,326,470,000.

13           (3) For the Marine Corps, \$2,096,695,000.

14           (4) For the Air Force, \$18,789,023,000.

15           (5)       For       Defense-wide       activities,  
16       \$9,994,325,000.

17           (6)       For       Medical       Programs,       Defense,  
18       \$9,854,459,000.

19           (7) For the Army Reserve, \$1,253,709,000.

20           (8) For the Naval Reserve, \$828,319,000.

21           (9)       For       the       Marine       Corps       Reserve,  
22       \$81,462,000.

23           (10)       For       the       Air       Force       Reserve,  
24       \$1,478,990,000.

1           (11) For the Army National Guard,  
2           \$2,452,148,000.

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

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

7           (14) For the Defense Inspector General,  
8           \$140,798,000.

9           (15) For Drug Interdiction and Counter-drug  
10          Activities, Defense-wide, \$714,200,000.

11          (16) For the United States Court of Appeals  
12          for the Armed Services, \$6,126,000.

13          (17) For Environmental Restoration, Defense,  
14          \$2,180,200,000.

15          (18) For Humanitarian Assistance,  
16          \$71,900,000.

17          (19) For Former Soviet Union Threat Reduc-  
18          tion, \$400,000,000.

19          (20) For the Contributions for International  
20          Peacekeeping and Peace Enforcement Activities  
21          Fund, \$300,000,000.

22          (21) For support for the 1996 Summer Olym-  
23          pics, \$10,000,000.

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

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 1995 for the use of the Armed Forces and other  
4 activities and agencies of the Department of Defense for  
5 providing capital for working capital and revolving funds  
6 in amounts as follows:

7 (1) For the Defense Business Operations Fund,  
8 \$798,400,000.

9 (2) For the National Defense Sealift Fund,  
10 \$227,800,000.

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

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

17 **SEC. 304. NATIONAL SECURITY EDUCATION TRUST FUND**  
18 **OBLIGATIONS.**

19 During fiscal year 1995, \$14,300,000 is authorized  
20 to be obligated from the National Security Education  
21 Trust Fund established by section 804(a) of the David L.  
22 Boren National Security Education Act of 1991 (50  
23 U.S.C. 1904(a)).

1 **SEC. 305. TRANSFER FROM NATIONAL DEFENSE STOCK-**  
2 **PILE TRANSACTION FUND.**

3 (a) TRANSFER AUTHORITY.—To the extent provided  
4 in appropriations Acts, not more than \$250,000,000 is au-  
5 thorized to be transferred from the National Defense  
6 Stockpile Transaction Fund to operation and maintenance  
7 accounts for fiscal year 1995 in amounts as follows:

8 (1) For the Army, \$50,000,000.

9 (2) For the Navy, \$50,000,000.

10 (3) For the Air Force, \$50,000,000.

11 (4) For Defense-wide activities, \$100,000,000.

12 (b) TREATMENT OF TRANSFERS.—Amounts trans-  
13 ferred under this section—

14 (1) shall be merged with, and be available for  
15 the same purposes and the same period as, the  
16 amounts in the accounts to which transferred; and

17 (2) may not be expended for an item that has  
18 been denied authorization of appropriations by Con-  
19 gress.

20 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
21 ITY.—The transfer authority provided in this section is in  
22 addition to the transfer authority provided in section  
23 1001.

1 **SEC. 306. SUPPORT FOR THE 1995 SPECIAL OLYMPICS**  
2 **WORLD GAMES.**

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

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

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

18 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
19 authorized to be appropriated \$3,000,000 for the Depart-  
20 ment of Defense for fiscal year 1995 to carry out sub-  
21 section (a).

22 **SEC. 307. AIR NATIONAL GUARD FIGHTER AIRCRAFT.**

23 (a) **FINDINGS.**—Congress makes the following find-  
24 ings:

25 (1) The Bottom-Up Review force structure pro-  
26 posal would accomplish most of the remaining reduc-

1 tions in the total number of Air Force general pur-  
2 pose fighter wings by reducing the Air National  
3 Guard and Air Force Reserve fighter force from 10  
4 wings to 7 wings.

5 (2) The current plan for implementing the re-  
6 duction referred to in paragraph (1) is to reduce the  
7 number of fighter aircraft in each Air National  
8 Guard fighter unit from 24 or 18 primary aircraft  
9 authorized to 15 primary aircraft authorized and to  
10 convert some Air National Guard fighter units to  
11 other purposes.

12 (3) The number of Air National Guard Combat  
13 Readiness Training Centers in operation during fis-  
14 cal year 1995 should not be less than the number  
15 of such centers in operation at the end of fiscal year  
16 1994.

17 (4) The Commission on Roles and Missions of  
18 the Armed Forces established by section 952 of the  
19 National Defense Authorization Act for Fiscal Year  
20 1994 (Public Law 103-160; 10 U.S.C. 111 note;  
21 107 Stat. 1738) is required to submit to Congress  
22 a report under section 954(b) of such Act on pos-  
23 sible changes to existing allocations among the  
24 Armed Forces of military roles, missions, and func-  
25 tions.

1           (5) The Commission is not expected to submit  
2 the report until the middle of fiscal year 1995.

3           (6) The report of the Commission should con-  
4 tain a review of and recommendations on the assign-  
5 ment of roles and missions to units of the Air Na-  
6 tional Guard and the Air Force Reserve in relation  
7 to active component units that are the counterparts  
8 to such units and on requirements for resources for  
9 training of such units.

10       (b) REQUIREMENT.—After submission of the report  
11 referred to in paragraph (3), the Secretary of Defense  
12 shall review its findings on the role and requirements for  
13 general purpose fighter units of the Air National Guard,  
14 and shall complete within 30 days a study which rec-  
15 ommends the appropriate level of primary aircraft author-  
16 ized (PAA) for such units, following which, if the Sec-  
17 retary determines changes in that level are appropriate,  
18 he may notify the Congress of his determination and he  
19 may seek any reprogramming of funds that he considers  
20 appropriate to ensure that such changes are implemented.

1           **Subtitle B—Defense Business**  
2                           **Operations Fund**

3   **SEC. 311. PERMANENT AUTHORITY FOR USE OF FUND FOR**  
4                           **MANAGING WORKING CAPITAL FUNDS AND**  
5                           **CERTAIN ACTIVITIES.**

6           Section 316(a) of the National Defense Authorization  
7 Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208  
8 note) is amended by striking out “During” and all that  
9 follows through “December 31, 1994, the” and inserting  
10 in lieu thereof “The”.

11   **SEC. 312. IMPLEMENTATION OF IMPROVEMENT PLAN.**

12           (a) PROGRESS REPORT ON IMPLEMENTATION.—Not  
13 later than February 1, 1995, the Secretary of Defense  
14 shall submit to the congressional defense committees a re-  
15 port on the progress made in implementing the Defense  
16 Business Operations Fund Improvement Plan, dated Sep-  
17 tember, 1993. The report shall describe the progress made  
18 in reaching the milestones established in the plan and pro-  
19 vide an explanation for the failure to meet any of the mile-  
20 stones. The Secretary shall submit a copy of the report  
21 to the Comptroller General of the United States at the  
22 same time the Secretary submits the report to the congres-  
23 sional defense committees.

24           (b) RESPONSIBILITIES OF THE COMPTROLLER GEN-  
25 ERAL.—(1) The Comptroller General shall monitor and

1 evaluate the progress of the Department of Defense in de-  
2 veloping and implementing the improvement plan referred  
3 to in subsection (a).

4 (2) Not later than March 1, 1995, the Comptroller  
5 General shall submit to the congressional defense commit-  
6 tees a report containing the following:

7 (A) The findings and conclusions of the Comp-  
8 troller General resulting from the monitoring and  
9 evaluation conducted under paragraph (1).

10 (B) An evaluation of the progress report sub-  
11 mitted to the congressional defense committees by  
12 the Secretary of Defense pursuant to subsection (a).

13 (C) Any recommendations for legislation or ad-  
14 ministrative action concerning the Fund that the  
15 Comptroller General considers appropriate.

16 **SEC. 313. LIMITATION ON OBLIGATIONS AGAINST THE CAP-**  
17 **ITAL ASSET FUND.**

18 The Secretary of Defense may not incur obligations  
19 against funds in the capital asset subaccount of the De-  
20 fense Business Operations Fund during fiscal year 1995  
21 in a total amount in excess of \$1,500,000.

22 **SEC. 314. LIMITATION ON OBLIGATIONS AGAINST THE SUP-**  
23 **PLY MANAGEMENT DIVISIONS.**

24 (a) LIMITATION.—(1) The Secretary of Defense may  
25 not incur obligations against the supply management divi-

1 sions of the Defense Business Operations Fund during fis-  
2 cal year 1995 in a total amount in excess of 65 percent  
3 of the total amount derived from sales from such divisions  
4 during that fiscal year.

5 (2) For purposes of determining the amount of obli-  
6 gations incurred against, and sales from, such divisions  
7 during fiscal year 1995, the Secretary shall exclude obliga-  
8 tions and sales for fuel, commissary and subsistence items,  
9 retail operations, repair of equipment and spare parts in  
10 support of repair, direct vendor deliveries, foreign military  
11 sales, initial outfitting requiring equipment furnished by  
12 the Federal Government, and the cost of operations.

13 (b) WAIVER AUTHORITY.—The Secretary of Defense  
14 may waive the limitation in subsection (a) if the Secretary  
15 determines that such waiver is necessary in order to main-  
16 tain the readiness and combat effectiveness of the Armed  
17 Forces. The Secretary shall immediately notify Congress  
18 of any such waiver and the reasons for such waiver.

19 (c) DETERMINATIONS OF EFFECTS OF LIMITATION  
20 ON READINESS AND COMBAT EFFECTIVENESS.—Not  
21 later than 60 days after the date of the enactment of this  
22 Act, the secretaries of the military departments and the  
23 Director of the Defense Logistics Agency shall each sub-  
24 mit to the Secretary of Defense a report containing the  
25 views of such official on the effects of the limitation in

1 subsection (a) on the ability of the Department of Defense  
2 to maintain the readiness and combat effectiveness of the  
3 Armed Forces. If the Secretary of Defense determines,  
4 after considering the reports, that the limitation will im-  
5 pair the readiness and combat effectiveness of any of the  
6 Armed Forces, the Secretary shall exercise the waiver au-  
7 thority provided in subsection (b).

## 8 **Subtitle C—Environmental Matters**

### 9 **SEC. 321. PROHIBITION ON THE PURCHASE OF SURETY** 10 **BONDS AND OTHER GUARANTEES FOR THE** 11 **DEPARTMENT OF DEFENSE.**

12 No funds appropriated or otherwise made available  
13 to the Department of Defense for fiscal year 1995 may  
14 be obligated or expended for the purchase of surety bonds  
15 or other guarantees of financial responsibility in order to  
16 guarantee the performance of any direct function of the  
17 Department of Defense.

### 18 **SEC. 322. EXTENSION OF PROHIBITION ON USE OF ENVI-** 19 **RONMENTAL RESTORATION FUNDS FOR PAY-** 20 **MENT OF FINES AND PENALTIES.**

21 None of the funds appropriated for fiscal year 1995  
22 pursuant to the authorization of appropriations provided  
23 in section 301(17) may be used for the payment of a fine  
24 or penalty imposed against the Department of Defense un-

1 less the act or omission for which the fine or penalty is  
2 imposed arises out of activities funded by the account.

3 **SEC. 323. PARTICIPATION OF INDIAN TRIBES IN AGREE-**  
4 **MENTS FOR DEFENSE ENVIRONMENTAL RES-**  
5 **TORATION.**

6 Section 2701(d) of title 10, United States Code, is  
7 amended—

8 (1) by striking out “SERVICE OF OTHER AGEN-  
9 CIES.—The Secretary” and inserting in lieu thereof  
10 the following: “SERVICE OF OTHER AGENCIES.—

11 “(1) IN GENERAL.—The Secretary”;

12 (2) in paragraph (1), as so designated, by in-  
13 sserting “any Federally recognized Indian tribe or”  
14 before “any State or local government agency,”; and

15 (3) by adding at the end the following:

16 “(2) DEFINITION.—For purposes of this sub-  
17 section, the term ‘Indian tribe’ has the meaning  
18 given such term in section 101(36) of the Com-  
19 prehensive Environmental Response, Compensation,  
20 and Liability Act of 1980 (42 U.S.C. 9701(36)).”.

1 **SEC. 324. EXTENSION OF AUTHORITY TO ISSUE SURETY**  
2 **BONDS FOR CERTAIN ENVIRONMENTAL PRO-**  
3 **GRAMS.**

4 Section 2701(j) of title 10, United States Code, is  
5 amended by striking out “December 31, 1995” and insert-  
6 ing in lieu thereof “December 31, 1999”.

7 **Subtitle D—Matters Relating to De-**  
8 **partment of Defense Civilian**  
9 **Employees**

10 **SEC. 331. EXTENSION OF CERTAIN TRANSITION ASSIST-**  
11 **ANCE AUTHORITIES.**

12 (a) REDUCTION-IN-FORCE NOTIFICATION REQUIRE-  
13 MENTS.—Section 4433(b)(2) of the Defense Conversion,  
14 Reinvestment, and Transition Assistance Act of 1992 (di-  
15 vision D of Public Law 102–484; 106 Stat. 2721; 5 U.S.C.  
16 3502 note) is amended by striking out “February 1,  
17 1998” and inserting in lieu thereof “February 1, 2000”.

18 (b) SEPARATION PAY.—(1) Section 5597(e) of title  
19 5, United States Code, is amended by striking out “Sep-  
20 tember 30, 1997” and inserting in lieu thereof “Septem-  
21 ber 30, 1999”.

22 (2) Section 4436(d)(2) of the Defense Conversion,  
23 Reinvestment, and Transition Assistance Act of 1992 (5  
24 U.S.C. 8348 note) is amended by striking out “January  
25 1, 1998” and inserting in lieu thereof “January 1, 2000”.

1 (c) RESTORATION OF CERTAIN LEAVE.—Section  
2 6304(d)(3) of title 5, United States Code, is amended by  
3 striking out “the closure of an installation” and inserting  
4 in lieu thereof “the closure of an installation of the De-  
5 partment of Defense pursuant to the Defense Base Clo-  
6 sure and Realignment Act of 1990 (part A of title XXIX  
7 of Public Law 101–510; 10 U.S.C. 2687 note) during any  
8 period, and the closure of any other installation”.

9 (d) CONTINUED HEALTH BENEFITS.—Section  
10 8905a(d)(4)(B) of title 5, United States Code, is amend-  
11 ed—

12 (1) by striking out “October 1, 1997” each  
13 place it appears and inserting in lieu thereof “Octo-  
14 ber 1, 1999”; and

15 (2) in clause (ii), by striking out “February 1,  
16 1998,” and inserting in lieu thereof “February 1,  
17 2000,”.

18 **SEC. 332. EXTENSION AND EXPANSION OF AUTHORITY TO**  
19 **CONDUCT PERSONNEL DEMONSTRATION**  
20 **PROJECTS.**

21 (a) CHINA LAKE DEMONSTRATION PROJECT.—(1)  
22 Section 6 of the Civil Service Miscellaneous Amendments  
23 Act of 1983 (Public Law 98–224; 98 Stat. 49) is amended  
24 by striking out “September 30, 1995,”.

1           (2) In the event of a reorganization of the organiza-  
2 tion carrying out the personnel demonstration project re-  
3 ferred to in section 6 of Public Law 98–224, such section  
4 shall apply with respect to the successor to that organiza-  
5 tion.

6           (b) DEFENSE LABORATORIES PERSONNEL DEM-  
7 ONSTRATION PROJECTS.—(1) The Secretary of Defense  
8 may carry out personnel demonstration projects at De-  
9 partment of Defense laboratories designated by the Sec-  
10 retary as Department of Defense science and technology  
11 reinvention laboratories.

12           (2) Each personnel demonstration project carried out  
13 under the authority of paragraph (1) shall be similar to  
14 the personnel demonstration project that is authorized by  
15 section 6 of Public Law 98–224 to be continued at the  
16 Naval Weapons Center, China Lake, California, and at the  
17 Naval Ocean Systems Center, San Diego, California.

18           (3) If the Secretary carries out a demonstration  
19 project at a laboratory pursuant to paragraph (1), section  
20 4703 (other than subsection (d)) of title 5, United States  
21 Code, shall apply to such demonstration project, except  
22 that the authority of the Secretary to carry out the dem-  
23 onstration project is that which is provided in paragraph  
24 (1) rather than the authority that is provided in such sec-  
25 tion 4703.

1 **SEC. 333. LIMITATION ON PAYMENT OF SEVERANCE PAY TO**  
2 **CERTAIN EMPLOYEES TRANSFERRING TO**  
3 **EMPLOYMENT POSITIONS IN**  
4 **NONAPPROPRIATED FUND INSTRUMENTAL-**  
5 **ITIES.**

6 (a) IN GENERAL.—Section 5595 of title 5, United  
7 States Code, is amended by adding at the end the follow-  
8 ing:

9 “(h)(1) Severance pay under this section may not be  
10 paid to—

11 “(A) a person described in paragraph (4)(A)  
12 during any period in which the person is employed  
13 in a defense nonappropriated fund instrumentality;  
14 or

15 “(B) a person described in paragraph (4)(B)  
16 during any period in which the person is employed  
17 in a Coast Guard nonappropriated fund instrumen-  
18 tality.

19 “(2)(A) Except as provided in subparagraph (B),  
20 payment of severance pay to a person referred to in para-  
21 graph (1) may be resumed upon any involuntary separa-  
22 tion of the person from the position of employment in a  
23 nonappropriated fund instrumentality, not by removal for  
24 cause on charges of misconduct, delinquency, or ineffi-  
25 ciency.

1       “(B) Payment of severance pay may not be resumed  
2 under subparagraph (A) in the case of a person who, upon  
3 separation, is entitled to immediate payment of retired or  
4 retainer pay as a member or former member of the uni-  
5 formed services or to an immediate annuity under—

6           “(i) a retirement system for persons retiring  
7 from employment by a nonappropriated fund instru-  
8 mentality;

9           “(ii) subchapter III of chapter 83 of this title;

10          “(iii) subchapter II of chapter 84 of this title;

11       or

12           “(iv) any other retirement system of the Fed-  
13 eral Government for persons retiring from employ-  
14 ment by the Federal Government.

15       “(3) Upon resumption of payment of severance pay  
16 under paragraph (2)(A) in the case of a person separated  
17 as described in such paragraph, the amount of the sever-  
18 ance pay so payable for a period shall be reduced (but  
19 not below zero) by the portion (if any) of the amount of  
20 any severance pay payable for such period to the person  
21 by the nonappropriated fund instrumentality that is at-  
22 tributable to credit for service taken into account under  
23 subsection (c) in the computation of the amount of the  
24 severance pay so resumed.

1       “(4) Paragraph (1) applies to a person who, on or  
2 after January 1, 1987, moves without a break in service—

3           “(A) from employment in the Department of  
4 Defense that is not employment in a defense  
5 nonappropriated fund instrumentality to employment  
6 in a defense nonappropriated fund instrumentality;  
7 or

8           “(B) from employment in the Coast Guard that  
9 is not employment in a Coast Guard  
10 nonappropriated fund instrumentality to employment  
11 in a Coast Guard nonappropriated fund instrumen-  
12 tality.

13       “(5) The Secretary of Defense, in consultation with  
14 the Secretary of Transportation, shall prescribe regula-  
15 tions to carry out this subsection.

16       “(6) In this subsection:

17           “(A) The term ‘defense nonappropriated fund  
18 instrumentality’ means a nonappropriated fund in-  
19 strumentality of the Department of Defense.

20           “(B) The term ‘Coast Guard nonappropriated  
21 fund instrumentality’ means a nonappropriated fund  
22 instrumentality of the Coast Guard.

23           “(C) The term ‘nonappropriated fund instru-  
24 mentality’ means a nonappropriated fund instrumen-  
25 tality described in section 2105(c) of this title.”.

1 (b) APPLICABILITY.—Subsection (h) of section 5595  
2 of title 5, United States Code, as added by subsection (a),  
3 shall take effect on the date of the enactment of this Act  
4 and apply with respect to pay periods that begin on or  
5 after such date.

6 **SEC. 334. RETIREMENT CREDIT FOR CERTAIN SERVICE IN**  
7 **NONAPPROPRIATED FUND INSTRUMENTAL-**  
8 **ITIES BEFORE JANUARY 1, 1987.**

9 (a) STUDY REQUIRED.—The Secretary of Defense  
10 shall conduct a study to determine the level of interest  
11 among employees of the Department of Defense referred  
12 to in subsection (b) in obtaining credit under the Civil  
13 Service Retirement and Disability System or the Federal  
14 Employees' Retirement System for former service de-  
15 scribed in such subsection as an employee of a  
16 nonappropriated fund instrumentality of the United  
17 States.

18 (b) EMPLOYEES CONCERNED.—The employees re-  
19 ferred to in subsection (a) are employees who, for at least  
20 12 months during the period beginning on January 1,  
21 1966, and ending on December 31, 1986, performed serv-  
22 ice as an employee described in section 2105(c) of title  
23 5, United States Code, conducting a program described  
24 in section 8332(b)(16)(A) of such title.

1 (c) CONDUCT OF STUDY.—In carrying out the study  
2 under subsection (a), the Secretary shall—

3 (1) provide an opportunity for all employees re-  
4 ferred to in that subsection to express interest in ob-  
5 taining retirement credit for the former service in a  
6 nonappropriated fund instrumentality of the United  
7 States; and

8 (2) inform such employees that deposits to the  
9 Civil Service Retirement and Disability Fund would  
10 be required of the interested employees under sec-  
11 tion 8334(c) of title 5, United States Code, or sec-  
12 tion 8411(f) of such title.

13 (d) REPORT.—Not later than February 1, 1995, the  
14 Secretary shall submit to Congress a report on the results  
15 of the study required by subsection (a). The report shall  
16 contain the following matters:

17 (1) An analysis of the issues, to include existing  
18 legal rights of the employees described in paragraph  
19 (b) above under the Civil Service Retirement Dis-  
20 ability System or the Federal Employees' Retirement  
21 System.

22 (2) An Analysis of the inequities, if any, that  
23 may have been caused by conversion from employ-  
24 ment by nonappropriated fund instrumentalities of

1 the United States to employment by the Department  
2 of Defense.

3 (3) The number of full time and part time em-  
4 ployees described in paragraph (b) above that are af-  
5 fected by any inequities described in paragraph (2).

6 (4) The Department of Defense recommenda-  
7 tions, if any, to redress any inequities described in  
8 paragraph (2), and

9 (5) The cost to the Federal Government of any  
10 recommendation described in paragraph (4).

11 **SEC. 335. TRAVEL, TRANSPORTATION, AND RELOCATION**  
12 **EXPENSES OF EMPLOYEES TRANSFERRING**  
13 **TO THE UNITED STATES POSTAL SERVICE.**

14 (a) IN GENERAL.—(1) Subchapter II of chapter 57  
15 of title 5, United States Code, is amended by adding at  
16 the end the following:

17 **“§ 5735. Travel, transportation, and relocation ex-**  
18 **penses of employees transferring to the**  
19 **United States Postal Service**

20 “(a) IN GENERAL.—Notwithstanding any other pro-  
21 vision of law, employees of the Department of Defense de-  
22 scribed in subsection (b) may be authorized travel, trans-  
23 portation, and relocation expenses and allowances in con-  
24 nection with appointments referred to in such subsection

1 under the same conditions and to the same extent author-  
 2 ized by this subchapter for transferred employees.

3 “(b) COVERED EMPLOYEES.—Subsection (a) applies  
 4 to any employee of the Department of Defense who—

5 “(1) is scheduled for separation from the De-  
 6 partment, other than for cause;

7 “(2) is selected for appointment to a continuing  
 8 position with the United States Postal Service; and

9 “(3) accepts the appointment.”.

10 (2) The table of sections at the beginning of such sub-  
 11 chapter is amended by adding at the end the following:

“5735. Travel, transportation, and relocation expenses of employees transferring  
 to the United States Postal Service.”.

12 (b) EFFECTIVE DATE.—The amendments made by  
 13 subsection (a) shall take effect on the date of the enact-  
 14 ment of this Act and apply to persons separated from em-  
 15 ployment by the Department of Defense on or after such  
 16 date.

17 **SEC. 336. FOREIGN EMPLOYEES COVERED BY THE FOR-**  
 18 **EIGN NATIONAL EMPLOYEES SEPARATION**  
 19 **PAY ACCOUNT.**

20 Section 1581 of title 10, United States Code, is  
 21 amended—

22 (1) by striking out “foreign national employees  
 23 of the Department of Defense” each place it appears  
 24 in subsections (a) and (b) and inserting in lieu

1       thereof “foreign nationals referred to in subsection  
2       (e)”; and

3               (2) by striking out subsection (e) and inserting  
4       in lieu thereof the following:

5       “(e) EMPLOYEES COVERED.—This section applies  
6       only with respect to separation pay of foreign nationals  
7       employed by the Department of Defense, and foreign na-  
8       tionals employed by a foreign government for the benefit  
9       of the Department of Defense, under any of the following  
10       agreements that provide for payment of separation pay:

11               “(1) A contract.

12               “(2) A treaty.

13               “(3) A memorandum of understanding with a  
14       foreign nation.

15       **SEC. 337. INCREASED AUTHORITY TO ACCEPT VOLUNTARY**  
16               **SERVICES.**

17       (a) EXPANSION OF AUTHORITY.—The text of section  
18       1588 of title 10, United States Code, is amended to read  
19       as follows:

20       “(a) AUTHORITY TO ACCEPT SERVICES.—Subject  
21       subsection (b) and notwithstanding section 1342 of title  
22       31, the Secretary concerned may accept from any person  
23       the following services:

1           “(1) Voluntary medical services, dental services,  
2           nursing services, or other health-care related serv-  
3           ices.

4           “(2) Voluntary services to be provided for a  
5           museum or a natural resources program.

6           “(3) Voluntary services to be provided for pro-  
7           grams providing services to members of the armed  
8           forces and the families of such members, including  
9           the following programs:

10                   “(A) Family support programs.

11                   “(B) Child development and youth services  
12           programs.

13                   “(C) Library and education programs.

14                   “(D) Religious programs.

15                   “(E) Housing referral programs.

16                   “(F) Programs providing employment as-  
17           sistance to spouses of such members.

18           “(b) REQUIREMENTS AND LIMITATIONS.—(1) The  
19           Secretary concerned shall notify the person of the scope  
20           of the services accepted.

21           “(2) With respect to a person providing voluntary  
22           services accepted under subsection (a), the Secretary con-  
23           cerned—

24                   “(A) shall—

1           “(i) supervise the person to the same ex-  
2           tent as the Secretary would supervise a com-  
3           pensated employee providing similar services;  
4           and

5           “(ii) ensure that the person is licensed,  
6           privileged, has appropriate credentials, or is  
7           otherwise qualified under applicable law or reg-  
8           ulations to provide such services; and

9           “(B) may not—

10           “(i) place the person in a policy-making  
11           position; or

12           “(ii) except as provided subsection (e),  
13           compensate the person for the provision of such  
14           services.

15           “(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS  
16           PROVIDING SERVICES.—The Secretary concerned may re-  
17           cruit and train persons to provide voluntary services ac-  
18           cepted under subsection (a).

19           “(d) STATUS OF PERSONS PROVIDING SERVICES.—  
20           (1) Subject to paragraph (3), while providing voluntary  
21           services accepted under subsection (a) or receiving train-  
22           ing under subsection (c) a person, other than a person  
23           referred to in paragraph (2), shall be considered to be an  
24           employee of the Federal Government only for purposes of  
25           the following provisions of law:

1           “(A) Subchapter I of chapter 81 of title 5, re-  
2 relating to compensation for work-related injuries.

3           “(B) Section 2733 of this title and section 2733  
4 of title 28, relating to claims for damages or loss.

5           “(C) Section 522a of title 5, relating to mainte-  
6 nance of records on individuals.

7           “(D) Chapter 11 of title 18, relating to con-  
8 flicts of interest.

9           “(2) Subject to paragraph (3), while providing a  
10 nonappropriated fund instrumentality of the United  
11 States with voluntary services accepted under subsection  
12 (a), or receiving training under subsection (c) to provide  
13 such an instrumentality with services accepted under sub-  
14 section (a), a person shall be considered an employee of  
15 that instrumentality only for the following purposes:

16           “(A) Subchapter II of chapter 81 of title 5, re-  
17 lating to compensation of nonappropriated fund em-  
18 ployees for work-related injuries.

19           “(B) Section 2733 of this title and section 2733  
20 of title 28, relating to tort claims.

21           “(3) A person providing voluntary services accepted  
22 under subsection (a) shall be considered to be an employee  
23 of the Federal Government under paragraph (1) or (2)  
24 only with respect to services that are within the scope of  
25 the services so accepted.

1       “(4) For purposes of determining the compensation  
2 for work-related injuries payable under chapter 81 of title  
3 5 (pursuant to this subsection) to a person providing vol-  
4 untary services accepted under subsection (a), the monthly  
5 pay of the person for such services shall be deemed to be  
6 the amount determined by multiplying—

7               “(A) the average monthly number of hours that  
8 the person provided the services, by

9               “(B) the minimum wage determined in accord-  
10 ance with section 6(a)(1) of the Fair Labor Stand-  
11 ards Act of 1938 (29 U.S.C. 206(a)(1)).

12       “(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—  
13 The Secretary concerned may provide for reimbursement  
14 of a person for incidental expenses incurred by the person  
15 in providing voluntary services accepted under subsection  
16 (a). The Secretary shall determine which expenses are eli-  
17 gible for reimbursement under this subsection. Any such  
18 reimbursement may be made from appropriated or  
19 nonappropriated funds.”.

20       (b) CONFORMING AND TECHNICAL AMENDMENTS.—

21 (1) Section 8171(a) of title 5, United States Code, is  
22 amended by inserting “, or to a volunteer providing such  
23 an instrumentality with services accepted under section  
24 1588 of title 10,” after “described by section 2105(c) of  
25 this title”.

1       (2) Subchapter II of chapter 81 of such title is  
2 amended—

3           (A) in section 8171—

4               (i) in subsection (a)—

5                   (I) by striking out “Chapter 18 of  
6 title 33” in the first sentence and inserting  
7 in lieu thereof “The Longshore and Har-  
8 bor Workers’ Compensation Act (33  
9 U.S.C. 901 et seq.)”;

10                   (II) by striking out “section 902(2) of  
11 title 33” in the first sentence and inserting  
12 in lieu thereof “section 2(2) of such Act  
13 (33 U.S.C. 902(2))”; and

14                   (III) by striking out “section 903(a)  
15 of title 33 which follows the first comma”  
16 in the second sentence and inserting in lieu  
17 thereof “section 3(a) of such Act (33  
18 U.S.C. 903(3)) which follows the second  
19 comma”;

20               (ii) in subsection (b), by striking out “sec-  
21 tion 902(4) of title 33” and inserting in lieu  
22 thereof “section 2(4) of the Longshore and  
23 Harbor Workers’ Compensation Act (33 U.S.C.  
24 902(4))”;

1 (iii) in subsection (c)(1), by striking out  
2 “section 939(b) of title 33” and inserting in  
3 lieu thereof “39(b) of the Longshore and Har-  
4 bor Workers’ Compensation Act (33 U.S.C.  
5 939(b))”; and

6 (iv) in subsection (d), by striking out “sec-  
7 tions 918 and 921 of title 33” and inserting in  
8 lieu thereof “sections 18 and 21 of the  
9 Longshore and Harbor Workers’ Compensation  
10 Act (33 U.S.C. 18 and 21, respectively)”; and

11 (B) by striking out “section 902(2) of title 33”  
12 in sections 8172 and 8173 and inserting in lieu  
13 thereof “section 2(2) of the Longshore and Harbor  
14 Workers’ Compensation Act (33 U.S.C. 2(2))”.

## 15 **Subtitle E—Other Matters**

### 16 **SEC. 341. CHANGE OF SOURCE FOR PERFORMANCE OF** 17 **DEPOT-LEVEL WORKLOADS.**

18 The text of section 2469 of title 10, United States  
19 Code, is amended to read as follows:

20 “(a) REQUIREMENT FOR COMPETITION.—The Sec-  
21 retary of Defense shall ensure that the performance of a  
22 depot-level maintenance workload described in subsection  
23 (b) is not changed to performance by a contractor or by  
24 another depot-level maintenance activity of the Depart-  
25 ment of Defense unless the change is made using—

1           “(1) merit-based selection procedures for com-  
2           petitions among all depot-level maintenance activities  
3           of the Department of Defense; or

4           “(2) competitive procedures for competitions  
5           among private and public sector entities.

6           “(b) SCOPE.—Subsection (a) applies to any depot-  
7           level maintenance workload that has a value of not less  
8           than \$3,000,000 and is being performed by a depot-level  
9           activity of the Department of Defense.

10          “(c) INAPPLICABILITY OF OMB CIRCULAR A-76.—  
11          Office of Management and Budget Circular A-76 does not  
12          apply to a performance change to which subsection (a) ap-  
13          plies.”.

14          **SEC. 342. CIVIL AIR PATROL.**

15          (a) PROVISION OF FUNDS.—Subsection (b) of section  
16          9441 of title 10, United States Code, is amended—

17                 (1) by redesignating paragraphs (8), (9), (10),  
18                 and (11) as paragraphs (9), (10), (11), and (12), re-  
19                 spectively; and

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

22                 “(8) provide funds for the national head-  
23                 quarters of the Civil Air Patrol, including funds for  
24                 the payment of staff compensation and benefits, ad-  
25                 ministrative expenses, travel, per diem and allow-

1       ances, rent and utilities, and other operational ex-  
2       penses;”.

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

5       “(d)(1) The Secretary of the Air Force may authorize  
6       the Civil Air Patrol to employ, as administrators and liai-  
7       son officers, persons retired from service in the Air Force  
8       whose qualifications are approved under regulations pre-  
9       scribed by the Secretary and who request such employ-  
10      ment.

11      “(2) A person employed pursuant to paragraph (1)  
12      may receive the person’s retired pay and an additional  
13      amount for such employment that is not more than the  
14      difference between the person’s retired pay and the pay  
15      and allowances the person would be entitled to receive if  
16      ordered to active duty in the grade in which the person  
17      retired from service in the Air Force. The additional  
18      amount shall be paid to the Civil Air Patrol by the Sec-  
19      retary from funds appropriated for that purpose.

20      “(3) A person employed pursuant to paragraph (1)  
21      may not, while so employed, be considered to be on active  
22      duty or inactive-duty training for any purpose.”.

1 **SEC. 343. ARMED FORCES RETIREMENT HOME.**

2 (a) INCREASED MAXIMUM LIMITATION ON DEDUC-  
3 TIONS FROM PAY.—Section 1007(i) of title 37, United  
4 States Code, is amended—

5 (1) in paragraph (1), by striking out “50  
6 cents” and inserting in lieu thereof “\$2.00”; and

7 (2) in paragraph (3), by adding at the end the  
8 following: “The amount fixed for a grade or length  
9 of service may not be increased by more than 50  
10 cents during any 12-month period.”.

11 (b) MODIFICATION OF FEES PAID BY RESIDENTS.—

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

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

21 (2)(A) Subsections (d) and (e) of section 1514 of  
22 such Act are repealed.

23 (B) Such section is further amended by adding after  
24 subsection (c) the following new subsection (d):

25 “(d) APPLICATION OF FEES.—Subject to such ad-  
26 justments in the fee as the Retirement Home Board may

1 make under subsection (c), each resident of the Retirement Home shall be required to pay a monthly fee equal  
2 to the amount determined by multiplying the total amount  
3 of all monthly income and monthly payments (including  
4 Federal payments) received by the resident by a percentage as follows:

7           “(1) In the case of a permanent health care  
8 resident—

9                   “(A) in fiscal year 1998, 35 percent;

10                   “(B) in fiscal year 1999, 45 percent; and

11                   “(C) in fiscal year 2000, 65 percent.

12           “(2) In the case of a resident who is not a permanent health care resident—

13                   “(A) in fiscal year 1998, 30 percent;

14                   “(B) in fiscal year 1999, 35 percent; and

15                   “(C) in fiscal year 2000, 40 percent.

16  
17           (c) MODERNIZATION OF FACILITIES.—(1) The  
18 Chairman of the Armed Forces Retirement Home Board  
19 shall carry out a study to identify and evaluate alternatives for modernization of the facilities at the United  
20 States Soldiers’ and Airmen’s Home.

21  
22           (2) The Chairman shall submit an interim report and  
23 a final report on the results of the study to the Committees on Armed Services of the Senate and House of Representatives. The Chairman shall submit the interim re-

1 port not later than April 1, 1995, and the final report  
2 not later than December 31, 1995.

3 (d) EFFECTIVE DATES.—(1) The amendments made  
4 by subsection (a) shall take effect on January 1, 1995,  
5 and apply to years that begin on or after that date.

6 (2) The amendments made by subsection (b) shall  
7 take effect October 1, 1997.

8 **SEC. 344. CLARIFICATION OF AUTHORITY TO PROVIDE**  
9 **MEDICAL TRANSPORTATION UNDER NA-**  
10 **TIONAL GUARD PILOT PROGRAM.**

11 Paragraph (1) of section 376(h) of the National De-  
12 fense Authorization Act for Fiscal Year 1993 (32 U.S.C.  
13 501 note) is amended to read as follows:

14 “(1) The term ‘health care’ includes the follow-  
15 ing services:

16 “(A) Medical care services.

17 “(B) Dental care services.

18 “(C) Transportation, by air ambulance or  
19 other means, for medical reasons.”.

20 **SEC. 345. ARMS INITIATIVE LOAN GUARANTEE PROGRAM.**

21 (a) PROGRAM AUTHORIZED.—Subject to subsection  
22 (b), the Secretary of the Army may carry out a loan guar-  
23 antee program to encourage commercial firms to use am-  
24 munition manufacturing facilities pursuant to section 193  
25 of the Armament Retooling and Manufacturing Support

1 Act of 1992 (subtitle H of title I of Public Law 102–484;  
2 106 Stat. 2348). Under such program, the Secretary may  
3 guarantee the repayment of any loan made to a commer-  
4 cial firm to fund, in whole or in part, the establishment  
5 of a commercial activity under the Act.

6 (b) **ADVANCED BUDGET AUTHORITY.**—Loan guaran-  
7 tees under this section may not be committed except to  
8 the extent that appropriations of budget authority to cover  
9 their costs are made in advance, as required by section  
10 504 of the Federal Credit Reform Act of 1990 (title V  
11 of the Congressional Budget Act of 1974; 2 U.S.C. 661c).

12 (c) **PROGRAM ADMINISTRATION.**—(1) The Secretary  
13 may enter into agreements with the Administrator of the  
14 Small Business Administration, the Administrator of the  
15 Farmers Home Administration, and the Administrator of  
16 the Rural Development Administration under which such  
17 Administrators may, under this section—

18 (A) process applications for loan guarantees;

19 (B) guarantee repayment of loans; and

20 (C) provide any other services to the Secretary  
21 to administer the loan guarantee program.

22 (2) Each Administrator may guarantee loans under  
23 this section to commercial firms of any size, notwithstand-  
24 ing any size limitations imposed on other loan guarantee  
25 programs that the Administrator administers.

1       (3) To the extent practicable, each Administrator  
2 shall use the same procedures for processing loan guaran-  
3 tee applications under this section as the Administrator  
4 uses for processing loan guarantee applications under  
5 other loan guarantee programs that the Administrator ad-  
6 ministers.

7       (d) LOAN LIMITS.—Loan guarantees under this sec-  
8 tion may not exceed—

9           (1) \$20,000,000 for any borrower; and

10          (2) \$65,000,000 for all borrowers.

11       (e) TRANSFER OF FUNDS.—The Secretary of the  
12 Army may transfer to an Administrator providing services  
13 under subsection (c), and an Administrator may accept,  
14 such funds as may be necessary to administer the loan  
15 guarantee program under this section.

16       (f) REPORTING REQUIREMENT.—Not later than July  
17 1 of each year in which a guarantee issued under this sec-  
18 tion is in effect, the Secretary shall submit to the congres-  
19 sional defense committees a report containing the amounts  
20 of loans guaranteed under this section during the preced-  
21 ing calendar year. No report is required after fiscal year  
22 1997.

23       (g) AUTHORIZATION FOR USE OF EXISTING BUDGET  
24 AUTHORITY.—Funds appropriated for the Armament Re-  
25 tooling and Manufacturing Support Initiative by title III

1 of Public Law 102–396 under the heading “PROCURE-  
2 MENT OF AMMUNITION, ARMY” (106 Stat. 1887) may be  
3 made available for loan guarantees under this section only  
4 to the extent provided in an appropriations Act enacted  
5 after the date of the enactment of this Act.

6 (h) EXTENSION OF AUTHORITY.—Section 193(a) of  
7 the Armament Retooling and Manufacturing Support Act  
8 of 1992 (subtitle H of title I of Public Law 102–484; 106  
9 Stat. 2348) is amended by striking out “During fiscal  
10 years 1993 and 1994,” and inserting in lieu thereof “Dur-  
11 ing fiscal years 1993 through 1996,”.

12 **SEC. 346. REAUTHORIZATION OF DEPARTMENT OF DE-**  
13 **FENSE DOMESTIC ELEMENTARY AND SEC-**  
14 **ONDARY SCHOOLS FOR DEPENDENTS.**

15 (a) CONTINUED AUTHORITY.—Chapter 108 of title  
16 10, United States Code, is amended by adding at the end  
17 the following new section:

18 **“§2164. Department of Defense domestic dependent**  
19 **elementary and secondary schools**

20 “(a) AUTHORITY OF SECRETARY.—If the Secretary  
21 of Defense makes a determination that appropriate edu-  
22 cational programs are not available through a local edu-  
23 cational agency for dependents of members of the armed  
24 forces and dependents of civilian employees of the Federal  
25 Government residing on a military installation in the Unit-

1 ed States (including territories, commonwealths, and pos-  
2 sessions of the United States), the Secretary may provide  
3 for the elementary or secondary education of the depend-  
4 ents of such members of the armed forces and, to the ex-  
5 tent authorized in subsection (c), the dependents of such  
6 civilian employees.

7 “(b) FACTORS FOR SECRETARY TO CONSIDER.—(1)  
8 Factors to be considered by the Secretary of Defense in  
9 making a determination under subsection (a) shall include  
10 the following:

11 “(A) The extent to which such dependents are  
12 eligible for free public education in the local area ad-  
13 jacent to the military installation.

14 “(B) The extent to which the local educational  
15 agency is able to provide a comparable educational  
16 program for such dependents.

17 “(2) For purposes of paragraph (1)(B), an appro-  
18 priate educational program is a program that, as deter-  
19 mined by the Secretary, is comparable to a program of  
20 free public education provided for children in the following  
21 communities:

22 “(A) In the case of a military installation lo-  
23 cated in a State (other than an installation referred  
24 to in subparagraph (B)), similar communities in the  
25 State.

1           “(B) In the case of a military installation with  
2 boundaries contiguous to two or more States, similar  
3 communities in the contiguous States.

4           “(C) In the case of a military installation lo-  
5 cated in a territory, commonwealth, or possession,  
6 the District of Columbia, except that an educational  
7 program determined comparable under this subpara-  
8 graph may be considered appropriate for the pur-  
9 poses of paragraph (1)(B) only if the program is  
10 conducted in the English language.

11       “(c) ELIGIBILITY OF DEPENDENTS OF FEDERAL  
12 EMPLOYEES.—(1) A dependent of a Federal employee re-  
13 siding on a military installation at any time during the  
14 school year may enroll in an educational program provided  
15 by the Secretary of Defense pursuant to subsection (a)  
16 for dependents residing on such installation.

17       “(2)(A) Except as provided in subparagraph (B), a  
18 dependent of a Federal employee who is enrolled in an  
19 educational program provided by the Secretary pursuant  
20 to subsection (a) and who is not residing on a military  
21 installation may be enrolled in the program for not more  
22 than five consecutive school years.

23       “(B) A dependent referred to in subparagraph (A)  
24 may be enrolled in the program for more than five con-  
25 secutive school years if the Secretary determines that, in

1 the interest of the dependent's educational well-being,  
2 there is good cause to extend the enrollment for more than  
3 the five-year period described in such subparagraph. Any  
4 such extension may be made for only one school year at  
5 a time.

6       “(3) A dependent of a Federal employee may con-  
7 tinue enrollment in a program under this subsection for  
8 the remainder of a school year notwithstanding a change  
9 during such school year in the status of the Federal em-  
10 ployee that, except for this paragraph, would otherwise  
11 terminate the eligibility of the dependent to be enrolled  
12 in the program. The preceding sentence does not limit the  
13 authority of the Secretary to remove the dependent from  
14 enrollment in the program at any time for good cause de-  
15 termined by the Secretary.

16       “(d) SCHOOL BOARDS.—(1) The Secretary of De-  
17 fense shall provide for the establishment of a school board  
18 for each Department of Defense elementary or secondary  
19 school established for a military installation under this  
20 section.

21       “(2) The school board shall be composed of the num-  
22 ber of members, not less than three, prescribed by the Sec-  
23 retary.

1       “(3) The parents of the students attending the school  
2 shall elect the school board in accordance with procedures  
3 which the Secretary shall prescribe.

