

104TH CONGRESS
1ST SESSION

H. R. 1530

To authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 1995

Mr. SPENCE (for himself and Mr. DELLUMS) (both by request) introduced the following bill; which was referred to the Committee on National Security

A BILL

To authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, 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 “National Defense Au-
5 thorization Act for Fiscal Year 1996”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—PROCUREMENT

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Chemical demilitarization program.
- Sec. 107. Defense health program.
- Sec. 108. Repeal of requirement for separate budget request for procurement of reserve equipment.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Repeal of limitations on activities of Defense Business Operations Fund.
- Sec. 304. Amendments relating to the Ready Reserve Force component of the Ready Reserve Fleet.

Subtitle B—Other Matters

- Sec. 321. Testing of Theater Missile Defense interceptors.
- Sec. 322. Establishment of a Department of Defense Laboratory Revitalization Demonstration Program.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Subtitle C—Military Training Student Loads

- Sec. 421. Authorization of training student loads.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Equalization of accrual of service credit for officers and enlisted members of the Armed Forces.
- Sec. 502. Changes in general officer billet titles resulting from the reorganization of Headquarters, Marine Corps.
- Sec. 503. Increase in the transition period for officers selected for early retirement.

- Sec. 504. Revision in the authorized strength limitations for Air Force commissioned officers on active duty in the grade of major.
- Sec. 505. Revision in the authorized strength limitations for Navy commissioned officers on active duty in grades of lieutenant commander, commander, and captain.
- Sec. 506. Authorization of general or flag officer promotion zones.

Subtitle B—Reserve Component Matters

- Sec. 511. Repeal of requirement for physical examination on calling militia into Federal service.
- Sec. 512. Authority to prescribe the duration of field training or practice cruise required for admission to the Reserve Officers' Training Corps advanced course.
- Sec. 513. Clarifying use of military morale, welfare, and recreation facilities by retired reservists.
- Sec. 514. Objective to increase percentage of prior active duty personnel in the Selected Reserve.
- Sec. 515. Wear of military uniform by National Guard technicians.
- Sec. 516. Active duty retirement sanctuary for reservists.

Subtitle C—Amendments to the Uniform Code of Military Justice

- Sec. 551. Definitions.
- Sec. 552. Jurisdiction over civilians accompanying the forces in the field in time of armed conflict.
- Sec. 553. Investigations.
- Sec. 554. Refusal to testify before court-martial.
- Sec. 555. Records of trial.
- Sec. 556. Effective date of punishments.
- Sec. 557. Deferment of confinement.
- Sec. 558. Submission of matters to the convening authority for consideration.
- Sec. 559. Proceedings in revision.
- Sec. 560. Post-trial review of courts-martial.
- Sec. 561. Appeal by the United States.
- Sec. 562. Flight from apprehension.
- Sec. 563. Carnal knowledge.
- Sec. 564. Instruction in the Uniform Code of Military Justice.

Subtitle D—Other Matters

- Sec. 571. Chief warrant officer promotions.
- Sec. 572. Retirement of Director of Admissions, United States Military Academy, for years of service.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Military pay raise for fiscal year 1996.
- Sec. 602. Evacuation allowances that permits equal treatment of military dependents to civilians and their dependents.
- Sec. 603. Continuous entitlement to career sea pay for crewmembers of ships designated as tenders.

- Sec. 604. Increase in the subsistence allowance payable to members of senior Reserve Officer's Training Corps.
- Sec. 605. Dislocation allowance (DLA) for base realignment and closure (BRAC) moves.
- Sec. 606. Family separation allowance (FSA-II).
- Sec. 607. Authorization of payment of basic allowance for quarters to certain members of the uniformed services assigned to sea duty.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Aviation career incentive pay (ACIP) gates.
- Sec. 612. Expiring authorities.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Authority to expend appropriated funds to pay certain actual expenses of reservists.
- Sec. 622. Flexibility when authorizing shipment of a motor vehicle incident to permanent change of station orders.
- Sec. 623. Authorization of return to United States of formerly dependent children who attain age overseas.