4       “(4) The elected school board shall be considered a  
5 local civic group with a function of rendering a public serv-  
6 ice of providing counsel through oversight of school ex-  
7 penditures and operations. The Secretary shall prescribe  
8 the oversight procedures and audit standards applicable  
9 to the functions of the school board.

10       “(5) Meetings conducted by the school board shall be  
11 open to the public.

12       “(6) A school board need not comply with the provi-  
13 sions of the Federal Advisory Committee Act (5 U.S.C.  
14 App.), but may close meetings in accordance with such  
15 Act.

16       “(e) ADMINISTRATION AND STAFF.—(1) The Sec-  
17 retary of Defense may enter into such arrangements as  
18 may be necessary to provide educational programs at the  
19 school.

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

23               “(A) establish such positions for civilian em-  
24 ployees in schools established under this section;

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

1           “(C) fix the compensation of such individuals  
2           for service in such positions.

3           “(3)(A) Except as provided in subparagraph (B), in  
4 fixing the compensation of employees appointed for a  
5 school pursuant to paragraph (2), the Secretary shall con-  
6 sider—

7           “(i) the compensation of comparable employees  
8           of the local educational agency in the capital of the  
9           State where the military installation is located;

10           “(ii) the compensation of comparable employees  
11           in the local educational agency that provides public  
12           education to students who reside adjacent to the  
13           military installation; or

14           “(iii) the average compensation for similar posi-  
15           tions in not more than three other local educational  
16           agencies in the State in which the military installa-  
17           tion is located.

18           “(B) In fixing the compensation of employees in  
19 schools established in the territories, commonwealths, and  
20 possessions pursuant to the authority of this section, the  
21 Secretary shall determine the level of compensation re-  
22 quired to attract qualified employees. For employees in  
23 such schools, the Secretary, without regard to the provi-  
24 sions of title 5, may provide for the tenure, leave, hours  
25 of work, and other incidents of employment to be similar

1 to that provided for comparable positions in the public  
2 schools of the District of Columbia. For purposes of the  
3 first sentence, a school shall be considered to have been  
4 established pursuant to the authority of this section if the  
5 school was established pursuant to other similar authority  
6 before the date on which this section takes effect.

7       “(f) SUBSTANTIVE AND PROCEDURAL RIGHTS AND  
8 PROTECTIONS FOR CHILDREN.—(1) The Secretary shall  
9 provide the following substantive rights, protections, and  
10 procedural safeguards (including due process procedures)  
11 in the educational programs provided for under this sec-  
12 tion:

13           “(A) In the case of children with disabilities  
14 aged 3 to 5, inclusive, all substantive rights, protec-  
15 tions, and procedural safeguards (including due  
16 process procedures) available to children with dis-  
17 abilities aged 3 to 5, inclusive, under part B of the  
18 Individuals with Disabilities Education Act (20  
19 U.S.C. 1411 et seq.).

20           “(B) In the case of infants and toddlers with  
21 disabilities, all substantive rights, protections, and  
22 procedural safeguards (including due process proce-  
23 dures) available to infants and toddlers with disabil-  
24 ities under part H of such Act (20 U.S.C. 1471 et  
25 seq.).

1           “(C) In the case of all other children with dis-  
2           abilities, all substantive rights, protections, and pro-  
3           cedural safeguards (including due process proce-  
4           dures) available to children with disabilities who are  
5           3 to 5 years old under part B of such Act.

6           “(2) Paragraph (1) may not be construed as dimin-  
7           ishing for children with disabilities enrolled in day edu-  
8           cational programs provided for under this section the ex-  
9           tent of substantive rights, protections, and procedural  
10          safeguards that were available under section 6(a) of Public  
11          Law 81–874 (20 U.S.C. 241(a)) to children with disabil-  
12          ities as of October 7, 1991.

13          “(3) In this subsection:

14                 “(A) The term ‘children with disabilities’ has  
15                 the meaning given the term in section 602(a)(1) of  
16                 the Individuals with Disabilities Education Act (20  
17                 U.S.C. 1401(a)(1)).

18                 “(B) The term ‘children with disabilities aged 3  
19                 to 5, inclusive’ means such term as used in such Act  
20                 (20 U.S.C. 1400 et seq.).

21                 “(C) The term ‘infants and toddlers with dis-  
22                 abilities’ has the meaning given the term in section  
23                 672(1) of such Act (20 U.S.C. 1472(1)).

24                 “(g) REIMBURSEMENT.—When the Secretary of De-  
25                 fense provides educational services under this section to

1 an individual who is a dependent of an employee of a Fed-  
 2 eral agency outside the Department of Defense, the head  
 3 of the other Federal agency shall, upon request of the Sec-  
 4 retary of Defense, reimburse the Secretary for those serv-  
 5 ices at rates routinely prescribed by the Secretary for  
 6 those services. Any payments received by the Secretary  
 7 under this subsection shall be credited to the account des-  
 8 igned by the Secretary for the operation of educational  
 9 programs under this section.”.

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

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

13 **SEC. 347. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
 14 **THAT BENEFIT DEPENDENTS OF MEMBERS**  
 15 **OF THE ARMED FORCES AND DEPARTMENT**  
 16 **OF DEFENSE CIVILIAN EMPLOYEES.**

17 (a) AVAILABILITY OF FUNDS.—Of the amounts au-  
 18 thorized to be appropriated pursuant to section 301(5)—

19 (1) \$50,000,000 shall be available for providing  
 20 assistance to local educational agencies under sub-  
 21 section (b) of section 386 of Public Law 102–484;  
 22 and

1           (2) \$8,000,000 shall be available for making  
2           payments to local educational agencies under sub-  
3           section (d) of such section.

4           (b) NOTIFICATION AND DISBURSAL.—(1) On or be-  
5           fore June 30, 1995, the Secretary of Defense (with respect  
6           to assistance provided in subsection (b) of section 386 of  
7           Public Law 102–484) and the Secretary of Education  
8           (with respect to payments made under subsection (d) of  
9           such section) shall notify each local educational agency eli-  
10          gible for assistance under subsections (b) and (d) of such  
11          section, respectively, for fiscal year 1995 of such agency’s  
12          eligibility for such assistance and the amount of such as-  
13          sistance.

14          (2) The Secretary of Defense (with respect to funds  
15          made available under subsection (a)(1)) and the Secretary  
16          of Education (with respect to funds made available under  
17          subsection (a)(2)) shall disburse such funds not later than  
18          30 days after notification to eligible local education agen-  
19          cies.

20       **SEC. 348. DISPOSITION OF PROCEEDS FROM OPERATION**  
21                               **OF THE NAVAL ACADEMY LAUNDRY.**

22          Section 6971 of title 10, United States Code, is  
23          amended—

24                  (1) in subsection (a)—

25                               (A) by striking out “(a)”; and

1 (B) in the first sentence, by striking out  
2 “and the Academy dairy” and inserting in lieu  
3 thereof “the Academy dairy, and the Academy  
4 laundry”; and  
5 (2) by striking out subsection (b).

6 **SEC. 349. REPEAL OF ANNUAL LIMITATION ON EXPENDI-**  
7 **TURES FOR EMERGENCY AND EXTRAOR-**  
8 **DINARY EXPENSES OF THE DEPARTMENT OF**  
9 **DEFENSE INSPECTOR GENERAL.**

10 Section 127(c) of title 10, United States Code, is  
11 amended—

12 (1) by striking out “(1)” after “(c)”; and  
13 (2) by striking out paragraph (2).

14 **SEC. 350. EXTENSION OF AUTHORITY FOR PROGRAM TO**  
15 **COMMEMORATE WORLD WAR II.**

16 Section 378 of the National Defense Authorization  
17 Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat.  
18 2387; 10 U.S.C. 113 note) is amended by striking out  
19 “1995” each place it appears in subsections (a) and (b)  
20 and inserting in lieu thereof “1996”.

1 **SEC. 351. EXTENSION OF AUTHORITY FOR AVIATION DE-**  
2 **POTS AND NAVAL SHIPYARDS TO ENGAGE IN**  
3 **DEFENSE-RELATED PRODUCTION AND SERV-**  
4 **ICES.**

5 Section 1425(e) of the National Defense Authoriza-  
6 tion Act for Fiscal Year 1991 (Public Law 101-510), as  
7 amended by section 370(b) of Public Law 103-160 (107  
8 Stat. 1634), is further amended by striking out “Septem-  
9 ber 30, 1994” and inserting in lieu thereof “September  
10 30, 1995”.

11 **SEC. 352. TRANSFER OF CERTAIN EXCESS DEPARTMENT OF**  
12 **DEFENSE PROPERTY TO EDUCATIONAL IN-**  
13 **STITUTIONS AND TRAINING SCHOOLS.**

14 (a) **AUTHORITY TO TRANSFER.**—Subsection (b)(1)  
15 of section 2535 of title 10, United States Code, is amend-  
16 ed by striking out subparagraph (G) and inserting in lieu  
17 thereof the following:

18 “(G) notwithstanding title II of the Federal  
19 Property and Administrative Services Act of 1949  
20 (40 U.S.C. 481 et seq.) and any other provision of  
21 law, authorize the transfer to a nonprofit edu-  
22 cational institution or training school, on a  
23 nonreimbursable basis, of any such property already  
24 in the possession of such institution or school when-  
25 ever the program proposed by such institution or

1 school for the use of such property will contribute  
2 materially to national defense; and”.

3 (b) TREATMENT OF PROPERTY LOANED BEFORE  
4 DECEMBER 31, 1993.—Except for property determined by  
5 the Secretary to be needed by the Department of Defense,  
6 property loaned before December 31, 1993, to an edu-  
7 cational institution or training school under section  
8 2535(b) of title 10, United States Code, or section 4(a)(7)  
9 of the Defense Industrial Reserve Act (as in effect before  
10 October 23, 1992) shall be regarded as surplus property.  
11 Upon certification by the Secretary to the Administrator  
12 of General Services that the property is being used by the  
13 borrowing educational institution or training school for a  
14 purpose consistent with that for which the property was  
15 loaned, the Administrator may authorize the conveyance  
16 of all right, title, and interest of the United States in such  
17 property to the borrower if the borrower agrees to accept  
18 the property. The Administrator may require any addi-  
19 tional terms and conditions in connection with a convey-  
20 ance so authorized that the Administrator considers ap-  
21 propriate to protect the interests of the United States.

22 **SEC. 353. SHIPS’ STORES.**

23 Section 371 of the National Defense Authorization  
24 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.  
25 1634; 10 U.S.C. 7604 note) is amended—

1 (1) by striking out subsections (a), (b), and (d);  
2 and

3 (2) in subsection (c), by striking out “(c) CODI-  
4 FICATION.—Section 7604” and inserting in lieu  
5 thereof “Effective as of November 30, 1993, section  
6 7604”.

7 **SEC. 354. HUMANITARIAN PROGRAM FOR CLEARING LAND-**  
8 **MINES.**

9 (a) PROGRAM AUTHORIZED.—The Secretary of De-  
10 fense may carry out a program for humanitarian purposes  
11 to provide for the instruction, education, training, and ad-  
12 vising of personnel of other nations in the various proce-  
13 dures that have been determined effective for detecting  
14 and clearing landmines.

15 (b) FORMS OF ASSISTANCE.—Under the program the  
16 Secretary may provide personnel to conduct the instruc-  
17 tion, education, or training or to furnish advice. In addi-  
18 tion or alternatively, the Secretary may provide financial  
19 assistance or in-kind assistance in support of such instruc-  
20 tion, education, or training.

21 (c) LIMITATIONS ON ACTIONS OF UNITED STATES  
22 PERSONNEL.—The Secretary of Defense shall ensure that  
23 no member of the Armed Forces of the United States—

24 (1) while providing assistance under subsection  
25 (a), engages in the physical detection, lifting, or de-

1 stroying of landmines unless the member does so for  
2 the concurrent purpose of supporting a United  
3 States military operation; or

4 (2) provides such assistance as part of a mili-  
5 tary operation that does not involve the Armed  
6 Forces of the United States.

7 (d) FUNDING.—Of the funds authorized to be appro-  
8 priated in section 301, not more than \$10,000,000 shall  
9 be available for a program carried out under subsection  
10 (a).

11 **SEC. 355. ASSISTANCE TO RED CROSS FOR EMERGENCY**  
12 **COMMUNICATIONS SERVICES FOR MEMBERS**  
13 **OF THE ARMED FORCES AND THEIR FAMI-**  
14 **LIES.**

15 (a) FISCAL YEAR 1995.—Of the funds authorized to  
16 be appropriated by section 301(5), \$14,500,000 shall be  
17 available for obtaining emergency communications services  
18 for members of the Armed Forces and their families from  
19 the American National Red Cross.

20 (b) FISCAL YEARS 1996 AND 1997.—Of the amounts  
21 authorized to be appropriated for the Department of De-  
22 fense for fiscal years 1996 and 1997 for operation and  
23 maintenance for Defense-wide activities, \$14,500,000  
24 shall be available for each such fiscal year for obtaining  
25 emergency communications services for members of the

1 Armed Forces and their families from the American Na-  
2 tional Red Cross.

3 **SEC. 356. MARITIME PREPOSITIONING SHIP ENHANCE-**  
4 **MENT.**

5 Section 2218 of title 10, United States Code, is  
6 amended by adding at the end of subsection (f) the follow-  
7 ing new paragraph:

8 “(3) Not more than three vessels built in foreign  
9 shipyards may be purchased for the Marine Corps mari-  
10 time prepositioning ship program with funds in the Na-  
11 tional Defense Sealift Fund. Vessels purchased under the  
12 authority of this paragraph may not be counted for pur-  
13 poses of the limitation in paragraph (1).”.

14 **SEC. 357. ROLL-ON/ROLL-OFF VESSELS FOR THE READY RE-**  
15 **SERVE FORCE.**

16 (a) TRANSFER AUTHORIZED.—To the extent pro-  
17 vided in appropriations Acts, in order to provide for pur-  
18 chase of up to seven roll-on/roll-off vessels for the Ready  
19 Reserve Force of the National Defense Reserve Fleet  
20 maintained under section 11 of the Merchant Ship Sales  
21 Act of 1946 (50 U.S.C. App. 1744), the Secretary of De-  
22 fense may transfer to the Maritime Administration not  
23 more than \$43,000,000 out of funds authorized by this  
24 Act to be appropriated to the Department of Defense for

1 fiscal year 1995, other than funds for procurement of na-  
2 tional defense features for vessels.

3 (b) USE BY MARITIME ADMINISTRATION.—Funds  
4 transferred to the Maritime Administration pursuant to  
5 subsection (a) shall be used only for the purpose set forth  
6 in such subsection.

7 **SEC. 358. PAYMENT OF CERTAIN STIPULATED CIVIL PEN-**  
8 **ALTIES.**

9 Of the funds authorized to be appropriated by section  
10 301(17), the Secretary of Defense may pay not more than  
11 \$500,000 to the Hazardous Substance Superfund estab-  
12 lished under section 9507 of the Internal Revenue Code  
13 of 1986 (26 U.S.C. 9507) as payment of stipulated civil  
14 penalties assessed under the Comprehensive Environ-  
15 mental Response, Compensation and Liability Act of 1980  
16 (42 U.S.C. 9601 et seq.).

17 **SEC. 359. SALE OF ARTICLES AND SERVICES OF INDUS-**  
18 **TRIAL FACILITIES OF THE ARMED FORCES**  
19 **TO PERSONS OUTSIDE DEPARTMENT OF DE-**  
20 **FENSE.**

21 (a) AUTHORITY TO SELL OUTSIDE DOD.—The Sec-  
22 retary of Defense may sell in accordance with this section  
23 to persons outside the Department of Defense articles and  
24 services produced in working-capital funded industrial fa-

1 cilities of the Armed Forces that are not available from  
2 any United States commercial source.

3 (b) DESIGNATION OF PARTICIPATING INDUSTRIAL  
4 FACILITIES.—The Secretary may designate up to three fa-  
5 cilities referred to in subsection (a) as the facilities from  
6 which articles and services produced in such facilities may  
7 be sold under this section.

8 (c) CONDITIONS FOR SALES.—A sale of articles or  
9 services may be made under this section only if—

10 (1) the Secretary of Defense determines that  
11 the articles or services are not available from a com-  
12 mercial source in the United States;

13 (2) the purchaser agrees to hold harmless and  
14 indemnify the United States, except in cases of will-  
15 ful misconduct or extreme negligence, from any  
16 claim for damages or injury to any person or prop-  
17 erty arising out of the articles or services;

18 (3) the articles or services can be substantially  
19 performed by the industrial facility concerned with  
20 only incidental subcontracting and that performance  
21 is in the public interest;

22 (4) the Secretary determines that the sale of  
23 the articles or services will not interfere with the  
24 military mission of the industrial facility concerned;  
25 and

1           (5) the sale of the goods and services is made  
2           on the basis that it will not interfere with perform-  
3           ance of work by the industrial facility concerned for  
4           the Department of Defense.

5           (d) METHODS OF SALE.—(1) The Secretary shall  
6           permit a purchaser of articles or services under this sec-  
7           tion to use advance incremental funding to pay for the  
8           articles or services.

9           (2) In the sale of articles and services under this sec-  
10          tion, the Secretary shall—

11           (A) charge the purchaser, at a minimum, the  
12           variable costs, capital improvement costs, and equip-  
13           ment depreciation costs that are associated with the  
14           articles or services sold;

15           (B) enter into a firm, fixed-price contract or, if  
16           agreed by the purchaser, a cost reimbursement con-  
17           tract for the sale; and

18           (C) develop and maintain (from sources other  
19           than appropriated funds) working capital to be avail-  
20           able for paying design costs, planning costs, procure-  
21           ment costs, and other costs associated with the arti-  
22           cles or services sold.

23           (e) DELEGATION OF AUTHORITY.—The Secretary  
24           may delegate the authority to sell articles and services in  
25           accordance with this section to the commander of each in-

1 dustrial facility designated pursuant to subsection (b) in  
2 accordance with regulations prescribed by the Secretary.

3 (f) DEPOSIT OF PROCEEDS.—Proceeds from sales of  
4 articles and services under this section shall be credited  
5 to the funds, including working capital funds and oper-  
6 ation and maintenance funds, incurring the costs of per-  
7 formance.

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

14 (h) DEFINITIONS.—In this section:

15 (1) The term “advance incremental funding”,  
16 with respect to a sale of articles or services, means  
17 a series of partial payments for the articles or serv-  
18 ices that includes—

19 (A) one or more partial payments before  
20 the commencement of work or the incurring of  
21 costs in connection with the production of the  
22 articles or the performance of the services, as  
23 the case may be; and

1 (B) subsequent progress payments that re-  
2 sult in full payment being completed as the re-  
3 quired work is being completed.

4 (2) The term “variable costs”, with respect to  
5 sales of articles or services, means the costs that are  
6 expected to fluctuate directly with the volume of  
7 sales and—

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

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

13 **SEC. 360. STUDY OF ESTABLISHMENT OF LAND MANAGE-**  
14 **MENT AND TRAINING CENTER AT FORT**  
15 **RILEY, KANSAS.**

16 (a) **STUDY.**—The Secretary of the Army shall carry  
17 out a study of the feasibility and advisability of establish-  
18 ing at Fort Riley, Kansas, a center for the land manage-  
19 ment activities and land management training activities  
20 of the Department of Defense.

21 (b) **REPORT.**—The Secretary shall submit to the con-  
22 gressional defense committees a report on the study re-  
23 quired under subsection (a). The Secretary shall submit  
24 the report not later than May 1, 1996.

1 **SEC. 361. PROCUREMENT OF PORTABLE VENTILATORS FOR**  
2 **THE DEFENSE MEDICAL FACILITY OFFICE,**  
3 **FORT DETRICK, MARYLAND.**

4 Of the funds authorized to be appropriated by section  
5 301(5), \$2,500,000 shall be available for the procurement  
6 of portable ventilators for the Defense Medical Facility Of-  
7 fice, Fort Detrick, Maryland.

8 **SEC. 362. REVIEW BY DEFENSE INSPECTOR GENERAL OF**  
9 **COST GROWTH IN CERTAIN CONTRACTS.**

10 (a) REVIEW.—The Inspector General of the Depart-  
11 ment of Defense shall carry out a review of a representa-  
12 tive sample of existing contracts for the performance of  
13 commercial activities which resulted from a cost compari-  
14 son study conducted by the Department of Defense under  
15 Office of Management and Budget Circular A-76 (or any  
16 other successor administrative regulation or policy) to de-  
17 termine the extent to which the cost incurred by a contrac-  
18 tor under any such contract has exceeded the cost of the  
19 contract at the time the contract was entered into.

20 (b) REPORT.—Not later than April 1, 1995, the In-  
21 spector General shall submit to the Committees on Armed  
22 Services of the Senate and the House of Representatives  
23 a report containing the results of the review carried out  
24 under subsection (a).

1 **SEC. 363. COST COMPARISON STUDIES FOR CONTRACTS**  
2 **FOR ADVISORY AND ASSISTANCE SERVICES.**

3 (a) IN GENERAL.—(1) Chapter 141 of title 10, Unit-  
4 ed States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§2410l. Contracts for advisory and assistance serv-**  
7 **ices: cost comparison studies**

8 “(a) REQUIREMENT.—(1)(A) Before the Secretary of  
9 Defense enters into a contract described in subparagraph  
10 (B), the Secretary shall determine whether Department of  
11 Defense personnel have the capability to perform the serv-  
12 ices proposed to be covered by the contract.

13 “(B) Subparagraph (A) applies to any contract of the  
14 Department of Defense for advisory and assistance serv-  
15 ices which contract will have a value in excess of \$100,000.

16 “(2) If the Secretary determines that such personnel  
17 have that capability, the Secretary shall conduct a study  
18 comparing the cost of performing the services with De-  
19 partment of Defense personnel and the cost of performing  
20 the services with contractor personnel.

21 “(b) WAIVER.—The Secretary of Defense may, pur-  
22 suant to guidelines prescribed by the Secretary, waive the  
23 requirement under subsection (a)(2) to perform a cost  
24 comparison study based on factors that are not related  
25 to cost.”.

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

          “2410l. Contracts for advisory and assistance services: cost comparison studies.”.

4           (b) PROCEDURES FOR CONDUCT OF STUDIES.—The  
5 Secretary of Defense shall prescribe the following proce-  
6 dures:

7           (1) Procedures for carrying out a cost compari-  
8 son study under subsection (a)(2) of section 2410l  
9 of title 10, United States Code, as added by sub-  
10 section (a), which may contain a requirement that  
11 the cost comparison study include consideration of  
12 factors that are not related to cost, including the  
13 quality of the service required to be performed, the  
14 availability of Department of Defense personnel, the  
15 duration and recurring nature of the services to be  
16 performed, and the consistency of the workload.

17           (2) Procedures for reviewing contracts entered  
18 into after a waiver under subsection (b) of such sec-  
19 tion to determine whether the contract is justified  
20 and sufficiently documented.

21           (c) EFFECTIVE DATE.—Section 2410l of title 10,  
22 United States Code, as added by subsection (a), shall take  
23 effect 180 days after the date of the enactment of this  
24 Act.

1                   **TITLE IV—MILITARY**  
 2                   **PERSONNEL AUTHORIZATIONS**  
 3                   **Subtitle A—Active Forces**

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

5           The Armed Forces are authorized strengths for active  
 6 duty personnel as of September 30, 1995, as follows:

- 7                   (1) The Army, 510,000.  
 8                   (2) The Navy, 441,641.  
 9                   (3) The Marine Corps, 174,000.  
 10                  (4) The Air Force, 400,051.

11   **SEC. 402. EXTENSION OF TEMPORARY VARIATION OF END**  
 12                   **STRENGTH LIMITATIONS FOR MARINE CORPS**  
 13                   **MAJORS AND LIEUTENANT COLONELS.**

14           (a) EXTENSION OF AUTHORITY.—Subsection (a) of  
 15 section 402 of the National Defense Authorization Act for  
 16 Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1639;  
 17 10 U.S.C. 523 note) is amended by striking out “and  
 18 1995” and inserting in lieu thereof “through 1997”

19           (b) LIMITATION.—The table in subsection (b) of such  
 20 section is amended to read as follows:

“Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994 .....	3,023	1,578
1995 .....	3,157	1,634
1996 .....	3,157	1,634
1997 .....	3,157	1,634.”.

1 (c) CLERICAL AMENDMENT.—The caption of sub-  
2 section (b) of such section is amended by striking out  
3 “AND 1995.—” and inserting in lieu thereof “THROUGH  
4 1997.—”.

5 **SEC. 403. RETENTION OF AUTHORIZED STRENGTH OF GEN-**  
6 **ERAL OFFICERS ON ACTIVE DUTY IN THE MA-**  
7 **RINE CORPS FOR FISCAL YEARS AFTER FIS-**  
8 **CAL YEAR 1995.**

9 Section 526(a)(4) of title 10, United States Code, is  
10 amended by striking out “before October 1, 1995,” and  
11 all that follows through “that date”.

12 **SEC. 404. EXCEPTION TO LIMITATION ON NUMBER OF GEN-**  
13 **ERAL OFFICERS AND FLAG OFFICERS SERV-**  
14 **ING ON ACTIVE DUTY.**

15 Section 525(b) of title 10, United States Code, is  
16 amended by adding at the end the following new para-  
17 graph:

18 “(5)(A) Subject to subparagraph (C), an officer while  
19 serving in a position referred to in subparagraph (B), if  
20 serving in the grade of general or admiral, is in addition  
21 to the number that would otherwise be permitted for that  
22 officer’s armed force for that grade under paragraph (1)  
23 or (2).

24 “(B) Subparagraph (A) applies to the following posi-  
25 tions:

1           “(i) Commander in Chief of a combatant com-  
2           mand.

3           “(ii) Commander, United States Forces, Korea.

4           “(iii) Deputy Commander in Chief, United  
5           States European Command, but only while the Com-  
6           mander in Chief of such command is also the Su-  
7           preme Allied Commander Europe.

8           “(C) Subparagraph (A) does not apply to an officer  
9           serving in a position referred to in subparagraph (B) un-  
10          less the Secretary of Defense, when considering that offi-  
11          cer for recommendation to the President for appointment  
12          to such position, concurrently considered one officer from  
13          each of the other armed forces (other than the Coast  
14          Guard) for recommendation to the President for appoint-  
15          ment to the position.

16          “(D) The Chairman of the Joint Chiefs of Staff may  
17          recommend officers to the Secretary of Defense for consid-  
18          eration by the President for appointment to any of the  
19          positions referred to in subparagraph (B).

20          “(E) This paragraph shall cease to be effective at the  
21          end of September 30, 1997.”.

1 **SEC. 405. TEMPORARY EXCLUSION OF SUPERINTENDENT**  
2 **OF NAVAL ACADEMY FROM COUNTING TO-**  
3 **WARD NUMBER OF SENIOR ADMIRALS AU-**  
4 **THORIZED TO BE ON ACTIVE DUTY.**

5 (a) GRADE RELIEF.—If the next officer appointed to  
6 serve as Superintendent of the United States Naval Acad-  
7 emy after April 1, 1994, is an officer described in sub-  
8 section (b), that officer, while so serving, shall not be  
9 counted for purposes of the limitations contained in sec-  
10 tion 525(b)(2) of title 10, United States Code.

11 (b) QUALIFYING OFFICER.—Subsection (a) applies in  
12 the case of a retired officer who—

13 (1) holds the grade of admiral on the retired  
14 list;

15 (2) is ordered to active duty pursuant to section  
16 688 of title 10, United States Code, to serve as Su-  
17 perintendent of the United States Naval Academy;  
18 and

19 (3) is appointed pursuant to section 601 of that  
20 title to have the grade of admiral while serving on  
21 active duty in that position.

22 **Subtitle B—Reserve Forces**

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

24 (a) IN GENERAL.—The Armed Forces are authorized  
25 strengths for Selected Reserve personnel of the reserve  
26 components as of September 30, 1995, as follows:

1           (1) The Army National Guard of the United  
2 States, 400,000.

3           (2) The Army Reserve, 242,000.

4           (3) The Naval Reserve, 109,000.

5           (4) The Marine Corps Reserve, 42,000.

6           (5) The Air National Guard of the United  
7 States, 115,581.

8           (6) The Air Force Reserve, 78,706.

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

10          (b) WAIVER AUTHORITY.—The Secretary of Defense  
11 may increase the end strength authorized by subsection  
12 (a) by not more than 2 percent.

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

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

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

1 Whenever such units or such individual members are re-  
2 leased from active duty during any fiscal year, the end  
3 strength prescribed for such fiscal year for the Selected  
4 Reserve of such reserve component shall be increased pro-  
5 portionately by the total authorized strengths of such  
6 units and by the total number of such individual members.

7 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
8 **DUTY IN SUPPORT OF THE RESERVES.**

9 Within the end strengths prescribed in section  
10 411(a), the reserve components of the Armed Forces are  
11 authorized, as of September 30, 1995, the following num-  
12 ber of Reserves to be serving on full-time active duty or,  
13 in the case of members of the National Guard, full-time  
14 National Guard duty for the purpose of organizing, ad-  
15 ministering, recruiting, instructing, or training the reserve  
16 components:

17 (1) The Army National Guard of the United  
18 States, 23,650.

19 (2) The Army Reserve, 11,940.

20 (3) The Naval Reserve, 17,510.

21 (4) The Marine Corps Reserve, 2,285.

22 (5) The Air National Guard of the United  
23 States, 9,098.

24 (6) The Air Force Reserve, 648.

1           **Subtitle C—Military Training**  
2                           **Student Loads**

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

4           (a) IN GENERAL.—For fiscal year 1995, the Armed  
5 Forces are authorized average military training student  
6 loads as follows:

7                   (1) The Army, 69,420.

8                   (2) The Navy, 43,064.

9                   (3) The Marine Corps, 25,377.

10                  (4) The Air Force, 36,840.

11           (b) SCOPE.—The average military training student  
12 load authorized for an armed force under subsection (a)  
13 applies to the active and reserve components of that armed  
14 force.

15           (c) ADJUSTMENTS.—The average military training  
16 student loads authorized in subsection (a) shall be ad-  
17 justed consistent with the end strengths authorized in sub-  
18 titles A and B. The Secretary of Defense shall prescribe  
19 the manner in which such adjustments shall be appor-  
20 tioned.

1           **Subtitle D—Authorization of**  
2                           **Appropriations**

3   **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
4                           **TARY PERSONNEL.**

5           There is hereby authorized to be appropriated to the  
6 Department of Defense for military personnel for fiscal  
7 year 1995 a total of \$70,790,397,000. The authorization  
8 in the preceding sentence supersedes any other authoriza-  
9 tion of appropriations (definite or indefinite) for such pur-  
10 pose for fiscal year 1995.

11           **Subtitle E—Other Matters**

12   **SEC. 441. REPEAL OF REQUIRED REDUCTION IN RECRUIT-**  
13                           **ING PERSONNEL.**

14           Section 431 of the National Defense Authorization  
15 Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat.  
16 2400) is repealed.

17   **TITLE V—MILITARY PERSONNEL**  
18                           **POLICY**

19           **Subtitle A—Officer Personnel**  
20                           **Policy**

21   **SEC. 501. SERVICE ON SUCCESSIVE SELECTION BOARDS.**

22           (a) SERVICE ON SUCCESSIVE BOARDS AUTHOR-  
23 IZED.—Section 628 of title 10, United States Code, is  
24 amended by adding at the end the following new sub-  
25 section:

1       “(f)(1) A special selection board convened under this  
2 section shall be composed in accordance with section 612  
3 of this title or, in the case of a warrant officer, composed  
4 in accordance with section 573 of this title and regulations  
5 prescribed by the Secretary of the military department  
6 concerned, except that the prohibitions on service on suc-  
7 cessive selection boards set forth in sections 612(b) and  
8 573(e) of this title do not apply to service on successive  
9 selection boards authorized under paragraph (2).

10       “(2) An officer may serve on a selection board con-  
11 vened under section 611(a) of this title or, in the case of  
12 a warrant officer, section 573(a) of this title and on a suc-  
13 cessive special selection board convened under this section  
14 if the service on the successive board is approved by the  
15 Secretary of the military department concerned and the  
16 successive board does not consider any officer who was  
17 considered by the first board.”.

18       (b) CONFORMING AMENDMENT.—Subsections (a)(1)  
19 and (b)(1) of section 628 of such title are amended by  
20 striking out “(composed in accordance with” and all that  
21 follows through “concerned)” and inserting in lieu thereof  
22 “(composed as provided in subsection (f))”.

1 **SEC. 502. PROMOTION AND OTHER CAREER MANAGEMENT**  
2 **MATTERS RELATING TO WARRANT OFFICERS**  
3 **ON ACTIVE-DUTY LISTS.**

4 (a) EXCEPTION FROM MANDATORY CONSIDERATION  
5 BY PROMOTION SELECTION BOARD.—Section 575(d) of  
6 such title is amended by inserting “(except for warrant  
7 officers precluded from consideration under regulations  
8 prescribed by the Secretary concerned under section 577  
9 of this title)” after “under consideration”.

10 (b) SECRETARIAL SUBMISSION OF PROMOTION SE-  
11 LECTION BOARD REPORT.—Section 576(f)(1) of such title  
12 is amended by striking out the second sentence.

13 (c) PROMOTION FORMALITIES DEEMED COM-  
14 PLETED.—Section 578 of such title is amended by adding  
15 at the end the following new subsections:

16 “(e) A warrant officer who is appointed to a higher  
17 grade under this section is considered to have accepted  
18 such appointment on the date on which the appointment  
19 is made unless the officer expressly declines the appoint-  
20 ment.

21 “(f) A warrant who has served continuously as an  
22 officer since the officer took the oath of office set forth  
23 under section 3331 of title 5 is not required to take a  
24 new oath upon appointment to a higher grade under this  
25 section.”.

1 (d) WARRANT OFFICERS SUBJECT TO MANAGEMENT  
2 AUTHORITIES.—Section 582(2) of such title is amended  
3 by inserting before the period at the end the following:  
4 “(other than such officers recalled to active duty before  
5 February 1, 1992, who have served continuously on active  
6 duty since such date)”.

7 **SEC. 503. ENLISTMENT OR RETIREMENT OF NAVY AND MA-**  
8 **RINE CORPS LIMITED DUTY OFFICERS HAV-**  
9 **ING TWICE FAILED OF SELECTION FOR PRO-**  
10 **MOTION.**

11 (a) AUTHORITY.—Subsection (f) of section 6383 of  
12 title 10, United States Code, is amended to read as fol-  
13 lows:

14 “(f)(1) An officer subject to discharge under sub-  
15 section (b), (d), or (e) who is not eligible for retirement  
16 or for retention under paragraph (2) may, upon the offi-  
17 cer’s request and in the discretion of the Secretary of the  
18 Navy, be enlisted in the grade prescribed by the Secretary.

19 “(2) If an officer subject to discharge under sub-  
20 section (b) or (d) is within two years of qualifying for re-  
21 tirement under section 6323 of this title as of the date  
22 on which the officer is to be discharged, the officer shall  
23 be retained on active duty until becoming qualified for re-  
24 tirement under that section (unless sooner retired or dis-

1 charged under another provision of law) and shall then  
2 be retired.”.

3 (b) CONFORMING AMENDMENTS.—Section 6383 of  
4 such title is amended—

5 (1) in subsection (i), by striking out “or the  
6 discharge under subsection (d)” and inserting in lieu  
7 thereof “or the discharge under subsection (b) or  
8 (d)”;

9 (2) by striking out subsection (g);

10 (3) by redesignating subsections (h), (i), and (j)  
11 as subsections (g), (h), and (i), respectively; and

12 (4) in subsections (a), (b), and (d), by striking  
13 out “Except as provided in subsection (i),” each  
14 place it appears and inserting in lieu thereof “Ex-  
15 cept as provided in subsection (h),”.

16 **SEC. 504. EDUCATIONAL REQUIREMENTS FOR APPOINT-**  
17 **MENT IN RESERVE COMPONENTS IN GRADES**  
18 **ABOVE FIRST LIEUTENANT OR LIEUTENANT**  
19 **(JUNIOR GRADE).**

20 Section 596(a) of title 10, United States Code, is  
21 amended—

22 (1) by inserting “(1)” after “(a) IN GEN-  
23 ERAL.—”; and

1 (2) by striking out “an accredited educational  
2 institution” and inserting in lieu thereof “an edu-  
3 cational institution described in paragraph (2)”;

4 (3) by adding at the end the following new  
5 paragraph:

6 “(2) An educational institution referred to in para-  
7 graph (1) is—

8 “(A) an accredited educational institution; or

9 “(B) an unaccredited educational institution if  
10 at least three accredited educational institutions gen-  
11 erally grant baccalaureate degree credit for comple-  
12 tion of courses of the unaccredited institution equiv-  
13 alent to the baccalaureate degree credit granted by  
14 the unaccredited institution for the completion of  
15 such courses.”.

16 **SEC. 505. LIMITED EXCEPTION FROM BACCALAUREATE DE-**  
17 **GREE REQUIREMENT FOR ALASKA SCOUT OF-**  
18 **FICERS.**

19 Section 596 of title 10, United States Code, is  
20 amended—

21 (1) by adding at the end of subsection (b) the  
22 following new paragraph:

23 “(5) The appointment or recognition of an indi-  
24 vidual referred to in subsection (c) in a higher grade  
25 (not above major) of the Alaska Army National

1 Guard while such individual is serving in a Scout  
2 unit or a Scout supporting unit.”; and

3 (2) by adding at the end the following new sub-  
4 section:

5 “(c) PERSONS COVERED BY ALASKA SCOUT EXCEP-  
6 TION.—Subsection (b)(5) applies to a member of the Alas-  
7 ka Army National Guard who resides permanently at a  
8 location in Alaska that is more than 50 miles from the  
9 cities of Anchorage, Fairbanks, and Juneau, Alaska, by  
10 paved road.”.

11 **SEC. 506. ORIGINAL APPOINTMENTS OF LIMITED DUTY OF-**  
12 **FICERS OF THE NAVY AND MARINE CORPS**  
13 **SERVING IN TEMPORARY GRADES.**

14 Section 5589 of title 10, United States Code, is  
15 amended—

16 (1) by redesignating subsection (f) as sub-  
17 section (g); and

18 (2) by inserting after subsection (e) the follow-  
19 ing new subsection (f):

20 “(f) Original appointments as regular officers of the  
21 Navy or Marine Corps may be made from among officers  
22 serving on active duty in a higher grade pursuant to a  
23 temporary appointment in that grade under section 5596  
24 of this title. The grade in which an officer is appointed  
25 under this subsection shall be the grade in which the offi-

1 cer is serving pursuant to the temporary appointment. The  
2 officer's date of rank for the grade of the original appoint-  
3 ment shall be the same as the date of rank for the grade  
4 of the temporary appointment.".

5 **SEC. 507. SELECTION FOR DESIGNATED JUDGE ADVOCATE**  
6 **POSITIONS.**

7 (a) To the extent that selection for the positions de-  
8 scribed in subsection (b) is not governed by Chapter 36  
9 of title 10, United States Code, the Secretary of Defense  
10 shall prescribe regulations to ensure that officers selected  
11 to serve in such positions are selected for such service by  
12 boards governed, insofar as practicable, by the procedures  
13 prescribed for selection boards under Chapter 36 of title  
14 10, United States Code.

15 (b) The positions referred to in subsection (a) are—

16 (1) the Judge Advocate General and Assistant  
17 Judge Advocate General of the Army,

18 (2) the Judge Advocate General and Deputy  
19 Judge Advocate General of the Navy,

20 (3) the Staff Judge Advocate to the Com-  
21 mandant of the Marine Corps, and

22 (4) the Judge Advocate General and Deputy  
23 Judge Advocate General of the Air Force.

1       **Subtitle B—Reserve Component**  
2                                   **Matters**

3       **SEC. 511. REVIEW OF OPPORTUNITIES FOR ORDERING IN-**  
4                                   **DIVIDUAL RESERVES TO ACTIVE DUTY WITH**  
5                                   **CONSENT.**

6           (a) REVIEW REQUIRED.—The Secretary of Defense  
7 shall—

8                   (1) review the opportunities for individual mem-  
9           bers of the reserve components of the Armed Forces  
10          to be ordered to active duty, with the consent of the  
11          members concerned, during peacetime in positions  
12          traditionally filled by active duty personnel; and

13                   (2) identify and remove any impediments, in  
14          regulations or other administrative rules, to increas-  
15          ing such opportunities.

16          (b) REPORT.—Not later than 90 days after the date  
17 of the enactment of this Act, the Secretary shall submit  
18 to the Committees on Armed Services of the Senate and  
19 the House of Representatives a report on the results of  
20 the review. The report shall contain—

21                   (1) a plan for increasing the opportunities for  
22          individual members of the reserve components of the  
23          Armed Forces to be ordered to active duty, with the  
24          consent of the members concerned, during peacetime

1 in positions traditionally filled by active duty person-  
2 nel; and

3 (2) any additional legislation that the Secretary  
4 considers necessary in order to increase such oppor-  
5 tunities.

6 **SEC. 512. INCREASED PERIOD OF ACTIVE DUTY SERVICE**  
7 **FOR SELECTED RESERVE FORCES MOBI-**  
8 **LIZED OTHER THAN DURING WAR OR NA-**  
9 **TIONAL EMERGENCY.**

10 (a) REVISION TO PERIOD OF EXTENSION OF ACTIVE  
11 DUTY.—Section 673b of title 10, United States Code, is  
12 amended—

13 (1) in subsection (a), by striking out “90 days.”  
14 and inserting in lieu thereof “180 days.”; and

15 (2) by striking out subsection (i).

16 (b) REPORT REQUIRED.—(1) Not later than April 1,  
17 1995, the Secretary of Defense shall submit to the con-  
18 gressional defense committees a report on increasing the  
19 authority of the President to order units and members of  
20 the reserve components to active duty without the consent  
21 of the members concerned.

22 (2) The report shall include the following:

23 (A) An analysis of options for increased presi-  
24 dential authority.

1 (B) An assessment of the effects of each option  
2 on recruiting, retention, employer support for the re-  
3 serve components, and the families of members of  
4 the reserve components.

5 (C) Programs that the Secretary recommends  
6 to mitigate any negative effects.

7 (D) Any option that the Secretary recommends.

8 (E) Any proposed legislation that the Secretary  
9 considers necessary to implement any recommended  
10 option.

11 **SEC. 513. REPEAL OF OBSOLETE PROVISIONS PERTAINING**  
12 **TO TRANSFER OF REGULAR ENLISTED MEM-**  
13 **BERS TO RESERVE COMPONENTS.**

14 (a) ARMY.—Section 3914 of title 10, United States  
15 Code, is amended by striking out the second and third sen-  
16 tences.

17 (b) AIR FORCE.—Section 8914 of such title, is  
18 amended by striking out the second and third sentences.

19 **SEC. 514. SENSE OF THE SENATE CONCERNING THE TRAIN-**  
20 **ING AND MODERNIZATION OF THE RESERVE**  
21 **COMPONENTS.**

22 (a) FINDINGS.—(1) The force structure specified in  
23 the Pentagon's Bottom Up Review assumes increased reli-  
24 ance on the reserve components of the Armed Forces;

1       (2) The mobilization of the reserve components for  
2 the Persian Gulf War was handicapped by training, readi-  
3 ness, and equipment shortfalls;

4       (3) The mobilization of the Army reserve components  
5 for the Persian Gulf War was handicapped by lack of a  
6 standard readiness evaluation system, which resulted in  
7 a lengthy reevaluation of training and equipment readi-  
8 ness of Army National Guard and Reserve units before  
9 they could be deployed;

10       (4) Funding and scheduling constraints continue to  
11 limit the opportunity for combat units of the Army Na-  
12 tional Guard to carry out adequate maneuver training;

13       (5) Funding constraints continue to handicap the  
14 readiness and modernization of the reserve components  
15 and their interoperability with the active forces: Now,  
16 therefore

17       (b) PURPOSE.—It is the sense of the Senate that the  
18 Department of Defense should establish a standard readi-  
19 ness and evaluation system and that it should provide in  
20 its annual budget submissions adequate resources to en-  
21 sure that National Guard and reserve units are trained  
22 and modernized to the standards needed for them to carry  
23 out the full range of missions required of them under the  
24 Bottom Up Review.

1           **Subtitle C—Other Matters**

2   **SEC. 521. REVIEW OF CERTAIN DISMISSALS FROM THE**  
3                   **UNITED STATES MILITARY ACADEMY.**

4           (a) **REVIEW REQUIRED.**—The Secretary of the Army  
5 shall promptly carry out a thorough review of the dismiss-  
6 sals from the Corps of Cadets of the United States Mili-  
7 tary Academy of James Webster Smith in 1874 and John-  
8 son Chesnut Whittaker in 1882.

9           (b) **PURPOSES OF REVIEW.**—The purpose of each re-  
10 view shall be to determine the validity of the original pro-  
11 ceedings and the extent, if any, to which racial prejudice  
12 or other improper factors now known may have tainted  
13 the original proceedings.

14          (c) **CORRECTION OF RECORDS.**—If the Secretary de-  
15 termines that the dismissal of James Webster Smith or  
16 Johnson Chesnut Whittaker was in error or an injustice,  
17 the Secretary may correct that person’s military records  
18 (including the records of proceedings in such case).