Subtitle D—Retired Pay, Insurance, and Survivor Benefits

- Sec. 631. Retired pay for non-regular service.
- Sec. 632. Fiscal year 1996 cost-of-living adjustment for military retirees.
- Sec. 633. Improved death and disability benefits for reservists.

Subtitle E—Separation Pay

- Sec. 641. Transitional compensation for dependents of members of the Armed Forces separated for dependent abuse.

Subtitle F—Other Matters

- Sec. 651. Military clothing sales stores, replacement sales.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Management

- Sec. 701. Codification and strengthening of CHAMPUS physician payment reform program.
- Sec. 702. Repeal of certain limitations on reductions of medical personnel.

Subtitle B—Other Matters

- Sec. 711. Closure of the Uniformed Services University of the Health Sciences.
- Sec. 712. Repeal of the statutory restriction on use of funds for abortions.

TITLE VIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Secretarial Matters

- Sec. 801. Additional Assistant Secretary of Defense.
- Sec. 802. Change in name of Assistant to the Secretary of Defense for Atomic Energy to Assistant to the Secretary of Defense for Nuclear and Chemical Programs.

Subtitle B—Other Matters

- Sec. 811. Repeal of prohibition of contracting for firefighting and security guard functions at military facilities.
- Sec. 812. Increase in unspecified minor construction threshold from \$1,500,000 to \$1,700,000 and the operation and maintenance threshold from \$300,000 to \$350,000.
- Sec. 813. Annual report on National Guard and reserve component equipment.

TITLE IX—GENERAL PROVISIONS

- Sec. 901. Authorization of transportation between residence and place of employment.
- Sec. 902. Armed Forces historical preservation program.
- Sec. 903. Amendments to education loan repayment programs.

1 **TITLE I—PROCUREMENT**2 **SEC. 101. ARMY.**

3 (a) AIRCRAFT.—Funds are hereby authorized to be
4 appropriated for procurement of aircraft for the Army as
5 follows:

6 (1) \$1,223,067,000 for fiscal year 1996.

7 (2) \$843,391,000 for fiscal year 1997.

8 (b) MISSILES.—Funds are hereby authorized to be
9 appropriated for procurement of missiles for the Army as
10 follows:

11 (1) \$676,430,000 for fiscal year 1996.

12 (2) \$717,757,000 for fiscal year 1997.

13 (c) WEAPONS AND TRACKED COMBAT VEHICLES.—
14 Funds are hereby authorized to be appropriated for pro-
15 curement of weapons and tracked combat vehicles for the
16 Army as follows:

17 (1) \$1,298,986,000 for fiscal year 1996.

18 (2) \$1,261,691,000 for fiscal year 1997.

1 (d) AMMUNITION.—Funds are hereby authorized to
2 be appropriated for procurement for ammunition for the
3 Army as follows:

4 (1) \$795,015,000 for fiscal year 1996.

5 (2) \$830,644,000 for fiscal year 1997.

6 (e) OTHER PROCUREMENT.—Funds are hereby au-
7 thorized to be appropriated for procurement for ammuni-
8 tion for the Army as follows:

9 (1) \$2,256,601,000 for fiscal year 1996.

10 (2) \$2,198,702,000 for fiscal year 1997.

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

12 (a) AIRCRAFT.—Funds are hereby authorized to be
13 appropriated for procurement of aircraft for the Navy as
14 follows:

15 (1) \$3,886,488,000 for fiscal year 1996.

16 (2) \$6,885,201,000 for fiscal year 1997.

17 (b) WEAPONS.—Funds are hereby authorized to be
18 appropriated for procurement of weapons (including mis-
19 siles and torpedoes) for the Navy as follows:

20 (1) \$1,787,121,000 for fiscal year 1996.

21 (2) \$1,714,337,000 for fiscal year 1997.

22 (c) SHIPBUILDING AND CONVERSION.—Funds are
23 hereby authorized to be appropriated for shipbuilding and
24 conversion for the Navy as follows:

25 (1) \$5,051,935,000 for fiscal year 1996.

1 (2) \$3,941,565,000 for fiscal year 1997.