19          (d) **POSTHUMOUS COMMISSION.**—Upon recommenda-  
20 tion of the Secretary in the case of James Webster Smith  
21 or Johnson Chesnut Whittaker, the President may issue  
22 in the name of James Webster Smith or Johnson Chesnut  
23 Whittaker, as the case may be, a posthumous commission  
24 as an officer in the regular Army in the grade of second  
25 lieutenant. Sections 1521(b) and 1523 of title 10, United

1 States Code, shall apply with respect to a commission so  
2 issued.

3 **SEC. 522. TRANSITIONAL COMPENSATION AND OTHER BEN-**  
4 **EFITS FOR DEPENDENTS OF MEMBERS SEPA-**  
5 **RATED FOR DEPENDENT ABUSE.**

6 (a) REQUIREMENT.—Subsection (a) of section 1058  
7 of title 10, United States Code, as added by section  
8 554(a)(1) of Public Law 103–160 (197 Stat. 1663), is  
9 amended by amending subsection (e) to read as follows:

10 “(e) COMMENCEMENT AND DURATION OF PAY-  
11 MENT.—(1) Payment of transitional compensation under  
12 this section—

13 “(A) in the case of a member convicted by a  
14 court-martial for a dependent-abuse offense, may  
15 commence as of the date of the approval of the  
16 court-martial sentence by the person acting under  
17 section 860(c) of this title (article 60(c) of the Uni-  
18 form Code of Military Justice) if the sentence, as  
19 approved, includes a dismissal, dishonorable dis-  
20 charge, bad conduct discharge, or forfeiture of all  
21 pay and allowances; and

22 “(B) in the case of a member being considered  
23 under applicable regulations for administrative sepa-  
24 ration from active duty in accordance with such reg-  
25 ulations (if the basis for the separation includes a

1 dependent-abuse offense), may commence as of the  
2 date on which the separation action is initiated by  
3 a commander of the member pursuant to such regu-  
4 lations, as determined by the Secretary concerned.

5 “(2) Transitional compensation with respect to a  
6 member may be paid for a period of 36 months, except  
7 that, if as of the date on which payment of transitional  
8 compensation commences the unserved portion of the  
9 member’s period of obligated active duty service is less  
10 than 36 months, the period for which transitional com-  
11 pensation is paid shall be equal to the greater of—

12 “(A) the unserved portion of the member’s pe-  
13 riod of obligated active duty service; or

14 “(B) 12 months.

15 “(3)(A) If a member is sentenced by a court-martial  
16 to receive punishment that includes a dismissal, dishonor-  
17 able discharge, bad conduct discharge, or forfeiture of all  
18 pay and allowances as a result of a conviction by a court-  
19 martial for a dependent-abuse offense and each such pun-  
20 ishment applicable to the member under the sentence is  
21 remitted, set aside, or mitigated to a lesser punishment  
22 that does not include any such punishment, any payment  
23 of transitional compensation that has commenced under  
24 this section on the basis of such sentence in that case shall  
25 cease.

1       “(B) If administrative separation of a member from  
2 active duty is proposed on a basis that includes a depend-  
3 ent-abuse offense and the proposed administrative separa-  
4 tion is disapproved by competent authority under applica-  
5 ble regulations, payment of transitional compensation in  
6 such case shall cease.

7       “(C) Cessation of payments under subparagraph (A)  
8 or (B) shall be effective as of the first day of the first  
9 month following the month in which the Secretary con-  
10 cerned notifies the recipient of such transitional com-  
11 pensation in writing that payment of the transitional com-  
12 pensation will cease. The recipient may not be required  
13 to repay amounts of transitional compensation received  
14 before that effective date (except to the extent necessary  
15 to recoup any amount that was erroneous when paid).”.

16       (c) HEALTH, COMMISSARY, AND OTHER BENE-  
17 FITS.—Such section is further amended—

18             (1) by redesignating subsections (j) and (k) as  
19 subsections (k) and (l), respectively; and

20             (2) by inserting after subsection (i) the follow-  
21 ing new subsection (j):

22       “(j) HEALTH, COMMISSARY, AND OTHER BENE-  
23 FITS.—(1) A dependent or former dependent entitled to  
24 payment of monthly transitional compensation under this  
25 section shall, while receiving payments in accordance with

1 this section, be entitled to receive medical and dental care,  
2 to use commissary and exchange stores, and to receive any  
3 other benefit that a dependent of a member of the armed  
4 forces is entitled to receive on the basis of being a depend-  
5 ent of a member of the armed forces to the same extent  
6 and in the same manner as a dependent of a member of  
7 the armed forces on active duty for a period of not more  
8 than 30 days.

9 “(2) If a dependent or former dependent eligible or  
10 entitled to receive a particular benefit under this sub-  
11 section is eligible or entitled to receive that benefit under  
12 another provision of law, the eligibility or entitlement of  
13 that dependent or former dependent to such benefit shall  
14 be determined under such other provision of law instead  
15 of this subsection.”.

16 (c) CONFORMING AMENDMENTS.—(1) The heading  
17 for such section is amended to read as follows:

18 **“§ 1058. Dependents of members separated for de-**  
19 **pendent abuse: transitional compensation**  
20 **and other benefits”.**

21 (2) The table of sections at the beginning of chapter  
22 53 of such title is amended by striking out the item relat-  
23 ing to section 1058 (as added by section 554(a)(2) of Pub-

1 lic Law 103–160 (107 Stat. 1066)) and inserting in lieu  
2 thereof the following:

“1058. Dependents of members separated for dependent abuse: transitional compensation and other benefits.”.

3 **TITLE VI—COMPENSATION AND**  
4 **OTHER PERSONNEL BENEFITS**  
5 **Subtitle A—Pay and Allowances**

6 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1995.**

7 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any  
8 adjustment required by section 1009 of title 37, United  
9 States Code, in elements of compensation of members of  
10 the uniformed services to become effective during fiscal  
11 year 1995 shall not be made.

12 (b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Ef-  
13 fective on January 1, 1995, the rates of basic pay, basic  
14 allowance for subsistence, and basic allowance for quarters  
15 of members of the uniformed services are increased by 2.6  
16 percent.

17 **Subtitle B—Bonuses and Special**  
18 **and Incentive Pays**

19 **SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE**  
20 **FORCES.**

21 (a) SELECTED RESERVE REENLISTMENT BONUS.—  
22 Section 308b(f) of title 37, United States Code, is amend-  
23 ed by striking out “September 30, 1995” and inserting  
24 in lieu thereof “September 30, 1996”.

1 (b) SELECTED RESERVE ENLISTMENT BONUS.—Sec-  
2 tion 308c(e) of title 37, United States Code, is amended  
3 by striking out “September 30, 1995” and inserting in  
4 lieu thereof “September 30, 1996”.

5 (c) SELECTED RESERVE AFFILIATION BONUS.—Sec-  
6 tion 308e(e) of title 37, United States Code, is amended  
7 by striking out “September 30, 1995” and inserting in  
8 lieu thereof “September 30, 1996”.

9 (d) READY RESERVE ENLISTMENT AND REENLIST-  
10 MENT BONUS.—Section 308h(g) of title 37, United States  
11 Code, is amended by striking out “September 30, 1995”  
12 and inserting in lieu thereof “September 30, 1996”.

13 (e) PRIOR SERVICE ENLISTMENT BONUS.—Section  
14 308i(i) of title 37, United States Code, is amended by  
15 striking out “September 30, 1995” and inserting in lieu  
16 thereof “September 30, 1996”.

17 **SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN BO-**  
18 **NUSES AND SPECIAL PAY FOR NURSE OFFI-**  
19 **CER CANDIDATES, REGISTERED NURSES,**  
20 **AND NURSE ANESTHETISTS.**

21 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
22 GRAM.—Section 2130a(a)(1) of title 10, United States  
23 Code, is amended by striking out “September 30, 1995,”  
24 and inserting in lieu thereof “September 30, 1998,”.

1 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
2 Section 302d(a)(1) of title 37, United States Code, is  
3 amended by striking out “September 30, 1995,” and in-  
4 serting in lieu thereof “September 30, 1998,”.

5 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
6 THETISTS.—Section 302e(a)(1) of title 37, United States  
7 Code, is amended—

8 (1) by striking out “September 30, 1995,” and  
9 inserting in lieu thereof “September 30, 1998,”; and

10 (2) by striking out “\$6,000” and inserting in  
11 lieu thereof “\$15,000”.

12 **SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAY-**  
13 **MENT OF OTHER BONUSES AND SPECIAL**  
14 **PAYS.**

15 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
16 tion 301b(a) of title 37, United States Code, is amended  
17 by striking out “September 30, 1994” and inserting in  
18 lieu thereof “September 30, 1995”.

19 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
20 BERS.—Section 308(g) of title 37, United States Code, is  
21 amended by striking out “September 30, 1995” and in-  
22 serting in lieu thereof “September 30, 1996”.

23 (c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—  
24 Sections 308a(c) and 308f(c) of title 37, United States  
25 Code, are each amended by striking out “September 30,

1 1995” and inserting in lieu thereof “September 30,  
2 1996”.

3 (d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE  
4 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-  
5 ORITY UNITS.—Section 308d(c) of title 37, United States  
6 Code, is amended by striking out “September 30, 1995”  
7 and inserting in lieu thereof “September 30, 1996”.

8 (e) REPAYMENT OF EDUCATION LOANS FOR CER-  
9 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
10 LECTED RESERVE.—Section 2172(d) of title 10, United  
11 States Code, is amended by striking out “October 1,  
12 1995” and inserting in lieu thereof “October 1, 1996”.

13 (f) SPECIAL PAY FOR CRITICALLY SHORT WARTIME  
14 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—  
15 Section 613(d) of the National Defense Authorization Act,  
16 Fiscal Year 1989 (37 U.S.C. 302 note) is amended by  
17 striking out “September 30, 1995” and inserting in lieu  
18 thereof “September 30, 1996”.

19 (g) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
20 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
21 312(e) of title 37, United States Code, is amended by  
22 striking out “September 30, 1995” and inserting in lieu  
23 thereof “September 30, 1996”.

24 (h) NUCLEAR CAREER ACCESSION BONUS.—Section  
25 312b(c) of title 37, United States Code, is amended by

1 striking out “September 30, 1995,” and inserting in lieu  
2 thereof “September 30, 1996,”.

3 (i) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—  
4 Section 312c(d) of title 37, United States Code, is amend-  
5 ed by striking out “October 1, 1995” and inserting in lieu  
6 thereof “October 1, 1996”.

## 7 **Subtitle C—Travel and** 8 **Transportation Allowances**

9 **SEC. 621. RESPONSIBILITY FOR PREPARATION OF TRANS-**  
10 **PORTATION MILEAGE TABLES.**

11 Section 404(d)(1)(A) of title 37, United States Code,  
12 is amended by striking out “the Secretary of the Army”  
13 and inserting in lieu thereof “the Secretary of Defense”.

## 14 **Subtitle D—Retired Pay and** 15 **Survivor Benefits**

16 **SEC. 631. CLARIFICATION OF CALCULATION OF RETIRED**  
17 **PAY FOR OFFICERS WHO RETIRE IN A GRADE**  
18 **LOWER THAN THE GRADE HELD AT RETIRE-**  
19 **MENT.**

20 (a) PREVENTION OF RETIRED PAY BASED ON  
21 GRADE HIGHER THAN RETIRED GRADE.—Section  
22 1401a(f) of title 10, United States Code, is amended—

23 (1) in the first sentence, by inserting “based on  
24 the grade in which the member is retired” after “at  
25 an earlier date”;

1           (2) in the second sentence, by inserting “, ex-  
2           cept that such computation may not be based on a  
3           rate of basic pay for a grade higher than the grade  
4           in which the member is retired” before the period at  
5           the end; and

6           (3) by striking out the third sentence.

7           (b) EFFECTIVE DATE.—The amendments made by  
8           subsection (a) shall apply with respect to the computation  
9           of the retired pay of a member of the armed forces who  
10          retires on or after the date of the enactment of this Act.

11   **SEC. 632. CREDITING OF RESERVE SERVICE OF ENLISTED**  
12                           **MEMBERS FOR COMPUTATION OF RETIRED**  
13                           **PAY.**

14          (a) ARMY.—(1) Section 3925 of title 10, United  
15          States Code, is amended—

16                (A) in subsection (a), by striking out “and of  
17                computing his retired pay under section 3991 of this  
18                title,”; and

19                (B) by striking out subsection (c).

20          (2) Section 3991 of such title is amended—

21                (A) in subsection (a)—

22                       (i) by striking out paragraph (1) and in-  
23                       serting in lieu thereof the following:

24                       “(1) FORMULA.—The monthly retired pay of a  
25                       member entitled to such pay under this subtitle by

1 reason of retirement under a provision of law re-  
2 ferred to in paragraph (3) is computed by multiply-  
3 ing the retired pay base (as computed under section  
4 1406(c) or 1407 of this title) by the retired pay mul-  
5 tiplier prescribed in section 1409 of this title for the  
6 number of years credited to the member under sec-  
7 tion 1405 of this title.”; and

8 (ii) by adding at the end the following new  
9 paragraph:

10 “(3) APPLICABILITY.—Paragraph (1) applies to  
11 a member retired under the authority of section  
12 3911, 3914, 3917, 3918, 3920, or 3924 of this  
13 title.”; and

14 (B) in subsection (b), by striking out paragraph  
15 (3).

16 (3) The text of section 3992 of such title is amended  
17 to read as follows:

18 “(a) RECOMPUTATION REQUIRED.—An enlisted  
19 member or warrant officer of the Army who is advanced  
20 on the retired list under section 3964 of this title is enti-  
21 tled to recompute the member’s or officer’s retired pay in  
22 accordance with this section.

23 “(b) FORMULA.—To recompute an enlisted member’s  
24 retired pay or a warrant officer’s retired pay, multiply the  
25 retired pay base (as computed under section 1406(c) or

1 1407 of this title) by the retired pay multiplier prescribed  
2 in section 1409 of this title for the number of years cred-  
3 ited to the member or officer under section 1405 of this  
4 title.

5 “(c) ROUNDING TO NEXT LOWER DOLLAR.—The  
6 amount computed under subsection (b), if not a multiple  
7 of \$1, shall be rounded to the next lower multiple of \$1.”.

8 (b) NAVY AND MARINE CORPS.—The table in section  
9 6333(a) of title 10, United States Code, is amended by  
10 striking out “his years of active service in the armed  
11 forces” in formula C under the column designated “Col-  
12 umn 2” and inserting in lieu thereof “the years of service  
13 credited to him under section 1405”.

14 (c) AIR FORCE.—(1) Section 8925 of title 10, United  
15 States Code, is amended—

16 (A) in subsection (a), by striking out “and of  
17 computing his retired pay under section 8991 of this  
18 title,”; and

19 (B) by striking out subsection (c).

20 (2) Section 8991 of such title is amended—

21 (A) in subsection (a)—

22 (i) by striking out paragraph (1) and in-  
23 serting in lieu thereof the following:

24 “(1) FORMULA.—The monthly retired pay of a  
25 member entitled to such pay under this subtitle by

1 reason of retirement under a provision of law re-  
2 ferred to in paragraph (3) is computed by multiply-  
3 ing the retired pay base (as computed under section  
4 1406(e) or 1407 of this title) by the retired pay mul-  
5 tiplier prescribed in section 1409 of this title for the  
6 number of years credited to the member under sec-  
7 tion 1405 of this title.”; and

8 (ii) by adding at the end the following new  
9 paragraph:

10 “(3) APPLICABILITY.—Paragraph (1) applies to  
11 a member retired under the authority of section  
12 8911, 8914, 8917, 8918, 8920, or 8924 of this  
13 title.”; and

14 (B) in subsection (b), by striking out paragraph  
15 (3).

16 (3) The text of section 8992 of such title is amended  
17 to read as follows:

18 “(a) RECOMPUTATION REQUIRED.—An enlisted  
19 member or warrant officer of the Air Force who is ad-  
20 vanced on the retired list under section 8964 of this title  
21 is entitled to recompute the member’s or officer’s retired  
22 pay in accordance with this section.

23 “(b) FORMULA.—To recompute an enlisted member’s  
24 retired pay or a warrant officer’s retired pay, multiply the  
25 retired pay base (as computed under section 1406(e) or

1 1407 of this title) by the retired pay multiplier prescribed  
2 in section 1409 of this title for the number of years cred-  
3 ited to the member or officer under section 1405 of this  
4 title.

5 “(c) ROUNDING TO NEXT LOWER DOLLAR.—The  
6 amount computed under subsection (b), if not a multiple  
7 of \$1, shall be rounded to the next lower multiple of \$1.”.

8 (d) CONFORMING AMENDMENT.—Section 1405 of  
9 such title is amended by adding at the end the following  
10 new subsection:

11 “(c) EXCLUSION OF TIME REQUIRED TO BE MADE  
12 UP.—Time required to be made up by an enlisted member  
13 of the Army or Air Force under section 972 of this title  
14 may not be counted in determining years of service under  
15 subsection (a).”.

16 (e) EFFECTIVE DATE.—This section shall apply to  
17 the computation of the retired or retainer pay of any en-  
18 listed member who retires or is transferred to the Fleet  
19 Reserve or the Fleet Marine Corps Reserve on or after  
20 the date of the enactment of this Act.

21 **SEC. 633. FORFEITURE OF ANNUITY OR RETIRED PAY OF**  
22 **MEMBERS CONVICTED OF ESPIONAGE.**

23 (a) FORFEITURE.—Section 8312(b)(2)(A) of title 5,  
24 United States Code, is amended—

1 (1) by striking out “or article 106 (spies)” and  
2 inserting in lieu thereof “, article 106 (spies), or ar-  
3 ticle 106a (espionage)”; and

4 (2) by striking out “or article 106” and insert-  
5 ing in lieu thereof “, article 106, or article 106a”.

6 (b) EFFECTIVE DATE.—The amendment made by  
7 subsection (a) shall take effect on the date of the enact-  
8 ment of this Act and shall apply to persons convicted of  
9 espionage under section 906a of title 10, United States  
10 Code (article 106a of the Uniform Code of Military Jus-  
11 tice), on or after the date of the enactment of this Act.

12 **SEC. 634. COMPUTATION OF RETIRED PAY TO PREVENT**  
13 **PAY INVERSIONS.**

14 Section 1401a(f) of title 10, United States Code, is  
15 amended—

16 (1) by inserting “(1)” after “(f) PREVENTION  
17 OF PAY INVERSIONS.—”; and

18 (2) by adding at the end the following new  
19 paragraph:

20 “(2)(A) Subject to subparagraph (B), for the purpose  
21 of computing the monthly retired pay of a member or  
22 former member of an armed force under paragraph (1),  
23 the Secretary concerned may waive any provision of a reg-  
24 ulation that, as such provision was in effect on the earlier  
25 date applicable to the member or former member under

1 paragraph (1), required a member to serve for a minimum  
2 period in a grade as a condition for retirement in that  
3 grade.

4 “(B) Any waiver under subparagraph (A) shall apply  
5 in the case of a member or former member only to that  
6 part of the minimum period of service provided for a grade  
7 in the regulation that exceeds the minimum period of serv-  
8 ice in such grade that was authorized by a provision of  
9 this title to be required as a condition for retirement in  
10 that grade (as such provision of this title was in effect  
11 on the earlier date applicable to the member or former  
12 member under paragraph (1)).

13 “(C) The Secretary concerned may waive the provi-  
14 sion of a regulation under subparagraph (A) in the case  
15 of a particular member or former member or for any  
16 group of members or former members.”.

17 **SEC. 635. COST-OF-LIVING INCREASES IN SBP CONTRIBU-**  
18 **TIONS TO BE EFFECTIVE CONCURRENTLY**  
19 **WITH PAYMENT OF RELATED RETIRED PAY**  
20 **COST-OF-LIVING INCREASES.**

21 (a) SURVIVOR BENEFIT PLAN.—Section 1452(h) of  
22 title 10, United States Code, is amended—

23 (1) by inserting “(1)” after “(h)”; and

24 (2) by adding at the end the following new sub-  
25 section:

1       “(2)(A) Notwithstanding paragraph (1), when the  
2 initial payment of an increase in retired pay under section  
3 1401a of this title (or any other provision of law) to a  
4 person is later than the effective date of that increase by  
5 reason of the application of subsection (b)(2)(B) of such  
6 section, then the amount of the reduction in the person’s  
7 retired pay shall be effective on the date of that initial  
8 payment of the increase in retired pay rather than the ef-  
9 fective date of the increase in retired pay.

10       “(B) Subparagraph (A) may not be construed as de-  
11 laying, for purposes of determining the amount of a  
12 monthly annuity under section 1451 of this title, the effec-  
13 tive date of an increase in a base amount under subsection  
14 (h) of such section from the effective date of an increase  
15 in retired pay under section 1401a of this title to the date  
16 on which the initial payment of that increase in retired  
17 pay is made in accordance with subsection (b)(2)(B) of  
18 such section 1401a.”.

19       (b) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall take effect with respect to retired pay  
21 payable for months beginning on or after the date of the  
22 enactment of this Act.

1 **SEC. 636. REQUIREMENT FOR EQUAL TREATMENT OF CI-**  
2 **VILIAN AND MILITARY RETIREES IN THE**  
3 **EVENT OF DELAYS IN COST-OF-LIVING AD-**  
4 **JUSTMENTS.**

5 (a) CIVIL SERVICE ANNUITIES.—(1) Section 8340 of  
6 title 5, United States Code, is amended—

7 (A) in subsection (b), by striking out “Except  
8 as provided in subsection (c)” and inserting in lieu  
9 thereof “Except as provided in subsections (c) and  
10 (h)”; and

11 (B) by adding at the end the following new sub-  
12 section:

13 “(h)(1) Whenever, by law, there is a difference be-  
14 tween the date on which a cost-of-living adjustment under  
15 this section is to take effect and the date on which a cor-  
16 responding cost-of-living adjustment of the retired pay of  
17 members and former members of the uniformed services  
18 under section 1401a of title 10 is to take effect, then, not-  
19 withstanding subsection (b) and any other provision of  
20 law, the date on which the cost-of-living adjustment under  
21 this section takes effect shall be the earlier of the two  
22 dates.

23 “(2) Whenever, by law, there is a difference between  
24 the first month for which a cost-of-living adjustment tak-  
25 ing effect under this section is payable and the first month  
26 for which a corresponding cost-of-living adjustment of the

1 retired pay of members and former members of the uni-  
2 formed services taking effect under section 1401a of title  
3 10 is payable, then the first month for which the cost-  
4 of-living adjustment under this section is first payable  
5 shall (notwithstanding the effective date provided for such  
6 adjustment in subsection (b) of this section or in any other  
7 law) be the earlier of the two months.

8       “(3) For purposes of this subsection, a cost-of-living  
9 adjustment of the retired pay of members and former  
10 members of the uniformed services under section 1401a  
11 of title 10 corresponds to a cost-of-living adjustment under  
12 this section when, without regard to any provision of law  
13 other than subsection (b) of this section and section  
14 1401a(b)(1) of title 10, the cost-of-living adjustments  
15 under this section and under section 1401a of title 10  
16 would take effect on the same date.”.

17       (2) Section 8462 of title 5, United States Code, is  
18 amended—

19           (A) in subsection (b)(1), by striking out “Ex-  
20 cept as provided in subsection (c)” and inserting in  
21 lieu thereof “Except as provided in subsections (c)  
22 and (f)”;

23           (B) by adding at the end the following new sub-  
24 section:

1       “(f)(1) Whenever, by law, there is a difference be-  
2 tween the date on which a cost-of-living adjustment under  
3 this section is to take effect and the date on which a cor-  
4 responding cost-of-living adjustment of the retired pay of  
5 members and former members of the uniformed services  
6 under section 1401a of title 10 is to take effect, then, not-  
7 withstanding subsection (b)(1) and any other provision of  
8 law, the date on which the cost-of-living adjustment under  
9 this section takes effect shall be the earlier of the two  
10 dates.

11       “(2) Whenever, by law, there is a difference between  
12 the first month for which a cost-of-living adjustment tak-  
13 ing effect under this section is payable and the first month  
14 for which a corresponding cost-of-living adjustment of the  
15 retired pay of members and former members of the uni-  
16 formed services taking effect under section 1401a of title  
17 10 is payable, then the first month for which the cost-  
18 of-living adjustment under this section is first payable  
19 shall (notwithstanding the effective date provided for such  
20 adjustment in subsection (b)(1) of this section or in any  
21 other law) be the earlier of the two months.

22       “(3) For purposes of this subsection, a cost-of-living  
23 adjustment of the retired pay of members and former  
24 members of the uniformed services under section 1401a  
25 of title 10 corresponds to a cost-of-living adjustment under

1 this section when, without regard to any provision of law  
2 other than subsection (b)(1) of this section and section  
3 1401a(b)(1) of title 10, the cost-of-living adjustments  
4 under this section and under section 1401a of title 10  
5 would take effect on the same date.”.

6 (b) UNIFORMED SERVICES RETIRED PAY.—Section  
7 1401a of title 10, United States Code, is amended—

8 (1) in subsection (b)(1), by inserting (except as  
9 provided in subsection (i))” after “Effective on De-  
10 cember 1 of each year”; and

11 (2) by adding at the end the following new sub-  
12 section:

13 “(i)(1) Whenever, by law, there is a difference be-  
14 tween the date on which a cost-of-living adjustment under  
15 this section is to take effect and the date on which a cor-  
16 responding cost-of-living adjustment of annuities of retired  
17 employees of the United States under section 8340 or  
18 8462 of title 5 is to take effect, then, notwithstanding sub-  
19 section (b) and any other provision of law, the date on  
20 which the cost-of-living adjustment under this section  
21 takes effect shall be the earlier (or earliest) such date.

22 “(2) Whenever, by law, there is a difference between  
23 the first month for which a cost-of-living adjustment tak-  
24 ing effect under this section is payable and the first month  
25 for which a corresponding cost-of-living adjustment of an-

1 nnuities of retired employees of the United States taking  
2 effect under section 8340 or 8462 of title 5 is payable,  
3 then the first month for which the cost-of-living adjust-  
4 ment under this section is first payable shall (notwith-  
5 standing the effective date provided for such adjustment  
6 in subsection (b)(1) of this section or in any other law)  
7 be the earlier (or earliest) such month.

8       “(3) For purposes of this subsection, a cost-of-living  
9 adjustment of annuities of retired employees of the United  
10 States under section 8340 or 8462 of title 5 corresponds  
11 to a cost-of-living adjustment under this section when,  
12 without regard to any provision of law other than sub-  
13 section (b)(1) of this section and sections 8340(b) and  
14 8462(b)(1) of title 5, the cost-of-living adjustments under  
15 this section and under sections 8340 and 8462 of title 5  
16 would take effect on the same date.”.

17       (c) EFFECTIVE DATE.—This section and the amend-  
18 ments made by this section shall take effect on October  
19 1, 1998.

1 **Subtitle E—Defense Conversion,**  
2 **Reinvestment, and Transition**  
3 **Assistance Matters**

4 **SEC. 641. ELIGIBILITY OF MEMBERS RETIRED UNDER TEM-**  
5 **PORARY SPECIAL RETIREMENT AUTHORITY**  
6 **FOR SERVICEMEN'S GROUP LIFE INSURANCE.**

7 (a) ELIGIBILITY.—Section 1965(5) of title 38, Unit-  
8 ed States Code, is amended—

9 (1) by striking out “and” at the end of sub-  
10 paragraph (C);

11 (2) by redesignating subparagraph (D) as sub-  
12 paragraph (E); and

13 (3) by inserting after subparagraph (C) the fol-  
14 lowing new subparagraph (D):

15 “(D) a person transferred to the Retired  
16 Reserve of a uniformed service under the tem-  
17 porary special retirement authority provided in  
18 section 1331a of title 10 who has not received  
19 the first increment of retirement pay or has not  
20 reached sixty-one years of age; and”.

21 (b) INSURANCE COVERAGE.—Section 1967(a) of such  
22 title is amended—

23 (1) by striking out “and” at the end of para-  
24 graph (2);

1           (2) by adding “and” at the end of paragraph  
2           (3);

3           (3) by inserting after paragraph (3) the follow-  
4           ing:

5           “(4) any member assigned to the Retired Re-  
6           serve of a uniform service who meets the qualifica-  
7           tions set forth in section 1965(5)(D) of this title;”;  
8           and

9           (4) in the second sentence, by inserting after  
10          “section 1965(5)(C) of this title,” the following: “or  
11          the first day a member of the Reserves meets the  
12          qualifications of section 1965(5)(D) of this title,”.

13          (c) DURATION OF COVERAGE.—Section 1968(a) of  
14          such title is amended—

15               (1) in the matter above paragraph (1), by strik-  
16               ing out “section 1965(5)(B) or (C)” and inserting in  
17               lieu thereof “subparagraphs (B), (C), or (D) of sec-  
18               tion 1965(5)”;

19               (2) in paragraph (4)—

20                     (A) by striking out “or” at the end of sub-  
21                     paragraph (A);

22                     (B) by striking out the period at the end  
23                     of subparagraph (B) and inserting in lieu there-  
24                     of “; or”; and

1 (C) by adding at the end the following new  
2 subparagraph:

3 “(C) unless on the date of such separation  
4 or release the member is transferred to the Re-  
5 tired Reserve of a uniformed service under the  
6 temporary special retirement authority provided  
7 in section 1331a of title 10, in which event the  
8 insurance, unless converted to an individual pol-  
9 icy under terms and conditions set forth in sec-  
10 tion 1977(e) of this title, shall, upon timely  
11 payment of premiums under terms prescribed  
12 by the Secretary directly to the administrative  
13 office established under section 1966(b) of this  
14 title, continue in force until receipt of the first  
15 increment of retirement pay by the member or  
16 the member’s sixty-first birthday, whichever oc-  
17 curs earlier.”; and

18 (3) by adding at the end the following:

19 “(6) with respect to a member of the Retired  
20 Reserve who meets the qualifications of section  
21 1965(5)(D) of this title, at such time as the member  
22 receives the first increment of retirement pay, or the  
23 member’s sixty-first birthday, whichever occurs ear-  
24 lier, subject to the timely payment of the initial and  
25 subsequent premiums, under terms prescribed by the

1 Secretary, directly to the administrative office estab-  
2 lished under section 1966(b) of this title.”.

3 (d) DEDUCTIONS.—Section 1969 of such title is  
4 amended—

5 (1) in subsection (a)(2)—

6 (A) by striking out “or is assigned” and  
7 inserting in lieu thereof “is assigned”; and

8 (B) by inserting after “section 1965(5)(C)  
9 of this title,” the following: “or is assigned to  
10 the Retired Reserve and meets the qualifica-  
11 tions of section 1965(5)(D) of this title,”; and

12 (2) in subsection (e), by striking out “section  
13 1965(5)(C)” in the first sentence and inserting in  
14 lieu thereof “subparagraph (C) or (D) of section  
15 1965(5)”.

16 **SEC. 642. ANNUAL PAYMENTS FOR MEMBERS RETIRED**  
17 **UNDER GUARD AND RESERVE TRANSITION**  
18 **INITIATIVE.**

19 (a) ANNUAL PAYMENT FOR ONE TO FIVE YEARS.—  
20 Subsection (d) of section 4416 of the Defense Conversion,  
21 Reinvestment, and Transition Assistance Act of 1992 (di-  
22 vision D of Public Law 102-484; 10 U.S.C. 1162 note)  
23 is amended—

1           (1) by striking out “for 5 years” and inserting  
2           in lieu thereof “for a period of years prescribed by  
3           the Secretary concerned”;

4           (2) by striking out “5-year”; and

5           (3) by adding at the end the following: “A pe-  
6           riod prescribed for purposes of this subsection may  
7           not be less than one year nor more than five years.”.

8           (b) COMPUTATION OF ANNUAL PAYMENT.—Sub-  
9           section (e) of such section is amended by adding at the  
10          end the following:

11          “(3) In the case of a member who will attain 60 years  
12          of age within one year after the date on which an annual  
13          payment would otherwise be made to the member under  
14          this section, the amount of the payment made on that date  
15          shall be computed under this paragraph instead of para-  
16          graph (1). The amount of such payment shall be equal  
17          to  $\frac{1}{12}$  of the product of—

18                 “(A) the amount computed for the member  
19                 under paragraph (1); and

20                 “(B) the number equal to  $\frac{1}{30}$  of the total num-  
21                 ber of days in the period beginning on such date and  
22                 ending on the day before the date of the member’s  
23                 60th birthday.”.

24          (c) COORDINATION WITH RETIRED PAY.—Such sec-  
25          tion is further amended by adding at the end the following:

1       “(i) COORDINATION WITH RETIRED PAY.—Fifty per-  
2 cent of the monthly amount of retired pay payable under  
3 chapter 67 of this title to a member who receives one or  
4 more annual payments under this section shall be de-  
5 ducted and withheld from such monthly amount of retired  
6 pay. The deductions shall be terminated when the total  
7 amount so deducted and withheld equals the total amount  
8 paid to the member under this section. The amount de-  
9 ducted and withheld from the last monthly payment of re-  
10 tired pay before termination of deductions may be less  
11 than 50 percent of the monthly amount.”.

12 **SEC. 643. INCREASED ELIGIBILITY AND APPLICATION PERI-**  
13 **ODS FOR TROOPS-TO-TEACHERS PROGRAM.**

14       (a) PERIOD OF ELIGIBILITY.—Subsection (c) of sec-  
15 tion 1151 of title 10, United States Code, is amended—

16           (1) in paragraph (1)(A), by striking out “seven-  
17 year period beginning on October 1, 1992,” and in-  
18 sserting in lieu thereof “nine-year period beginning  
19 on October 1, 1990,”; and

20           (2) by striking out paragraph (4).

21       (b) APPLICATION PERIOD.—Subsection (e)(1) of  
22 such section is amended by striking out “submitted” in  
23 the first sentence and all that follows through the end of  
24 the second sentence and inserting in lieu thereof “timely  
25 submitted to the Secretary of Defense. An application is

1 timely submitted if the application is submitted not later  
2 than the latest date applicable to the applicant under this  
3 paragraph. An application shall be submitted not later  
4 than one year after the date of the discharge or release  
5 of the applicant from active duty. In the case of an appli-  
6 cant discharged or released from active duty before Janu-  
7 ary 19, 1994, an application shall be submitted not later  
8 than one year after the date of the enactment of the Na-  
9 tional Defense Authorization Act for Fiscal Year 1995.  
10 In the case of an applicant becoming educationally quali-  
11 fied for teacher placement assistance in accordance with  
12 subsection (c)(2), an application shall be submitted not  
13 later than one year after the date on which the applicant  
14 becomes educationally qualified.”.

15 **SEC. 644. ASSISTANCE FOR ELIGIBLE MEMBERS TO OBTAIN**  
16 **EMPLOYMENT WITH LAW ENFORCEMENT**  
17 **AGENCIES.**

18 (a) REVISED PROGRAM AUTHORITY.—Section 1152  
19 of title 10, United States Code, is amended to read as  
20 follows:

21 **“§ 1152. Assistance to eligible members and former**  
22 **members to obtain employment with law**  
23 **enforcement agencies**

24 “(a) PLACEMENT PROGRAM.—The Secretary of De-  
25 fense may enter into an agreement with the Attorney Gen-

1 eral to establish or participate in a program to assist eligi-  
2 ble members and former members of the armed forces to  
3 obtain employment as law enforcement officers with State  
4 law enforcement agencies, local law enforcement agencies,  
5 or Indian tribes that perform law enforcement functions  
6 (as determined by the Secretary of the Interior) following  
7 the discharge or release of such members or former mem-  
8 bers from active duty.

9       “(b) ELIGIBLE MEMBERS.—Any member or former  
10 member who, during the 6-year period beginning on Octo-  
11 ber 1, 1993, is separated from the armed forces with an  
12 honorable discharge or is released from service on active  
13 duty characterized as honorable by the Secretary con-  
14 cerned shall be eligible to participate in a program covered  
15 by an agreement referred to in subsection (a).

16       “(c) SELECTION.—In the selection of applicants for  
17 participation in a program covered by an agreement re-  
18 ferred to in subsection (a), preference shall be given to  
19 a member or former member who—

20               “(1) is selected for involuntary separation, is  
21 approved for separation under section 1174a or  
22 1175 of this title, or retires pursuant to the author-  
23 ity provided in section 4403 of Public Law 102–484  
24 (10 U.S.C. 1293 note); and

1           “(2) has a military occupational specialty,  
2 training, or experience related to law enforcement  
3 (such as service as a member of the military police)  
4 or satisfies such other criteria for selection as, in ac-  
5 cordance with the agreement, the Secretary, the At-  
6 torney General, or a participating State or local law  
7 enforcement agency or participating Indian tribe  
8 may prescribe.

9           “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1)  
10 The Secretary may provide funds to the Attorney General  
11 for grants under this section to reimburse State law en-  
12 forcement agencies, local law enforcement agencies, or In-  
13 dian tribes that perform law enforcement functions (as de-  
14 termined by the Secretary of the Interior) for costs, in-  
15 cluding salary and fringe benefits, of employing members  
16 or former members pursuant to a program referred to in  
17 subsection (a).

18           “(2) No grant with respect to an eligible member or  
19 former member may exceed a total of \$50,000.

20           “(3) Any grant with respect to an eligible member  
21 or former member shall be disbursed within 5 years after  
22 the date of the placement of a member or former member  
23 with a participating law enforcement agency or Indian  
24 tribe.

1       “(4) Preference in awarding grants through existing  
2 law enforcement hiring programs shall be given to State  
3 or local law enforcement agencies or Indian tribes that  
4 agree to hire eligible members and former members.

5       “(e) ADMINISTRATIVE EXPENSES.—Ten percent of  
6 the amount, if any, appropriated for a fiscal year to carry  
7 out a program established pursuant to subsection (a) may  
8 be used to administer the program.

9       “(f) REQUIREMENT FOR APPROPRIATION.—No mem-  
10 ber or former member may be selected to participate in  
11 the program established by this section unless a sufficient  
12 amount of appropriated funds are available at the time  
13 of the selection to satisfy the obligations to be incurred  
14 by the United States under an agreement referred to in  
15 subsection (a) that applies with respect to such member  
16 or former member.”.

17       (b) CLERICAL AMENDMENT.—The item relating to  
18 such section in the table of sections at the beginning of  
19 chapter 58 of title 10, United States Code, is amended  
20 to read as follows:

“1152. Assistance to eligible members and former members to obtain employ-  
ment with law enforcement agencies.”.

1 **SEC. 645. TREATMENT OF RETIRED AND RETAINER PAY OF**  
 2 **MEMBERS OF CADRE OF CIVILIAN COMMU-**  
 3 **NITY CORPS.**

4 Section 159(c)(3) of the National and Community  
 5 Service Act of 1990 (42 U.S.C. 12619(c)(3)) is amended  
 6 by adding at the end the following: “In the case of a mem-  
 7 ber of the permanent cadre who was recommended for ap-  
 8 pointment in accordance with section 162(a)(2)(A) and is  
 9 entitled to retired or retainer pay, section 5532 of title  
 10 5, United States Code, shall not apply to reduce the mem-  
 11 ber’s retired or retainer pay by reason of the member  
 12 being paid as a member of the cadre.”.

13 **Subtitle F—Other Matters**

14 **SEC. 651. DISABILITY COVERAGE FOR OFFICER CAN-**  
 15 **DIDATES GRANTED EXCESS LEAVE.**

16 (a) ELIGIBILITY FOR RETIREMENT.—Section 1201  
 17 of title 10, United States Code, is amended—

18 (1) by inserting “(a) MEMBERS ON ACTIVE  
 19 DUTY ENTITLED TO PAY.—” before “Upon a deter-  
 20 mination”; and

21 (2) by adding at the end the following new sub-  
 22 section:

23 “(b) MEMBERS ON EXCESS LEAVE.—(1) Upon a de-  
 24 termination by the Secretary concerned that a member re-  
 25 ferred to in paragraph (2) is unfit to perform the duties  
 26 of the member’s office, grade, rank, or rating because of

1 a physical disability incurred during a period described in  
2 such paragraph, the Secretary may retire the member,  
3 with retired pay computed under section 1401 of this title,  
4 if the Secretary also makes the determinations described  
5 in paragraphs (1), (2), and (3) of subsection (a) with re-  
6 gard to such member.

7 “(2) Paragraph (1) applies to a member of the armed  
8 forces who, during a period of authorized absence—

9 “(A) is participating in a program leading to  
10 appointment, designation, or assignment in the  
11 armed forces in an officer category; and

12 “(B) is not entitled to basic pay by reason of  
13 the application of section 502(b) of title 37 to such  
14 absence.”.

15 (b) ELIGIBILITY FOR PLACEMENT ON TEMPORARY  
16 DISABILITY RETIRED LIST.—Section 1202 of such title  
17 is amended—

18 (1) by striking out “or any other members” and  
19 inserting in lieu thereof “any other members”; and

20 (2) by inserting after “more than 30 days,” the  
21 following: “or any member referred to in section  
22 1201(b)(2) of this title”.

23 (c) ELIGIBILITY FOR SEPARATION.—Section 1203 of  
24 such title is amended—

1           (1) by inserting “(a) MEMBERS ON ACTIVE  
2           DUTY ENTITLED TO PAY.—” before “Upon a deter-  
3           mination”;

4           (2) by striking out the second sentence (relating  
5           to transfer to inactive status); and

6           (3) by adding at the end the following new sub-  
7           sections:

8           “(b) MEMBERS ON EXCESS LEAVE.—Upon a deter-  
9           mination by the Secretary concerned that a member re-  
10          ferred to in paragraph (2) of section 1201(b) of this title  
11          is unfit to perform the duties of the member’s office,  
12          grade, rank, or rating because of a physical disability in-  
13          curred during a period described in such paragraph, the  
14          Secretary may separate the member, with severance pay  
15          computed under section 1212 of this title, if the Secretary  
16          also makes the determinations described in paragraphs  
17          (1), (2), (3), and (4) of subsection (a) with regard to such  
18          member.

19          “(c) TRANSFER TO INACTIVE STATUS LIST.—If a  
20          member authorized to be separated under subsection (a)  
21          or (b) is eligible for transfer to the inactive status list  
22          under section 1209 of this title, and so elects, the member  
23          shall be transferred to that list instead of being sepa-  
24          rated.”.

1 (d) CONFORMING AMENDMENTS.—(1) Chapter 61 of  
2 title 10, United States Code, is amended—

3 (A) by striking out the heading of section 1201  
4 and inserting in lieu thereof the following:

5 **“§ 1201. Regulars, members on active duty for more**  
6 **than 30 days, certain members on excess**  
7 **leave: retirement”;**

8 (B) by striking out the heading of section 1202  
9 and inserting in lieu thereof the following:

10 **“§ 1202. Regulars, members on active duty for more**  
11 **than 30 days, certain members on excess**  
12 **leave: temporary disability retired list”;**

13 and

14 (C) by striking out the heading of section 1203  
15 and inserting in lieu thereof the following:

16 **“§ 1203. Regulars, members on active duty for more**  
17 **than 30 days, certain members on excess**  
18 **leave: separation”.**

19 (2) The table of sections at the beginning of such  
20 chapter is amended by striking out the items relating to  
21 sections 1201, 1202, and 1203 and inserting in lieu there-  
22 of the following:

“1201. Regulars, members on active duty for more than 30 days, certain mem-  
bers on excess leave: retirement

“1202. Regulars, members on active duty for more than 30 days, certain mem-  
bers on excess leave: temporary disability retired list.

“1203. Regulars, members on active duty for more than 30 days, certain mem-  
bers on excess leave: separation.”.

1 (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date of the enactment  
3 of this Act and apply with respect to physical disabilities  
4 incurred on or after such date.

5 **SEC. 652. USE OF MORALE, WELFARE, AND RECREATION**  
6 **FACILITIES BY MEMBERS OF RESERVE COM-**  
7 **ONENTS AND DEPENDENTS.**

8 Section 1065 of title 10, United States Code, is  
9 amended to read as follows:

10 **“§1065. Use of certain morale, welfare, and recre-**  
11 **ation facilities by members of reserve**  
12 **components and dependents**

13 “(a) MEMBERS OF THE SELECTED RESERVE.—Mem-  
14 bers of the Selected Reserve in good standing (as deter-  
15 mined by the Secretary concerned) shall be permitted to  
16 use MWR retail facilities on the same basis as members  
17 on active duty.

18 “(b) RETIREES UNDER AGE 60.—Members of the re-  
19 serve components who would be eligible for retired pay  
20 under chapter 67 of this title but for the fact that the  
21 member is under 60 years of age shall be permitted to  
22 use MWR retail facilities on the same basis as retired  
23 members and retired former members of the Regular  
24 Army, Regular Navy, Regular Air Force, and Regular Ma-  
25 rine Corps.

1       “(c) MEMBERS OF READY RESERVE NOT IN SE-  
2 LECTED RESERVE.—Subject to such regulations as the  
3 Secretary of Defense may prescribe, members of the  
4 Ready Reserve (other than members of the Selected Re-  
5 serve) may be permitted to use MWR retail facilities on  
6 the same basis as members serving on active duty.

7       “(d) DEPENDENTS.—(1) Dependents of members re-  
8 ferred to in subsection (a) shall be permitted to use MWR  
9 retail facilities on the same basis as dependents of mem-  
10 bers on active duty.

11       “(2) Dependents of members referred to in sub-  
12 section (b) shall be permitted to use MWR retail facilities  
13 on the same basis as dependents of retired members and  
14 retired former members of the Regular Army, Regular  
15 Navy, Regular Air Force, and Regular Marine Corps.

16       “(e) MWR RETAIL FACILITY DEFINED.—In this sec-  
17 tion, the term ‘MWR retail facilities’ means exchange  
18 stores and other revenue generating facilities operated by  
19 nonappropriated fund activities of the Department of De-  
20 fense for the morale, welfare, and recreation of members  
21 of the armed forces.”.

1 **SEC. 653. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR**  
2 **DEPARTMENT OF DEFENSE PERSONNEL OUT-**  
3 **SIDE THE UNITED STATES.**

4 (a) IN GENERAL.—Chapter 53 of Title 10, United  
5 States Code, is amended by adding at the end the follow-  
6 ing new section:

7 **“§ 1060a. Special supplemental food program**

8 “(a) AUTHORITY.—The Secretary of Defense may  
9 carry out a program to provide special supplemental food  
10 benefits to members of the armed forces on duty at sta-  
11 tions outside the United States (and its territories and  
12 possessions) and to eligible civilians serving with, em-  
13 ployed by, or accompanying the armed forces outside the  
14 United States (and its territories and possessions).

15 “(b) FEDERAL PAYMENTS AND COMMODITIES.—For  
16 the purpose of obtaining Federal payments and commod-  
17 ities in order to carry out the program referred to in sub-  
18 section (a), the Secretary of Agriculture shall make avail-  
19 able to the Secretary of Defense from funds appropriated  
20 for such purpose, the same payments and commodities as  
21 are made for the special supplemental food program in  
22 the United States under section 17 of the Child Nutrition  
23 Act of 1966 (42 U.S.C. 1786).

24 “(c) PROGRAM ADMINISTRATION.—(1)(A) The Sec-  
25 retary of Defense shall administer the program referred  
26 to in subsection (a) and, except as provided in subpara-

1 graph (B), shall determine eligibility for program benefits  
2 under the criterion published by the Secretary of Agri-  
3 culture under section 17 of the Child Nutrition Act of  
4 1966 (42 U.S.C. 1786).

5 “(B) The Secretary of Defense shall prescribe regula-  
6 tions governing computation of income eligibility stand-  
7 ards for families of individuals participating in the pro-  
8 gram under this section.

9 “(2) The program benefits provided under the pro-  
10 gram shall be similar to benefits provided by State and  
11 local agencies in the United States.

12 “(d) DEPARTURE FROM STANDARDS.—The Sec-  
13 retary of Defense may authorize departures from stand-  
14 ards prescribed by the Secretary of Agriculture regarding  
15 the supplemental foods to be made available in the pro-  
16 gram when local conditions preclude strict compliance or  
17 when such compliance is highly impracticable.

18 “(e) REGULATIONS.—The Secretary of Defense shall  
19 prescribe regulations to administer the program author-  
20 ized by this section.

21 “(f) DEFINITIONS.—In this section:

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

23 “(A) a dependent of a member of the  
24 armed forces residing with the member outside  
25 the United States;

1           “(B) an employee of a military department  
2 who is a national of the United States and is  
3 residing outside the United States in connection  
4 with such individual’s employment or a depend-  
5 ent of such individual residing with the em-  
6 ployee outside the United States; or

7           “(C) an employee of a Department of De-  
8 fense contractor who is a national of the United  
9 States and is residing outside the United States  
10 in connection with such individual’s employment  
11 or a dependent of such individual residing with  
12 the employee outside the United States.

13           “(2) The term ‘national of the United States’  
14 means—

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

16           “(B) a person who, though not a citizen of  
17 the United States, owes permanent allegiance to  
18 the United States (as defined in section  
19 101(a)(22) of the Immigration and Nationality  
20 Act (8 U.S.C. 1101(a)(22))).

21           “(3) The term ‘dependent’ has the meaning  
22 given such term in subparagraph (A), (D), (E), and  
23 (I) of section 1072(2) of this title.”.

24           (b) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 53 of title 10, United States

1 Code, is amended by adding at the end the following new  
2 item:

“1060a. Special supplemental food program.”.

3 **SEC. 654. REIMBURSEMENT FOR CERTAIN LOSSES OF**  
4 **HOUSEHOLD EFFECTS CAUSED BY HOSTILE**  
5 **ACTION.**

6 (a) **AUTHORITY TO REIMBURSE.**—Chapter 163 of  
7 title 10, United States Code, is amended by adding at the  
8 end the following new section:

9 **“§2738. Reimbursement for certain losses of house-**  
10 **hold effects caused by hostile action**

11 “(a) **AUTHORITY TO REIMBURSE.**—The Secretary  
12 concerned or, subject to appeal to the Secretary, the Judge  
13 Advocate General of an armed force under the Secretary’s  
14 jurisdiction, or the Chief Counsel of the Coast Guard, as  
15 appropriate, if designated by the Secretary, may reim-  
16 burse a member of the armed forces in an amount not  
17 more than \$100,000 for a loss described in subsection (b).

18 “(b) **COVERED LOSSES.**—This section applies with  
19 respect to a loss of household effects sustained during a  
20 move made incident to a change of permanent station  
21 when, as determined by the Secretary, the loss was caused  
22 by a hostile action incident to war or a warlike action by  
23 a military force.

24 “(c) **LIMITATION.**—The Secretary may provide reim-  
25 bursement under this section for a loss described in sub-

1 section (b) only to the extent that the loss is not reim-  
2 bursed under insurance or under the authority of another  
3 provision of law.

4 “(d) APPLICABILITY OF OTHER AUTHORITIES AND  
5 REQUIREMENTS.—Subsections (b), (d), (e), (f), and (g)  
6 of section 2733 of this title shall apply to a request for  
7 a reimbursement under this section as if the request were  
8 a claim against the United States.”.

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

“2738. Reimbursement for certain losses of household effects caused by hostile  
action.”.

12 (c) EFFECTIVE DATE.—(1) Section 2738 of title 10,  
13 United States Code, as added by subsection (a), applies  
14 with respect to losses incurred after June 30, 1990.

15 (2) In the case of a loss incurred after June 30, 1990,  
16 and before the date of the enactment of this Act, a request  
17 for reimbursement shall be filed with the Secretary of the  
18 military department concerned not later than two years  
19 after such date of enactment.

20 **SEC. 655. PAYMENT FOR TRANSIENT HOUSING FOR RE-**  
21 **SERVES PERFORMING CERTAIN TRAINING**  
22 **DUTY.**

23 Section 404 of title 37, United States Code, is  
24 amended—

1 (1) by redesignating subsection (j) as sub-  
2 section (k); and

3 (2) by inserting after subsection (i) the follow-  
4 ing new subsection (j):

5 “(j)(1) In the case of a member of a reserve compo-  
6 nent performing annual training duty or inactive-duty  
7 training who is not otherwise entitled to travel and trans-  
8 portation allowances in connection with such duty under  
9 subsection (a) of this section, the Secretary concerned may  
10 reimburse the member for housing service charge expenses  
11 incurred by the member in occupying transient govern-  
12 ment housing during the performance of such duty.

13 “(2) Any payment or other benefit under this section  
14 shall be provided in accordance with regulations prescribed  
15 by the Secretaries concerned.

16 “(3) The Secretary may pay service charge expenses  
17 under paragraph (1) out of funds appropriated for oper-  
18 ation and maintenance for the reserve component con-  
19 cerned.”.

20 **SEC. 656. STUDY OF OFFSET OF DISABILITY COMPENSA-**  
21 **TION BY RECEIPT OF SEPARATION BENEFITS**  
22 **AND INCENTIVES.**

23 (a) STUDY.—(1) The Comptroller General shall carry  
24 out a study of the offset of the amount of disability com-  
25 pensation from the Department of Veterans Affairs that

1 is received by an individual separated from the Armed  
2 Forces by the amount of any of the following benefits:

3 (A) Separation pay under section 1174 of title  
4 10, United States Code.

5 (B) A special separation benefit under a special  
6 separation benefits program carried out under sec-  
7 tion 1174a(a) of such title.

8 (C) A voluntary separation incentive under sec-  
9 tion 1175 of such title.

10 (2) In carrying out the study, the Comptroller Gen-  
11 eral shall—

12 (A) determine the purposes for the availability  
13 of the benefits referred to paragraph (1);

14 (B) determine the justifications for the offset  
15 referred to in that paragraph;

16 (C) assess the effect of the offset by—

17 (i) determining the number of members of  
18 the Armed Forces who will separate from the  
19 Armed Forces during the period beginning on  
20 the date of the enactment of this Act and end-  
21 ing on September 30, 1999;

22 (ii) determining the number of such mem-  
23 bers who will be provided a benefit referred to  
24 in that paragraph, and the average amount of  
25 the benefit to be provided;

1           (iii) determining the number of such mem-  
2           bers who will be entitled to disability compensa-  
3           tion from the Department of Veterans Affairs,  
4           and the average monthly amount of the com-  
5           pensation to which the members will be entitled;  
6           and

7           (iv) evaluating the extent, if any, to which  
8           the offset affects the capacity of members who  
9           are separated from the Armed Forces to meet  
10          financial obligations (including obligations relat-  
11          ing to housing and medical care) of such mem-  
12          bers that arise as a result of the service of the  
13          members in the Armed Forces or the separation  
14          of such members from that service;

15          (D) determine the extent, if any, to which the  
16          offset of disability compensation by the amount of a  
17          benefit referred to in subparagraph (B) or (C) of  
18          paragraph (1) reduces the effectiveness of the bene-  
19          fits in meeting the purposes determined under sub-  
20          paragraph (A) of this paragraph; and

21          (E) determine the cost of the repeal of the off-  
22          set.

23          (b) REPORT.—(1) The Comptroller General shall  
24          submit to the Committees on Armed Services and the  
25          Committees on Veterans' Affairs of the Senate and the

1 House of Representatives a report on the results of the  
 2 study required under subsection (a). The report shall in-  
 3 clude the recommendations of the Comptroller General on  
 4 improvements to the provision of the benefits referred to  
 5 in subsection (a)(1).

6 (2) The Comptroller General shall submit the report  
 7 not later than 180 days after the date of the enactment  
 8 of this Act.

9 **TITLE VII—HEALTH CARE**  
 10 **PROVISIONS**

11 **SEC. 701. REVISION OF DEFINITION OF DEPENDENTS TO IN-**  
 12 **CLUDE YOUNG PEOPLE BEING ADOPTED BY**  
 13 **MEMBERS OR FORMER MEMBERS.**

14 (a) ELIGIBILITY FOR HEALTH BENEFITS.—Section  
 15 1072 of title 10, United States Code, is amended—

16 (1) in paragraph (2)(D), by striking out the  
 17 matter above clause (i) and inserting in lieu thereof  
 18 the following:

19 “(D) a child who—”; and

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

22 “(6) The term ‘child’, with respect to a member  
 23 or former member of a uniformed service, means the  
 24 following:

25 “(A) An unmarried natural child.

1 “(B) An unmarried adopted child.

2 “(C) An unmarried stepchild.

3 “(D) An unmarried person—

4 “(i) who is placed in the home of the  
5 member or former member by a placement  
6 agency (recognized by the Secretary of De-  
7 fense) in anticipation of the legal adoption  
8 of the person by the member or former  
9 member; and

10 “(ii) who otherwise meets the require-  
11 ments specified in paragraph (2)(D).”.

12 (b) CONFORMING AMENDMENT.—Section  
13 401(b)(1)(B) of title 37, United States Code, is amended  
14 by striking out “placement agency for the purpose of  
15 adoption” and inserting in lieu thereof “placement agency  
16 (recognized by the Secretary of Defense) in anticipation  
17 of the legal adoption of the child by the member”.

18 **SEC. 702. AVAILABILITY OF DEPENDENTS’ DENTAL PRO-**  
19 **GRAM OUTSIDE THE UNITED STATES.**

20 Section 1076a of title 10, United States Code, is  
21 amended—

22 (1) by redesignating subsection (g) as sub-  
23 section (h); and

24 (2) by inserting after subsection (f) the follow-  
25 ing new subsection (g):

1       “(g) CARE OUTSIDE THE UNITED STATES.—The  
2 Secretary shall exercise the authority provided under sub-  
3 section (a) to establish basic dental benefits plans for pro-  
4 viding dental benefits outside the United States for  
5 spouses and children of members of the uniformed services  
6 accompanying the members on permanent assignments to  
7 duty outside the United States.”.

8       **SEC. 703. CONDITIONS UNDER WHICH MEDICAL AND DEN-**  
9                               **TAL CARE OF ABUSED DEPENDENTS IS AU-**  
10                              **THORIZED.**

11       Section 1076(e)(1)(A) of title 10, United States  
12 Code, is amended to read as follows:

13               “(A) a member of a uniformed service is con-  
14 victed by a court-martial or a civil court for an of-  
15 fense involving abuse of a dependent of the member,  
16 as determined in accordance with regulations pre-  
17 scribed by the administering Secretary for such uni-  
18 formed service, and—

19                       “(i) in the case of a court-martial convic-  
20 tion, the member receives a dishonorable or  
21 bad-conduct discharge or is dismissed or admin-  
22 istratively discharged from a uniformed service  
23 as a result of the conviction; or

24                       “(ii) in the case of a civil court conviction,  
25 the member is administratively discharged from

1 a uniformed service as a result of the convic-  
2 tion; and”.

3 **SEC. 704. COORDINATION OF BENEFITS WITH MEDICARE.**

4 Section 1086(d) of title 10, United States Code, is  
5 amended by striking out paragraph (3) and inserting in  
6 lieu thereof the following:

7 “(3)(A) Subject to subparagraph (B), if a person de-  
8 scribed in paragraph (2) receives medical or dental care  
9 for which payment may be made under medicare and a  
10 plan contracted for under subsection (a), the amount pay-  
11 able for that care under the plan shall be the amount equal  
12 to the excess of the total amount of the charges imposed  
13 by the provider or providers of such care over the sum  
14 of—

15 “(i) the amount paid for that care under medi-  
16 care; and

17 “(ii) the total of all amounts paid or payable by  
18 third party payers other than medicare.

19 “(B) The amount payable for care under a plan pur-  
20 suant to subparagraph (A) may not exceed the total  
21 amount that would be paid under the plan if payment for  
22 that care were made solely under the plan.

23 “(C) In this paragraph:

24 “(i) The term ‘medicare’ means title XVIII of  
25 the Social Security Act (42 U.S.C. 1395 et seq.).

1           “(ii) The term ‘third party payer’ has the  
2           meaning given such term in section 1095(h)(1) of  
3           this title.”.

4   **SEC. 705. AUTHORITY FOR REIMBURSEMENT OF PROFES-**  
5                           **SIONAL LICENSE FEES UNDER RESOURCE**  
6                           **SHARING AGREEMENTS.**

7           Section 1096 of title 10, United States Code, is  
8           amended by adding at the end the following:

9           “(d) REIMBURSEMENT FOR LICENSE FEES.—In any  
10          case in which it is necessary for a member of the uni-  
11          formed services to pay a professional license fee imposed  
12          by a government in order to provide health care services  
13          at a facility of a civilian health care provider pursuant to  
14          an agreement entered into under subsection (a), the Sec-  
15          retary of Defense may reimburse the member for up to  
16          \$500 of the amount of the license fee paid by the mem-  
17          ber.”.

18   **SEC. 706. CHIROPRACTIC HEALTH CARE DEMONSTRATION**  
19                           **PROGRAM.**

20          (a) REQUIREMENT FOR PROGRAM.—(1) Not later  
21          than 120 days after the date of enactment of this Act,  
22          the Secretary of Defense, in consultation with the sec-  
23          retaries of the military departments, shall develop and  
24          carry out a demonstration program to evaluate the fea-

1 sibility and advisability of furnishing chiropractic care  
2 through the medical care facilities of the Armed Forces.

3 (2) In carrying out the program, the Secretary of De-  
4 fense shall—

5 (A) subject to paragraph (3), designate not less  
6 than 10 major military medical treatment facilities  
7 of the Department of Defense to furnish chiropractic  
8 care under the program; and

9 (B) enter into agreements with such number of  
10 chiropractors as the Secretary determines sufficient  
11 for the purposes of the program to furnish chiro-  
12 practic care at such facilities under the program.

13 (3) The Secretary may not designate under para-  
14 graph (2) any treatment facility that is located on a mili-  
15 tary installation scheduled for closure or realignment  
16 under a base closure law.

17 (b) PROGRAM PERIOD.—The Secretary shall carry  
18 out the demonstration program in fiscal years 1995  
19 through 1997.

20 (c) REPORTING REQUIREMENTS.—(1) Not later than  
21 January 30, 1995, the Secretary of Defense shall submit  
22 to the Committees on Armed Services of the Senate and  
23 the House of Representatives a report on the demonstra-  
24 tion program. The report shall—

1 (A) identify the treatment facilities designated  
2 pursuant to subsection (a)(2)(A); and

3 (B) include a discussion of the plan for the con-  
4 duct of the program.

5 (2) Not later than May 1, 1995, the Secretary of De-  
6 fense shall submit to the committees referred to in para-  
7 graph (1) a plan for evaluating the program, including a  
8 schedule for conducting progress reviews and for submit-  
9 ting a final report to the committees.

10 (3) The Secretary shall submit to the committees re-  
11 ferred to in paragraph (1) a final report in accordance  
12 with the plan submitted to such committees pursuant to  
13 paragraph (2).

14 (d) OVERSIGHT ADVISORY COMMITTEE.—(1)(A) Not  
15 later than 30 days after the date of the enactment of this  
16 Act, the Secretary of Defense shall establish an oversight  
17 advisory committee to assist and advise the Secretary with  
18 regard to the development and conduct of the demonstra-  
19 tion program.

20 (B) The oversight advisory committee shall include  
21 the following members:

22 (i) The Comptroller General of the United  
23 States, or a designee from within the General Ac-  
24 counting Office.

1           (ii) The Assistant Secretary of Defense for  
2 Health Affairs, or a designee.

3           (iii) The Surgeon General of the Army, or a  
4 designee.

5           (iv) The Surgeon General of the Navy, or a des-  
6  ignee.

7           (v) The Surgeon General of the Air Force, or  
8 a designee.

9           (vi) Not fewer than four independent represent-  
10 atives of the chiropractic health care profession, ap-  
11 pointed by the Secretary of Defense.

12       (2) The oversight advisory committee shall assist the  
13 Secretary of Defense regarding—

14           (A) issues involving the professional credentials  
15 of the chiropractors participating in the program;

16           (B) the granting of professional practice privi-  
17 leges for the chiropractors at the treatment facilities  
18 participating in the program;

19           (C) the preparation of the reports required  
20 under subsection (c); and

21           (D) the evaluation of the program.

22       (e) DEFINITION.—For purposes of this section, the  
23 term “base closure law” means each of the following:

1           (1) The Defense Base Closure and Realignment  
2 Act of 1990 (part A of title XXIX of Public Law  
3 101–510; 10 U.S.C. 2687 note).

4           (2) Title II of the Defense Authorization  
5 Amendments and Base Closure and Realignment  
6 Act (Public Law 100–526; 10 U.S.C. 2687 note).

7           (3) Section 2687 of title 10, United States  
8 Code.

9 **SEC. 707. IMPLEMENTATION OF ANNUAL HEALTH CARE**  
10 **SURVEY REQUIREMENT.**

11 Section 724 of the National Defense Authorization  
12 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.  
13 2440; 10 U.S.C. 1071 note) is amended—

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

16           (2) by inserting after subsection (a) the follow-  
17 ing new subsection (b):

18           “(b) EXEMPTION.—An annual survey under sub-  
19 section (a) shall be treated as not a collection of informa-  
20 tion for the purposes for which such term is defined in  
21 section 3502(4) of title 44.”.

1 **SEC. 708. STUDY AND REPORT ON FINANCIAL RELIEF FOR**  
2 **CERTAIN MEDICARE-ELIGIBLE MILITARY RE-**  
3 **TIREES WHO INCUR MEDICARE LATE EN-**  
4 **ROLLMENT PENALTIES.**

5 (a) STUDY.—The Secretary of Defense, in consulta-  
6 tion with the Secretary of Health and Human Services,  
7 shall conduct a study regarding possible financial relief  
8 from late enrollment penalties for military retirees and de-  
9 pendants of such retirees who reside within the service  
10 area of a base closure site and who have failed to timely  
11 enroll in medicare part B due to reliance upon the military  
12 treatment facility located at such site.

13 (b) REPORT.—Not later than March 31, 1995, the  
14 Secretary of Defense shall report to Congress the results  
15 of the study under paragraph (1). Such report shall also—

16 (1) identify by base closure site the number of  
17 military retirees within a 65 mile catchment area  
18 who have failed to enroll in medicare part B and are  
19 subjected to late enrollment penalties;

20 (2) determine the estimated aggregate amount  
21 of the penalties by base closure site;

22 (3) describe the characteristics of the popu-  
23 lation that are subject to the penalties, such as age  
24 and income level;

25 (4) address the appropriateness of waiving such  
26 penalties;

1           (5) identify the Department of Defense funds  
2 that should be used to pay the penalties if waiving  
3 such penalties is not recommended;

4           (6) outline a program for a special medicare  
5 part B enrollment period for affected retirees living  
6 near bases already closed and bases which are des-  
7 ignated for closure in the future; and

8           (7) include legislative recommendations for im-  
9 plementing a program which removes the financial  
10 burden from the medicare-eligible beneficiaries who  
11 have been or will be adversely impacted by base-clo-  
12 sure actions.

13       (c) DEFINITIONS.—For purposes of this section:

14           (1) The term “base closure” means a base clo-  
15 sure under a base closure law (within the meaning  
16 given such term in section 2825(d) of the National  
17 Defense Authorization Act for Fiscal Years 1992  
18 and 1993 (10 U.S.C. 2687 note)).

19           (2) The term “medicare part B” means the  
20 public health insurance program under part B of  
21 title XVIII of the Social Security Act.

22           (3) The term “military treatment facility”  
23 means a facility of a uniformed service referred to  
24 in section 1074(a) of title 10, United States Code,  
25 in which health care is provided.

1 **SEC. 709. ELIGIBILITY FOR PARTICIPATION IN DEM-**  
2 **ONSTRATION PROGRAMS FOR SALE OF PHAR-**  
3 **MACEUTICALS.**

4 Subparagraph (B) of section 702(c)(2) of the Na-  
5 tional Defense Authorization Act for Fiscal Year 1993 (10  
6 U.S.C. 1079 note) is amended to read as follows:

7 “(B) either—

8 “(i) resides in an area that is ad-  
9 versely affected (as determined by the Sec-  
10 retary) by the closure of a health care fa-  
11 cility of the uniformed services as a result  
12 of the closure or realignment of the mili-  
13 tary installation at which such facility is  
14 located; or

15 “(ii) can demonstrate to the satisfac-  
16 tion of the Secretary that the person ob-  
17 tained pharmaceuticals at a health care fa-  
18 cility referred to in clause (i) before the  
19 closure of the facility.”.

20 **SEC. 710. COST ANALYSIS OF TIDEWATER TRICARE DELIV-**  
21 **ERY OF PEDIATRIC HEALTH CARE TO MILI-**  
22 **TARY FAMILIES.**

23 (a) **COST ANALYSIS REQUIRED.**—Not later than July  
24 1, 1995, the Assistant Secretary of Defense (Health Af-  
25 fairs) shall determine the amount of the expenditures  
26 made by the Department of Defense for pediatric care for

1 each of fiscal years 1992, 1993, and 1994 under the pro-  
2 gram for delivery of health care services in the Tidewater  
3 region of Virginia carried out pursuant to section 712(b)  
4 of Public Law 102-190 (105 Stat. 1402). The Assistant  
5 Secretary shall determine the total amount of such ex-  
6 penditures and the amount of such expenditures for each  
7 case.

8 (b) USE OF ANALYSIS.—In establishing any managed  
9 care system involving the furnishing of pediatric care by  
10 the Department of Defense (including the furnishing of  
11 pediatric care under the Civilian Health and Medical Pro-  
12 gram of the Uniformed Services), the Assistant Secretary  
13 shall consider the amounts determined under subsection  
14 (a) in determining the appropriate standards, limitations,  
15 and requirements to apply to the cost of pediatric care  
16 under the system.

1 **TITLE VIII—ACQUISITION POL-**  
2 **ICY, ACQUISITION MANAGE-**  
3 **MENT, AND RELATED MAT-**  
4 **TERS**

5 **Subtitle A—Use of Merit Based**  
6 **Selection Procedures**

7 **SEC. 801. POLICY FOR MERIT BASED AWARD OF CON-**  
8 **TRACTS AND GRANTS.**

9 (a) POLICY.—Section 2301 of title 10, United States  
10 Code, is amended by adding at the end the following new  
11 subsection:

12 “(e)(1) It is the policy of Congress that the Depart-  
13 ment of Defense should not be required by legislation to  
14 award a new contract or grant to a specific non-Federal  
15 Government entity. It is further the policy of Congress  
16 that any program, project, or technology identified in leg-  
17 islation be procured through merit-based selection proce-  
18 dures.

19 “(2) A provision of law may not be construed as re-  
20 quiring the Department of Defense to award a new con-  
21 tract or grant to a specific non-Federal Government entity  
22 unless that provision of law—

23 “(A) specifically refers to this subsection;

1           “(B) specifically identifies the particular non-  
2       Federal Government entity to be awarded the con-  
3       tract or grant; and

4           “(C) sets forth the national defense purpose to  
5       be fulfilled by requiring the department to award a  
6       new contract or grant to the specified non-Federal  
7       Government entity.

8       “(3) The head of an agency may not award a contract  
9       or make a grant pursuant to a provision of law that au-  
10      thorizes or requires the awarding of the contract or the  
11      making of the grant, as the case may be, in a manner  
12      that is inconsistent with the policy set forth in paragraph  
13      (1) until—

14           “(A) the Secretary of Defense submits to Con-  
15      gress a notice in writing of the intent to award such  
16      contract or to make such grant; and

17           “(B) a period of 180 days elapses after the date  
18      on which the notice is received by Congress.

19       “(4) For purposes of this subsection—

20           “(A) a contract is a new contract unless the  
21      work provided for in the contract is a continuation  
22      of the work provided for in a preceding contract; and

23           “(B) a grant is a new grant unless the work  
24      funded by the grant is substantially a continuation

1 of the work for which funding is provided in a pre-  
2 ceding grant.

3 “(4) Paragraph (3) does not apply to the Secretary  
4 of Transportation or the Administrator of the National  
5 Space and Aeronautics Administration.”.

6 **SEC. 802. CONTINUATION OF EXPIRING REQUIREMENT FOR**  
7 **ANNUAL REPORT ON THE USE OF COMPETI-**  
8 **TIVE PROCEDURES FOR AWARDING CERTAIN**  
9 **CONTRACTS TO COLLEGES AND UNIVER-**  
10 **SITIES.**

11 Paragraph (3) of section 2361(c) of title 10, United  
12 States Code, is repealed.

13 **Subtitle B—Acquisition Assistance**  
14 **Programs**

15 **SEC. 811. PROCUREMENT TECHNICAL ASSISTANCE PRO-**  
16 **GRAMS.**

17 (a) FUNDING.—Of the amount authorized to be ap-  
18 propriated under section 301(5), \$12,000,000 shall be  
19 available for carrying out the provisions of chapter 142  
20 of title 10, United States Code.

21 (b) SPECIFIC PROGRAMS.—Of the amounts made  
22 available pursuant to subsection (a), \$600,000 shall be  
23 available for fiscal year 1995 for the purpose of carrying  
24 out programs sponsored by eligible entities referred to in  
25 subparagraph (D) of section 2411(1) of title 10, United

1 States Code, that provide procurement technical assist-  
2 ance in distressed areas referred to in subparagraph (B)  
3 of section 2411(2) of such title. If there is an insufficient  
4 number of satisfactory proposals for cooperative agree-  
5 ments in such distressed areas to allow effective use of  
6 the funds made available in accordance with this sub-  
7 section in such areas, the funds shall be allocated among  
8 the Defense Contract Administration Services regions in  
9 accordance with section 2415 of such title.

10 **SEC. 812. PILOT MENTOR-PROTEGE PROGRAM.**

11 Of the amounts authorized to be appropriated for fis-  
12 cal year 1995 pursuant to title I of this Act, \$50,000,000  
13 shall be available for conducting the pilot Mentor-Protege  
14 Program established pursuant to section 831 of the Na-  
15 tional Defense Authorization Act for Fiscal Year 1991  
16 (Public Law 101-510; 10 U.S.C. 2301 note).

17 **SEC. 813. INFRASTRUCTURE ASSISTANCE FOR HISTORI-**  
18 **CALLY BLACK COLLEGES AND OTHER MINOR-**  
19 **ITY INSTITUTIONS OF HIGHER EDUCATION.**

20 Of the amounts authorized to be appropriated for fis-  
21 cal year 1995 pursuant to title II of this Act, \$35,000,000  
22 shall be available for such fiscal year for infrastructure  
23 assistance to historically Black colleges and universities  
24 and minority institutions under section 2323(c)(3) of title  
25 10, United States Code.

1 **SEC. 814. EXTENSION OF TEST PROGRAM FOR NEGOTIA-**  
2 **TION OF COMPREHENSIVE SMALL BUSINESS**  
3 **SUBCONTRACTING PLANS.**

4 Section 834(e) of the National Defense Authorization  
5 Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note)  
6 is amended by striking out “September 30, 1994” in the  
7 second sentence and inserting in lieu thereof “September  
8 30, 1998”.

9 **SEC. 815. LIMITATION REGARDING ACQUISITION ASSIST-**  
10 **ANCE REGULATIONS REQUIRED BY PUBLIC**  
11 **LAW 103-160 BUT NOT ISSUED.**

12 (a) LIMITATION ON THE USE OF FUNDS.—None of  
13 the funds authorized to be appropriated by this Act that  
14 are made available for program element 65104D activities  
15 may be expended until the Secretary of Defense takes the  
16 actions required by the following provisions of the Na-  
17 tional Defense Authorization Act for Fiscal Year 1994  
18 (Public Law 103-160):

19 (1) Section 811(d)(1), relating to regulations  
20 that address the matters described in subsections (g)  
21 and (h)(2) of section 2323 of title 10, United States  
22 Code.

23 (2) Section 813(b)(1), relating to the Depart-  
24 ment of Defense policy regarding the pilot Mentor-  
25 Protege Program.

1 (b) ACTIONS REQUIRED.—(1) With respect to the  
2 regulations referred to in subsection (a)(1), the Secretary  
3 shall—

4 (A) publish proposed regulations within 15 days  
5 after the date of the enactment of this Act in ac-  
6 cordance with section 22 of the Office of Federal  
7 Procurement Policy Act (41 U.S.C. 418b);

8 (B) provide a period of not less than 60 days  
9 for public comment on the proposed regulations; and

10 (C) publish the final regulations not later than  
11 120 days after the date of the enactment of this Act.

12 (2) With respect to the action referred to in sub-  
13 section (a)(2), the Secretary shall ensure that—

14 (A) within 30 days after the date of the enact-  
15 ment of this Act, the Department of Defense policy  
16 regarding the pilot Mentor-Protege Program is in-  
17 corporated into the Department of Defense Supple-  
18 ment to the Federal Acquisition Regulation as an  
19 appendix; and

20 (B) any subsequent revision to such policy (or  
21 any successor to such policy) is published and main-  
22 tained in such supplement as an appendix.

23 (c) PROGRAM ELEMENT 65104D ACTIVITIES DE-  
24 FINED.—For purposes of this section, the program ele-  
25 ment 65104D activities referred to in subsection (a) are

1 the activities described as program element 65104D in the  
2 materials submitted to Congress by the Secretary of De-  
3 fense in support of the budget for fiscal year 1995 that  
4 was submitted to Congress pursuant to section 1105(a)  
5 of title 31, United States Code.

6 **SEC. 816. TREATMENT UNDER SUBCONTRACTING PLANS**  
7 **OF PURCHASES FROM QUALIFIED NON-**  
8 **PROFIT AGENCIES FOR THE BLIND OR SE-**  
9 **VERELY DISABLED.**

10 (a) REVISION AND EXTENSION OF AUTHORITY.—  
11 Section 2410d of title 10, United States Code, relating  
12 to credit under small business subcontracting plans for  
13 certain purchases, is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (2)—

16 (i) by striking out “and” at the end of  
17 subparagraph (A);

18 (ii) by striking out the period at the  
19 end of subparagraph (B) and inserting in  
20 lieu thereof “; and”; and

21 (iii) by adding at the end the follow-  
22 ing new subparagraph:

23 “(C) a central nonprofit agency designated  
24 by the Committee for Purchase from People

1 Who Are Blind or Severely Disabled under sec-  
2 tion 2(c) of such Act (41 U.S.C. 47(c).”;

3 (B) by striking out paragraph (3); and

4 (C) by redesignating paragraph (4) as  
5 paragraph (3); and

6 (2) in subsection (c), by striking out “Septem-  
7 ber 30, 1994” and inserting in lieu thereof “Septem-  
8 ber 30, 1997”.

9 (b) CONFORMING AMENDMENT.—Section 2301(d) of  
10 such title is amended by striking out “approved commod-  
11 ities and services (as defined in such section)” and insert-  
12 ing in lieu thereof “commodities and services”.

### 13 **Subtitle C—Other Matters**

#### 14 **SEC. 821. USE OF CERTAIN FUNDS PENDING SUBMISSION** 15 **OF A NATIONAL TECHNOLOGY AND INDUS-** 16 **TRIAL BASE PERIODIC DEFENSE CAPABILITY** 17 **ASSESSMENT AND A PERIODIC DEFENSE CA-** 18 **PABILITY PLAN.**

19 (a) LIMITATION.—None of the funds authorized to  
20 be appropriated by this Act that are made available for  
21 program element 65104D activities may be expended until  
22 the Secretary of Defense submits to Congress—

23 (1) a national technology and industrial base  
24 periodic defense capability assessment required by  
25 section 2505 of title 10, United States Code; and

1           (2) and a periodic defense capability plan re-  
2           quired by section 2506 of such title.

3           (b) PROGRAM ELEMENT 65104D ACTIVITIES DE-  
4 FINED.—For purposes of this section, the program ele-  
5 ment 65104D activities referred to in subsection (a) are  
6 the activities described as program element 65104D in the  
7 materials submitted to Congress by the Secretary of De-  
8 fense in support of the budget for fiscal year 1995 that  
9 was submitted to Congress pursuant to section 1105(a)  
10 of title 31, United States Code.

11 **SEC. 822. DELEGATION OF INDUSTRIAL MOBILIZATION AU-**  
12 **THORITY.**

13           Section 2538 of title 10, United States Code, is  
14 amended—

15           (1) by striking out “through the Secretary of  
16 Defense” each place it appears in subsections (a),  
17 (c), and (d) and inserting in lieu thereof “through  
18 the head of any department”; and

19           (2) in subsection (c)—

20           (A) by striking out “in the opinion of the  
21 Secretary of Defense” in the matter above  
22 paragraph (1) and inserting in lieu thereof “in  
23 the opinion of the head of any department”;  
24 and

1 (B) by striking out “Secretary” each place  
2 it appears in paragraphs (2) and (3) and insert-  
3 ing in lieu thereof “head of the department”.

4 **SEC. 823. PERMANENT AUTHORITY FOR THE DEPARTMENT**  
5 **OF DEFENSE TO SHARE EQUITABLY THE**  
6 **COSTS OF CLAIMS UNDER INTERNATIONAL**  
7 **ARMAMENTS COOPERATIVE PROGRAMS.**

8 Subsection (c) of section 843 of the National Defense  
9 Authorization Act for Fiscal Year 1993 (Public Law 102-  
10 484; 106 Stat. 2469; 10 U.S.C. 2350a note) is repealed.

11 **SEC. 824. DETERMINATIONS OF PUBLIC INTEREST UNDER**  
12 **THE BUY AMERICAN ACT.**

13 (a) CONSIDERATIONS.—Section 2533 of title 10,  
14 United States Code, is amended—

15 (1) by striking out subsections (a) and (b) and  
16 inserting in lieu thereof the following:

17 “(a) In determining under section 2 of title III of  
18 the Act of March 3, 1993 (41 U.S.C. 10a), popularly  
19 known as the ‘Buy American Act’, whether application of  
20 title III of such Act is inconsistent with the public interest,  
21 the Secretary of Defense shall consider the following:

22 “(1) The bids or proposals of small business  
23 firms in the United States which have offered to fur-  
24 nish American goods.

1           “(2) The bids or proposals of all other firms in  
2 the United States which have offered to furnish  
3 American goods.

4           “(3) The United States balance of payments.

5           “(4) The cost of shipping goods which are other  
6 than American goods.

7           “(5) Any duty, tariff, or surcharge which may  
8 enter into the cost of using goods which are other  
9 than American goods.

10           “(6) Any need to coordinate acquisition activi-  
11 ties of the Department of Defense with obligations  
12 contained in international agreements and with the  
13 acquisition activities of major United States allies.

14           “(7) A need to ensure that the Department of  
15 Defense has access to advanced state-of-the-art com-  
16 mercial technology.

17           “(8) A need to protect the national technology  
18 and industrial base and to provide for a defense mo-  
19 bilization base.

20           “(9) A need to ensure that application of dif-  
21 ferent rules of origin for United States end items  
22 and foreign end items does not result in an award  
23 to a firm other than a firm providing a product pro-  
24 duced in the United States.

25           “(10) Any need—



1 chapter 148 of title 10, United States Code, the head of  
2 the agency concerned shall include in the file pertaining  
3 to such agreement or transaction a brief explanation of  
4 the manner in which the award advances and enhances  
5 a particular national security objective set forth in section  
6 2501(a) of such title or a particular policy objective set  
7 forth in section 2501(b) of such title.

8 **SEC. 826. COMPTROLLER GENERAL ASSESSMENT OF EX-**  
9 **TENT TO WHICH TECHNOLOGY AND INDUS-**  
10 **TRIAL BASE PROGRAMS ATTAIN POLICY OB-**  
11 **JECTIVES.**

12 Not later than 180 days after the date of the enact-  
13 ment of this Act, the Comptroller General of the United  
14 States shall submit to Congress an assessment of the ex-  
15 tent to which awards for cooperative agreements and other  
16 transactions under programs carried out under chapter  
17 148 of title 10, United States Code, have been made spe-  
18 cifically to advance and enhance a particular national se-  
19 curity objective set forth in section 2501(a) of such title  
20 or to achieve a particular policy objective set forth in sec-  
21 tion 2501(b) of such title.

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **Subtitle A—Secretarial Matters**

5 **SEC. 901. ADDITIONAL ASSISTANT SECRETARY OF DE-**  
6 **FENSE.**

7 (a) ESTABLISHMENT OF POSITION.—Section 138(a)  
8 of title 10, United States Code, is amended by striking  
9 out “ten” and inserting in lieu thereof “eleven”.

10 (b) EXECUTIVE LEVEL IV.—Section 5315 of title 5,  
11 United States Code, is amended by striking out “Assistant  
12 Secretaries of Defense (10).” and inserting in lieu thereof  
13 the following:

14 “Assistant Secretaries of Defense (11).”.

15 **SEC. 902. ORDER OF SUCCESSION TO SECRETARIES OF THE**  
16 **MILITARY DEPARTMENTS.**

17 (a) ARMY.—Section 3017 of title 10, United States  
18 Code, is amended—

19 (1) by redesignating paragraph (3) as para-  
20 graph (4); and

21 (2) by inserting after paragraph (2) the follow-  
22 ing new paragraph (3):

23 “(3) The General Counsel of the Department of  
24 the Army.”.

25 (b) NAVY.—Section 5017 of such title is amended—

1 (1) by redesignating paragraphs (3) and (4) as  
2 paragraphs (5) and (6), respectively; and

3 (2) by inserting after paragraph (2) the follow-  
4 ing new paragraph (3):

5 “(3) The General Counsel of the Department of  
6 the Navy.”.

7 (c) AIR FORCE.—Section 8017 of such title is amend-  
8 ed—

9 (1) by redesignating paragraph (3) as para-  
10 graph (4); and

11 (2) by inserting after paragraph (2) the follow-  
12 ing new paragraph (3):

13 “(3) The General Counsel of the Department of  
14 the Air Force.”.

15 **Subtitle B—Commission on Roles**  
16 **and Missions of the Armed Forces**

17 **SEC. 911. REVIEW OF RESERVE COMPONENTS.**

18 Section 953(d) of the National Defense Authorization  
19 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.  
20 1739) is amended—

21 (1) in subsection (d)—

22 (A) by striking out “and” at the end of  
23 paragraph (7);

1 (B) by striking out the period at the end  
2 of paragraph (8) and inserting in lieu thereof “;  
3 and”; and

4 (C) by adding at the end the following new  
5 paragraph:

6 “(9) the role of the National Guard and the  
7 other reserve components.”;

8 (2) in subsection (e)(3), by inserting after “De-  
9 partment of Defense” the following: “, including the  
10 National Guard and the other reserve components”;  
11 and

12 (3) by adding at the end the following new sub-  
13 section:

14 “(h) RECOMMENDATIONS CONCERNING RESERVE  
15 COMPONENTS.—The Commission shall address the roles,  
16 missions, and functions of the reserve components within  
17 the total force of the armed forces, particularly in light  
18 of lower budgetary resources that will be available to the  
19 Department of Defense in the future. The Commission  
20 should employ or consult private citizens with extensive  
21 experience in matters concerning the National Guard and  
22 other reserve components.”.

1 **SEC. 912. SUPPORT BY FEDERALLY FUNDED RESEARCH**  
2 **AND DEVELOPMENT CENTERS.**

3 Section 957 of the National Defense Authorization  
4 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.  
5 1741; 10 U.S.C. 111 note) is amended—

6 (1) by adding at the end the following new sub-  
7 section:

8 “(f) SUPPORT FROM FEDERALLY FUNDED RE-  
9 SEARCH AND DEVELOPMENT CENTERS.—Upon the re-  
10 quest of the chairman of the Commission, the Secretary  
11 of Defense shall make available to the Commission, with-  
12 out reimbursement, the services of one or more federally  
13 funded research and development centers covered by spon-  
14 soring agreements of the Department of Defense. The cost  
15 of the services made available pursuant to this subsection  
16 may not exceed \$20,000,000.”; and

17 (2) by striking out the section heading and in-  
18 sserting in lieu thereof the following:

19 **“SEC. 957. PERSONNEL MATTERS; EXPERT SERVICES.”.**

20 **SEC. 913. REVISION IN COMPOSITION OF COMMISSION.**

21 (a) REVISION.—Section 952(b) of the National De-  
22 fense Authorization Act for Fiscal Year 1994 (Public Law  
23 103–160; 10 U.S.C. 111 note; 107 Stat. 1738) is amend-  
24 ed—

1 (1) in the first sentence of paragraph (1), by  
2 striking out “seven” and inserting in lieu thereof  
3 “eight”; and

4 (2) in paragraph (2)—

5 (A) by inserting “(A)” before “The Com-  
6 mission”; and

7 (B) by adding at the end the following new  
8 subparagraph:

9 “(B) The additional member of the Commission ap-  
10 pointed under this paragraph after the date of the enact-  
11 ment of the National Defense Authorization Act for Fiscal  
12 Year 1995 shall have previous military experience and  
13 management experience with the reserve components.”.

14 (b) APPOINTMENT.—The Secretary of Defense shall  
15 make the appointment required as a result of the amend-  
16 ments made by subsection (a) not later than 15 days after  
17 the date of the enactment of this Act.

## 18 **Subtitle C—Other Matters**

### 19 **SEC. 921. COMPOSITION OF RESERVE FORCES POLICY** 20 **BOARD.**

21 Section 175(a) of title 10, United States Code, is  
22 amended—

23 (1) in paragraph (4), by striking out “or Regu-  
24 lar Marine Corps” and inserting in lieu thereof “and  
25 an officer of the Regular Marine Corps each”;

1           (2) by striking out “and” at the end of para-  
2 graph (8);

3           (3) by striking out the period at the end of  
4 paragraph (9) and inserting in lieu thereof “; and”;  
5 and

6           (4) by adding at the end the following:

7           “(10) an officer of the Regular Army, Regular  
8 Navy, Regular Air Force, or Regular Marine Corps  
9 serving in a position on the Joint Staff who is des-  
10 ignated by the Chairman of the Joint Chiefs of  
11 Staff.”.

12 **SEC. 922. CONTINUATION OF UNIFORMED SERVICES UNI-**  
13 **VERSITY OF THE HEALTH SCIENCES.**

14           (a) CLOSURE PROHIBITED.—The Uniformed Serv-  
15 ices University of the Health Sciences may not be closed.

16           (b) BUDGETARY COMMITMENT TO CONTINUATION.—  
17 It is the sense of Congress that the Secretary of Defense  
18 should budget for the ongoing operation of the Uniformed  
19 Services University of the Health Sciences as an institu-  
20 tion of professional education that is vital to the education  
21 and training each year of significant numbers of personnel  
22 of the uniformed services for careers as uniformed services  
23 health care providers.