2 (d) OTHER PROCUREMENT, NAVY.—Funds are here-
3 by authorized to be appropriated for other procurement
4 for the Navy as follows:

5 (1) \$2,396,080,000 for fiscal year 1996.

6 (2) \$3,124,435,000 for fiscal year 1997.

7 (e) MARINE CORPS.—Funds are hereby authorized to
8 be appropriated for procurement for the Marine Corps as
9 follows:

10 (1) \$474,116,000 for fiscal year 1996.

11 (2) \$687,917,000 for fiscal year 1997.

12 **SEC. 103. AIR FORCE.**

13 (a) AIRCRAFT.—Funds are hereby authorized to be
14 appropriated for procurement of aircraft for the Air Force
15 as follows:

16 (1) \$6,183,886,000 for fiscal year 1996.

17 (2) \$6,576,934,000 for fiscal year 1997.

18 (b) MISSILES.—Funds are hereby authorized to be
19 appropriated for procurement of missiles for the Air Force
20 as follows:

21 (1) \$3,647,711,000 for fiscal year 1996.

22 (2) \$4,422,579,000 for fiscal year 1997.

23 (c) OTHER PROCUREMENT.—Funds are hereby au-
24 thorized to be appropriated for other procurement for the
25 Air Force as follows:

1 (1) \$6,804,696,000 for fiscal year 1996.

2 (2) \$6,904,630,000 for fiscal year 1997.

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

4 Funds are hereby authorized to be appropriated for
5 Defense-wide procurement as follows:

6 (1) \$2,179,917,000 for fiscal year 1996.

7 (2) \$2,524,975,000 for fiscal year 1997.

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

9 Funds are hereby authorized to be appropriated for
10 procurement for the Inspector General of the Department
11 of Defense as follows:

12 (1) \$1,000,000 for fiscal year 1996.

13 (2) \$1,800,000 for fiscal year 1997.

14 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

15 Funds are hereby authorized to be appropriated for
16 the destruction of lethal chemical weapons in accordance
17 with section 1412 of the Department of Defense Author-
18 ization Act, 1986 (50 U.S.C. 1521) and the destruction
19 of chemical warfare material of the United States that is
20 not covered by section 1412 of such Act as follows:

21 (1) \$746,698,000 for fiscal year 1996.

22 (2) \$828,747,000 for fiscal year 1997.

23 **SEC. 107. DEFENSE HEALTH PROGRAM.**

24 Funds are hereby authorized to be appropriated for
25 procurement for the Defense Health Program as follows:

1 (1) \$288,033,000 for fiscal year 1996.

2 (2) \$298,486,000 for fiscal year 1997.

3 **SEC. 108. REPEAL OF REQUIREMENT FOR SEPARATE BUDG-**
4 **ET REQUEST FOR PROCUREMENT OF RE-**
5 **SERVE EQUIPMENT.**

6 Section 114(e) of title 10, United States Code, is re-
7 pealed.

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

11 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) FISCAL YEAR 1996.—Funds are hereby author-
13 ized to be appropriated for fiscal year 1996 for the use
14 of the Armed Forces for research, development, test, and
15 evaluation, as follows:

16 (1) For the Army, \$4,444,175,000.

17 (2) For the Navy, \$8,204,530,000.

18 (3) For the Air Force, \$12,598,439,000.

19 (4) For Defense-wide activities,
20 \$9,084,809,000, of which—

21 (A) \$259,341,000 is authorized for the ac-
22 tivities of the Director, Test and Evaluation;
23 and

24 (B) \$22,587,000 is authorized for the Di-
25 rector of Operational Test and Evaluation.

1 (b) FISCAL YEAR 1997.—Funds are hereby author-
2 ized to be appropriated for fiscal year 1997 for the use
3 of the Armed Forces for research, development, test, and
4 evaluation, as follows:

5 (1) For the Army, \$4,240,968,000.

6 (2) For the Navy, \$7,716,920,000.

7 (3) For the Air Force, \$11,655,554,000.

8 (4) For Defense-wide activities,
9 \$9,040,169,000, of which—

10 (A) \$267,029,000 is authorized for the ac-
11 tivities of the Director, Test and Evaluation;
12 and

13 (B) \$22,978,000 is authorized for the Di-
14 rector of Operational Test and Evaluation.