24           (c) EVALUATION OF THE UNIFORMED SERVICES  
25 UNIVERSITY OF THE HEALTH SCIENCES.—

1           (1) GAO REPORT.—By June 1, 1995, the  
2           Comptroller General of the United States shall sub-  
3           mit to the appropriate Committees of the Congress  
4           a detailed report that—

5                   (A) compares the cost of obtaining physi-  
6                   cians from the Uniformed Services University  
7                   of the Health Sciences with other sources of  
8                   military physicians;

9                   (B) assesses the retention rate needs of the  
10                  military for physicians in relation to the respec-  
11                  tive retention rates of Uniformed Services Uni-  
12                  versity of the Health Sciences physicians and  
13                  physicians obtained from other sources and the  
14                  factors which contribute to retention rates  
15                  among military physicians obtained from all  
16                  sources;

17                  (C) reviews the quality of the medical edu-  
18                  cation provided at the Uniformed Services Uni-  
19                  versity of the Health Sciences with the quality  
20                  of medical education provided by other sources  
21                  of military physicians;

22                  (D) reviews the overall issue of the special  
23                  needs of military medicine and how these spe-  
24                  cial needs are being met by Uniformed Services

1 University of Health Sciences physicians and  
2 physicians obtained from other sources;

3 (E) assesses the extent to which the Uni-  
4 formed Services University of the Health  
5 Sciences has responded to the 1990 report of  
6 the Inspector General of the Department of De-  
7 fense and make recommendations as to resolu-  
8 tion of any continuing issues relating to man-  
9 agement and internal fiscal controls of the Uni-  
10 formed Services University of the Health  
11 Sciences, including issues relating to the Henry  
12 M. Jackson Foundation for the Advancement of  
13 Military Medicine identified in the 1990 report;  
14 and

15 (F) makes such recommendations as the  
16 Comptroller General deems appropriate.

17 **SEC. 923. JOINT DUTY CREDIT FOR CERTAIN DUTY PER-**  
18 **FORMED DURING MILITARY OPERATIONS IN**  
19 **SUPPORT OF UNIFIED, COMBINED, OR UNIT-**  
20 **ED NATIONS MILITARY OPERATIONS.**

21 (a) CREDIT AUTHORIZED.—Section 664 of title 10,  
22 United States Code, is amended by adding at the end the  
23 following new subsection:

24 “(i) SPECIAL AUTHORITY.—(1) The Secretary of De-  
25 fense, in consultation with the Chairman of the Joint

1 Chiefs of Staff, may give an officer who has completed  
2 service described in paragraph (2) credit for having com-  
3 pleted a full tour of duty in a joint duty assignment, or  
4 credit countable for determining cumulative service in  
5 joint duty assignments, for the purposes of any provision  
6 of this title, notwithstanding the length of such service or  
7 whether such service is within the definition of the term  
8 'joint duty assignment' prescribed pursuant to section 668  
9 of this title.

10       “(2) Service referred to in paragraph (1) is service  
11 performed by an officer in combat or combat related mili-  
12 tary operations, under the operational control of the com-  
13 mander of a unified combatant command, the commander  
14 of combined forces of allied nations, or the United Na-  
15 tions, in which the officer gained significant experience in  
16 joint matters, as determined by the Secretary.

17       “(3) Officers for whom joint duty credit is granted  
18 pursuant to this subsection—

19               “(A) shall not be counted for the purposes of  
20 paragraphs (7), (8), (9), (11), or (12) of section 667  
21 of this title and subsections (a)(3) and (b) of section  
22 662 of this title; and

23               “(B) are not subject to the requirements of sec-  
24 tion 661(c) of this title relating to the sequence for  
25 completion of a joint professional military education

1 school, completion of a full tour of duty in a joint  
2 duty assignment, and selection for a joint spe-  
3 cialty.”.

4 (b) APPLICABILITY.—Subsection (i) of section 664 of  
5 title 10, United States Code, as added by subsection (a),  
6 shall apply with respect to military operations conducted  
7 after July 1, 1992.

8 **SEC. 924. ASSISTANCE FOR CERTAIN WORKERS DIS-**  
9 **LOCATED DUE TO REDUCTIONS BY THE UNIT-**  
10 **ED STATES IN THE EXPORT OF DEFENSE AR-**  
11 **TICLES AND SERVICES.**

12 (a) ASSISTANCE UNDER DEFENSE CONVERSION AD-  
13 JUSTMENT PROGRAM.—Section 325 of the Job Training  
14 Partnership Act (29 U.S.C. 1662d) is amended—

15 (1) in subsection (a)—

16 (A) by striking out “or by closures of Unit-  
17 ed States military facilities” in the first sen-  
18 tence and inserting in lieu thereof “, by closures  
19 of United States military facilities, or by reduc-  
20 tions in the export of defense articles and de-  
21 fense services as a result of United States pol-  
22 icy (including reductions in the amount of de-  
23 fense articles and defense services under agree-  
24 ments to provide such articles or services or

1 through termination or completion of any such  
2 agreements)”; and

3 (B) by striking out “or by closures of  
4 United States military facilities” in the second  
5 sentence and inserting in lieu thereof “, by clo-  
6 sures of United States military facilities, or by  
7 reductions in the export of defense articles and  
8 defense services as a result of United States  
9 policy”;

10 (2) in subsection (d), by striking out “or by the  
11 closure of United States military installations” and  
12 inserting in lieu thereof “, by closures of United  
13 States military facilities, or by reductions in the ex-  
14 port of defense articles and defense services as a re-  
15 sult of United States policy (including reductions in  
16 the amount of defense articles and defense services  
17 under agreements to provide such articles or services  
18 or through termination or completion of any such  
19 agreements)”; and

20 (3) by adding at the end the following new sub-  
21 section:

22 “(f) DEFINITION.—For purposes of this section, the  
23 term ‘defense articles and defense services’ means defense  
24 articles, defense services, or design and construction serv-  
25 ices under the Arms Export Control Act (22 U.S.C. 2751

1 et seq.), including defense articles and defense services li-  
2 censed or approved for export under section 38 of that  
3 Act (22 U.S.C. 2778).”.

4 (b) ASSISTANCE UNDER DEFENSE DIVERSIFICATION  
5 PROGRAM.—Section 325A of the Job Training Partner-  
6 ship Act (29 U.S.C. 1662d-1) is amended—

7 (1) in subsection (b)(3)(A), by striking out “or  
8 the closure or realignment of a military installation”  
9 and inserting in lieu thereof “, the closure or re-  
10 alignment of a military installation, or reductions in  
11 the export of defense articles and defense services as  
12 a result of United States policy (including reductions  
13 in the amount of defense articles and defense serv-  
14 ices under agreements to provide such articles or  
15 services or through termination or completion of any  
16 such agreements)”;

17 (2) in subsection (k)(1), by striking out “or by  
18 the closure of United States military installations”  
19 and inserting in lieu thereof “, the closure of United  
20 States military installations, or reductions in the ex-  
21 port of defense articles and defense services as a re-  
22 sult of United States policy (including reductions in  
23 the amount of defense articles and defense services  
24 under agreements to provide such articles or services

1 or through termination or completion of any such  
2 agreements)”; and

3 (3) in subsection (o), by adding at the end the  
4 following new paragraph:

5 “(3) DEFENSE ARTICLES AND DEFENSE SERV-  
6 ICES.—The term ‘defense articles and defense serv-  
7 ices’ means defense articles, defense services, or de-  
8 sign and construction services under the Arms Ex-  
9 port Control Act (22 U.S.C. 2751 et seq.), including  
10 defense articles and defense services licensed or ap-  
11 proved for export under section 38 of that Act (22  
12 U.S.C. 2778).”.

## 13 **Subtitle D—Professional Military** 14 **Education**

### 15 **SEC. 931. AUTHORITY FOR MARINE CORPS UNIVERSITY TO** 16 **AWARD THE DEGREE OF MASTER OF MILI-** 17 **TARY STUDIES.**

18 (a) AUTHORITY TO AWARD.—(1) Chapter 609 of title  
19 10, United States Code, is amended by adding at the end  
20 the following new section:

#### 21 **“§ 7102. Marine Corps University: master of military** 22 **studies**

23 “(a) AUTHORITY.—Upon the recommendation of the  
24 Director and faculty of the Marine Corps Command and  
25 Staff College, the President of the Marine Corps Univer-

1 sity may confer the degree of master of military studies  
2 upon graduates of the college who fulfill the requirements  
3 for the degree.

4 “(b) REGULATIONS.—The authority provided by sub-  
5 section (a) shall be exercised under regulations prescribed  
6 by the Secretary of the Navy.”.

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

“7102. Marine Corps University: master of military studies.”.

10 (b) EFFECTIVE DATE.—The authority provided by  
11 section 7102(a) of title 10, United States Code, as added  
12 by subsection (a), shall become effective on the date on  
13 which the Secretary of Education determines that the re-  
14 quirements established by the Command and Staff College  
15 of the Marine Corps University for the degree of master  
16 of military studies are in accordance with generally appli-  
17 cable requirements for a degree of master of arts.

18 **SEC. 932. BOARD OF ADVISORS OF MARINE CORPS UNIVER-**  
19 **SITY.**

20 (a) BOARD.—(1) Chapter 609 of title 10, United  
21 States Code, as amended by section 931, is further amend-  
22 ed by adding at the end the following new section:

1 **“§ 7103. Marine Corps University: Board of Advisors**

2       “(a) IN GENERAL.—A Board of Advisors to the  
3 President of the Marine Corps University is constituted  
4 annually of—

5           “(1) the chairman of the Committee on Armed  
6 Services of the Senate, or the designee of the chair-  
7 man; and

8           “(2) six persons designated by the Secretary of  
9 the Navy.

10       “(b) TERMS.—(1) The persons designated by the  
11 Secretary of the Navy shall serve for 3 years each except  
12 that any member whose term of office has expired shall  
13 continue to serve until the successor to the member is des-  
14 ignated.

15       “(2) Members may be reappointed for one or more  
16 successive terms.

17       “(3) If a member of the Board dies or resigns, the  
18 official who designated that member shall designate a suc-  
19 cessor to serve for the unexpired portion of the term of  
20 the member.

21       “(c) VISITS.—The Board shall visit the Marine Corps  
22 University semiannually upon the call of the President of  
23 the Marine Corps University. With the approval of the  
24 President of the University, the Board, or any of its mem-  
25 bers, may make other visits to the University in connection

1 with the duties of the Board or to consult with the Presi-  
2 dent of the University.”.

3 (2) The table of sections at the beginning of such  
4 chapter, as amended by section 931, is further amended  
5 by adding at the end the following new item:

“7103. Marine Corps University: Board of Advisors.”.

6 (b) INITIAL DESIGNATIONS OF MEMBERS.—Of the  
7 members of the Board of Advisors of the Marine Corps  
8 University initially designated under section 7103(a)(2) of  
9 title 10, United States Code, as added by subsection (a)—

10 (1) two shall be designated for a term of 3  
11 years;

12 (2) two shall be designated for a term of 2  
13 years; and

14 (3) two shall be designated for a term of 1  
15 year.

16 **SEC. 933. AUTHORITY FOR AIR UNIVERSITY TO AWARD THE**  
17 **DEGREE OF MASTER OF AIRPOWER ART AND**  
18 **SCIENCE.**

19 (a) AUTHORITY TO AWARD.—(1) Chapter 901 of title  
20 10, United States Code, is amended by adding at the end  
21 the following new section:

22 **“§9317. Air University: master of airpower art and**  
23 **science**

24 “(a) AUTHORITY.—Upon the recommendation of the  
25 faculty of the School of Advanced Airpower Studies of the

1 Air University, the Commander of the university may con-  
2 fer the degree of master of airpower art and science upon  
3 graduates of the school who fulfill the requirements for  
4 the degree.

5 “(b) REGULATIONS.—The authority provided by sub-  
6 section (a) shall be exercised under regulations prescribed  
7 by the Secretary of the Air Force.”.

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

“9317. Air University: master of airpower art and science.”.

11 (b) EFFECTIVE DATE.—The authority provided by  
12 section 9317(a) of title 10, United States Code, as added  
13 by subsection (a), shall become effective on the date on  
14 which the Secretary of Education determines that the re-  
15 quirements established by the School of Advanced Air-  
16 power Studies of the Air University for the degree of mas-  
17 ter of airpower art and science are in accordance with gen-  
18 erally applicable requirements for a degree of master of  
19 arts or a degree of master of science.

## 20 **TITLE X—GENERAL PROVISIONS**

### 21 **Subtitle A—Financial Matters**

#### 22 **SEC. 1001. TRANSFER AUTHORITY.**

23 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—  
24 (1) Upon determination by the Secretary of Defense that  
25 such action is necessary in the national interest, the Sec-

1   retary may transfer amounts of authorizations made avail-  
2   able to the Department of Defense in this division for fis-  
3   cal year 1995 between any such authorizations for that  
4   fiscal year (or any subdivisions thereof). Amounts of au-  
5   thorizations so transferred shall be merged with and be  
6   available for the same purposes as the authorization to  
7   which transferred.

8       (2) The total amount of authorizations that the Sec-  
9   retary of Defense may transfer under the authority of this  
10  section may not exceed \$2,000,000,000.

11       (b) LIMITATIONS.—The authority provided by this  
12  section to transfer authorizations—

13           (1) may only be used to provide authority for  
14       items that have a higher priority than the items  
15       from which authority is transferred; and

16           (2) may not be used to provide authority for an  
17       item that has been denied authorization by Con-  
18       gress.

19       (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
20  transfer made from one account to another under the au-  
21  thority of this section shall be deemed to increase the  
22  amount authorized for the account to which the amount  
23  is transferred by an amount equal to the amount trans-  
24  ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary of De-  
2 fense shall promptly notify Congress of transfers made  
3 under the authority of this section.

4 **SEC. 1002. EMERGENCY SUPPLEMENTAL AUTHORIZATION**  
5 **OF APPROPRIATIONS FOR FISCAL YEAR 1994.**

6 There is authorized to be appropriated as emergency  
7 supplemental appropriations for fiscal year 1994 for the  
8 incremental costs arising from ongoing United States op-  
9 erations in Somalia, Bosnia, Southwest Asia, and Haiti,  
10 \$1,198,300,000 as follows:

11 (1) For Military Personnel:

12 (A) For the Army, \$6,600,000.

13 (B) For the Navy, \$19,400,000.

14 (C) For the Air Force, \$18,400,000.

15 (2) For Operation and Maintenance:

16 (A) For the Army, \$420,100,000.

17 (B) For the Navy, \$104,800,000.

18 (C) For the Air Force, \$560,100,000.

19 (D) For Defense-wide activities,  
20 \$21,600,000.

21 (3) For Procurement:

22 (A) For Aircraft Procurement, Army,  
23 \$20,300,000.

24 (B) For Other Procurement, Army,  
25 \$200,000.

1 (C) For Other Procurement, Air Force,  
2 \$26,800,000.

3 **SEC. 1003. DATE FOR SUBMISSION OF FUTURE-YEARS MIS-**  
4 **SION BUDGET.**

5 Section 222(a) of title 10, United States Code, is  
6 amended by striking out “at the same time” in the second  
7 sentence and inserting in lieu thereof “not later than 60  
8 days after the date on which”.

9 **SEC. 1004. SUBMISSION OF FUTURE-YEARS DEFENSE PRO-**  
10 **GRAM IN ACCORDANCE WITH LAW.**

11 If, as of the end of the 90-day period beginning on  
12 the date on which the President’s budget for fiscal year  
13 1996 is submitted to Congress, the Secretary of Defense  
14 has not submitted to Congress the fiscal year 1996 future-  
15 years defense program and, after consultation with the In-  
16 spector General of the Department of Defense, a certifi-  
17 cation that such program satisfies the requirements of sec-  
18 tion 221(b) of title 10, United States Code, then during  
19 the 30-day period beginning on the last day of such 90-  
20 day period the Secretary may not obligate more than 10  
21 percent of the fiscal year 1995 advance procurement funds  
22 that are available for obligation as of the end of that 90-  
23 day period. If, as of the end of such 30-day period, the  
24 Secretary of Defense has not submitted to Congress the  
25 fiscal year 1996 future-years defense program together

1 with such a certification, then the Secretary may not make  
2 any further obligation of fiscal year 1995 advance procure-  
3 ment funds until such program and certification are sub-  
4 mitted to Congress. If the Secretary submits to Congress  
5 the fiscal year 1996 future-years defense program, to-  
6 gether with such a certification, during the 30-day period  
7 described in the first sentence, the limitation on obligation  
8 of advance procurement funds prescribed in that sentence  
9 shall cease to apply effective as of the date of the submis-  
10 sion of such program and certification.

11 **Subtitle B—Matters Relating to**  
12 **Allies and Other Nations**

13 **SEC. 1011. REPEAL OF LIMITATION ON OVERSEAS MILI-**  
14 **TARY END STRENGTH.**

15 Section 1302 of the National Defense Authorization  
16 Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat.  
17 2545; 10 U.S.C. 113 note) is repealed.

18 **SEC. 1012. AUTHORIZED END STRENGTH FOR MILITARY**  
19 **PERSONNEL IN EUROPE.**

20 (a) **END STRENGTH.**—Paragraph (1) of section  
21 1002(c) of the National Defense Authorization Act, 1985  
22 (22 U.S.C. 1928 note) is amended to read as follows:

23 “(1) The end strength level of members of the Armed  
24 Forces of the United States assigned to permanent duty  
25 ashore in European member nations of NATO may not

1 exceed a permanent ceiling of approximately 100,000 in  
2 any fiscal year.

3 “(2) Notwithstanding paragraph (1), the end  
4 strength level of members of the Armed Forces of the  
5 United States assigned to permanent duty ashore in Euro-  
6 pean member nations of NATO may exceed 100,000 in  
7 a fiscal year if, before September 1 of that fiscal year,  
8 the President certifies to Congress that it is essential for  
9 the end strength level to exceed 100,000 in that fiscal year  
10 in order to attain national security objectives of the United  
11 States in Europe and that the number of personnel in ex-  
12 cess of 100,000 does not exceed the number of additional  
13 personnel necessary to attain such objectives. In no event  
14 may the end strength level exceed 113,000 in any fiscal  
15 year.”.

16 (b) CONFORMING AMENDMENT.—Section 1303 of the  
17 National Defense Authorization Act for Fiscal Year 1993  
18 (Public Law 102–484; 106 Stat. 2546) is repealed.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 subsection (a) shall take effect on October 1, 1995.

21 **SEC. 1013. EXTENSION AND REVISION OF AUTHORITIES RE-**  
22 **LATING TO COOPERATIVE THREAT REDUC-**  
23 **TION.**

24 (a) FUNDING FOR FISCAL YEAR 1995.—Funds au-  
25 thorized to be appropriated under section 301(19) shall

1 be available for cooperative threat reduction with states  
2 of the former Soviet Union under the Cooperative Threat  
3 Reduction Act of 1993 (title XII of Public Law 103–160;  
4 22 U.S.C. 5951 et seq.).

5 (b) SEMI-ANNUAL REPORTS.—Section 1207 of such  
6 Act (22 U.S.C. 5956) is amended by striking out “and  
7 not later than October 30, 1994,” and inserting in lieu  
8 thereof “October 30, 1994, April 30, 1995, and October  
9 30, 1995,”.

10 **SEC. 1014. DEFENSE COOPERATION BETWEEN THE UNITED**  
11 **STATES AND ISRAEL.**

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

14 (1) The President has made a commitment to  
15 maintaining the qualitative superiority of the Israeli  
16 Defense Force over any potential combination of po-  
17 tential adversaries.

18 (2) Despite the peace process in which Israel is  
19 engaged, Israel continues to face difficult threats to  
20 its national security.

21 (3) The threats are compounded by the pro-  
22 liferation of weapons of mass destruction and ballis-  
23 tic missiles.

24 (4) Congress recognizes the many benefits to  
25 the United States resulting from the strategic rela-

1        tionship that exists between the United States and  
2        Israel.

3            (5) Congress is supportive of the objective of  
4        the President to enhance United States-Israel mili-  
5        tary and technical cooperation, particularly in the  
6        areas of missile defense and counter-proliferation.

7            (6) Congress is supportive of the establishment  
8        of the United States-Israel Science and Technology  
9        Commission in 1993.

10           (7) Maintaining the qualitative superiority of  
11        the Israeli Defense Force and strengthening the de-  
12        fense ties and science and technology cooperation be-  
13        tween the United States and Israel will help ensure  
14        that Israel has the military strength and political  
15        support necessary to take risks for peace while pro-  
16        viding Arab states with an incentive to pursue nego-  
17        tiations instead of war.

18           (8) Israel continues to cooperate with the Unit-  
19        ed States on numerous theater missile defense pro-  
20        grams, including the Arrow Tactical Anti-Missile  
21        program and the boost phase intercept technology  
22        program.

23           (9) It is in the national interests of the United  
24        States and Israel to strengthen existing mechanisms  
25        for cooperation and to eliminate unnecessary bar-

1 riers to further collaboration between the United  
2 States and Israel.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that Congress—

5 (1) encourages the President to ensure that any  
6 conventional defense system or technology offered  
7 for release to any NATO or other major non-NATO  
8 ally should concurrently be available for purchase by  
9 Israel unless such action would contravene United  
10 States national interests; and

11 (2) urges the President to make available to Is-  
12 rael, within existing technology transfer laws, regula-  
13 tions, and policies, advanced United States tech-  
14 nology necessary for continued progress in coopera-  
15 tive United States-Israel research and development  
16 of theater missile defenses.

17 **SEC. 1015. MILITARY-TO-MILITARY CONTACTS AND COM-**  
18 **PARABLE ACTIVITIES.**

19 (a) ACTIVITIES AUTHORIZED.—(1) Chapter 6 of title  
20 10, United States Code, is amended by adding at the end  
21 the following new section:

22 **“§ 166b. Military-to-military contacts and comparable**  
23 **activities**

24 “(a) AUTHORITY.—The Secretary of Defense may  
25 conduct military-to-military contacts and comparable ac-

1 tivities that are designed to encourage a democratic ori-  
2 entation of defense establishments and military forces of  
3 other countries.

4 “(b) ADMINISTRATION.—The Secretary may provide  
5 funds appropriated for carrying out subsection (a) to the  
6 following officials for use as provided in subsection (c):

7 “(1) The commander of a combatant command,  
8 upon the request of the commander.

9 “(2) An officer designated by the Chairman of  
10 the Joint Chiefs of Staff, with respect to an area or  
11 areas not under the area of responsibility of a com-  
12 mander of a combatant command.

13 “(3) The head of any Department of Defense  
14 component.

15 “(c) AUTHORIZED ACTIVITIES.—An official provided  
16 funds under subsection (b) may use such funds for the  
17 following activities and expenses:

18 “(1) The activities of traveling contact teams,  
19 including any transportation expenses, translation  
20 services expenses, and administrative expenses that  
21 are related to such activities.

22 “(2) The activities of military liaison teams.

23 “(3) Exchanges of—

1           “(A) civilian or military personnel between  
2           the Department of Defense and defense min-  
3           istries of foreign governments; and

4           “(B) military personnel between units of  
5           the armed forces and units of foreign armed  
6           forces.

7           “(4) Seminars and conferences held primarily  
8           in a theater of operations.

9           “(5) Distribution of publications primarily in a  
10          theater of operations.

11          “(6) Personnel expenses for Department of De-  
12          fense civilian and military personnel to the extent  
13          that such expenses relate to participation in activi-  
14          ties described in paragraphs (3), (4), and (5).

15          “(7) Reimbursement of military personnel ap-  
16          propriations accounts for the pay and allowances  
17          paid to National Guard personnel and other reserve  
18          components personnel for service while engaged in  
19          activities referred to in other paragraphs of this sub-  
20          section.

21          “(d) RELATIONSHIP TO OTHER FUNDING.—Any  
22          amount provided during any fiscal year to an official  
23          under subsection (b) for activities or expenses referred to  
24          in subsection (c) shall be in addition to amounts otherwise

1 available for such activities and expenses for that fiscal  
2 year.

3 “(e) LIMITATIONS.—(1) Funds may not be provided  
4 under this section for a fiscal year for any activity for  
5 which—

6 “(A) funding was proposed in the budget sub-  
7 mitted to Congress for such fiscal year pursuant to  
8 section 1105(a) of title 31; and

9 “(B) Congress did not authorize appropriations.

10 “(2) An activity may not be conducted under this sec-  
11 tion with a foreign country unless the Secretary of State  
12 approves the conduct of such activity in that foreign coun-  
13 try.

14 “(3) Funds may not be provided under this section  
15 for a fiscal year for any country which was not eligible  
16 in that fiscal year for assistance under chapter 5 of part  
17 II of the Foreign Assistance Act of 1961.

18 “(4) Funds may not be used under this section for  
19 the provision of military education or training, defense ar-  
20 ticles, or defense services to any country.

21 “(f) MILITARY-TO-MILITARY CONTACTS DEFINED.—  
22 In this section, the term ‘military-to-military contacts’  
23 means contacts between members of the armed forces and  
24 members of foreign armed forces through activities de-  
25 scribed in subsection (c).”.

1           (2) The table of sections at the beginning of chapter  
2 6 of such title is amended by adding at the end the follow-  
3 ing new item:

“166b. Military-to-military contacts and comparable activities.”.

4           (b) FUNDING.—Of the amount authorized to be ap-  
5 propriated under section 301(5) for operation and mainte-  
6 nance for Defense-wide activities, \$46,300,000 shall be  
7 available to the Secretary of Defense for the purposes of  
8 carrying out activities under section 166b of title 10, Unit-  
9 ed States Code, as added by subsection (a).

10 **SEC. 1016. FOREIGN DISASTER RELIEF.**

11           (a) AUTHORITY.—(1) Subchapter I of chapter 20 of  
12 title 10, United States Code, is amended by adding at the  
13 end the following new section:

14 **“§ 404. Foreign disaster relief**

15           “(a) IN GENERAL.—The President may conduct dis-  
16 aster relief activities outside the United States to respond  
17 to manmade or natural disasters when necessary to pre-  
18 vent loss of lives.

19           “(b) FORMS OF ASSISTANCE.—Assistance provided  
20 under this section may include transportation, supplies,  
21 services, and equipment.

22           “(c) DETERMINATION REQUIRED.—No assistance  
23 may be furnished pursuant to this section unless the  
24 President determines that the provision of disaster relief

1 is in the national interest of the United States and is nec-  
2 essary to prevent loss of lives.

3 “(d) REPORT REQUIRED.—Not later than 48 hours  
4 after the commencement of disaster relief activities, the  
5 President shall transmit to the Congress a report contain-  
6 ing the determination required by subsection (c) and a de-  
7 scription of the following:

8 “(1) The manmade or natural disaster for  
9 which disaster relief is necessary.

10 “(2) The threat to human lives presented by  
11 the disaster.

12 “(3) The United States military personnel and  
13 material resources that are involved or expected to  
14 be involved.

15 “(4) The disaster relief that is being provided  
16 or is expected to be provided by other nations or  
17 public or private relief organizations.

18 “(5) The anticipated duration of the disaster  
19 relief activities.”.

20 (2) The table of sections at the beginning of such sub-  
21 chapter is amended by adding at the end the following:

“404. Foreign disaster relief.”.

22 (b) FUNDING OF ACTIVITIES.—Of the amount au-  
23 thorized to be appropriated under subsection 301(5),  
24 \$46,300,000 shall be available to the Secretary of Defense  
25 for the purpose of carrying out disaster relief activities

1 under section 404 of title 10, United States Code, as  
2 added by subsection (a).

3 **SEC. 1017. BURDENSARING POLICY AND REPORT.**

4 (a) POLICY.—It is the policy of the United States  
5 that the North Atlantic Treaty Organization (NATO) al-  
6 lies should assist the United States in paying the incre-  
7 mental cost incurred by the United States for maintaining  
8 members of the Armed Forces in assignments to perma-  
9 nent duty ashore in Europe solely for performing United  
10 States obligations for support of NATO.

11 (b) IMPLEMENTATION.—The President shall take all  
12 necessary actions to ensure the effective implementation  
13 of the burdensharing policy set forth in subsection (a).

14 (c) REPORT.—The Secretary of Defense shall include  
15 in the annual burdensharing report required by section  
16 1002(d) of the Department of Defense Authorization Act,  
17 1985 (22 U.S.C. 1928 note) the following matters:

18 (1) A specific enumeration and description of  
19 the United States military resources and military  
20 personnel assigned to permanent duty ashore in Eu-  
21 rope primarily in support of NATO and an analysis  
22 of the cost of providing and maintaining such re-  
23 sources and personnel in such assignment primarily  
24 for that purpose.

1           (2) A specific enumeration and description of  
2 the United States military resources and military  
3 personnel assigned to permanent duty ashore in Eu-  
4 rope primarily in support of other United States in-  
5 terests in other regions of the world and an analysis  
6 of the cost of providing and maintaining such re-  
7 sources and personnel in such assignment primarily  
8 for that purpose.

9           (3) A specific enumeration and description of  
10 the offsets to United States costs of providing and  
11 maintaining United States military resources and  
12 military personnel in Europe that the United States  
13 has previously received from other NATO member  
14 nations, set out by country and by type of assist-  
15 ance, including both “in-kind” assistance and direct  
16 cash reimbursement, and the projected offsets for  
17 the five fiscal years following the fiscal year in which  
18 the report is submitted.

19           (4) A detailed identification of the costs associ-  
20 ated with maintaining United States military per-  
21 sonnel in assignments to permanent duty ashore in  
22 Europe for NATO and the difference in cost that  
23 would result from stationing such personnel at mili-  
24 tary bases within the United States and continuing

1 to assign to such personnel the mission to perform  
2 United States obligations under NATO.

3 (5) A comparison of the defense spending by  
4 each NATO member country as a percentage of  
5 Gross Domestic Product (GDP) beginning in 1985  
6 and the projected future defense spending as a per-  
7 centage of Gross Domestic Product through 2000.

8 (6) A review of all actions taken by the United  
9 States to ensure the effective implementation of the  
10 United States burdensharing policy set forth in sub-  
11 section (a).

12 (d) INCREMENTAL COST DEFINED.—In this section,  
13 the term “incremental cost”, with respect to maintaining  
14 members of the Armed Forces in assignments to perma-  
15 nent duty ashore in Europe, includes the cost of transpor-  
16 tation to and from duty stations in Europe, any variation  
17 in the cost of housing and food as compared to the cost  
18 of housing and food for members of the Armed Forces  
19 stationed in the United States, and any additional expend-  
20 itures associated with infrastructure necessary to support  
21 United States forces in Europe.

1 **SEC. 1018. REVIEW AND REPORT REGARDING DEPARTMENT**  
2 **OF DEFENSE PROGRAMS RELATING TO RE-**  
3 **GIONAL SECURITY AND HOST NATION DEVEL-**  
4 **OPMENT IN THE WESTERN HEMISPHERE.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) The political environment in the Western  
8 Hemisphere has been characterized in recent years  
9 by significant democratic advances and an absence  
10 of international strife; but democracy is fragile in  
11 some nations of the region.

12 (2) It is desirable for the Department of De-  
13 fense to perform a positive role in influencing re-  
14 gional armed forces to make positive contributions to  
15 the democratic process and to domestic development  
16 programs.

17 (3) Congress receives a number of annual re-  
18 ports relating to specific authorities granted to the  
19 Secretary of Defense under title 10, United States  
20 Code, such as the authorities relating to the conduct  
21 of bilateral or regional cooperation programs under  
22 section 1051, participation of developing countries in  
23 combined exercises under section 2110, and the  
24 training of special operations forces with friendly  
25 forces under section 2011.

1           (4) The annual reports are replete with statis-  
2           tics and dollar figures and generally lacking in sub-  
3           stance.

4           (5) Congress does not receive annual reports  
5           with respect to other authorities of the Secretary of  
6           Defense, such as that relating to Latin American co-  
7           operation under section 1050 of title 10, United  
8           States Code.

9           (6) Testimony before Congress, including in  
10          particular the testimony of the Commander in Chief,  
11          United States Southern Command, and the Com-  
12          mander in Chief, United States Atlantic Command,  
13          has emphasized the conduct of a large number of  
14          complementary programs under the leadership and  
15          supervision of those two commanders to foster ap-  
16          propriate military roles in democratic host nations  
17          and to assist countries in developing forces properly  
18          trained to address their security needs, including  
19          needs regarding illegal immigration, insurgencies,  
20          smuggling of illegal arms, munitions, and explosives  
21          across borders, and drug trafficking.

22          (7) Most of the programs referred to in para-  
23          graph (6) provide excellent and often unique train-  
24          ing and experience to the United States forces in-  
25          volved.

1           (8) The expansion of the military-to-military  
2 contact program to the Western Hemisphere will  
3 provide another tool to encourage a democratic ori-  
4 entation of the defense establishments and military  
5 forces of countries in the region.

6           (9) There is a need to conduct a comprehensive  
7 review of the several authorities in title 10, United  
8 States Code, for the Secretary of Defense to engage  
9 in cooperative regional security programs with other  
10 countries in the Western Hemisphere in order to de-  
11 termine whether the authorities continue to be ap-  
12 propriate and necessary, particularly in the light of  
13 the changed circumstances in the region.

14           (10) There is a need to conduct a comprehen-  
15 sive review of the various programs carried out pur-  
16 suant to such authorities to ensure that such pro-  
17 grams are designed to meet the needs of the host  
18 nations involved and the regional objectives of the  
19 United States.

20           (11) There is a need to assess the strengths  
21 and weaknesses of the various regional security or-  
22 ganizations, defense forums, and defense education  
23 institutions in the Western Hemisphere in order to  
24 identify any improvements needed to harmonize the

1 defense policies of the United States and those of  
2 friendly nations of the region.

3 (b) REPORT REQUIRED.—Not later than May 1,  
4 1995, the Secretary of Defense, shall—

5 (1) carry out a comprehensive review and as-  
6 sessment of the matters referred to in paragraphs  
7 (9), (10), and (11) of subsection (a); and

8 (2) after consultation with the Chairman of the  
9 Joint Chiefs of Staff and the commanders of the  
10 combatant commands responsible for regions in the  
11 Western Hemisphere, submit to the Committees on  
12 Armed Services of the Senate and House of Rep-  
13 resentatives a report on regional defense matters.

14 (c) CONTENT OF REPORT.—The report shall contain  
15 a detailed and comprehensive description, discussion, and  
16 analysis of the following matters:

17 (1) The Department of Defense plan to support  
18 United States strategic objectives in the Western  
19 Hemisphere.

20 (2) The external and internal threats to the na-  
21 tional security of the nations of the region.

22 (3) The various regional security cooperative  
23 programs carried out by the Department of Defense  
24 in the region in 1994, including training and edu-  
25 cation programs in the host nations and in the Unit-

1 ed States and defense contacts set forth on a coun-  
2 try-by-country basis, the statutory authority, if any,  
3 for such programs, and the strategic objectives  
4 served.

5 (4) The various regional security organizations,  
6 defense forums, and defense education institutions  
7 that the United States maintains or in which the  
8 United States participates.

9 (5) An assessment of the contribution that such  
10 programs, defense contacts, organizations, forums,  
11 and institutions make to the advancement of re-  
12 gional security, host nation security and national de-  
13 velopment, and the strategic objectives of the United  
14 States.

15 (6) The changes made or to be made in the  
16 programs, organizations, forums, and institutions as  
17 a result of the comprehensive review.

18 (7) Any recommended legislation considered  
19 necessary to improve the ability of the Department  
20 to achieve its strategic objectives.

21 (d) CLASSIFICATION OF REPORT.—The report shall  
22 be submitted in an unclassified form and may, if nec-  
23 essary, have a classified supplement.

1 **SEC. 1019. PAYMENTS-IN-KIND FOR RELEASE OF UNITED**  
2 **STATES OVERSEAS MILITARY FACILITIES TO**  
3 **NATO HOST COUNTRIES.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) The United States has invested  
7 \$6,500,000,000 in military infrastructure in North  
8 Atlantic Treaty Organization (NATO) countries.

9 (2) As part of an overall plan to reduce United  
10 States troop strength in Europe from 323,432 in  
11 1987 to 100,000 by the end of 1996, the Depart-  
12 ment of Defense plans to close or reduce United  
13 States military presence at 867 military sites over-  
14 seas.

15 (3) Most of the overseas military sites an-  
16 nounced for closure are in Europe where the United  
17 States has already closed 434 such sites.

18 (4) When the United States closes military sites  
19 in Europe, the United States brings the military  
20 personnel home but leaves buildings, roads, sewers,  
21 and other real property improvements behind.

22 (5) Some allies have agreed to pay the United  
23 States for the residual value of the real property im-  
24 provements left behind.

25 (6) Although the United States military  
26 drawdown has been rapid since 1990, European al-

1 lies have been slow to pay the United States the re-  
2 sidual value of the sites released by the United  
3 States.

4 (7) As of 1994, the United States has recouped  
5 only \$33,300,000 in cash, and most of that was re-  
6 covered in 1989.

7 (8) Although the United States has released to  
8 Germany over 60 percent of the military sites  
9 planned for closure by the United States in that  
10 country and the current value of United States fa-  
11 cilities to be returned to the German government is  
12 estimated at approximately \$2,700,000,000, the  
13 German government has budgeted only \$25,000,000  
14 for fiscal year 1994 for payment of compensation for  
15 the United States investment in such improvements.

16 (b) POLICY.—It is the sense of Congress that—

17 (1) the President should redouble efforts to re-  
18 cover the value of the United States investment in  
19 the military infrastructure of NATO countries;

20 (2) the President should enter into negotiations  
21 with the government of each NATO host country  
22 with a presumption that payments to compensate  
23 the United States for the negotiated value of im-  
24 provements will be made in cash and deposited in

1 the Department of Defense Overseas Military Facil-  
2 ity Investment Recovery Account;

3 (3) the President should enter into negotiations  
4 for payments-in-kind only as a last resort and only  
5 after informing the Congress that negotiations for  
6 cash payments have not been successful; and

7 (4) to the extent that in-kind contributions are  
8 received in lieu of cash payments in any fiscal year,  
9 the in-kind contributions should be used for projects  
10 which are identified priorities of the Department of  
11 Defense.

12 (c) REQUIREMENTS AND LIMITATIONS RELATING TO  
13 PAYMENTS-IN-KIND.—(1) Subsection (e) of section 2921  
14 of the National Defense Authorization Act for Fiscal Year  
15 1991 (10 U.S.C. 2687 note) is amended—

16 (A) by inserting “(1)” after “NEGOTIATIONS  
17 FOR PAYMENTS-IN-KIND.—”;

18 (B) by striking out “a written notice” and all  
19 that follows and inserting in lieu thereof “to the con-  
20 gressional defense committees (and one additional  
21 copy to each of the Subcommittees on Defense of the  
22 Committees on Appropriations of the Senate and the  
23 House of Representatives) a written notice regarding  
24 the intended negotiations.”; and

1 (C) by adding at the end the following new  
2 paragraph:

3 “(2) The notice shall contain the following:

4 “(A) A justification for entering into negotia-  
5 tions for payments-in-kind with the host country.

6 “(B) The types of benefit options to be pursued  
7 by the Secretary in the negotiations.

8 “(C) A discussion of the adjustments that are  
9 intended to be made in the future-years defense pro-  
10 gram or in the budget of the Department of Defense  
11 for the fiscal year in which the notice is submitted  
12 or the following fiscal year in order to reflect costs  
13 that it may no longer be necessary for the United  
14 States to incur as a result of the payments-in-kind  
15 to be sought in the negotiations.”.

16 (2) Such section is amended by adding at the end  
17 the following new subsection:

18 “(h) CONGRESSIONAL OVERSIGHT OF PAYMENTS-IN-  
19 KIND.—(1) Not less than 30 days before concluding an  
20 agreement for acceptance of military construction or facil-  
21 ity improvements as a payment-in-kind, the Secretary of  
22 Defense shall submit to Congress a notification on the pro-  
23 posed agreement that contains the following matters:

1           “(A) A description of the military construction  
2 project or facility improvement project, as the case  
3 may be.

4           “(B) A certification that the project is needed  
5 by United States forces.

6           “(C) An explanation of how the project will aid  
7 in the achievement of the mission of those forces.

8           “(D) A certification that, if the project were to  
9 be carried out by the Department of Defense, appro-  
10 priations would be necessary for the project and it  
11 would be necessary to provide for the project in the  
12 next future-years defense program.

13          “(2) Not less than 30 days before concluding an  
14 agreement for acceptance of host nation support or host  
15 nation payment of operating costs of United States forces  
16 as a payment-in-kind, the Secretary of Defense shall sub-  
17 mit to Congress a notification on the proposed agreement  
18 that contains the following matters:

19           “(A) A description of each activity to be cov-  
20 ered by the payment-in-kind.

21           “(B) A certification that the costs to be covered  
22 by the payment-in-kind are included in the budget of  
23 one or more of the military departments or that it  
24 will otherwise be necessary to provide for payment of

1 such costs in a budget of one or more of the military  
2 departments.

3 “(C) A certification that, unless the payment-  
4 in-kind is accepted or funds are appropriated for  
5 payment of such costs, the military mission of the  
6 United States forces with respect to the host nation  
7 concerned will be adversely affected.”.

8 **Subtitle C—Nonproliferation and**  
9 **Counterproliferation of Weapon**  
10 **Systems and Related Systems**

11 **SEC. 1021. EXTENSION AND REVISION OF NONPROLIFERA-**  
12 **TION AUTHORITIES.**

13 (a) EXTENSION OF NONPROLIFERATION AUTHORI-  
14 TIES.—Section 1505 of the National Defense Authoriza-  
15 tion Act for Fiscal Year 1993 (22 U.S.C. 5859a) is  
16 amended—

17 (1) in subsection (a), by striking out “during  
18 fiscal year 1994” and inserting in lieu thereof “dur-  
19 ing fiscal years 1994 and 1995”; and

20 (2) in subsection (e), by striking out “fiscal  
21 year 1994” and inserting in lieu thereof “fiscal  
22 years 1994 and 1995”.

23 (b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE  
24 PROVIDED.—Subsection (b)(4) of such section is amended  
25 by striking out “nuclear proliferation through joint tech-

1 nical projects and improved intelligence sharing” and in-  
2 serting in lieu thereof “nuclear, biological, chemical, and  
3 missile proliferation through technical projects and im-  
4 proved information sharing”.

5 (c) SOURCES OF ASSISTANCE.—Subsection (d) of  
6 such section is amended—

7 (1) in paragraph (1)—

8 (A) by inserting “for fiscal year 1994”  
9 after “under this section”; and

10 (B) by striking out “fiscal year 1994 or”  
11 and inserting in lieu thereof “fiscal year 1994.  
12 Funds provided as assistance under this section  
13 for fiscal year 1995 shall be derived from  
14 amounts made available to the Department of  
15 Defense for fiscal year 1995. Alternatively,  
16 funds provided as assistance under this section  
17 for a fiscal year referred to in this paragraph  
18 may be derived”; and

19 (2) in paragraph (3), by inserting after  
20 “\$25,000,000” the following: “for fiscal year 1994  
21 or \$15,000,000 for fiscal year 1995”.

1 **SEC. 1022. JOINT COMMITTEE FOR THE REVIEW OF**  
2 **COUNTERPROLIFERATION PROGRAMS OF**  
3 **THE UNITED STATES.**

4 (a) COMPOSITION.—Subsection (a) of section 1605 of  
5 the National Defense Authorization Act for Fiscal Year  
6 1994 (Public Law 103–160; 107 Stat 1845) is amended—

7 (1) in paragraph (1)—

8 (A) by striking out “Non-Proliferation” in  
9 the matter above subparagraph (A) and insert-  
10 ing in lieu thereof “Counterproliferation”;

11 (B) by striking out subparagraphs (B) and  
12 (E); and

13 (C) by redesignating subparagraphs (C),  
14 (D), and (F) as subparagraphs (B), (C), and  
15 (D), respectively;

16 (2) in paragraph (2), by adding at the end the  
17 following: “The Secretary of Energy shall serve as  
18 the Vice Chairman of the committee.”;

19 (3) in paragraph (4), by adding at the end the  
20 following: “The Secretary of Energy may delegate to  
21 the Under Secretary of Energy responsible for na-  
22 tional security programs of the Department of En-  
23 ergy the performance of the duties of the Vice  
24 Chairman of the committee.”; and

25 (4) by striking out paragraph (5).

1 (b) PURPOSES OF COMMITTEE.—Subsection (b) of  
2 such section is amended—

3 (1) in paragraph (1)(A), by striking out “non-  
4 proliferation policy” and inserting in lieu thereof  
5 “counterproliferation policy”; and

6 (2) by adding at the end the following new  
7 paragraphs:

8 “(3) To prioritize programs and funding.

9 “(4) To encourage and facilitate interagency  
10 and interdepartmental funding of programs in order  
11 to ensure necessary levels of funding to develop, op-  
12 erate, and field highly-capable systems.

13 “(5) To insure that Department of Energy pro-  
14 grams are integrated with the operational needs of  
15 other departments and agencies of the Federal Gov-  
16 ernment.

17 “(6) To ensure that Department of Energy na-  
18 tional security programs include development of sys-  
19 tems for deployment as well as research.”.

20 (c) DUTIES.—Subsection (c) of such section is  
21 amended—

22 (1) in paragraph (1)—

23 (A) by striking out “(including  
24 counterproliferation capabilities) and tech-  
25 nologies for support of United States non-

1 proliferation policy” in the matter above sub-  
2 paragraph (A) and inserting in lieu thereof  
3 “and technologies for support of United States  
4 nonproliferation policy and counterproliferation  
5 policy”;

6 (B) by inserting “and” at the end of sub-  
7 paragraph (D); and

8 (C) by striking out subparagraphs (F) and  
9 (G);

10 (2) by striking out paragraphs (2), (3), and (7);

11 (3) in paragraph (4), by striking out “to sup-  
12 port fully the nonproliferation policy of the United  
13 States”;

14 (4) by redesignating paragraphs (4), (5), and  
15 (6) as paragraphs (2), (3), and (4), respectively; and

16 (5) by adding at the end the following new  
17 paragraph (5):

18 “(5) assess each fiscal year the effectiveness of  
19 the committee actions during the preceding fiscal  
20 year, including, particularly, the status of rec-  
21 ommendations made during such preceding fiscal  
22 year that were reflected in the budget submitted to  
23 Congress pursuant to section 1105(a) of title 31,  
24 United States Code, for the fiscal year following the  
25 fiscal year in which the assessment is made.”.

1 (d) COMMITTEE RECOMMENDATIONS.—Subsection  
2 (e) of such section is amended to read as follows:

3 “(e) RECOMMENDATIONS.—The committee shall sub-  
4 mit to the President and the heads of all appropriate de-  
5 partments and agencies of the Federal Government such  
6 programmatic recommendations regarding existing,  
7 planned, or new programs as the committee considers ap-  
8 propriate to encourage funding for capabilities and tech-  
9 nologies at the level necessary to support United States  
10 counterproliferation policy.”.

11 (e) EXTENSION OF COMMITTEE.—Subsection (f) of  
12 such section is amended by striking out “six months after  
13 the date on which the report of the Secretary of Defense  
14 under section 1606 is submitted to Congress” and insert-  
15 ing in lieu thereof “at the end of September 30, 1996”.

16 **SEC. 1023. REPORT ON COUNTERPROLIFERATION ACTIVI-**  
17 **TIES AND PROGRAMS.**

18 (a) REPORT REQUIRED.—Not later than May 1,  
19 1995, and not later than May 1 of each year thereafter,  
20 the Secretary of Defense shall submit to the appropriate  
21 committees of Congress a report of the findings of the  
22 Counterproliferation Program Review Committee estab-  
23 lished by section 1605 of the National Defense Authoriza-  
24 tion Act for Fiscal Year 1994 (Public Law 103–160; 107  
25 Stat 1845). The Secretary shall submit any special annex

1 of the report to the committees of Congress that tradition-  
2 ally receive information in the annex in the performance  
3 of oversight functions of such committees.

4 (b) CONTENT OF THE REPORT.—The report shall in-  
5 clude the following matters:

6 (1) A complete list, by specific program ele-  
7 ment, of the existing, planned, or newly proposed ca-  
8 pabilities and technologies reviewed by the commit-  
9 tee pursuant to section 1605(c) of Public Law 103–  
10 160.

11 (2) A complete description of the requirements  
12 and priorities established by the Counterproliferation  
13 Program Review Committee.

14 (3) A comprehensive discussion of the near-  
15 term, mid-term, and long-term programmatic op-  
16 tions formulated by the committee for meeting re-  
17 quirements prescribed by the committee and for  
18 eliminating deficiencies identified by the committee,  
19 including the annual funding requirements and com-  
20 pletion dates established for each such option.

21 (4) An explanation of the recommendations  
22 made pursuant to section 1605(c) of Public Law  
23 103–160, together with a full discussion of the ac-  
24 tions taken to implement such recommendations or  
25 otherwise taken on the recommendations.

1           (5) A discussion and assessment of the status  
2 of each committee recommendation during the fiscal  
3 year preceding the fiscal year in which the report is  
4 submitted, including, particularly, the status of rec-  
5 ommendations made during such preceding fiscal  
6 year that were reflected in the budget submitted to  
7 Congress pursuant to section 1105(a) of title 31,  
8 United States Code, in the fiscal year of the report.

9           (6) Each specific Department of Energy pro-  
10 gram that the Secretary of Energy plans to develop  
11 to initial operating capability and each such program  
12 that the Secretary does not plan to develop to initial  
13 operating capability.

14           (7) For each technology program scheduled to  
15 reach initial operational capability, a recommenda-  
16 tion from the Chairman of the Joint Chiefs of Staff  
17 that represents the views of the commanders of the  
18 unified and specified commands regarding the utility  
19 and requirement of the program.

20           (c) FORMS OF REPORT.—The report shall be submit-  
21 ted in both unclassified and classified forms, including an  
22 annex to the classified report for special compartmented  
23 information programs, special access programs, and spe-  
24 cial activities programs.

25           (d) DEFINITIONS.—In this section:

1           (1) The term “appropriate committees of Con-  
2           gress” means—

3                   (A) the Committee on Armed Services, the  
4                   Committee on Appropriations, and the Select  
5                   Committee on Intelligence of the Senate; and

6                   (B) the Committee on Armed Services, the  
7                   Committee on Appropriations, and the Select  
8                   Committee on Intelligence of the House of Rep-  
9                   resentatives.

10           (2) The term “intelligence community” has the  
11           meaning given such term in section 3 of the Na-  
12           tional Security Act of 1947 (50 U.S.C. 401a).

13 **SEC. 1024. AMOUNTS FOR COUNTERPROLIFERATION AC-**  
14 **TIVITIES.**

15           (a) COUNTERPROLIFERATION ACTIVITIES.—Of the  
16           amount authorized to be appropriated in section 201(4),  
17           \$12,500,000 shall be available for counterproliferation ac-  
18           tivities.

19           (b) EDUCATION IN SUPPORT OF  
20           COUNTERPROLIFERATION ACTIVITIES.—Of the amount  
21           authorized to be appropriated in section 301(5), not more  
22           than \$1,000,000 shall be available for providing education  
23           to members of the Armed Forces in matters relating to  
24           counterproliferation.

1           (c) ADDITIONAL AUTHORITY TO TRANSFER AU-  
2 THORIZATIONS.—(1) In addition to the transfer authority  
3 provided in section 1001, upon determination by the Sec-  
4 retary of Defense that such action is necessary in the na-  
5 tional interest, the Secretary may transfer amounts of au-  
6 thorizations made available to the Department of Defense  
7 in this division for fiscal year 1995 to counterproliferation  
8 programs, projects, and activities identified as areas for  
9 progress by the Joint Committee for the Review of  
10 Counterproliferation Programs established by section  
11 1605 of the National Defense Authorization Act for Fiscal  
12 Year 1994 (Public Law 103–160; 107 Stat. 1845).  
13 Amounts of authorizations so transferred shall be merged  
14 with and be available for the same purposes as the author-  
15 ization to which transferred.

16           (2) The total amount of authorizations that the Sec-  
17 retary may transfer under the authority of this subsection  
18 may not exceed \$100,000,000.

19           (3) The authority provided by this subsection to  
20 transfer authorizations—

21               (A) may only be used to provide authority for  
22 items that have a higher priority than the items  
23 from which authority is transferred; and

1 (B) may not be used to provide authority for an  
2 item that has been denied authorization by Con-  
3 gress.

4 (4) A transfer made from one account to another  
5 under the authority of this subsection shall be deemed to  
6 increase the amount authorized for the account to which  
7 the amount is transferred by an amount equal to the  
8 amount transferred.

9 (5) The Secretary of Defense shall promptly notify  
10 Congress of transfers made under the authority of this  
11 subsection.

12 (d) USE OF FUNDS FOR TECHNOLOGY DEVELOP-  
13 MENT.—(1) Of the funds authorized to be appropriated  
14 by section 201(4) for a counterproliferation technology  
15 project in Program Element 602301E—

16 (A) \$5,000,000 shall be available for a program  
17 to detect, locate, and disarm weapons of mass de-  
18 struction that are hidden by a hostile state or terror-  
19 ist or terrorist group in confined area outside the  
20 United States; and

21 (B) \$10,000,000 shall be available for the  
22 training program referred to in paragraph (3).

23 (2) The Secretary of Defense shall make funds avail-  
24 able for the program referred to in paragraph (1)(A) in  
25 a manner that, to the maximum extent practicable, en-

1 sures the effective utilization of existing resources of the  
2 national weapons laboratories.

3 (3)(A) The training program referred to in paragraph  
4 (1)(B) is a training program carried out jointly by the  
5 Secretary of Defense and the Director of the Federal Bu-  
6 reau of Investigation in order to expand and improve Unit-  
7 ed States efforts to deter the possible proliferation and  
8 acquisition weapons of mass destruction by organized  
9 crime organizations in Eastern Europe, the Baltic coun-  
10 tries, and the former Soviet Union.

11 (B) The funds available under paragraph (1)(B) for  
12 the program referred to in subparagraph (A) may not be  
13 obligated or expended for that program until the Secretary  
14 of Defense and the Director of the Federal Bureau of In-  
15 vestigation jointly submit to the congressional defense  
16 committees a report that—

17 (i) identifies the nature and extent of the threat  
18 posed to the United States by the possible prolifera-  
19 tion and acquisition of weapons of mass destruction  
20 by organized crime organizations in Eastern Europe,  
21 the Baltic countries, and the former Soviet Union;

22 (ii) assesses the actions that the United States  
23 should undertake in order to assist law enforcement  
24 agencies of Eastern Europe, the Baltic countries,  
25 and the former Soviet Union in the efforts of such

1 agencies to prevent and deter the theft of nuclear  
2 weapons material; and

3 (iii) contains an estimate of—

4 (I) the cost of undertaking such actions,  
5 including the costs of personnel, support equip-  
6 ment, and training;

7 (II) the time required to commence the  
8 carrying out of the program referred to in para-  
9 graph (1); and

10 (III) the amount of funds, if any, that will  
11 be required in fiscal years after fiscal year 1995  
12 in order to carry out the program.

13 **SEC. 1025. RESTRICTION RELATING TO REPORT ON PRO-**  
14 **LIFERATION OF FOREIGN MILITARY SAT-**  
15 **ELLITES.**

16 None of the funds available to the Department of De-  
17 fense for travel may be expended for travel by the Assist-  
18 ant Secretary of Defense for International Security Policy  
19 until the Secretary of Defense submits to Congress the  
20 report required by section 1363 of the National Defense  
21 Authorization Act for Fiscal Year 1993 (Public Law 102-  
22 484; 106 Stat. 2560) together with the certification re-  
23 quired by section 211(d) of the National Defense Author-  
24 ization Act for Fiscal Year 1994 (Public Law 103-160;  
25 107 Stat. 1584).

1       **Subtitle D—Peace Operations**

2       **SEC. 1031. REPORTS ON REFORMING MULTILATERAL**  
3               **PEACE OPERATIONS.**

4           (a) **REPORTS REQUIRED.**—The Secretary of Defense  
5 shall submit to the congressional defense committees two  
6 reports on United States proposals for improving United  
7 Nations management of peace operations. The Secretary  
8 shall submit the first report not later than December 1,  
9 1994, and the second report not later than June 1, 1995.

10          (b) **CONTENT OF REPORTS.**—(1) Each report shall  
11 contain—

12               (A) a discussion of the status of implementation  
13 of United States proposals contained in section IV  
14 (relating to strengthening the United Nations) of the  
15 document entitled “The Clinton Administration’s  
16 Policy on Reforming Multilateral Peace Operations”  
17 that was issued by the Executive Office of the Presi-  
18 dent in May 1994; and

19               (B) an analysis of the results of such implemen-  
20 tation.

21          (2) Each report shall cover, at a minimum, the fol-  
22 lowing matters:

23               (A) The reconfiguration and expansion of the  
24 staff for the United Nations Department of Peace-  
25 keeping Operations.

1           (B) The elimination by the United Nations of  
2 lengthy, potentially disastrous delays after a peace  
3 operation has been authorized.

4           (C) The establishment by the United Nations of  
5 a professional peace operations training program for  
6 commanders and other military and civilian person-  
7 nel.

8           (D) United States assistance to facilitate im-  
9 provements by the United Nations in the matters  
10 described in subparagraphs (A) and (C) and the  
11 terms under which such assistance has been or is  
12 being provided.

13       (c) DEFINITION.—Is this section, the term “peace op-  
14 eration” means an operation to maintain or restore inter-  
15 national peace and security under chapter VI or chapter  
16 VII of the Charter of the United Nations.

17 **SEC. 1032. SUPPORT FOR INTERNATIONAL PEACEKEEPING**  
18 **AND PEACE ENFORCEMENT.**

19       (a) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that—

21           (1) the President should initiate consultations  
22 with the bipartisan leadership of Congress, including  
23 the leadership of the relevant committees, as far in  
24 advance as possible regarding international peace-  
25 keeping or peace enforcement activities of the Unit-

1 ed Nations that would involve the participation of  
2 United States combat forces and such consultations  
3 should continue throughout the duration of such ac-  
4 tivities;

5 (2) the consultations should take place prior to  
6 the vote by the United States on United Nations Se-  
7 curity Council resolutions authorizing, extending, or  
8 revising the mandates for these types of activities;

9 (3) United Nations Security Council resolutions  
10 authorizing peacekeeping or peace enforcement ac-  
11 tivities should clearly state the threat to inter-  
12 national peace and security presented by the conflict  
13 in question, as well as the political and military ob-  
14 jectives, the anticipated duration, and an exit strat-  
15 egy for each activity;

16 (4) the United States should be fully reim-  
17 bursed for troop contributions and assistance pro-  
18 vided to United Nations peacekeeping and peace en-  
19 forcement activities;

20 (5) the United Nations should rarely conduct  
21 peace enforcement operations in view of the complex-  
22 ity of such operations and the difficulty of achieving  
23 unity of command and expeditious decisionmaking  
24 through the United Nations;

1           (6) United States combat forces should be  
2 under the operational control of qualified command-  
3 ers and should have clear and effective command  
4 and control arrangements, appropriate rules of en-  
5 gagement, and clear and unambiguous mission state-  
6 ments;

7           (7) United States combat forces should not be  
8 under the command and control of foreign com-  
9 manders in peace enforcement operations conducted  
10 by the United Nations except in the most extraor-  
11 dinary circumstances; and

12           (8) the Secretary of Defense should have the  
13 lead responsibility within the executive branch for  
14 the management of peacekeeping and peace enforce-  
15 ment activities of the United Nations in which Unit-  
16 ed States combat forces participate.

17           (b) SUPPORT AUTHORIZED.—(1) Section 403 of title  
18 10, United States Code, is amended to read as follows:

19 **“§ 403. International peacekeeping and international**  
20 **peace enforcement: support involving**  
21 **United States combat forces**

22           “(a) AUTHORITY.—Notwithstanding any other provi-  
23 sion of law, the Secretary of Defense may—

24           “(1) pay, out of funds in the Contributions for  
25 International Peacekeeping and Peace Enforcement

1       Activities Fund established by subsection (g), the  
2       United States fair share (as determined by the Sec-  
3       retary) of assessments for international peacekeep-  
4       ing or international peace enforcement activities of  
5       the United Nations in which United States combat  
6       forces participate; and

7               “(2) furnish assistance, on a reimbursable  
8       basis, in support of such activities.

9       “(b) FORMS OF ASSISTANCE.—Assistance provided  
10      under this section may include supplies, services, and  
11      equipment.

12      “(c) DETERMINATION REQUIRED.—No assessment  
13      may be paid and no assistance may be furnished pursuant  
14      to this section unless the President determines that the  
15      provision of assistance is in the national interest of the  
16      United States.

17      “(d) ADVANCE NOTICE.—(1) In the case of any inter-  
18      national peacekeeping or international peace enforcement  
19      operation of the United Nations in which United States  
20      combat forces are to participate, not less than 15 days  
21      before an initial deployment of United States combat  
22      forces, payment of a United Nations assessment, furnish-  
23      ing of assistance of a value in excess of \$14,000,000, or  
24      waiver of reimbursement to the United States under sub-  
25      section (e), the President shall transmit to the designated

1 congressional committees a report, which may be classified  
2 in whole or in part, that contains the determination re-  
3 quired by subsection (c) and the following matters:

4           “(A) A description of the threat to international  
5 peace and security presented by the conflict involved.

6           “(B) The United States interests that will be  
7 advanced by the operation and by the United States  
8 action.

9           “(C) The political and military objectives of the  
10 operation.

11           “(D) The exit criteria and likely duration of the  
12 operation.

13           “(E) The personnel and material resources that  
14 have been pledged, or are otherwise expected to be  
15 made available, by other nations to the United Na-  
16 tions for the operation.

17           “(F) The units of the armed forces that will  
18 participate.

19           “(G) The necessity for involvement of United  
20 States forces.

21           “(H) The command arrangements for those  
22 forces and, if any of the United States forces are to  
23 be placed under the operational control of foreign  
24 commanders, the justification for doing so.

25           “(I) The rules of engagement for the operation.

1           “(J) An assessment of the risks involved in the  
2 operation.

3           “(K) In the case of payment of an assessment,  
4 the amount to be paid and the terms under which  
5 the payment is to be made.

6           “(L) In the case of assistance, the supplies,  
7 services, or equipment to be provided by the United  
8 States and the terms under which such supplies,  
9 services, or equipment are to be provided.

10           “(M) In the case of a waiver of reimbursement,  
11 the justification for the waiver.

12           “(2) If the President determines that an unforeseen  
13 emergency requires the immediate deployment of United  
14 States combat troops or the immediate furnishing of as-  
15 sistance of a value in excess of \$14,000,000 under this  
16 section, the President—

17           “(A) may waive the requirement of paragraph  
18 (1) that a report be transmitted at least 15 days in  
19 advance of the action; and

20           “(B) shall promptly notify the designated com-  
21 mittees of such waiver and such deployment or  
22 transfer.

23           “(e) REIMBURSEMENT.—(1) The President shall re-  
24 quire reimbursement from the United Nations or from any  
25 other source for the participation of any force of the

1 armed forces in support of international peacekeeping or  
2 international peace enforcement activities of the United  
3 Nations or for the provision of assistance by the Secretary  
4 of Defense in support of such activities.

5 “(2) Any funds received as reimbursements shall be  
6 used as follows:

7 “(A) As a first priority, for the payment of the  
8 incremental costs of the military departments and  
9 Defense Agencies providing the participating United  
10 States forces or the supplies, services, or equipment  
11 involved.

12 “(B) As a second priority, for the payment of  
13 the incremental costs of any other United States  
14 forces that are operating in support of international  
15 peacekeeping or international peace enforcement ac-  
16 tivities but for which reimbursement is not possible.

17 “(3) After use of reimbursement funds for the pur-  
18 poses specified in paragraph (2), any remainder of such  
19 funds shall be credited to the Contributions for Inter-  
20 national Peacekeeping and Peace Enforcement Activities  
21 Fund established by subsection (g).

22 “(4) Reimbursements utilized for the payment of in-  
23 cremental costs shall be credited, at the option of the Sec-  
24 retary of the military department concerned or the head  
25 of the Defense Agency concerned, either to an appropria-

1 tion, fund, or other account obligated to pay such costs  
2 or to an appropriate appropriation, fund, or other account  
3 available for paying such costs.

4 “(f) WAIVER OF REIMBURSEMENT.—The President  
5 may waive, in whole or in part, any reimbursement re-  
6 quired under subsection (a)(2) or (e) in exceptional cir-  
7 cumstances upon determining that such waiver is in the  
8 national interest of the United States.

9 “(g) ESTABLISHMENT OF ACCOUNT.—There is here-  
10 by established in the Treasury of the United States a fund  
11 to be known as the ‘Contributions for International Peace-  
12 keeping and Peace Enforcement Activities Fund’.  
13 Amounts appropriated or otherwise credited to the Fund  
14 shall be available until expended for, and shall be used  
15 for, paying assessments for United Nations operations  
16 under this section.

17 “(h) AUTHORITY INAPPLICABLE WHEN UNITED  
18 STATES COMBAT FORCES NOT INVOLVED.—The author-  
19 ity in subsection (a) to pay United Nations assessments  
20 for international peacekeeping and international peace en-  
21 forcement activities of the United Nations may not be con-  
22 strued as authorizing payment of United Nations assess-  
23 ments for any such activity in which United States combat  
24 forces do not participate.

1       “(i) COORDINATION WITH OTHER LAWS.—This sec-  
2 tion may not be construed as superseding any provision  
3 of the War Powers Resolution. This section does not pro-  
4 vide authority for the participation of United States com-  
5 bat forces in any international peacekeeping or inter-  
6 national peace enforcement operation.

7       “(j) DEFINITIONS.—In this section:

8           “(1) The term ‘designated congressional com-  
9 mittees’ means the Committees on Armed Services,  
10 Appropriations, and Foreign Relations of the Senate  
11 and the Committees on Armed Services, Appropria-  
12 tions, and Foreign Affairs of the House of Rep-  
13 resentatives.

14           “(2) The term ‘combat forces’ means forces of  
15 the armed forces that have combat missions as pri-  
16 mary missions.

17           “(3) The term ‘international peacekeeping’  
18 means those activities performed pursuant to Chap-  
19 ter VI of the United Nations Charter.

20           “(4) The term ‘international peace enforcement’  
21 means those activities performed pursuant to Chap-  
22 ter VII of the United Nations Charter.”.

1 (2) The item relating to section 403 in the table of  
2 sections at the beginning of subchapter I of chapter 20  
3 of such title is amended to read as follows:

“403. International peacekeeping and international peace enforcement: support involving United States combat forces.”.

4 (c) AUTHORIZED SUPPORT FOR FISCAL YEAR  
5 1995.—Not more than \$300,000,000 is authorized to be  
6 appropriated for fiscal year 1995 for the Contributions for  
7 International Peacekeeping and Peace Enforcement Ac-  
8 tivities Fund under section 301(20).

## 9 **Subtitle E—Reporting** 10 **Requirements**

### 11 **SEC. 1041. REPORT ON OFFENSIVE BIOLOGICAL WARFARE** 12 **PROGRAM OF THE STATES OF THE FORMER** 13 **SOVIET UNION.**

14 (a) FINDINGS.—Congress makes the following find-  
15 ings:

16 (1) The United States has identified non-  
17 proliferation as a high priority in the conduct of  
18 United States national security policy.

19 (2) The United States is seeking universal ad-  
20 herence to global regimes that control nuclear, chem-  
21 ical, and biological weapons and is promoting new  
22 measures that provide increased transparency of bio-  
23 logical weapons-related activities and facilities in an  
24 effort to help deter violations of and enhance compli-

1       ance with the Biological Weapons Convention  
2       (BWC).

3           (3) Questions continue to arise regarding offen-  
4       sive biological weapons research, development, test-  
5       ing production, and storage in the countries of the  
6       former Soviet Union as well as in other countries.

7       (b) SENSE OF CONGRESS.—It is the sense of Con-  
8       gress that—

9           (1) the President should continue to urge all  
10       signatories to the Biological Weapons Convention to  
11       comply fully with the terms of that convention and  
12       with other international agreements relating to the  
13       control of biological weapons; and

14          (2) as the President encourages increased  
15       transparency of biological weapons-related activities  
16       and facilities to deter violations of and enhance com-  
17       pliance with the Biological Weapons Convention, the  
18       President should also take appropriate actions to en-  
19       sure that the United States is prepared to counter  
20       the effects of use of biological weapons by others.

21       (c) REPORT REQUIRED.—Not later than 120 days  
22       after the enactment of this Act, the Secretary of Defense  
23       shall submit to the congressional defense committees a re-  
24       port on the status of the offensive biological warfare pro-

1 gram in the Russian Federation and the other independ-  
2 ent states of the former Soviet Union.

3 (d) CONTENT OF REPORT.—The report shall include  
4 the following matters:

5 (1) An assessment of the extent of compliance  
6 of the independent states of the former Soviet Union  
7 with the Biological Weapons Convention and other  
8 international agreements relating to the control of  
9 biological weapons.

10 (2) An evaluation of the extent of control and  
11 oversight by the government of the Russian Federa-  
12 tion over the former Soviet military and dual civil-  
13 ian-military biological warfare programs.

14 (3) The extent, if any, of the biological warfare  
15 agent stockpile in any of the independent states of  
16 the former Soviet Union.

17 (4) The extent and scope, if any, of continued  
18 biological warfare research, development, testing,  
19 and production by such state, including the sites and  
20 types of activity at those sites.

21 (5) An evaluation of the effectiveness of pos-  
22 sible delivery systems of biological weapons, includ-  
23 ing tube and rocket artillery, bomber aircraft, and  
24 ballistic missiles.

1           (6) An evaluation of United States capabilities  
2           to detect and monitor biological warfare research,  
3           development, testing, production, and storage.

4           (7) On the basis of the assessment and evalua-  
5           tions referred to in other paragraphs of this sub-  
6           section, recommendations by the Secretary of De-  
7           fense and Chairman of the Joint Chiefs of Staff for  
8           the improvement of United States biological warfare  
9           defense and counter-measures.

10          (e) FORM OF REPORT.—The Secretary shall submit  
11          the report in classified and unclassified versions.

12          (f) DEFINITIONS.—In this section:

13               (1) The term “Biological Weapons Convention”  
14               means the Convention on the Prohibition, Produc-  
15               tion, and Stockpiling of Bacteriological (Biological)  
16               and Toxin Weapons and on Their Destruction, done  
17               at Washington, London, and Moscow on April 10,  
18               1972.

19               (2) The term “independent states of the former  
20               Soviet Union” has the same meaning given that  
21               term in section 3 of the FREEDOM Support Act  
22               (22 U.S.C. 5801).

1 **SEC. 1042. TERMINATION OF CERTAIN DEPARTMENT OF DE-**  
2 **FENSE REPORTING REQUIREMENTS.**

3 (a) IMMEDIATE TERMINATION.—Except as provided  
4 in subsection (c), notwithstanding the date set forth in  
5 subsection (a) of section 1151 of the National Defense Au-  
6 thorization Act for Fiscal Year 1994 (Public Law 103-  
7 160; 107 Stat. 1758; 10 U.S.C. 113 note), the reporting  
8 requirements referred to in subsection (b) are terminated  
9 effective on the date of the enactment of this Act.

10 (b) APPLICABILITY.—Subsection (a) applies to each  
11 reporting requirement specified in enclosures 1 and 2 of  
12 the letter, dated April 29, 1994, by which the Director  
13 for Administration and Management, Office of the Sec-  
14 retary Defense, citing the authority of the provision of law  
15 referred to in subsection (a), submitted a list of reporting  
16 requirements recommended for termination by the Depart-  
17 ment of Defense.

18 (c) PRESERVATION OF REQUIREMENTS.—(1) The re-  
19 porting requirements set forth in the provisions of law re-  
20 ferred to in paragraph (2) shall not terminate under sub-  
21 section (a) of section 1151 of the National Defense Au-  
22 thorization Act for Fiscal Year 1994 (Public Law 103-  
23 160; 107 Stat. 1758; 10 U.S.C. 113 note).

24 (2) Paragraph (1) applies to the following reports:

25 (A) Reports required under the following provi-  
26 sions of title 10, United States Code:

1 (i) Section 2662, relating to reports on  
2 real property transactions.

3 (ii) Section 2672a(b), relating to reports  
4 on urgent acquisitions of land.

5 (iii) Section 2687(b)(1), relating to notifi-  
6 cations of certain base closures and  
7 realignments.

8 (iv) Section 2690(b)(2), relating to notifi-  
9 cations of proposed conversions of heating fa-  
10 cilities at United States installations in Europe.

11 (v) Section 2804(b), relating to reports on  
12 contingency military construction projects.

13 (vi) Section 2806(c)(2), relating to reports  
14 on contributions for NATO infrastructure in ex-  
15 cess of amounts appropriated for such contribu-  
16 tions.

17 (vii) Subsections (b) and (c) of section  
18 2807, relating to notifications and reports on  
19 architectural and engineering services and con-  
20 struction design.

21 (viii) Section 2823(b), relating to notifica-  
22 tions regarding disagreements between certain  
23 officials on the availability of locations for suit-  
24 able alternative housing for the Department of  
25 Defense.

1           (ix) Subsections (b) and (c) of section  
2           2825, relating to notifications regarding im-  
3           provements of family housing or construction of  
4           replacement family housing.

5           (x) Section 2827(b), relating to notifica-  
6           tions regarding relocation of military family  
7           housing units.

8           (xi) Section 2835(g)(1), relating to eco-  
9           nomic analyses on the cost effectiveness of leas-  
10          ing family housing to be constructed or rehabili-  
11          tated.

12          (xii) Section 2861(a), relating to the an-  
13          nual report on military construction activities  
14          and family housing activities.

15          (xiii) Subsections (e) and (f) of section  
16          2865, relating to notifications regarding unau-  
17          thorized energy conservation construction  
18          projects and an annual report regarding energy  
19          conservation actions.

20          (B) Reports required under the following provi-  
21          sions of title 37, United States Code:

22               (i) Section 406(i), relating to the annual  
23               report regarding dependents accompanying  
24               members stationed outside the United States in

1 relation to the eligibility of such members to re-  
2 ceive travel and transportation allowances.

3 (ii) Section 1008(a), relating to the annual  
4 report by the President on adjustments of rates  
5 of pay and allowances for members of the uni-  
6 formed services.

7 (C) Reports required under the following provi-  
8 sions of law:

9 (i) Section 326(a)(5) of the National De-  
10 fense Authorization Act for Fiscal Year 1993  
11 (Public Law 102-484; 106 Stat. 2368; 10  
12 U.S.C. 2301 note), relating to reports on use of  
13 certain ozone-depleting substances.

14 (ii) Subsections (e) and (f) of section 2921  
15 of the National Defense Authorization Act for  
16 Fiscal Year 1991 (10 U.S.C. 2687 note), relat-  
17 ing to notifications regarding negotiations for  
18 payments-in-kind for the release of improve-  
19 ments at overseas military installations to host  
20 countries and an annual report on the status  
21 and use of the Department of Defense Overseas  
22 Military Facility Investment Recovery Account.

23 (iii) Section 1505(f)(3) of the Military  
24 Child Care Act of 1989 (title XV of Public Law  
25 101-189; 103 Stat. 1594; 10 U.S.C. 113 note),

1 relating to reports on closures of military child  
2 development centers.

3 (iv) Subsections (a) and (d) of section 7 of  
4 the Organotin Antifouling Paint Control Act of  
5 1988 (Public Law 100–133; 102 Stat. 607; 33  
6 U.S.C. 2406), relating to the annual report on  
7 the monitoring of estuaries and near-coastal  
8 waters for concentrations of organotin.

9 **Subtitle F—Acceptance of Pre-re-**  
10 **lease Services of Nonviolent Of-**  
11 **fenders**

12 **SEC. 1051. USE OF INMATE LABOR AT MILITARY INSTALLA-**  
13 **TIONS.**

14 (a) USE OF INMATE LABOR AUTHORIZED.—Chapter  
15 155 of title 10, United States Code, is amended by adding  
16 at the end the following new section:

17 **“§ 2610. Acceptance of services of inmates of State**  
18 **and local correctional facilities**

19 “(a) USE OF INMATE LABOR.—Subject to subsection  
20 (c), the Secretary of a military department may accept in  
21 accordance with this section the services of nonviolent of-  
22 fenders incarcerated in a correctional facility of a State  
23 or local government. Services so accepted shall be per-  
24 formed at a military installation in the vicinity of the cor-  
25 rectional facility pursuant to an agreement entered into

1 by the Secretary and the chief executive of the State or  
2 local government.

3 “(b) AUTHORIZED SERVICES.—The services author-  
4 ized to be accepted are as follows:

5 “(1) Construction, maintenance, or repair of  
6 roads.

7 “(2) Construction of levees or other flood pre-  
8 vention structures.

9 “(3) Construction, maintenance, or repair of  
10 any other public ways or works.

11 “(4) Clearance, maintenance, or reforestation of  
12 public lands.

13 “(5) Custodial services.

14 “(c) CONDITIONS FOR ACCEPTANCE OF SERVICES.—  
15 The Secretary may accept the services of nonviolent of-  
16 fenders for a military installation under this section only  
17 if the Secretary finds that—

18 “(1) Federal Government employees and con-  
19 tractor employees performing services at the installa-  
20 tion will not be displaced;

21 “(2) no contract for the provision of services at  
22 the installation will otherwise be impaired; and

23 “(3) in the case of services in any skill, craft,  
24 or trade, there is no surplus of labor for hire in such

1 skill, craft, or trade in the vicinity of the installa-  
2 tion.

3 “(d) LIMITATION ON PAYMENTS TO CUSTODIAL GOV-  
4 ERNMENTS.—(1) Except as provided in paragraph (2), the  
5 Secretary of a military department may not compensate  
6 a State or local government for the costs incurred by such  
7 government in the provision of services accepted under  
8 this section.

9 “(2) The Secretary may—

10 “(A) reimburse a State or local government for  
11 administrative and other costs directly incurred by  
12 that government in making available and supervising  
13 offenders as they provide services accepted under  
14 this section; and

15 “(B) pay a nominal amount to the State or  
16 local government in order to support any alcohol and  
17 drug abuse treatment programs conducted by that  
18 government for the offenders who provide such serv-  
19 ices.

20 “(e) PROHIBITION ON COMPENSATION OF IN-  
21 MATES.—The Secretary may not compensate any offender  
22 for services accepted under this section.

23 “(f) SUPPORT AUTHORIZED.—The Secretary may  
24 provide equipment, supplies, or other materials to be used

1 by offenders in the provision of services accepted under  
2 this section.

3 “(g) INAPPLICABILITY OF OTHER LAWS.—The fol-  
4 lowing provisions of law shall not apply with respect to  
5 services accepted under this section:

6 “(1) Section 1342 of title 31.

7 “(2) The Fair Labor Standards Act of 1938  
8 (29 U.S.C. 201 et seq.).

9 “(3) The Act entitled ‘An Act relating to the  
10 rate of wages for laborers and mechanics employed  
11 on public buildings of the United States and the  
12 District of Columbia by contractors and subcontrac-  
13 tors, and for other purposes’, approved March 3,  
14 1931 (46 Stat. 1494; 40 U.S.C. 276a et seq.), com-  
15 monly referred to as the ‘Davis-Bacon Act’.

16 “(4) The Act entitled ‘An Act to provide condi-  
17 tions for the purchases of supplies and the making  
18 of contracts by the United States, and for other pur-  
19 poses’, approved June 30, 1936 (49 Stat. 2036; 41  
20 U.S.C. 35 et seq.), commonly referred to as the  
21 ‘Walsh-Healey Act’.

22 “(5) The Service Contract Act of 1965 (41  
23 U.S.C. 351 et seq.).”.

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

“2610. Acceptance of services of inmates of State and local correctional facilities.”.

4 **SEC. 1052. REVISION OF AUTHORITY FOR USE OF NAVY IN-**  
 5 **STALLATIONS TO PROVIDE EMPLOYMENT**  
 6 **TRAINING TO NONVIOLENT OFFENDERS IN**  
 7 **STATE PENAL SYSTEMS.**

8 (a) SOURCES OF TRAINING.—Subsection (b) of sec-  
 9 tion 1374 of the National Defense Authorization Act for  
 10 Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1821;  
 11 10 U.S.C. 5013 note) is amended—

12 (1) by striking out the subsection caption and  
 13 inserting in lieu thereof “SOURCES OF TRAINING.—  
 14 ”; and

15 (2) by inserting before the period at the end the  
 16 following: “or may provide such training directly at  
 17 such installations by agreement with the State con-  
 18 cerned”.

19 (b) LIABILITY AND INDEMNIFICATION.—Subsection  
 20 (e) of such section is amended—

21 (1) by inserting “(1)” before “A nonprofit orga-  
 22 nization”; and

23 (2) by adding at the end the following:

1       “(2) In any case in which the Secretary provides  
2 prerelease employment training directly by agreement with  
3 the State concerned, the State shall—

4               “(A) be liable for any loss or damage to Federal  
5 Government property that may result from, or in  
6 connection with, the provision of the training except  
7 to the extent that the loss or damage results from  
8 a wrongful act or omission of Federal Government  
9 personnel; and

10              “(B) hold harmless and indemnify the United  
11 States from and against any suit, claim, demand, ac-  
12 tion, or liability arising out of any claim for personal  
13 injury or property damage that may result from, or  
14 in connection with, the provision of the training ex-  
15 cept to the extent that the personal injury or prop-  
16 erty damage results from a wrongful act or omission  
17 of Federal Government personnel.”.

18 **SEC. 1053. USE OF ARMY INSTALLATIONS TO PROVIDE EM-**  
19 **PLOYMENT TRAINING TO NONVIOLENT OF-**  
20 **FENDERS IN STATE PENAL SYSTEMS.**

21       (a) DEMONSTRATION PROJECT AUTHORIZED.—The  
22 Secretary of the Army may conduct a demonstration  
23 project to test the feasibility of using Army facilities to  
24 provide employment training to nonviolent offenders in a  
25 State penal system prior to their release from incarcer-

1 ation. The demonstration project shall be limited to not  
2 more than three military installations under the jurisdic-  
3 tion of the Secretary.

4 (b) SOURCES OF TRAINING.—The Secretary may  
5 enter into a cooperative agreement with one or more pri-  
6 vate, nonprofit organizations for purposes of providing at  
7 the military installations included in the demonstration  
8 project the prerelease employment training authorized  
9 under subsection (a) or may provide such training directly  
10 at such installations by agreement with the State con-  
11 cerned.

12 (c) USE OF FACILITIES.—Under a cooperative agree-  
13 ment entered into under subsection (b), the Secretary may  
14 lease or otherwise make available to a nonprofit organiza-  
15 tion participating in the demonstration project at a mili-  
16 tary installation included in the demonstration project any  
17 real property or facilities at the installation that the Sec-  
18 retary considers to be appropriate for use to provide the  
19 prerelease employment training authorized under sub-  
20 section (a). Notwithstanding section 2667(b)(4) of title  
21 10, United States Code, the use of such real property or  
22 facilities may be permitted with or without reimburse-  
23 ment.

24 (d) ACCEPTANCE OF SERVICES.—Notwithstanding  
25 section 1342 of title 31, United States Code, the Secretary

1 may accept voluntary services provided by persons partici-  
2 pating in the prerelease employment training authorized  
3 under subsection (a).

4 (e) LIABILITY AND INDEMNIFICATION.—(1) A non-  
5 profit organization participating in the demonstration  
6 project shall—

7 (A) be liable for any loss or damage to Federal  
8 Government property that may result from, or in  
9 connection with, the provision of prerelease employ-  
10 ment training by the organization under the dem-  
11 onstration project; and

12 (B) hold harmless and indemnify the United  
13 States from and against any suit, claim, demand, ac-  
14 tion, or liability arising out of any claim for personal  
15 injury or property damage that may result from or  
16 in connection with the demonstration project.

17 (2) In any case in which the Secretary provides  
18 prerelease employment training directly by agreement with  
19 the State concerned, the State shall—

20 (A) be liable for any loss or damage to Federal  
21 Government property that may result from, or in  
22 connection with, the provision of the training except  
23 to the extent that the loss or damage results from  
24 a wrongful act or omission of Federal Government  
25 personnel; and

1 (B) hold harmless and indemnify the United  
2 States from and against any suit, claim, demand, ac-  
3 tion, or liability arising out of any claim for personal  
4 injury or property damage that may result from, or  
5 in connection with, the provision of the training ex-  
6 cept to the extent that the personal injury or prop-  
7 erty damage results from a wrongful act or omission  
8 of Federal Government personnel.

9 (f) REPORT.—Not later than two years after the date  
10 of the enactment of this Act, the Secretary shall submit  
11 to Congress a report evaluating the success of the dem-  
12 onstration project and containing such recommendations  
13 with regard to the termination, continuation, or expansion  
14 of the demonstration project as the Secretary considers  
15 appropriate.

## 16 **Subtitle G—Discrimination and** 17 **Sexual Harassment**

### 18 **SEC. 1056. DEPARTMENT OF DEFENSE POLICIES AND PRO-** 19 **CEDURES ON DISCRIMINATION AND SEXUAL** 20 **HARASSMENT.**

21 (a) MILITARY DEPARTMENT POLICIES.—(1) Subject  
22 to paragraph (2), the Secretary of the Navy and the Sec-  
23 retary of the Air Force shall review and revise the regula-  
24 tions of the Department of the Navy and the Department  
25 of the Air Force, respectively, relating to equal oppor-

1 tunity policy and complaint procedures to ensure that the  
2 such regulations are substantially equivalent to the regula-  
3 tions of the Army on such matters.

4 (2) In revising regulations pursuant to paragraph  
5 (1), the Secretary of the Navy or the Secretary of the Air  
6 Force, as the case may be, may make such additions and  
7 modifications as the Secretary of Defense determines ap-  
8 propriate to strengthen the regulations beyond the sub-  
9 stantial equivalent of the Army regulations in accordance  
10 with—

11 (A) the recommendations of the Department of  
12 Defense Task Force on Discrimination and Sexual  
13 Harassment; and

14 (B) the experience of the Army, Navy, Air  
15 Force, and Marine Corps regarding equal oppor-  
16 tunity cases.

17 (3) The Secretary of the Army shall review the regu-  
18 lations of the Department of the Army relating to equal  
19 opportunity policy and complaint procedures and revise  
20 the regulations as the Secretary of Defense considers ap-  
21 propriate to strengthen the regulations in accordance with  
22 the recommendations and experience described in subpara-  
23 graphs (A) and (B) of paragraph (2).

24 (b) REQUIREMENTS REGARDING REPORT OF TASK  
25 FORCE ON DISCRIMINATION AND SEXUAL HARASS-

1 MENT.—(1) The Department of Defense Task Force on  
2 Discrimination and Sexual Harassment shall transmit the  
3 report of the task force to the Secretary of Defense not  
4 later than October 1, 1994.

5 (2) The Secretary of Defense shall transmit to Con-  
6 gress the report of the task force not later than October  
7 10, 1994.

8 (3) Not later than 45 days after receiving the report,  
9 the Secretary of Defense shall—

10 (A) review the recommendations for action con-  
11 tained in such report;

12 (B) determine which recommendations the Sec-  
13 retary approves for implementation and which rec-  
14 ommendations the Secretary disapproves; and

15 (C) submit to Congress a report that—

16 (i) identifies the approved recommenda-  
17 tions and the disapproved recommendations;  
18 and

19 (ii) explains the reasons for each such ap-  
20 proval and disapproval.

21 (4) The Secretary of Defense shall implement the ap-  
22 proved recommendations not later than April 1, 1995.

23 (c) The Advisory Board or the investigative capability  
24 of the Department of Defense should consider and include  
25 in its report—

1 (1) whether the Department of Defense should  
2 establish a separate unit to oversee all matters relat-  
3 ed to allegations of discrimination or sexual mis-  
4 conduct in the Department of Defense; and

5 (2) whether additional data collection and re-  
6 porting procedures are needed to enhance the ability  
7 of the Department of Defense to deal with sexual  
8 misconduct.

9 (d) The Secretary of Defense shall ensure that regu-  
10 lations governing consideration of equal opportunity mat-  
11 ters in performance evaluations include consideration of  
12 an individual's commitment to elimination of discrimina-  
13 tion or of sexual harassment.

## 14 **Subtitle H—Other Matters**

### 15 **SEC. 1061. REDESIGNATION OF UNITED STATES COURT OF** 16 **MILITARY APPEALS AND THE COURTS OF** 17 **MILITARY REVIEW.**

18 (a) UNITED STATES COURT OF APPEALS FOR THE  
19 ARMED SERVICES.—Section 941 of title 10, United States  
20 Code (article 141 of the Uniform Code of Military Jus-  
21 tice), is amended by striking out “United States Court of  
22 Military Appeals” and inserting in lieu thereof “United  
23 States Court of Appeals for the Armed Services”.

24 (b) COURTS OF MILITARY CRIMINAL APPEALS.—Sec-  
25 tion 866 of title 10, United States Code (article 66 of the

1 Uniform Code of Military Justice), is amended by striking  
2 out “Court of Military Review” each place it appears and  
3 inserting in lieu thereof “Court of Military Criminal Ap-  
4 peals”.

5 (c) CONFORMING AMENDMENTS TO TITLE 10.—(1)  
6 The following sections of title 10, United States Code, are  
7 amended by striking out “Court of Military Appeals” each  
8 place it appears and inserting in lieu thereof “Court of  
9 Appeals for the Armed Services”: sections 707(a)(2),  
10 866(e), 867, 867a(a), 870, 871(c)(1), 873, 942, 943, 944,  
11 945, and 946(b)(1).

12 (2) The following sections of title 10, United States  
13 Code, are amended by striking out “Court of Military Re-  
14 view” each place it appears and inserting in lieu thereof  
15 “Court of Military Criminal Appeals”: sections 707(a)(2),  
16 862(b), 867, 868, 869, 870, 871, and 873.

17 (3)(A) The heading of subchapter XII of chapter 47  
18 of such title is amended to read as follows:

19 “SUBCHAPTER XII—UNITED STATES COURT OF  
20 APPEALS FOR THE ARMED SERVICES”.

21 (B) The table of subchapters at the beginning of  
22 chapter 47 of such title is amended by striking out the  
23 item relating to subchapter XII and inserting in lieu there-  
24 of the following:

“XII. United States Court of Appeals for the Armed Services ..... 941 141”.

1 (4)(A) The heading of section 866 of such title is  
2 amended to read as follows:

3 **“§ 867. Art. 66. Review by Court of Military Criminal  
4 Appeals”.**

5 (B) The heading of section 867 of such title is  
6 amended to read as follows:

7 **“§ 867. Art. 67. Review by the Court of Appeals for the  
8 Armed Services”.**

9 (C) The table of sections at the beginning of sub-  
10 chapter IX of chapter 47 of such title is amended by strik-  
11 ing out the items relating to sections 866 and 867 (articles  
12 66 and 67) and inserting in lieu thereof the following:

“866. 66. Review by Court of Military Criminal Appeals.

“867. 67. Review by the Court of Appeals for the Armed Services.”.