15 **TITLE III—OPERATION AND**
16 **MAINTENANCE**
17 **Subtitle A—Authorization of**
18 **Appropriations**

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

20 (a) FISCAL YEAR 1996.—Funds are hereby author-
21 ized to be appropriated for fiscal year 1996 for the use
22 of the Armed Forces of the United States and other activi-
23 ties and agencies of the Department of Defense, for ex-
24 penses, not otherwise provided for, for operation and
25 maintenance, in amounts as follows:

- 1 (1) For the Army, 18,184,736,000.
- 2 (2) For the Navy, \$21,225,710,000.
- 3 (3) For the Marine Corps, \$2,269,722,000.
- 4 (4) For the Air Force, \$18,256,579,000.
- 5 (5) For Defense-wide activities,
- 6 \$10,366,782,000.
- 7 (6) For the Army Reserve, \$1,068,591,000.
- 8 (7) For the Naval Reserve, \$826,042,000.
- 9 (8) For the Marine Corps Reserve,
- 10 \$90,283,000.
- 11 (9) For the Air Force Reserve, \$1,485,947,000.
- 12 (10) For the Army National Guard,
- 13 \$2,304,108,000.
- 14 (11) For the Air National Guard,
- 15 \$2,712,221,000.
- 16 (12) For the Defense Inspector General,
- 17 \$138,226,000.
- 18 (13) For Drug Interdiction and Counter-drug
- 19 Activities, Defense-wide, \$680,432,000.
- 20 (14) For the United States Court of Appeals
- 21 for the Armed Forces, \$6,521,000.
- 22 (15) For Environmental Restoration Defense,
- 23 \$1,622,200,000.
- 24 (16) For Medical Programs, Defense,
- 25 \$9,865,525,000.

1 (17) For Humanitarian Assistance,
2 \$79,790,000.

3 (18) For Former Soviet Union Threat Reduc-
4 tion, \$371,000,000.

5 (19) For Contributions for International Peace-
6 keeping and Peace Enforcement Activities, Defense,
7 \$65,000,000.

8 (20) For support for the 1996 Summer Olym-
9 pics, \$15,000,000.

10 (b) FISCAL YEAR 1997.—Funds are hereby author-
11 ized to be appropriated for fiscal year 1997 for the use
12 of the Armed Forces of the United States and other activi-
13 ties and agencies of the Department of Defense, for ex-
14 penses, not otherwise provided for, for operation and
15 maintenance, in amounts as follows:

16 (1) For the Army, \$17,628,264,000.

17 (2) For the Navy, \$20,254,507,000.

18 (3) For the Marine Corps, \$2,285,047,000.

19 (4) For the Air Force, \$18,346,851,000.

20 (5) For the Defense-wide activities,
21 \$10,492,192,000.

22 (6) For the Army Reserve, \$1,033,630,000.

23 (7) For the Naval Reserve, \$864,712,000.

24 (8) For the Marine Corps Reserve,
25 \$95,272,000.

1 (9) For the Air Force Reserve, \$1,059,030,000.

2 (10) For the Army National Guard,
3 \$2,274,435,000.

4 (11) For the Air National Guard,
5 \$2,773,343,000.

6 (12) For the Defense Inspector General,
7 \$138,060,000.

8 (13) For Drug Interdiction and Counter-drug
9 Activities, Defense-wide, \$700,756,000.

10 (14) For the United States Court of Appeals
11 for the Armed Forces, \$6,586,000.

12 (15) For Environmental Restoration Defense,
13 \$1,622,200,000.

14 (16) For Medical Programs, Defense,
15 \$9,720,509,000.

16 (17) For Humanitarian Assistance,
17 \$71,633,000.

18 (18) For Former Soviet Union Threat Reduc-
19 tion, \$364,400,000.

20 (19) For Contributions for International Peace-
21 keeping and Peace Enforcement Activities, Defense,
22 \$100,000,000.