13 (d) CONFORMING AMENDMENTS TO OTHER UNITED  
14 STATES CODE TITLES.—(1) The following provisions of  
15 the United States Code are amended by striking out  
16 “Court of Military Appeals” each place it appears and in-  
17 serting in lieu thereof “Court of Appeals for the Armed  
18 Services”:

19 (A) In title 5, sections 8334(a)(1), 8336(l),  
20 8337(a), 8338(c), 8339(d)(7), and 8339(h) and the  
21 table in 8334(c).

22 (B) In title 18, sections 202(e)(2) and 6001(4).

23 (C) In title 28, sections 1259 and 2101(g).

24 (D) In title 44, section 906.



1           (2) for the immediate family members (or their  
2           designees) of any unaccounted-for Cold War POW/  
3           MIA.

4           (b) FUNCTIONS.—The official designated under sub-  
5           section (a) shall serve as a liaison between the family  
6           members of unaccounted-for Korean conflict POW/MIAs  
7           and unaccounted-for Cold War POW/MIAs and the De-  
8           partment of Defense and other Federal departments and  
9           agencies that may hold information that may related to  
10          such POW/MIAs. The functions of that official shall in-  
11          clude assisting family members—

12           (1) with the procedures the family may follow  
13           in their search for information about the unac-  
14           counted-for Korean conflict POW/MIA or unac-  
15           counted-for Cold War POW/MIA, as the case may  
16           be;

17           (2) in learning where they may locate informa-  
18           tion about the unaccounted-for POW/MIA; and

19           (3) in learning how and where to identify classi-  
20           fied records that contain pertinent information and  
21           that will be declassified.

22          (c) ASSISTANCE IN OBTAINING DECLASSIFICA-  
23          TION.—The official designated under subsection (a) shall  
24          seek to obtain the rapid declassification of any relevant  
25          classified records that are identified.

1 (d) REPOSITORY.—The official designated under sub-  
2 section (a) shall provide for a centralized repository for  
3 all documents relating to unaccounted-for Korean conflict  
4 POW/MIAs and unaccounted-for Cold War POW/MIAs  
5 that are located as a result of the official’s efforts.

6 (e) DEFINITIONS.—For purposes of this section:

7 (1) The term “unaccounted-for Korean conflict  
8 POW/MIA” means a member of the Armed Forces  
9 or civilian employee of the United States who, as a  
10 result of service during the Korean conflict, was at  
11 any time classified as a prisoner of war or missing-  
12 in-action or otherwise unaccounted for and whose  
13 person or remains have not been returned to the  
14 United States and who remains unaccounted for.

15 (2) The term “unaccounted-for Cold War POW/  
16 MIA” means a member of the Armed Forces or ci-  
17 vilian employee of the United States who, as a result  
18 of service during the period from September 2,  
19 1945, to August 21, 1991, was at any time classified  
20 as a prisoner of war or missing-in-action or other-  
21 wise unaccounted for and whose person or remains  
22 have not been returned to the United States and  
23 who remains unaccounted for.

1           (3) The term “Korean conflict” has the mean-  
2           ing given such term in section 101(9) of title 38,  
3           United States Code.

4   **SEC. 1063. NATIONAL GUARD ASSISTANCE FOR CERTAIN**  
5                           **YOUTH AND CHARITABLE ORGANIZATIONS.**

6           (a) AUTHORITY TO PROVIDE ASSISTANCE.—Chapter  
7   5 of title 32, United States Code, is amended by adding  
8   at the end the following:

9   **“§ 508. Assistance for certain youth and charitable or-**  
10                           **ganizations**

11           “(a) AUTHORITY TO PROVIDE SERVICES.—Members  
12   and units of the National Guard may provide the services  
13   described in subsection (b) to an eligible organization in  
14   conjunction with training required under this chapter in  
15   any case in which—

16           “(1) the provision of such services does not ad-  
17   versely affect the quality of that training or other-  
18   wise interfere with the ability of a member or unit  
19   of the National Guard to perform the military func-  
20   tions of the member or unit;

21           “(2) the services to be provided are not com-  
22   mercially available, or any commercial entity that  
23   would otherwise provide such services has approved,  
24   in writing, the provision of such services by the Na-  
25   tional Guard;

1           “(3) National Guard personnel will enhance  
2           their military skills as a result of providing such  
3           services; and

4           “(4) the provision of the services will not result  
5           in a significant increase in the cost of the training.

6           “(b) AUTHORIZED SERVICES.—The services author-  
7           ized to be provided under subsection (a) are as follows:

8           “(1) Ground transportation.

9           “(2) Air transportation in support of Special  
10          Olympics.

11          “(3) Administrative support services.

12          “(4) Technical training services.

13          “(5) Emergency medical assistance and serv-  
14          ices.

15          “(6) Communications services.

16          “(7) Security services.

17          “(c) OTHER AUTHORIZED ASSISTANCE.—Facilities  
18          and equipment of the National Guard, including military  
19          property of the United States issued to the National  
20          Guard and General Services Administration vehicles  
21          leased to the National Guard, and General Services Ad-  
22          ministration vehicles leased to the Department of Defense,  
23          may be used in connection with providing services to any  
24          eligible organization under this section.

1       “(d) ELIGIBLE ORGANIZATIONS.—The organizations  
2 eligible to receive services under this section are as follows:

3           “(1) The Boy Scouts of America.

4           “(2) The Girl Scouts of America.

5           “(3) The Boys Clubs of America.

6           “(4) The Girls Clubs of America.

7           “(5) The Young Men’s Christian Association.

8           “(6) The Young Women’s Christian Associa-  
9 tion.

10          “(7) The Civil Air Patrol.

11          “(8) The United States Olympic Committee.

12          “(9) The Special Olympics.

13          “(10) The Campfire Boys.

14          “(11) The Campfire Girls.

15          “(12) The 4–H Club.

16          “(13) The Police Athletic League.

17          “(14) Any other youth or charitable organiza-  
18 tion designated by the Secretary of Defense.”.

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

“508. Assistance for certain youth and charitable organizations.”.

22 **SEC. 1064. DEFENSE MAPPING AGENCY.**

23       (a) UNAUTHORIZED USE OF NAME.—Chapter 167 of  
24 title 10, United States Code, is amended by adding at the  
25 end the following new section:

1 **“§ 2798. Unauthorized use of Defense Mapping Agen-**  
2 **cy name, initials, or seal**

3 “(a) No person may, except with the written permis-  
4 sion of the Secretary of Defense, knowingly use the words  
5 ‘Defense Mapping Agency’, the initials ‘DMA’, the seal of  
6 the Defense Mapping Agency, or any colorable imitation  
7 of such words, initials, or seal in connection with any mer-  
8 chandise, retail product, impersonation, solicitation or  
9 commercial activity in a manner reasonably calculated to  
10 convey the impression that such use is approved, endorsed,  
11 or authorized by the Secretary of Defense.

12 “(b) Whenever it appears to the Attorney General  
13 that any person is engaged or about to engage in an act  
14 or practice which constitutes or will constitute conduct  
15 prohibited by subsection (a), the Attorney General may  
16 initiate a civil proceeding in a district court of the United  
17 States to enjoin such act or practice. Such court shall pro-  
18 ceed as soon as practicable to hearing and determination  
19 of such action and may, at any time before such final de-  
20 termination, enter such restraining orders or prohibitions,  
21 or take such other action as is warranted, to prevent in-  
22 jury to the United States or to any person or class of per-  
23 sons for whose protection the action is brought.”.

24 (b) LIMITATION ON LIABILITY RELATING TO NAVI-  
25 GATIONAL AIDS.—Chapter 167 of such title, as amended

1 by subsection (a), is further amended by adding at the  
2 end the following new section:

3 **“§ 2799. Civil actions barred**

4 “(a) CLAIMS BARRED.—No civil action may be  
5 brought against the United States on the basis of the con-  
6 tent of a navigational aid prepared or disseminated by the  
7 Defense Mapping Agency.

8 “(b) NAVIGATIONAL AIDS COVERED.—Subsection (a)  
9 applies with respect to a navigational aid in the form of  
10 a map, a chart, or a publication and any other form or  
11 medium of product or information in which the Defense  
12 Mapping Agency prepares or disseminates navigational  
13 aids.”.

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

“2798. Unauthorized use of Defense Mapping Agency name, initials, or seal.  
“2799. Civil actions barred.”.

17 (d) EFFECTIVE DATE.—Section 2799 of title 10,  
18 United States Code, as added by subsection (b), shall take  
19 effect on the date of the enactment of this Act and shall  
20 apply with respect to (1) civil actions brought before such  
21 date that are pending adjudication on such date, and (2)  
22 civil actions brought on or after such date.

1 **SEC. 1065. TRANSFER OF NAVAL VESSELS TO BRAZIL.**

2 (a) AUTHORITY.—The Secretary of the Navy is au-  
3 thorized to transfer to the Government of Brazil the  
4 “KNOX” class frigates, MILLER (FF 1091) and  
5 VALDEZ (FF 1096). Such transfers shall be on a lease  
6 basis under chapter 6 of the Arms Export Control Act  
7 (22 U.S.C. 2796 et seq.).

8 (b) WAIVER OF REQUIREMENTS FOR NOTIFICATION  
9 TO CONGRESS.—Section 62 of the Arms Export Control  
10 Act does not apply with respect to a lease authorized by  
11 subsection (a), except that section 62 of such Act shall  
12 apply to any renewal of the lease.

13 (c) COSTS OF TRANSFERS.—Any expense of the  
14 United States in connection with a transfer authorized by  
15 subsection (a) shall be charged to the Government of  
16 Brazil.

17 (d) EXPIRATION OF AUTHORITY.—The authority  
18 granted by subsection (a) shall expire at the end of the  
19 2-year period beginning on the date of the enactment of  
20 this Act, except that leases entered into during that period  
21 may be renewed.

22 **SEC. 1066. TRANSFERS OF M1A1 TANKS TO THE MARINE**  
23 **CORPS.**

24 (a) TRANSFER REQUIRED.—Subject to subsection  
25 (b), as M1A1 tanks of the Army become excess to the re-  
26 quirements of the active component of the Army, the Sec-

1 retary of the Army shall transfer to the Marine Corps,  
2 at no expense to the Army, as many of such tanks as are  
3 necessary to satisfy the requirements of the Marine Corps  
4 for tanks, as determined by the Secretary of Defense.

5 (b) TRANSFER LIMITS.—The Secretary of the Army  
6 shall transfer under subsection (a) 84 M1A1 tanks se-  
7 lected by the Secretary of the Army.

8 (c) EXCLUSION OF CERTAIN TRANSFERS.—If any of  
9 the tanks transferred under subsection (a) are transferred  
10 to the Marine Corps Reserve, the number of tanks not  
11 in excess of 48 that are so transferred shall not be counted  
12 for purposes of subsection (b).

13 (d) LIMITATION ON TRANSFERS TO ARMY NATIONAL  
14 GUARD.—After the date of the enactment of this Act, the  
15 Secretary of the Army shall transfer not more than one  
16 M1A1 tank to the National Guard for each M1A1 tank  
17 transferred to the Marine Corps until the Secretary has  
18 transferred the total number of tanks required in sub-  
19 section (b). The tanks transferred to the Marine Corps  
20 shall be in a material condition comparable to the material  
21 condition of the tanks transferred to the National Guard.

1 (e) TREATMENT OF CERTAIN TRANSFERRED TANKS  
2 UNDER LIMITATIONS.—The transfer of a tank under sec-  
3 tion 112 shall not be counted for purposes of subsection  
4 (a), (b), (c), or (d).

5 **SEC. 1067. LIMITATION REGARDING MERGER OF TELE-**  
6 **COMMUNICATIONS SYSTEMS.**

7 (a) LIMITATION.—Funds available to the Depart-  
8 ment of Defense may not be expended to merge defense  
9 telecommunications systems with the telecommunications  
10 system known as “FTS-2000” or with any other civil tele-  
11 communications system until—

12 (1) the Secretary of Defense submits to the  
13 congressional defense committees a report contain-  
14 ing—

15 (A) a certification by the Secretary that  
16 the merged telecommunications systems, includ-  
17 ing the associated services, will provide assured,  
18 secure telecommunications support for Depart-  
19 ment of Defense activities; and

20 (B) a description of how the merger of the  
21 systems will be implemented and the merged  
22 systems will be managed to meet defense infor-  
23 mation infrastructure requirements, including  
24 requirements to support deployed forces and in-  
25 telligence activities; and

1           (2) 30 days elapse after the date on which such  
2           report is received by the committees.

3           (b) DEFENSE TELECOMMUNICATIONS ACTIVITY DE-  
4 FINED.—In this section, the term “defense telecommuni-  
5 cations system” means a system of telecommunications  
6 equipment and services that, pursuant to section 2315 of  
7 title 10, United States Code, is exempt from the require-  
8 ments of section 111 of the Federal Property and Admin-  
9 istrative Services Act of 1949.

10 **SEC. 1068. ACQUISITION OF STRATEGIC SEALIFT SHIPS.**

11           (a) AMOUNT FOR SHIPBUILDING AND CONVER-  
12 SION.—Notwithstanding section 102(3), there is hereby  
13 authorized to be appropriated for the Navy for fiscal year  
14 1995, \$5,532,007,000 for procurement for shipbuilding  
15 and conversion.

16           (b) NATIONAL DEFENSE SEALIFT FUND.—Notwith-  
17 standing section 302(2), there is hereby authorized to be  
18 appropriated for the Armed Forces and other activities  
19 and agencies of the Department of Defense \$828,600,000  
20 for providing capital for the National Defense Sealift  
21 Fund.

1 **SEC. 1069. REQUIREMENT FOR SECRETARY OF DEFENSE TO**  
2 **SUBMIT RECOMMENDATIONS ON CERTAIN**  
3 **PROVISIONS OF LAW CONCERNING MISSING**  
4 **PERSONS.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) The families of American personnel who be-  
8 came prisoners of war or missing in action while  
9 serving in the Armed Forces of the United States  
10 and national veterans organizations have expressed  
11 concern to Congress for several years regarding pro-  
12 visions of chapter 10 of title 37, United States Code,  
13 relating to missing persons, that authorize the Sec-  
14 retaries of the military departments to declare miss-  
15 ing Armed Forces personnel dead based solely on  
16 the passage of time.

17 (2) Proposed legislation concerning revisions to  
18 those provisions of law has been pending before Con-  
19 gress for several years.

20 (3) It is important for Congress to obtain the  
21 views of the Secretary of Defense with respect to the  
22 appropriateness of revising those provisions of law  
23 before acting further on proposed amendments to  
24 such provisions.

25 (b) RECOMMENDATIONS REQUIRED.—Not later than  
26 180 days after the date of the enactment of this Act, the

1 Secretary of Defense, in consultation with the Secretaries  
2 of the military departments, the national POW/MIA fam-  
3 ily organizations, and the national veterans organizations,  
4 shall—

5 (1) conduct a review of the provisions of chap-  
6 ter 10 of title 37, United States Code, relating to  
7 missing persons; and

8 (2) submit to Congress the Secretary's rec-  
9 ommendations as to whether those provisions of law  
10 should be amended.

11 **SEC. 1070. CONTACT BETWEEN THE DEPARTMENT OF DE-**  
12 **FENSE AND THE MINISTRY OF NATIONAL DE-**  
13 **FENSE OF CHINA ON POW/MIA ISSUES.**

14 (a) FINDINGS.—Congress makes the following find-  
15 ings:

16 (1) The Select Committee on POW/MIA Affairs  
17 of the Senate concluded in its final report, dated  
18 January 13, 1993, that “many American POW’s  
19 had been held in China during the Korean conflict  
20 and that foreign POW camps in both China and  
21 North Korea were run by Chinese officials” and,  
22 further, that “given the fact that only 26 Army and  
23 15 Air Force personnel returned from China follow-  
24 ing the war, the committee can now firmly conclude  
25 that the People’s Republic of China surely has infor-

1       mation on the fate of other unaccounted for Amer-  
2       ican POW's from the Korean conflict.”.

3           (2) The Select Committee on POW/MIA Affairs  
4       recommended in such report that “the Department  
5       of State and Defense form a POW/MIA task force  
6       on China similar to Task Force Russia.”.

7           (3) Neither the Department of Defense nor the  
8       Department of State has held substantive discus-  
9       sions with officials from the People's Republic of  
10      China concerning unaccounted for American pris-  
11      oners of war of the Korean conflict.

12      (b) SENSE OF CONGRESS.—It is the sense of Con-  
13      gress that the Secretary of Defense should establish con-  
14      tact with officials of the Ministry of Defense of the Peo-  
15      ple's Republic of China regarding unresolved issues relat-  
16      ing to American prisoners of war and American personnel  
17      missing in action as a result of the Korean conflict.

18      **SEC. 1071. DISCLOSURE OF INFORMATION CONCERNING**  
19                            **UNACCOUNTED FOR UNITED STATES PER-**  
20                            **SONNEL FROM THE KOREAN CONFLICT, AND**  
21                            **THE COLD WAR.**

22      Section 1082 of the National Defense Authorization  
23      Act for Fiscal Years 1992 and 1993 (Public Law 102-  
24      190; 50 U.S.C. 401 note) is amended—

1           (1) in subsection (a), by striking out paragraph  
2           (2) and inserting in lieu thereof the following:

3           “(2) Paragraph (1) applies to any record, live-sight-  
4           ing report, or other information in the custody of the offi-  
5           cial custodian referred to in subsection (d)(3) that may  
6           pertain to the location, treatment, or condition of (i) Unit-  
7           ed States personnel who remain not accounted for as a  
8           result of service in the Armed Forces of the United States  
9           or other Federal Government service during the Korean  
10          conflict, the Vietnam era, or the Cold War, or (ii) their  
11          remains.”;

12          (2) in subsection (c)—

13                 (A) by striking out the first sentence in  
14                 paragraph (1) and inserting in lieu thereof the  
15                 following: “In the case of records or other infor-  
16                 mation originated by the Department of De-  
17                 fense, the official custodian shall make such  
18                 records and other information available to the  
19                 public pursuant to this section not later than  
20                 September 30, 1995.”;

21                 (B) in paragraph (2), by striking out  
22                 “after March 1, 1992,”; and

23                 (C) in paragraph (3), by striking out “a  
24                 Vietnam-era POW/MIA who may still be alive  
25                 in Southeast Asia,” and inserting in lieu thereof

1 “any United States personnel referred to in  
2 subsection (a)(2) who remain not accounted for  
3 but who may still be alive in captivity,”;

4 (3) by striking out subsection (d) and inserting  
5 in lieu thereof the following:

6 “(d) DEFINITIONS.—For purposes of this section:

7 “(1) The terms ‘Korean conflict’ and ‘Vietnam  
8 era’ have the meanings given those terms in section  
9 101 of title 38, United States Code.

10 “(2) The term ‘Cold War’ shall have the mean-  
11 ing determined by the Secretary of Defense.

12 “(3) The term ‘official custodian’ means—

13 “(A) in the case of records, reports, and  
14 information relating to the Korean conflict or  
15 the Cold War, the Archivist of the United  
16 States; and

17 “(B) in the case of records, reports, and  
18 information relating to the Vietnam era, the  
19 Secretary of Defense.”; and

20 (4) by striking out the section heading and in-  
21 serting in lieu thereof the following new section  
22 heading:

1 **“SEC. 1082. DISCLOSURE OF INFORMATION CONCERNING**  
2 **UNACCOUNTED FOR UNITED STATES PER-**  
3 **SONNEL OF THE COLD WAR, THE KOREAN**  
4 **CONFLICT, AND THE VIETNAM ERA.”.**

5 **SEC. 1072. REQUIREMENT FOR CERTIFICATION BY SEC-**  
6 **RETARY OF DEFENSE CONCERNING DECLAS-**  
7 **SIFICATION OF VIETNAM-ERA POW/MIA**  
8 **RECORDS.**

9 (a) FINDINGS.—Congress makes the following find-  
10 ings:

11 (1) The Senate, by Senate Resolution 324,  
12 102d Congress, 2d session, agreed to on July 2,  
13 1992, unanimously requested the President to “ex-  
14 peditiously issue an Executive Order requiring all  
15 executive branch departments and agencies to de-  
16 classify and publicly release without compromising  
17 United States national security all documents, files,  
18 and other materials pertaining to POW’s and  
19 MIA’s.”.

20 (2) The President, in an executive order dated  
21 July 22, 1992, ordered declassification of all United  
22 States Government documents, files, and other ma-  
23 terials pertaining to American personnel who became  
24 prisoners of war or missing in action in Southeast  
25 Asia.

1           (3) The President stated on Memorial Day of  
2 1993 that all such documents, files, and other mate-  
3 rials pertaining to the personnel covered by that ex-  
4 ecutive order should be declassified by Veterans Day  
5 of 1993.

6           (4) The President declared on Veterans Day of  
7 1993 that all such documents, files, and other mate-  
8 rials had been declassified.

9           (5) Nonetheless, since that Veterans Day dec-  
10 laration in 1993, there have been found still classi-  
11 fied more United States Government documents,  
12 files, and other materials pertaining to American  
13 personnel who became prisoners of war or missing in  
14 action in Southeast Asia.

15           (b) REVIEW AND CERTIFICATION.—Not later than 60  
16 days after the date of the enactment of this Act, the Sec-  
17 retary of Defense shall—

18           (1) conduct a review to determine whether there  
19 continue to exist in classified form documents, files,  
20 or other materials pertaining to American personnel  
21 who became prisoners of war or missing in action in  
22 Southeast Asia that should be declassified in accord-  
23 ance with Senate Resolution 324, 102d Congress, 2d  
24 session, agreed to on July 2, 1992, and the executive  
25 order of July 22, 1992; and

1           (2) certify to Congress that all documents, files,  
2           and other materials pertaining to such personnel  
3           have been declassified and specify in the certification  
4           the date on which the declassification was completed.

5 **SEC. 1073. INFORMATION CONCERNING UNACCOUNTED**  
6                           **FOR UNITED STATES PERSONNEL OF THE**  
7                           **VIETNAM CONFLICT.**

8           Not later than 45 days after the date of the enact-  
9           ment of this Act, the Secretary of Defense shall submit  
10          to Congress the following information pertaining to United  
11          States personnel involved in the Vietnam conflict that re-  
12          main not accounted for:

13               (1) A complete listing by name of all such per-  
14               sonnel about whom it is possible that officials of the  
15               Socialist Republic of Vietnam can produce additional  
16               information or remains that could lead to the maxi-  
17               mum possible accounting for those personnel, as de-  
18               termined on the basis of all information available to  
19               the United States Government.

20               (2) A complete listing by name of all such per-  
21               sonnel about whom it is possible that officials of the  
22               Lao People's Democratic Republic can produce addi-  
23               tional information or remains that could lead to the  
24               maximum possible accounting for those personnel, as

1 determined on the basis of all information available  
2 to the United States Government.

3 **SEC. 1074. REPORT ON POW/MIA MATTERS CONCERNING**  
4 **NORTH KOREA.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) The Select Committee on POW/MIA Affairs  
8 of the Senate concluded in its final report, dated  
9 January 13, 1994, that “it is likely that a large  
10 number of possible MIA remains can be repatriated  
11 and several records and documents on unaccounted  
12 for POW’s and MIA’s can be provided from North  
13 Korea once a joint working level commission is set  
14 up under the leadership of the United States.”.

15 (2) The Select Committee recommended in such  
16 report that “the Departments of State and Defense  
17 take immediate steps to form this commission  
18 through the United Nations Command at Panmun-  
19 jom, Korea” and that the “commission should have  
20 a strictly humanitarian mission and should not be  
21 tied to political developments on the Korean penin-  
22 sula.”.

23 (3) In August 1993, the United States and  
24 North Korea entered into an agreement concerning

1 the repatriation of remains of United States person-  
2 nel.

3 (4) The establishment of a joint working level  
4 commission with North Korea could enhance the  
5 prospects for results under the August 1993 agree-  
6 ment.

7 (b) REPORT.—The Secretary of Defense shall—

8 (1) at the end of January, May, and September  
9 of 1995, submit a report to Congress on the status  
10 of efforts to obtain information from North Korea  
11 concerning United States personnel involved in the  
12 Korean conflict who remain not accounted for and to  
13 obtain from North Korea any remains of such per-  
14 sonnel; and

15 (2) actively seek to establish a joint working  
16 level commission with North Korea, consistent with  
17 the recommendations of the Select Committee on  
18 POW/MIA Affairs of the Senate set forth in the  
19 final report of the committee, dated January 13,  
20 1993, to resolve the remaining issues relating to  
21 United States personnel who became prisoners of  
22 war or missing in action during the Korean conflict.

1 **SEC. 1075. ELIMINATION OF DISPARITY BETWEEN EFFEC-**  
2 **TIVE DATES FOR MILITARY AND CIVILIAN RE-**  
3 **TIREE COST-OF-LIVING ADJUSTMENTS FOR**  
4 **FISCAL YEAR 1995.**

5 (a) IN GENERAL.—The fiscal year 1995 increase in  
6 military retired pay shall (notwithstanding subparagraph  
7 (B) of section 1401a(b)(2) of title 10, United States Code)  
8 first be payable as part of such retired pay for the month  
9 of March 1995.

10 (b) DEFINITIONS.—For the purposes of subsection  
11 (a):

12 (1) The term “fiscal year 1995 increase in mili-  
13 tary retired pay” means the increase in retired pay  
14 that, pursuant to paragraph (1) of section 1401a(b)  
15 of title 10, United States Code, becomes effective on  
16 December 1, 1994.

17 (2) The term “retired pay” includes retainer  
18 pay.

19 (c) LIMITATION.—Subsection (a) shall be effective  
20 only if there is appropriated to the Department of Defense  
21 Military Retirement Fund (in an Act making appropria-  
22 tions for the Department of Defense for fiscal year 1995  
23 that is enacted before March 1, 1995) such amount as  
24 is necessary to offset increased outlays to be made from  
25 that fund during fiscal year 1995 by reason of the provi-  
26 sions of subsection (a).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated for fiscal year 1995 to the  
3 Department of Defense Military Retirement Fund the sum  
4 of \$376,000,000 to offset increased outlays to be made  
5 from that fund during fiscal year 1995 by reason of the  
6 provisions of subsection (a).

7 **SEC. 1076. MILITARY RECRUITING ON CAMPUS.**

8 (a) DENIAL OF FUNDS.—(1) No funds available to  
9 the Department of Defense may be provided by grant or  
10 contract to any institution of higher education that has  
11 a policy of denying, or which effectively prevents, the Sec-  
12 retary of Defense from obtaining for military recruiting  
13 purposes—

14 (A) entry to campuses or access to students on  
15 campuses; or

16 (B) access to directory information pertaining  
17 to students.

18 (2) Students referred to in paragraph (1) are individ-  
19 uals who are 17 years of age or older.

20 (b) PROCEDURES FOR DETERMINATION.—The Sec-  
21 retary of Defense, in consultation with the Secretary of  
22 Education, shall prescribe regulations that contain proce-  
23 dures for determining if and when an educational institu-  
24 tion has denied or prevented access to students or infor-  
25 mation described in subsection (a).

1 (c) DEFINITION.—For purposes of this section, the  
2 term “directory information” means, with respect to a stu-  
3 dent, the student’s name, address, telephone listing, date  
4 and place of birth, level of education, degrees received, and  
5 the most recent previous educational institution enrolled  
6 in by the student.

7 **SEC. 1077. STUDY ON CONVERGENCE OF GEOSAT AND EOS**  
8 **ALTIMETRY PROGRAMS.**

9 (a) REQUIREMENT.—The Secretary of the Navy and  
10 the Administrator of the National Aeronautics and Space  
11 Administration shall jointly conduct a study on the conver-  
12 gence of the National Aeronautics and Space Administra-  
13 tion Earth Observing System Altimetry mission with the  
14 Navy Geosat Follow-On program. The study shall assess  
15 whether a converged system, which may involve minor  
16 modifications to the Geosat Follow-On satellite, could—

17 (1) satisfy the needs of the Earth Observing  
18 System program for altimetry data;

19 (2) reduce the expenses of the National Aero-  
20 nautics and Space Administration in satisfying such  
21 needs;

22 (3) be available in time to serve as the follow-  
23 on to the Topex/Poseidon mission; and

1           (4) continue to meet the requirements of the  
2           Navy for altimetry data at no additional cost to the  
3           Navy.

4           (b) CONSULTATION.—In concluding the study, the  
5           Secretary and the Administrator shall consult with appro-  
6           priate members of the scientific community.

7           (c) REPORT.—The Secretary and the Administrator  
8           shall submit to the Committees on Armed Services, Com-  
9           merce, Science, and Transportation and the Committees  
10          on Armed Services and Science, Space, and Technology  
11          of the House of Representatives a report on the results  
12          of the study conducted under subsection (a), together with  
13          the recommendations of the Secretary and the Adminis-  
14          trator thereon. The Secretary and the Administrator shall  
15          submit not later than February 15, 1995.

16   **SEC. 1078. VISAS FOR OFFICIALS OF TAIWAN.**

17          Section 4(b)(6) of the Taiwan Relations Act (22  
18          U.S.C. 3302(b)(6)) is amended—

19               (1) by inserting “(A)” immediately after “(6)”;

20               and

21               (2) by adding at the end the following:

22               “(B) Whenever the president of Taiwan or any  
23               other high-level official of Taiwan shall apply to visit  
24               the United States for the purposes of discussions

1 with United States Federal or State government of-  
2 ficials concerning:

3 “(i) Trade or business with Taiwan that  
4 will reduce the United States-Taiwan trade def-  
5 icit;

6 “(ii) Prevention of nuclear proliferation;

7 “(iii) Threats to the national security of  
8 the United States;

9 “(iv) The protection of the global environ-  
10 ment;

11 “(v) The protection of endangered species;

12 or

13 “(vi) Regional humanitarian disasters.

14 The official shall be admitted to the United States,  
15 unless the official is otherwise excludable under the  
16 immigration laws of the United States.”.

17 **SEC. 1079. SENSE OF THE SENATE CONCERNING PARTICI-**  
18 **PATION IN ALLIED DEFENSE COOPERATION.**

19 It is the sense of the Senate that the President should  
20 use existing authorities to the greatest extent possible to  
21 authorize the provision of the following types of assistance  
22 and cooperation to countries like Poland, Hungary and the  
23 Czech Republic who are making significant progress in  
24 working with NATO—

1           (1) Excess defense articles as defined in the  
2 Foreign Assistance Act of 1961 and the Arms Con-  
3 trol Export Act;

4           (2) Loan materials, supplies and equipment for  
5 research and development purposes;

6           (3) Leases and loans of major defense equip-  
7 ment and other defense articles;

8           (4) Cooperative military airlift agreements;

9           (5) The procurement of communications sup-  
10 port and related supplies and services;

11           (6) Actions to standardize equipment with  
12 North Atlantic Treaty Organization members.

13 **SEC. 1080. INTERAGENCY PLACEMENT PROGRAM FOR FED-**  
14 **ERAL EMPLOYEES AFFECTED BY REDUCTION**  
15 **IN FORCE ACTIONS.**

16           (a) STUDY AND REPORT.—(1) No later than 6  
17 months after the date of the enactment of this Act, the  
18 Office of Personnel Management, in consultation with the  
19 Department of Defense, shall conduct a study and submit  
20 a report to the Congress on—

21           (A) the feasibility of establishing a mandatory  
22 interagency placement program for Federal employ-  
23 ees affected by reduction in force actions; and

24           (B) any action taken by the Office of Personnel  
25 Management under subsection (b).

1           (2) In conducting the study under this section, the  
2 Office of Personnel Management, in consultation with the  
3 Department of Defense, shall seek comments from all  
4 Federal agencies.

5           (b) AGREEMENTS TO ESTABLISH INTERAGENCY  
6 PLACEMENT PROGRAM.—(1) If, during the 6-month pe-  
7 riod after the date of the enactment of this Act, the Office  
8 of Personnel Management, in consultation with the De-  
9 partment of Defense, determines that a Government-wide  
10 interagency placement program for Federal employees af-  
11 fected by reduction in force actions is feasible, the Office  
12 of Personnel Management may enter into an agreement  
13 with each agency that agrees to participate, to establish  
14 such a program. A program established under this sub-  
15 section shall not be required to be an interagency place-  
16 ment program as defined under subsection (c)(3).

17           (2) If the Office of Personnel Management makes a  
18 determination to establish a program as provided under  
19 paragraph (1), the Office shall include in the report sub-  
20 mitted under subsection (a) each agency that decides not  
21 to participate in the program and the reasons of the agen-  
22 cy for the decision.

23           (c) DEFINITIONS.—For purposes of this section—

1           (1) the term “agency” means an “Executive  
2 agency” as defined under section 105 of title 5,  
3 United States Code, and—

4           (A) includes the United States Postal  
5 Service and the Postal Rate Commission; and

6           (B) does not include the General Account-  
7 ing Office;

8           (2) the term “Federal employees affected by re-  
9 duction in force actions” means Federal employees  
10 who—

11           (A) are scheduled to be separated from  
12 service under a reduction in force pursuant  
13 to—

14           (i) regulations prescribed under sec-  
15 tion 3502 of title 5, United States Code; or

16           (ii) procedures established under sec-  
17 tion 3595 of title 5, United States Code; or

18           (B) are separated from service under such  
19 a reduction in force; and

20           (3) the term “interagency placement program”  
21 means a program that provides a system to require  
22 the offer of a position in an agency to an employee  
23 of another agency affected by a reduction in force  
24 action, if—

1 (A) the position cannot be filled through a  
2 placement program of the agency in which the  
3 position is located;

4 (B) the employee to whom the offer is  
5 made is well qualified for the offered position;

6 (C)(i) the classification of the offered posi-  
7 tion is equal to the classification of the employ-  
8 ee's present or last held position; or

9 (ii) the basic rate of pay of the offered po-  
10 sition is equal to the basic rate of pay of the  
11 employee's present or last held position; and

12 (D) the geographic location of the offered  
13 position is within the commuting area of—

14 (i) the residence of the employee; or

15 (ii) the location of the employee's  
16 present or last held position.

17 **SEC. 1081. GEORGE C. MARSHALL EUROPEAN CENTER FOR**  
18 **SECURITY STUDIES.**

19 (a) USE OF CONTRIBUTIONS.—Funds received by the  
20 United States Government from the Federal Republic of  
21 Germany as its fair share of the costs of the George C.  
22 Marshall European Center for Security Studies shall be  
23 credited to appropriations available to the Department of  
24 Defense for the George C. Marshall European Center for  
25 Security Studies. Funds so credited shall be merged with

1 the appropriations to which credited and shall be available  
2 for the Center for the same purposes and the same period  
3 as the appropriations with which merged.

4 (b) WAIVER OF CHARGES.—(1) The Secretary of De-  
5 fense may waive reimbursement of the costs of con-  
6 ferences, seminars, courses of instruction, or similar edu-  
7 cational activities of the George C. Marshall European  
8 Center for Security Studies for military officers and civil-  
9 ian officials of cooperation partner states of the North At-  
10 lantic Cooperation Council or the Partnership for Peace  
11 if the Secretary determines that attendance by such per-  
12 sonnel without reimbursement is in the national security  
13 interest of the United States.

14 (2) Costs for which reimbursement is waived pursu-  
15 ant to paragraph (1) shall be paid from appropriations  
16 available for the Center.

17 **SEC. 1082. CHANGES IN NOTICE REQUIREMENTS UPON**  
18 **PENDING OR ACTUAL TERMINATION OF DE-**  
19 **FENSE PROGRAMS.**

20 (a) TIME FOR NOTICE REQUIREMENT AFTER SUB-  
21 MISSION OF BUDGET.—Subsection (a) of section 4471 of  
22 the Defense Conversion, Reinvestment, and Transition As-  
23 sistance Act of 1992 (division D of Public Law 102–484;  
24 106 Stat. 2753; 10 U.S.C. 2501 note) is amended—

1 (1) by striking out “As soon as reasonably  
2 practicable” and inserting in lieu thereof “Not later  
3 than 90 days”; and

4 (2) by striking out “and not more than 180  
5 days after such date,”.

6 (b) TIME FOR NOTICE REQUIREMENT AFTER EN-  
7 ACTMENT OF APPROPRIATIONS ACT.—Subsection (b) of  
8 such section is amended—

9 (1) by striking out “as soon as reasonably prac-  
10 ticable” and inserting in lieu thereof “not later than  
11 90 days”; and

12 (2) by striking out “and not more than 180  
13 days after such date,”.

14 (c) TIME FOR NOTICE REQUIREMENT ON WITH-  
15 DRAWAL OF NOTIFICATION.—Subsection (f)(1) of such  
16 section is amended in the second sentence by striking out  
17 “as soon as reasonably practicable” and inserting in lieu  
18 thereof “not later than 90 days”.

19 **SEC. 1083. TRANSFER OF OBSOLETE VESSEL GUADAL-**  
20 **CANAL.**

21 (a) AUTHORITY.—Notwithstanding subsections (a)  
22 and (d) of section 7306 of title 10, United States Code,  
23 but subject to subsections (b) and (c) of that section, upon  
24 the decommissioning of the USS Guadalcanal (LPH 7),  
25 the Secretary of the Navy may transfer the Guadalcanal

1 to the not-for-profit organization Intrepid Museum Foun-  
2 dation, New York, New York.

3 (b) LIMITATIONS.—The transfer authorized by sec-  
4 tion (a) may be made only if the Secretary determines that  
5 the vessel Guadalcanal is of no further use to the United  
6 States for national security purposes.

7 (c) TERMS AND CONDITIONS.—The Secretary may  
8 require such terms and conditions in connection with the  
9 transfer authorized by this section as the Secretary consid-  
10 ers appropriate.

11 **SEC. 1084. STUDY OF SPOUSAL ABUSE INVOLVING ARMED**  
12 **FORCES PERSONNEL.**

13 (a) FINDINGS.—Congress makes the following find-  
14 ings:

15 (1) The Department of Defense has sponsored  
16 several highly successful programs designed to cur-  
17 tail spousal abuse.

18 (2) The readiness of the Armed Forces would  
19 be enhanced by eliminating all forms of spousal  
20 abuse involving members of the Armed Forces.

21 (3) Available data on the frequency and causes  
22 of spousal abuse involving members of the Armed  
23 Forces is not comprehensive for the Armed Forces.

24 (b) STUDY AND REPORT REQUIRED.—Not later than  
25 180 days after the date of the enactment of this Act, the

1 Secretary of Defense shall conduct a study on spousal  
2 abuse involving members of the Armed Forces of the Unit-  
3 ed States and submit to Congress a report on the results  
4 of the study.

5 (c) CONTENT OF REPORT.—The report shall contain  
6 the following matters:

7 (1) The frequency of spousal abuse involving  
8 members of the Armed Forces.

9 (2) A discussion of the possible causes of such  
10 spousal abuse.

11 (3) A discussion of the procedures followed in  
12 responding to incidents of such spousal abuse.

13 (4) An analysis of the effectiveness of those  
14 procedures.

15 (5) A review of the existing programs for cur-  
16 tailing such spousal abuse.

17 (6) A strategy for the entire Armed Forces for  
18 curtailing spousal abuse involving members of the  
19 Armed Forces.

1 **SEC. 1085. REVIEW OF THE PROCEDURES USED BY DEPART-**  
2 **MENT OF DEFENSE INVESTIGATIVE ORGANI-**  
3 **ZATIONS WHEN CONDUCTING AN INVESTIGA-**  
4 **TION INTO THE DEATH OF A MEMBER OF THE**  
5 **ARMED FORCES WHO, WHILE SERVING ON**  
6 **ACTIVE DUTY, DIED FROM A CAUSE DETER-**  
7 **MINED TO BE SELF-INFLICTED.**

8 SENSE OF CONGRESS.—It is the Sense of Congress  
9 that, upon receipt of the report required by section 1185  
10 of the National Defense Authorization Act for Fiscal Year  
11 1994, the Senate Committee on Armed Services should re-  
12 view that report and hold hearings related to the proce-  
13 dures employed by Department of Defense investigative  
14 organizations when conducting an investigation into the  
15 death of a member of the Armed Services who, while serv-  
16 ing on active duty, died from a cause determined to be  
17 self-inflicted.

18 **SEC. 1086. PUBLIC EDUCATION FACILITY OF THE ARMED**  
19 **FORCES INSTITUTE OF PATHOLOGY.**

20 (a) PURPOSE.—It is the purpose of this section to—

21 (1) display and interpret the collections of the  
22 Armed Forces Institute of Pathology currently lo-  
23 cated at Walter Reed Medical Center; and

24 (2) designate a site for the relocation of the  
25 public education facility of the Armed Forces Insti-  
26 tute of Pathology so that it may serve as a central

1 resource of instruction about the critical health is-  
2 sues which confront all American citizens.

3 (b) SITE OF FACILITY.—The public education facility  
4 of Armed Forces Institute of Pathology shall be located  
5 on or near the Mall on land owned by the Federal Govern-  
6 ment or the District of Columbia in the District of Colum-  
7 bia.

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion shall be construed as limiting the authority or respon-  
10 sibilities of the National Capital Planning Commission or  
11 the Commission of Fine Arts.

12 (d) DEFINITION.—As used in this section, the term  
13 “the Mall” means—

14 (1) the land designated as “Union Square”,  
15 United States Reservation 6A; and

16 (2) the land designated as the “Mall”, United  
17 States Reservations 3, 4, 5, and 6.

18 (e) SENSE OF THE CONGRESS.—

19 (1) FINDINGS.—Congress finds that—

20 (A) the National Museum of Health and  
21 Medicine Foundation, Inc. (a private, nonprofit  
22 organization having for its primary purpose the  
23 relocation to the Mall and revitalization of the  
24 National Museum of Health and Medicine), the  
25 Armed Forces Institute of Pathology, and the

1 Public Health Service have jointly supported  
2 planning to relocate the Museum to a site on  
3 land that is located east of and adjacent to the  
4 Hubert H. Humphrey Building (100 Independ-  
5 ence Avenue, Southwest, in the District of Co-  
6 lumbia); and

7 (B) the National Museum of Health and  
8 Medicine Foundation, Inc., is deserving of the  
9 encouragement and support of the American  
10 people in its effort to relocate the National Mu-  
11 seum of Health and Medicine to a site on land  
12 the is located east of and adjacent to the Hu-  
13 bert H. Humphrey Building, and in its effort to  
14 raise funds for a revitalized Museum to inspire  
15 increasing numbers of Americans to lead  
16 healthy lives through improved public under-  
17 standing of health and the medical sciences.

18 (2) LOCATION.—It is the sense of the Congress  
19 that, subject to appropriate approvals by the Na-  
20 tional Capital Planning Commission and the Com-  
21 mission of Fine Arts, the National Museum of  
22 Health and Medicine should be relocated to a site on  
23 land that is located east of and adjacent to the Hu-  
24 bert H. Humphrey Building for the purpose of edu-

1 cating the American public concerning health and  
2 the medical sciences.

3 **SEC. 1087. ASSIGNMENTS OF EMPLOYEES BETWEEN FED-**  
4 **ERAL AGENCIES AND FEDERALLY FUNDED**  
5 **RESEARCH AND DEVELOPMENT CENTERS.**

6 (a) AUTHORITY.—Section 3371(4) of title 5, United  
7 States Code, is amended—

8 (1) by striking out “or” at the end of subpara-  
9 graph (B);

10 (2) by striking out the period at the end of sub-  
11 paragraph (C) and inserting in lieu thereof “; or”;  
12 and

13 (3) by adding at the end the following new sub-  
14 paragraph:

15 “(D) a federally funded research and de-  
16 velopment center.”.

17 (b) PROVISIONS GOVERNING ASSIGNMENTS.—Sec-  
18 tion 3372 of title 5, United States Code, is amended by  
19 adding at the end the following new subsection:

20 “(e) Under regulations prescribed pursuant to section  
21 3376 of this title—

22 “(1) an assignment of an employee of a Federal  
23 agency to an other organization or an institution of  
24 higher education, and an employee so assigned, shall  
25 be treated in the same way as an assignment of an

1 employee of a Federal agency to a State or local  
2 government, and an employee so assigned, is treated  
3 under the provisions of this subchapter governing an  
4 assignment of an employee of a Federal agency to  
5 a State or local government, except that the rate of  
6 pay of an employee assigned to a federally funded  
7 research and development center may not exceed the  
8 rate of pay that such employee would be paid for  
9 continued service in the position in the Federal  
10 agency from which assigned; and

11 “(2) an assignment of an employee of an other  
12 organization or an institution of higher education to  
13 a Federal agency, and an employee so assigned,  
14 shall be treated in the same way as an assignment  
15 of an employee of a State or local government to a  
16 Federal agency, and an employee so assigned, is  
17 treated under the provisions of this subchapter gov-  
18 erning an assignment of an employee of a State or  
19 local government to a Federal agency.”.

20 **SEC. 1088. BOSNIA AND HERZEGOVINA.**

21 (a) PURPOSE.—To express the sense of Congress  
22 concerning the international efforts to end the conflict in  
23 Bosnia and Hercegovina.

24 (b) STATEMENTS.—The Congress makes the follow-  
25 ing statements of support:

1           (1) The Congress supports the use of inter-  
2           national sanctions in the form of arms and economic  
3           embargoes imposed by the United Nations Security  
4           Council in appropriate circumstances.

5           (2) The Congress supports the imposition of an  
6           arms and economic embargo on the Government of  
7           Iraq by United Nations Security Council resolution  
8           661 of August 6, 1990 to bring about compliance  
9           with a number of conditions, including in particular  
10          an end to Iraq's nuclear weapons program.

11          (3) The Congress supports the imposition of an  
12          arms, petroleum and economic embargo on Haiti by  
13          United Nations Security Council resolutions 875 of  
14          October 16, 1993 and 917 of May 17, 1994 to bring  
15          about compliance with the Governors Island Agree-  
16          ment.

17          (4) The Congress supports the imposition of an  
18          arms and civil aircraft embargo on Libya pursuant  
19          to United Nations Security Council resolution 748 of  
20          March 31, 1992 in order to convince Libya to re-  
21          nounce terrorism.

22          (c) FINDINGS.—The Congress makes the following  
23          findings:

24                 (1) The United States took the lead in the  
25                 United Nations Security Council to impose inter-

1 national sanctions in the form of arms and economic  
2 embargoes on Iraq, Haiti, and Libya.

3 (2) The security of the Republic of Korea with  
4 whom the United States has a mutual defense treaty  
5 and on whose territory there are more than 38,000  
6 members of the United States Armed Forces is a  
7 vital interest of the United States.

8 (3) Should negotiations fail, the imposition of  
9 sanctions by the United Nations Security Council on  
10 North Korea, which would require the affirmative  
11 vote or abstention of China, Russia, Britain, and  
12 France, may be essential to stop North Korea's nu-  
13 clear weapons development program and to end a  
14 nuclear threat to the Republic of Korea and South-  
15 east Asia.

16 (4) The effective enforcement of sanctions on  
17 North Korea, once imposed by the United Nations  
18 Security Council, would require the cooperation of  
19 China, Russia, and Japan as well as other allies, in-  
20 cluding Britain and France, both permanent mem-  
21 bers of the United Nations Security Council.

22 (5) The United States voted for the inter-  
23 national arms embargo imposed by United Nations  
24 Security Council resolution 713 of September 25,  
25 1991 that was imposed on Yugoslavia.

1           (6) The imposition of the United Nations arms  
2 embargo on September 25, 1991 has not served to  
3 end the conflict in Bosnia and Hercegovina, has pro-  
4 vided a battlefield advantage to the Bosnian Serbs,  
5 who possess artillery, tanks, and other weapons left  
6 behind by the former Yugoslav Army or provided by  
7 Serbia and Montenegro, and has deprived the Gov-  
8 ernment of Bosnia and Hercegovina from acquiring  
9 the adequate means of defending itself and its citi-  
10 zens.

11           (7) Our NATO allies have committed ground  
12 forces to the United Nations Protection Force  
13 (UNPROFOR) in former Yugoslavia. At the present  
14 time France has 5,518 troops, Britain 3,435, the  
15 Netherlands 2,073, Canada 2,037, Turkey 1,696,  
16 Spain 1,417, and Belgium 1,000. Our NATO allies  
17 have thus far sustained 49 deaths and 936 wounded  
18 as a result of their participation in UNPROFOR.

19           (8) For the first time the so-called “contact  
20 group” composed of representatives of the United  
21 States, Russia, France and Britain is moving toward  
22 a unified position of using an incentives and dis-  
23 incentives “carrot and stick” strategy to bring about  
24 a peaceful settlement of the conflict in Bosnia and  
25 Hercegovina.

1 (d) It is the sense of the Congress that the United  
2 States should work with the NATO Member nations and  
3 the other permanent members of the United Nations Secu-  
4 rity Council to endorse the efforts of the contact group  
5 to bring about a peaceful settlement of the conflict in  
6 Bosnia Hercegovina, including the following:

7 (A) the preservation of an economically, politi-  
8 cally and militarily viable Bosnian state capable of  
9 exercising its rights under the United Nations Char-  
10 ter as part of a peaceful settlement, the lifting of the  
11 United Nations arms embargo on the Government of  
12 Bosnia and Hercegovina so that it can exercise the  
13 inherent right of a sovereign state to self-defense;

14 (B) if the Bosnian Serbs, while the contact  
15 group's peace proposal is being considered and dis-  
16 cussed, attack the safe areas designated by the Unit-  
17 ed Nations Security Council, the partial lifting of  
18 the arms embargo on the Government of Bosnia and  
19 Hercegovina and the provision to that Government  
20 of defensive weapons and equipment appropriate and  
21 necessary to defend those safe areas;

22 (C) if the Bosnian Serbs do not respond con-  
23 structively to the peace negotiations, the President  
24 or his representative shall promptly propose or sup-  
25 port a resolution in the United Nations Security

1 Council to terminate the intentional arms embargo  
2 on Bosnia and Hercegovina (and the orderly with-  
3 drawal of the United Nations Protection Force and  
4 humanitarian relief personnel). If the Security Coun-  
5 cil fails to pass such a resolution, the President shall  
6 within 5 days consult with Congress regarding uni-  
7 lateral termination of the arms embargo on the Gov-  
8 ernment of Bosnia and Hercegovina.

9 **SEC. 1089. PROVISION OF INTELLIGENCE AND OTHER AS-**  
10 **SISTANCE WHERE DRUG TRAFFICKING**  
11 **THREATENS NATIONAL SECURITY.**

12 (a) Notwithstanding any other provision of law, it  
13 shall not be unlawful for authorized employees or agents  
14 of a foreign country to damage, render inoperative, or de-  
15 stroy an aircraft in that country's territory or airspace,  
16 or to attempt to do so, if that aircraft is reasonably sus-  
17 pected to be primarily engaged in illicit narcotics traffick-  
18 ing, provided that the President of the United States prior  
19 to the actions described in this subparagraph being taken  
20 has determined:

21 (1) that such actions are necessary because of  
22 the extraordinary threat posed by drug trafficking to  
23 the national security of that country, and

24 (2) that the country has appropriate procedures  
25 in place to protect against innocent loss of life in the

1 air and on the ground, which shall at a minimum in-  
2 clude effective means to identify and warn aircraft  
3 prior to the use of force.

4 (b) It shall not be unlawful for authorized employees  
5 or agents of the United States to provide assistance, in-  
6 cluding but not limited to operational, intelligence,  
7 logistical, technical and administration assistance, for the  
8 actions of foreign countries set forth in subsection (a), nor  
9 shall the provision of such assistance give rise to any civil  
10 action seeking money damages or any other form of relief  
11 against the United States or its agents or employees.

12 **SEC. 1090. ADMINISTRATION OF ATHLETICS PROGRAMS AT**  
13 **THE SERVICE ACADEMIES.**

14 (a) UNITED STATES MILITARY ACADEMY.—(1)  
15 Chapter 403 of title 10, United States Code, is amended  
16 by adding at the end the following new section:

17 **“§ 4357. Administration of athletics program**

18 “(a) The position of athletic director of the Academy  
19 shall be a position in the civil service (as defined in section  
20 2101(1) of title 5). However, a member of the armed  
21 forces may fill such position as an active duty assignment.

22 “(b) Under regulations prescribed by the Secretary  
23 of the Army, the Superintendent of the Academy shall es-  
24 tablish and administer a nonappropriated fund account for  
25 the athletics program of the Academy. The Superintend-

1 ent shall credit to such account all revenue received from  
2 the conduct of the athletics program of the Academy and  
3 all contributions received for such program.”.

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

“4357. Administration of athletics program.”.

7 (b) UNITED STATES NAVAL ACADEMY.—(1) Chapter  
8 603 of title 10, United States Code, is amended by adding  
9 at the end the following new section:

10 **“§ 6975. Administration of athletics program**

11 “(a) The position of athletic director of the Naval  
12 Academy shall be a position in the civil service (as defined  
13 in section 2101(1) of title 5). However, a member of the  
14 armed forces may fill such position as an active duty as-  
15 signment.

16 “(b) Under regulations prescribed by the Secretary  
17 of the Navy, the Superintendent of the Naval Academy  
18 shall establish and administer a nonappropriated fund ac-  
19 count for the athletics program of the Naval Academy.  
20 The Superintendent shall credit to such account all reve-  
21 nue received from the conduct of the athletics program  
22 of the Naval Academy and all contributions received for  
23 such program.”.

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

“6975. Administration of athletics program.”.

4           (c) UNITED STATES AIR FORCE ACADEMY.—(1)  
5 Chapter 903 of title 10, United States Code, is amended  
6 by adding at the end the following new section:

7 **“§ 9356. Administration of athletics program**

8           “(a) The position of athletic director of the Academy  
9 shall be a position in the civil service (as defined in section  
10 2101(1) of title 5). However, a member of the armed  
11 forces may fill such position as an active duty assignment.

12           “(b) Under regulations prescribed by the Secretary  
13 of the Air Force, the Superintendent of the Academy shall  
14 establish and administer a nonappropriated fund account  
15 for the athletics program of the Academy. The Super-  
16 intendent shall credit to such account all revenue received  
17 from the conduct of the athletics program of the Academy  
18 and all contributions received for such program.”.

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

“9356. Administration of athletics program.”.

22           (d) EFFECTIVE DATE.—The amendments made by  
23 this section shall take effect 240 days after the date of  
24 the enactment of this Act.

1 **SEC. 1091. REVIEW OF THE BOTTOM UP REVIEW AND THE**  
2 **FUTURE YEAR DEFENSE PROGRAM AND ES-**  
3 **TABLISHMENT OF NEW FUNDING REQUIRE-**  
4 **MENTS AND PRIORITIES.**

5 (a) FINDINGS.—Congress finds as follows:

6 (1) Whereas the Administration commissioned  
7 the Bottom Up Review to properly structure the  
8 Armed Forces of the United States for the Post-  
9 Cold War Era;

10 (2) Whereas the Secretary of Defense has testi-  
11 fied that the Department of Defense's Future Years  
12 Defense Program includes \$20 billion more in pro-  
13 gram funding requests during fiscal years 1996  
14 through 1999 than the defense funding levels in the  
15 Administration's budget can support;

16 (3) Whereas, the Secretary of the Navy has tes-  
17 tified that the Department of the Navy will only op-  
18 erate 330 ships rather than the 346 ships required  
19 by the Bottom Up Review;

20 (4) Whereas, in January 1994, in his Annual  
21 Report to the President and the Congress, the Sec-  
22 retary of Defense reported that the Air Force will  
23 field approximately 100 heavy bombers rather than  
24 the 184 required by the Bottom Up Review;

25 (5) Whereas the Department of Defense's plans  
26 for a major regional contingency in the Far East

1 call for 5 Army divisions and the plans for a major  
2 regional contingency in Southwest Asia call for 7  
3 Army divisions, while the Bottom Up Review plans  
4 for an Army of only 10 active divisions;

5 (6) Whereas the Administration's budget as-  
6 sumes the Department of Defense will save at least  
7 \$6 billion from procurement reform;

8 (7) Whereas the first and second rounds of the  
9 Base Realignment and Closure Commission have not  
10 yet achieved the level of savings initially estimated,  
11 and the 1995 base closure round may cost signifi-  
12 cantly more than is assumed in the Administration's  
13 budget.

14 (b) SENSE OF CONGRESS.—It is the Sense of Con-  
15 gress:

16 (1) that within 30 days after enactment of this  
17 legislation, the Secretary of Defense should initiate  
18 a review of the assumptions and conclusions of the  
19 President's Budget, the Bottom Up Review, and the  
20 Future Years Defense Program; and that not more  
21 than 180 days after the review is initiated the Sec-  
22 retary of Defense should submit to the President  
23 and to the Congress a report detailing the force  
24 structure required for an effective defense of the  
25 United States and its vital national interests;

1           (2) and that not more than 60 days after re-  
2 receipt of the report described in subsection (b)(1), the  
3 President should submit to the Congress a report  
4 detailing the steps the President will take to meet  
5 the force structure described in subsection (b)(1);

6           (3) and that the fiscal year 1996 budget sub-  
7 mitted to the Congress by the President should re-  
8 flect the funding level necessary to support the force  
9 structure described in subsection (b)(1).

10 **SEC. 1092. GENOCIDE IN RWANDA.**

11       (a) FINDINGS.—The Congress finds that—

12           (1) since April 6, 1994, elements of the Rwan-  
13 dan government forces, and their allied militias,  
14 have organized the massacres of more than 200,000  
15 Rwandan civilians, of both Tutsi and Hutu ethnic  
16 origin;

17           (2) an estimated 2 million Rwandans have been  
18 internally displaced, and at least 500,000 have fled  
19 to neighboring countries;

20           (3) on April 26, 1994, the Senate agreed to  
21 Senate Resolution 207, deploring the massacres and  
22 urging prompt resolution of this crisis;

23           (4) the potential exists for retaliatory acts to be  
24 committed by elements within the Rwandan Patri-  
25 otic Front against civilians;

1           (5) on June 8, 1994, the United Nations Security Council expanded and reinforced the United Nations Assistance Mission for Rwanda (UNAMIR) to  
2  
3           5,500 troops with a mandate to protect civilians;

4  
5           (6) on June 22, 1994, the United Nations Security Council voted unanimously to support the deployment of military forces from France and Senegal  
6  
7           for a temporary operation that would contribute to  
8           the security and protection of populations at risk in  
9           Rwanda.  
10

11       (b) POLICY.—The Congress—

12           (1) calls upon the President to acknowledge  
13           that acts of genocide have been committed in Rwanda;  
14

15           (2) urges the President to support the establishment of an impartial commission of experts to  
16           examine and analyze the evidence submitted of  
17           breaches of the Convention on Genocide, and other  
18           grave violations of international humanitarian law,  
19           committed in Rwanda;  
20

21           (3) commends the Department of Defense for  
22           logistical help already provided and urges the Secretary of Defense to further expedite all United  
23           States military contributions to the humanitarian effort  
24           in Rwanda.  
25

1 (4) implores the President to take the lead in  
2 the international community to expedite commit-  
3 ments of the necessary resources for, and to orga-  
4 nize the speedy training and deployment of, the rein-  
5 forced UNAMIR operation, with the mandate of pro-  
6 tecting civilian populations at risk in Rwanda;

7 (5) strongly urges the President and the inter-  
8 national community to expedite assistance needed  
9 for humanitarian operations in Rwanda, and neigh-  
10 boring states, for the support of Rwandan refugees;

11 (6) commends France and Senegal for cooperat-  
12 ing with the Secretary General towards the fulfill-  
13 ment of the objectives of the United Nations in  
14 Rwanda; and

15 (7) urges France and Senegal pursuant to the  
16 United Nations Security Council resolution of June  
17 22, 1994, to maintain the humanitarian character of  
18 their operation in Rwanda, with the view towards  
19 impartiality and neutrality.

20 **SEC. 1093. STUDIES OF HEALTH CONSEQUENCES OF MILI-**  
21 **TARY SERVICE OR EMPLOYMENT IN SOUTH-**  
22 **WEST ASIA DURING THE PERSIAN GULF WAR.**

23 (a) EPIDEMIOLOGICAL STUDY.—

24 (1) IN GENERAL.—The Secretary of Defense  
25 shall award a grant under this subsection to one or

1 more non-Federal entities selected for the award  
2 under subsection (c). The purpose of a grant is to  
3 permit the entity receiving the award to carry out  
4 the study described in paragraph (2).

5 (2) NATURE OF STUDY.—The purpose of the  
6 study referred to in paragraph (1) is to determine  
7 the nature and scope of the illnesses and symptoms  
8 suffered by the individuals referred in paragraph (3)  
9 as a result of service or employment in the South-  
10 west Asia theater of operations during the Persian  
11 Gulf War.

12 (3) INDIVIDUALS COVERED BY STUDY.—Para-  
13 graph (2) applies to the following individuals:

14 (A) Individuals who served as members of  
15 the Armed Forces in the Southwest Asia thea-  
16 ter of operations during the Persian Gulf War.

17 (B) Individuals who were civilian employ-  
18 ees of the Department of Defense in that thea-  
19 ter during that period.

20 (C) Where appropriate, individuals who  
21 were employees of contractors of the Depart-  
22 ment in that theater during that period.

23 (D) Where appropriate, the spouses and  
24 children of individuals described in subpara-  
25 graph (A).

1 (4) STUDY DESIGN.—The study required under  
2 this subsection shall be designed—

3 (A) to assess the extent, if any, of the as-  
4 sociation between—

5 (i) the illnesses and symptoms suf-  
6 ferred by individuals referred to in para-  
7 graph (3);

8 (ii) the exposure of the individuals re-  
9 ferred to in subparagraphs (A), (B), and  
10 (C) of that paragraph to chemical and bio-  
11 logical agents, drugs and vaccines, endemic  
12 biological diseases, pesticides, toxins, and  
13 other potentially hazardous materials; and

14 (iii) the experiences of such individ-  
15 uals with stress-producing battlefield and  
16 wartime conditions;

17 (B) to identify risk factors for predicting  
18 the illnesses or symptoms relating to such expo-  
19 sure that will arise within 3 years of the arrival  
20 of an individual referred to in subparagraph  
21 (A), (B), or (C) of paragraph (3) in the South-  
22 west Asia theater of operations;

23 (C) to determine—

24 (i) the incidence, prevalence, and na-  
25 ture of the illnesses and symptoms suffered

1 by the individuals referred to in paragraph  
2 (3), including—

3 (I) the incidence, prevalence, and  
4 nature of the illnesses and symptoms  
5 of such individuals before the com-  
6 mencement of the period of the Per-  
7 sian Gulf War and the incidence,  
8 prevalence, and nature of the illnesses  
9 of such individuals after the end of  
10 that period; and

11 (II) the incidence, prevalence,  
12 and nature of the illnesses, symptoms,  
13 and birth defects of any children con-  
14 ceived by such individuals before the  
15 commencement of that period and of  
16 any children conceived by such indi-  
17 viduals during or after the end of that  
18 period; and

19 (ii) the incidence, prevalence, and na-  
20 ture of illnesses and symptoms of other in-  
21 dividuals or groups of individuals, if any,  
22 who may suffer from an illness or symp-  
23 tom as a result of the service or employ-  
24 ment of any person or group of persons in

1 the Southwest Asia theater of operations  
2 during the Persian Gulf War; and

3 (D) to evaluate a comparison sample or to  
4 evaluation any other matter that the Secretary  
5 or the entity determines appropriate to the pur-  
6 poses of the study.

7 (5) REPORTS.—

8 (A) INTERIM REPORTS.—Not later than  
9 each of July 1, 1995, and July 1, 1996, the  
10 Secretary shall submit to the congressional de-  
11 fense committees and the Committees on Veter-  
12 ans' Affairs of the Senate and the House of  
13 Representatives an interim report on the results  
14 of the study carried out under this subsection.

15 (B) FINAL REPORT.—Not later than Janu-  
16 ary 1, 1998, the Secretary shall submit to the  
17 committees referred to in subparagraph (A) a  
18 final report on the results of the study.

19 (C) FORM OF REPORTS.—The reports sub-  
20 mitted under this paragraph shall be submitted  
21 in unclassified form.

22 (b) STUDIES OF HEALTH CONSEQUENCES OF AD-  
23 MINISTRATION OF PYRIDOSTIGMINE BROMIDE.—

24 (1) IN GENERAL.—The Secretary of Defense  
25 shall award a grant under this subsection to one or

1 more non-Federal entities selected for the award  
2 under subsection (c). The purpose of a grant is to  
3 permit the entity receiving the award to carry out a  
4 study or studies to determine the following:

5 (A) The long-term health consequences of  
6 the administration of pyridostigmine bromide as  
7 an antidote enhancer for chemical nerve agent  
8 toxicity during the Persian Gulf War.

9 (B) The short-term and long-term health  
10 consequences of the administration of  
11 pyridostigmine bromide under the chemical  
12 nerve agent pretreatment program of the De-  
13 partment of Defense and exposure to pesticides,  
14 environmental toxins, and other hazardous sub-  
15 stances during battlefield conditions that pre-  
16 vailed in the Southwest Asia theater of oper-  
17 ations during the Persian Gulf War.

18 (2) STUDIES.—The Secretary shall provide that  
19 an entity awarded a grant under this subsection  
20 shall carry out a study described in paragraph (3)  
21 or (4).

22 (3) RETROSPECTIVE STUDY.—A study referred  
23 to in paragraph (2) is a retrospective study on mem-  
24 bers of the Armed Forces who served in the South-

1 west Asia theater of operations during the Persian  
2 Gulf War in order to determine the following:

3 (A) The nature of the undiagnosed and  
4 chronic illnesses suffered by such members.

5 (B) The degree of association between  
6 such illnesses and—

7 (i) use of pyridostigmine bromide over  
8 a short period of time (as determined by  
9 the Secretary) during the Persian Gulf  
10 War;

11 (ii) use of pyridostigmine bromide  
12 over an extended period of time (as so de-  
13 termined) during that war; or

14 (iii) use of no pyridostigmine bromide.

15 (C) The degree of association between—

16 (i) such illnesses;

17 (ii) each extent of use of  
18 pyridostigmine bromide described in sub-  
19 paragraph (B);

20 (iii) receipt of other vaccinations or  
21 medications; and

22 (iv) exposure to pesticides,  
23 organophosphates, or carbamates.

24 (4) ANIMAL MODEL STUDY.—A study referred  
25 to in paragraph (2) is also a study using appropriate

1 animal research models in order to determine wheth-  
2 er use of pyridostigmine bromide in combination  
3 with exposure to pesticides or other  
4 organophosphates, carbamates, or relevant chemicals  
5 results in increased toxicity in animals and is likely  
6 to have a similar effect on humans.

7 (5) REPORTS.—

8 (A) ANIMAL STUDY REPORT.—Not later  
9 than January 1, 1996, the Secretary shall sub-  
10 mit to the congressional defense committees  
11 and the Committees on Veterans' Affairs of the  
12 Senate and the House of Representatives a re-  
13 port on the study carried out under paragraph  
14 (4).

15 (B) INTERIM REPORTS ON RETROSPECTIVE  
16 STUDY.—Not later than each of July 1, 1995,  
17 and July 1, 1996, the Secretary shall submit to  
18 the committees referred to in subparagraph (A)  
19 an interim report on the results of the study  
20 carried out under paragraph (3).

21 (C) FINAL REPORT ON RETROSPECTIVE  
22 STUDY.—Not later than January 1, 1998, the  
23 Secretary shall submit to the committees re-  
24 ferred to in subparagraph (A) a final report on

1 the results of the study carried out under para-  
2 graph (3).

3 (D) FORM OF REPORTS.—The reports sub-  
4 mitted under this paragraph shall be submitted  
5 in unclassified form.

6 (c) SELECTION OF STUDY ENTITIES.—

7 (1) IN GENERAL.—The Secretary of Defense  
8 shall select entities to which to award grants for the  
9 studies described in subsections (a) and (b) in ac-  
10 cordance with this subsection.

11 (2) SUBMITTAL OF PROPOSALS.—An entity  
12 seeking to carry out a study under a grant under  
13 subsection (a) or (b) shall submit to the Secretary  
14 the following proposals:

15 (A) A proposal for a pilot study in order  
16 to determine the research design and research  
17 instrument to be used in the study.

18 (B) A proposal for the study.

19 (3) INDEPENDENT REVIEW.—The Secretary  
20 shall ensure that individuals described in paragraph

21 (4)—

22 (A) review each proposal submitted to the  
23 Secretary under paragraph (2) for purposes of  
24 determining whether or not the proposal—

1 (i) addresses adequately the purposes  
2 of the study; and

3 (ii) meets the technical, scientific, and  
4 peer review requirements that apply to  
5 similar studies carried out under the direc-  
6 tion of the Secretary of Health and  
7 Human Services; and

8 (B) submit to the Secretary recommenda-  
9 tions for the selection by the Secretary of one  
10 or more entities to carry out the study.

11 (4) REVIEWING INDIVIDUALS.—Individuals re-  
12 ferred to in paragraph (3) are any individuals who,  
13 as determined by the Secretary—

14 (A) are not employees of the Federal Gov-  
15 ernment;

16 (B) have an expertise in epidemiology,  
17 toxicology, neurology, biology, biostatistics,  
18 post-traumatic stress disorder, or public health;  
19 and

20 (C) have no financial relationship with the  
21 Department of Defense or with any chemical  
22 company or pharmaceutical company whose  
23 productions may be addressed in the study.

24 (5) SELECTION.—The Secretary shall—

1           (A) select the entities that will carry out  
2 the studies described under subsections (a) and  
3 (b) from among the entities recommended for  
4 such selection under paragraph (3); and

5           (B) award such entities grants under the  
6 appropriate subsection.

7 (d) PERFORMANCE OF STUDIES.—

8 (1) PILOT STUDIES.—

9           (A) IMPLEMENTATION.—An entity to  
10 which the Secretary awards a grant for a study  
11 under subsection (a) or (b) shall carry out the  
12 pilot study for such study in accordance with  
13 the proposal for the pilot study submitted to  
14 the Secretary under subsection (c)(2)(A).

15           (B) RESPONSE TO RESULTS.—If an entity  
16 determines as a result of a pilot study under  
17 subparagraph (A) that revisions to the study  
18 proposed by the entity are necessary in order to  
19 meet the purposes of the study under this sec-  
20 tion, the entity shall submit to the Secretary a  
21 proposal for such revisions to the study.

22           (C) FINAL APPROVAL.—The Secretary  
23 shall—

1 (i) review any revisions to a proposal  
2 to a study that are submitted to the Sec-  
3 retary under subparagraph (B); and

4 (ii) approve the proposal for the  
5 study, as so revised, if the Secretary deter-  
6 mines that the proposal meets the pur-  
7 poses of the study under this section.

8 (2) STUDIES.—An entity to which the Secretary  
9 awards a grant for a study under subsection (a) or  
10 (b) shall carry out the study in accordance the pro-  
11 posal for the study under this section.

12 (e) CONSULTATION.—The Secretary of Defense shall  
13 carry out this section in consultation with the Secretary  
14 of Veterans Affairs, the Secretary of Health and Human  
15 Services, the Administrator of the Environmental Protec-  
16 tion Agency, the head of the Medical Follow-Up Agency  
17 of the Institute of Medicine, and the heads of other appro-  
18 priate departments and agencies of the Federal Govern-  
19 ment.

20 (f) FUNDING.—Of the amount authorized to be ap-  
21 propriated pursuant to section 201, \$10,000,000 shall be  
22 available for purposes of awarding grants for the studies  
23 described in subsections (a) and (b). Such funds shall be  
24 available for such purpose until expended.

1 (g) DEFINITION.—In this section, the term “Persian  
2 Gulf War” has the meaning given such term in section  
3 101(33) of title 38, United States Code.

4 **SEC. 1094. GRANTS FOR RESEARCH INTO THE HEALTH CON-**  
5 **SEQUENCES OF THE PERSIAN GULF WAR.**

6 (a) IN GENERAL.—(1) The Secretary of Defense  
7 shall award grants to appropriate non-governmental enti-  
8 ties for purposes of permitting such entities to carry out  
9 research to determine—

10 (A) the nature and causes of any illnesses suf-  
11 fered by the individuals referred to in paragraph (2)  
12 as a result of service or employment in the South-  
13 west Asia theater of operations during the Persian  
14 Gulf War;

15 (B) the methods of transmission, if any, of such  
16 illnesses from such individuals to other individuals;  
17 and

18 (C) the appropriate treatment for such ill-  
19 nesses.

20 (2) The individuals referred to in paragraph (1)(A)  
21 are the following individuals:

22 (i) Individuals who served as members of the  
23 Armed Forces in the Southwest Asia theater of op-  
24 erations during the Persian Gulf War.

1 (ii) Civilian employees of the Department of  
2 Defense who were employed by the Department in  
3 that theater of operations during that period.

4 (iii) Employees of contractors of the Depart-  
5 ment who were employed in that theater of oper-  
6 ations during that period.

7 (iv) The spouses and children of the individuals  
8 referred to in clauses (i) through (iii).

9 (3) In carrying out research under this section, such  
10 entities shall give particular consideration to the following:

11 (A) Illnesses or other effects associated with ex-  
12 posure to depleted uranium particles, mycotoxins,  
13 genetically-altered organisms, petrochemical toxicity,  
14 pesticide poisoning, anthrax vaccines, botulinum tox-  
15 oids, and other chemical hazards and agents.

16 (B) Endemic viral, fungal, bacterial, and rick-  
17 ettsial diseases (including diseases arising from bio-  
18 logical warfare activities).

19 (C) Illnesses or other effects associated with in-  
20 gestion of silica or sand.

21 (D) Assessment of risks to reproductive capac-  
22 ity arising from the illnesses and diseases referred to  
23 in subparagraphs (A) through (C).

24 (E) Pediatric disorders.

25 (F) Birth deficiencies.

1 (G) Post-traumatic stress disorder.

2 (H) Somatoform disorders.

3 (I) Chronic fatigue syndrome.

4 (J) Multiple chemical sensitivities.

5 (b) AWARD PROCESS.—(1) The Secretary of Defense  
6 shall award grants under this section in consultation with  
7 the Secretary of Health and Human Services.

8 (2) An entity seeking a grant under this section to  
9 carry out the research described in subsection (a)(1) shall  
10 submit to the Secretary a proposal for the research.

11 (3) The Secretary shall ensure that appropriate indi-  
12 viduals who are not employees of the Federal Govern-  
13 ment—

14 (A) review each proposal submitted to the Sec-  
15 retary under paragraph (2) for purposes of deter-  
16 mining that the proposal—

17 (i) addresses adequately the purposes of  
18 the research for which the proposal is submit-  
19 ted; and

20 (ii) meets the technical, scientific, and peer  
21 review requirements that apply to similar re-  
22 search carried out under the direction of the  
23 Secretary of Health and Human Services; and

24 (B) submit to the Secretary recommendations  
25 for the selection by the Secretary of one or more en-

1       tities so determined as recipients of a grant under  
2       subsection (a).

3       (4) The Secretary shall award grants under this sec-  
4       tion to entities selected by the Secretary for that purpose  
5       from among the entities identified in the recommendations  
6       under paragraph (3)(B).

7       (5) In awarding an entity a grant under paragraph  
8       (4), the Secretary shall ensure that the entity—

9               (A) carry out the research covered by the grant  
10       in accordance with the proposal submitted to the  
11       Secretary under paragraph (2); and

12              (B) not expose human beings to hazardous  
13       agents or materials as a result of the research.

14       (c) REPORTS.—(1) The Secretary of Defense and the  
15       Secretary of Health and Human Services shall submit to  
16       the congressional defense committees and the Committees  
17       on Veterans' Affairs of the Senate and the House of Rep-  
18       resentatives a report on the results of any research carried  
19       out under a grant awarded under this section.

20       (2) The Secretary of Defense and the Secretary of  
21       Health and Human Services shall submit a report under  
22       paragraph (1) on each of March 1, 1995, October 1, 1995,  
23       October 1, 1996, and October 1, 1997.

24       (3) Each report submitted under this subsection shall  
25       be submitted in unclassified form.

1 (d) FUNDING.—(1) Of the amount authorized to be  
2 appropriated by section 201, \$10,000,000 shall be avail-  
3 able for purposes of awarding grants under this section.  
4 Such funds shall be available for such purpose until ex-  
5 pended.

6 (2) For each fiscal year in which activities under the  
7 study under this section will continue, the Secretary of De-  
8 fense shall provide in the documents submitted to Con-  
9 gress in connection with the budget of the President for  
10 the fiscal year a request for such funds as the Secretary  
11 determines necessary in order to award grants under this  
12 section during that fiscal year.

13 **SEC. 1095. COMPATABILITY OF HEALTH REGISTRIES.**

14 The Secretary of Defense shall take appropriate ac-  
15 tions to ensure that—

16 (1) the data collected by and the testing proto-  
17 cols of the Persian Gulf War Health Surveillance  
18 System are compatible with the data collected by  
19 and the testing protocols of the Persian Gulf War  
20 Veterans Health Registry; and

21 (2) information on individuals who register with  
22 the Department of Defense is provided to the De-  
23 partment of Veterans Affairs for incorporation into  
24 the Persian Gulf War Veterans Health Registry.

1 **SEC. 1096. TECHNICAL AMENDMENTS.**

2 (a) TITLE 10, UNITED STATES CODE.—Title 10,  
3 United States Code, is amended as follows:

4 (1) Section 113(e)(2) is amended by striking  
5 out “section 104” and inserting in lieu thereof “sec-  
6 tion 108”.

7 (2) Section 133a(b) is amended by striking out  
8 “Under Secretary of Defense for Acquisition” and  
9 inserting in lieu thereof “Under Secretary of De-  
10 fense for Acquisition and Technology”.

11 (3) Section 580a(a) is amended by striking out  
12 “the date of the enactment of this section” and in-  
13 serting in lieu thereof “November 30, 1993,”.

14 (4)(A) The section 1058 added by section  
15 554(a) of Public Law 103–160 (107 Stat. 1663) is  
16 redesignated as section 1059.

17 (B) The item relating to that section in the  
18 table of sections at the beginning of chapter 53 is  
19 revised to conform to the redesignation made by  
20 subparagraph (A).

21 (5)(A) The section 1058 added by section  
22 1433(b) of Public Law 103–160 (107 Stat. 1834) is  
23 redesignated as section 1060.

24 (B) The item relating to that section in the  
25 table of sections at the beginning of chapter 53 is

1 revised to conform to the redesignation made by  
2 subparagraph (A).

3 (6) Section 1141 is amended by striking out  
4 “on or after the date of the enactment of the Na-  
5 tional Defense Authorization Act for Fiscal Year  
6 1994” and inserting in lieu thereof “after November  
7 29, 1993,”.

8 (7) Section 1151(h)(3)(B)(v) is amended by in-  
9 serting “school” after “For the fifth”.

10 (8)(A) The heading of section 1482a is amend-  
11 ed so that the first letter of the fifth word is lower  
12 case.

13 (B) The item relating to that section in the  
14 table of sections at the beginning of chapter 75 is  
15 revised to conform to the amendment made by sub-  
16 paragraph (A).

17 (9) Section 2399 is amended—

18 (A) in subsections (b)(5) and (c)(1), by  
19 striking out “section 138(a)(2)(B)” and insert-  
20 ing in lieu thereof “section 139(a)(2)(B)”;

21 (B) in subsection (e)(3)(B), by striking out  
22 “solely as a representative of” and inserting in  
23 lieu thereof “solely in testing for”;

1 (C) in subsection (g), by striking out “sec-  
2 tion 138” and inserting in lieu thereof “section  
3 139”; and

4 (D) in subsection (h)(1), by striking out  
5 “section 138(a)(2)(A)” and inserting in lieu  
6 thereof “section 139(a)(2)(A)”.

7 (10) Section 2502(d) is amended by striking  
8 out “Executive” and inserting in lieu thereof “execu-  
9 tive”.

10 (11)(A) Sections 2540 and 2541, as added by  
11 section 822(a) of Public Law 103–160 (107 Stat.  
12 1705), are redesignated as sections 2539a and  
13 2539b, respectively.

14 (B) The items relating to those sections in the  
15 table of sections at the beginning of subchapter V of  
16 chapter 148 are revised to conform to the  
17 redesignations made by subparagraph (A).

18 (12) Section 2865(a)(4) is amended by adding  
19 a period at the end.

20 (13) Sections 3022(a)(1), 5025(a)(1), and  
21 8022(a)(1) are amended by striking out “section  
22 137(c)” and inserting in lieu thereof “section  
23 135(c)”.

1           (14) Section 9511 is amended by striking out  
2           “In this subchapter” and inserting in lieu thereof  
3           “In this chapter”.

4           (b) PUBLIC LAW 103–160.—Effective as of Novem-  
5 ber 30, 1993, and as if included therein as enacted, the  
6 National Defense Authorization Act for Fiscal Year 1994  
7 (Public Law 103–160) is amended as follows:

8           (1) Section 507(d)(3) (107 Stat. 1647) is  
9           amended by inserting “note” after “10 U.S.C.  
10           1293”.

11           (2) Section 551(a)(1) (107 Stat. 1661) is  
12           amended by striking out “Section” and inserting in  
13           lieu thereof “Chapter”.

14           (3) Section 554(b) (107 Stat. 1666) is amend-  
15           ed—

16                   (A) in paragraph (1), by striking out “Sec-  
17                   tion 1058 of title 10, United States Code, as  
18                   added by subsection (a),” and inserting in lieu  
19                   thereof “The section of title 10, United States  
20                   Code, added by subsection (a)(1)”; and

21                   (B) in paragraph (2), by striking out  
22                   “1058”.

23           (4) Section 931(c)(1) (107 Stat. 1734) is  
24           amended by inserting closing quotation marks before  
25           the period at the end.

1           (5) Section 1314(3) (107 Stat. 1786) is amend-  
2           ed by striking out “adding at the end” and inserting  
3           in lieu thereof “inserting after subsection (f)”.

4           (6) Section 1433(d) (107 Stat. 1835) is amend-  
5           ed by striking out “Section 1058 of title 10, United  
6           States Code, as added by subsection (a),” and in-  
7           serting in lieu thereof “The section of title 10, Unit-  
8           ed States Code, added by subsection (b)(1)”.

9           (7) Section 1606(b)(4) (107 Stat. 1847) is  
10          amended by striking out “section 1604(e)” and in-  
11          serting in lieu thereof “section 1605(e)”.

12          (8) Section 2912(b)(2) (107 Stat. 1925) is  
13          amended by striking out “section 637(d)(1)” and in-  
14          serting in lieu thereof “section 8(d)(1)”.

15          (9) Section 2926(d) (107 Stat. 1932) is amend-  
16          ed by striking out “Subsection (d)(1)(2)(C)(iii)” and  
17          inserting in lieu thereof “Subsection (d)(2)(C)(iii)”.

18          (c) OTHER LAWS.—(1) Section 921 of Public Law  
19          102–190 (10 U.S.C. 201 note; 105 Stat. 1452) is amend-  
20          ed by striking out “section 136(b)(3)” in subsection (a)  
21          and inserting in lieu thereof “section 138(b)(3)”.

22          (2) Section 908(c) of title 37, United States Code,  
23          is amended by striking out “section 1058” and inserting  
24          in lieu thereof “section 1060”.

1 **SEC. 1097. NORTH ATLANTIC TREATY ORGANIZATION.**

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

4 (1) The North Atlantic Treaty Organization  
5 has served as a bulwark of peace, security, and de-  
6 mocracy for the United States and the members of  
7 the alliance since 1949.

8 (2) The unswerving resolve of the member  
9 states of the North Atlantic Treaty Organization to  
10 mutual defense against the threat of communist ag-  
11 gression was central to the demise of the Warsaw  
12 Pact.

13 (3) The North Atlantic Treaty Organization is  
14 the most successful international security organiza-  
15 tion in history, and is well suited to help marshal  
16 our cooperative political, diplomatic, economic, and  
17 humanitarian efforts, buttressed by credible military  
18 capability aimed at deterring conflict, and thus con-  
19 tributing to international peace and security.

20 (4) The threat of instability in Eastern and  
21 Central Europe, as well as in the Southern and  
22 Eastern Mediterranean, continues to pose a fun-  
23 damental challenge to the interests of the member  
24 states of the North Atlantic Treaty Organization.

25 (5) North Atlantic Treaty Organization assets  
26 have been deployed in recent years for more than the

1 territorial defense of alliance members; and the  
2 Rome Summit of October 1991 adopted a new stra-  
3 tegic concept for the North Atlantic Treaty Organi-  
4 zation that entertained the possibility of operations  
5 beyond the alliance's self-defense area.

6 (6) In Oslo in July 1992, and in Brussels in  
7 December 1992, the alliance embraced the deploy-  
8 ment of North Atlantic Treaty Organization forces  
9 to peacekeeping operations under the auspices of the  
10 United Nations or the Conference on Security and  
11 Cooperation in Europe.

12 (7) The North Atlantic Treaty Organization  
13 should attempt to cooperate with and seek a man-  
14 date from international organizations such as the  
15 United Nations when considering responses to out of  
16 area crises.

17 (8) Not all members of the international com-  
18 munity share a commonality of interests that would  
19 ensure timely action by the United Nations Security  
20 Council.

21 (9) The security interests of the member coun-  
22 tries of the North Atlantic Treaty Organization  
23 must not be held hostage to indecision at the United  
24 Nations or a veto by a permanent member of the Se-  
25 curity Council.

1 (b) SENSE OF CONGRESS.—It is the sense of the  
2 Congress that—

3 (1) it should be the policy of the United States  
4 that, in accordance with article 53 of the United Na-  
5 tions Charter, the North Atlantic Treaty Organiza-  
6 tion retains the right of autonomy of action regard-  
7 ing missions in addition to collective defense should  
8 the United Nations Security Council or the Con-  
9 ference on Security and Cooperation in Europe fail  
10 to act;

11 (2) while it is desirable to work with other  
12 international organizations and arrangements where  
13 feasible in dealing with threats to the peace, the  
14 North Atlantic Treaty Organization is not an auxil-  
15 iary to the United Nations or any other organiza-  
16 tion; and

17 (3) the member states of the North Atlantic  
18 Treaty Organization reserve the right to act collec-  
19 tively in defense of their vital interests.

20 **SEC. 1098. LIMITATION ON OBLIGATION OF FUNDS FOR**  
21 **MARK-6 GUIDANCE SETS FOR TRIDENT II**  
22 **MISSILES.**

23 (a) LIMITATION.—Until the certification in sub-  
24 section (b) has been provided to the congressional defense  
25 committees, funds appropriated for fiscal year 1995 for

1 the Navy may not be obligated to procure more than 14  
2 Mark-6 guidance sets for Trident II missiles.

3 (b) CERTIFICATION.—Before the Secretary of De-  
4 fense may obligate funds for Mark-6 guidance sets in ad-  
5 dition to the 14 sets authorized in subsection (a), he shall  
6 certify to the congressional defense committees that fail-  
7 ure to procure such additional units would pose an unac-  
8 ceptable risk to the long-term readiness and reliability of  
9 the Trident II missile program.

10 **SEC. 1099. MILITARY PLANNING FOR THE SIZE AND STRUC-**  
11 **TURE OF A FORCE REQUIRED FOR A MAJOR**  
12 **REGIONAL CONTINGENCY ON THE KOREAN**  
13 **PENINSULA.**

14 (a) FINDINGS.—Congress finds as follows:

15 (1) Whereas the Administration commissioned  
16 the Bottom-Up Review to properly size and struc-  
17 ture the Armed Forces of the United States for the  
18 Post-Cold-War Era;

19 (2) Whereas the Bottom-Up Review itself cites  
20 the need for the Armed Forces of the United States  
21 to be large enough to prevail in two major regional  
22 conflicts, similar in nature to the 1991 war against  
23 Iraq, “nearly simultaneously”;

24 (3) Whereas the Bottom-Up Review gives spe-  
25 cial consideration to a scenario that hypothesizes

1 that the two “nearly simultaneous” conflicts would  
2 occur in Korea and the Persian Gulf;

3 (4) Whereas the United States sent 7 Army di-  
4 visions, the equivalent of 10 Air Force tactical fight-  
5 er wings, 70 heavy bombers, 6 Navy aircraft carrier  
6 battle groups, and 5 Marine Corps brigades to the  
7 Persian Gulf to fight the war against Iraq;

8 (5) Whereas the Bottom-Up Review asserts  
9 that the forces needed to fight two conflicts similar  
10 to that with Iraq can be drawn from a total military  
11 force of between 15 and 16 Army divisions, 20 Air  
12 Force tactical fighter wings, 184 heavy bombers, 11  
13 active Navy aircraft carriers (along with one reserve/  
14 training carrier), and the equivalent of 12 Marine  
15 Corp brigades;

16 (6) Whereas the Bottom-Up Review recognizes  
17 that approximately 100,000 members of the United  
18 States Armed Forces will be stationed in Europe;

19 (7) Whereas the Bottom-Up Review recognizes  
20 that sizeable numbers of United States forces could  
21 be involved in peace enforcement and intervention  
22 operations at any one time;

23 (8) Whereas the Bottom-Up Review makes no  
24 specific recommendation as to the number of forces  
25 to be held in reserve to provide a rotation base ei-

1       ther to relieve troops in the event one or both hypo-  
2       thetical conflicts result in lengthy deployments or to  
3       replace combat losses;

4           (9) Whereas military planners calculate that the  
5       number of United States forces needed to help de-  
6       feat an invasion of South Korea by North Korea  
7       may exceed 430,000 United States military person-  
8       nel;

9           (10) Whereas the size of the force military  
10       planners may request to help defend South Korea  
11       could exceed the levels that are consistent with the  
12       recommendations of Bottom-Up Review if the exist-  
13       ing and future force requirements for a presence in  
14       Europe, possible peace enforcement operations, and  
15       an adequate rotation base, as well as a second re-  
16       gional conflict, must be fulfilled simultaneously.

17       (b) SENSE OF CONGRESS.—It is the Sense of Con-  
18       gress:

19           (1) that the force structure identified in the  
20       Bottom-Up Review may not be used to limit the size  
21       or structure of the force United States military com-  
22       manders may request in preparation for a major re-  
23       gional contingency on the Korean peninsula;

24           (2) and that the Chairmen and Ranking Mem-  
25       bers of the House and Senate Committees on Armed

1 Services and Chairmen and Ranking members of the  
2 House and Senate Appropriations Subcommittees on  
3 Defense should receive regular briefings from the  
4 Department of Defense of the situation on the Ko-  
5 rean peninsula;

6 (3) and that the conclusions of the Bottom-Up  
7 Review should be continuously examined in light of  
8 the lessons learned from preparation for a major re-  
9 gional contingency on the Korean peninsula and  
10 from other military operations.

Passed the Senate July 1 (legislative day, June 7),  
1994.

Attest:

*Secretary.*

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