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

24 (a) FISCAL YEAR 1996.—Funds are hereby author-
25 ized to be appropriated for fiscal year 1996 for the use

1 of the Armed Forces of the United States and other activi-
2 ties and agencies of the Department of Defense for provid-
3 ing capital for working capital and revolving funds, in
4 amounts as follows:

5 (1) For the Defense Business Operations Fund,
6 \$878,700,000.

7 (2) For the National Defense Sealift Fund,
8 \$974,220,000.

9 (b) FISCAL YEAR 1997.—Funds are hereby author-
10 ized to be appropriated for fiscal year 1997 for the use
11 of the Armed Forces of the United States and other activi-
12 ties and agencies of the Department of Defense for provid-
13 ing capital for working capital and revolving funds, for
14 the National Defense Sealift Fund, \$913,402,000.

15 **SEC. 303. REPEAL OF LIMITATION ON ACTIVITIES OF THE**
16 **DEFENSE BUSINESS OPERATIONS FUND.**

17 Section 316 of the National Defense Authorization
18 Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208
19 note) is amended—

20 (1) by striking out “(a)” and the second sen-
21 tence in subsection (a); and

22 (2) by repealing subsection (b).

1 **SEC. 304. AMENDMENTS RELATING TO THE READY RE-**
2 **SERVE FORCE COMPONENT OF THE READY**
3 **RESERVE FLEET.**

4 Section 2218 of title 10, United States Code is
5 amended—

6 (1) in subsection (c)—

7 (A) by striking out “and” at the end of
8 subparagraph (C);

9 (B) by striking out the period at the end
10 of subparagraph (D) and inserting “; and” in
11 lieu thereof; and

12 (C) by adding the following new subpara-
13 graph at the end thereof:

14 “(E) expenses of the National Defense Re-
15 serve Fleet, as established by section 11 of the
16 Merchant Ship Sales Act of 1946 (50 U.S.C.
17 App. 1744).”; and

18 (2) in subsection (i), by striking out “Nothing”
19 and inserting in lieu thereof “Except as provided in
20 subsection (c)(1)(E), nothing”.

21 **Subtitle B—Other Matters**

22 **SEC. 321. TESTING OF THEATER MISSILE DEFENSE INTER-**
23 **CEPTORS.**

24 Section 237(a) of the National Defense Authorization
25 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
26 1600) is amended to read as follows:

1 “(a) TESTING OF THEATER MISSILE DEFENSE
2 INTERCEPTORS.—The Secretary of Defense may not ap-
3 prove a theater missile defense interceptor program pro-
4 ceeding beyond the Low-Rate Initial Production until the
5 Secretary certifies to the congressional defense committees
6 successful completion of Initial Operational Test and Eval-
7 uation (IOT&E) in which sufficient flight tests, involving
8 multiple interceptors and multiple targets in the presence
9 of realistic countermeasures, have been conducted, the re-
10 sults of which demonstrate the achievement by the inter-
11 ceptors of the weapons systems performance thresholds
12 specified in the system baseline document established pur-
13 suant to section 2435(a)(1)(A) of title 10, United States
14 Code, before the program entered engineering and manu-
15 facturing systems development. Modeling and simulation
16 validated by ground and flight testing may be used to aug-
17 ment live fire testing to demonstrate weapons system per-
18 formance goals.”.

19 **SEC. 322. ESTABLISHMENT OF A DEPARTMENT OF DE-**
20 **FENSE LABORATORY REVITALIZATION DEM-**
21 **ONSTRATION PROGRAM.**

22 (a) PROGRAM REQUIRED.—The Secretary of Defense
23 shall carry out a Department of Defense Laboratory Revi-
24 talization Demonstration Program. Under the program
25 the Secretary may carry out minor military construction

1 projects in accordance with subsection (b) and other appli-
2 cable law to improve Department of Defense laboratories
3 covered by the program.

4 (b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO
5 MINOR CONSTRUCTION PROJECTS.—For purpose of any
6 military construction project carried out under the pro-
7 gram—

8 (1) the amount provided in subsection (a)(1) of
9 section 2805 of title 10, United States Code, shall
10 be deemed to be \$3,000,000;

11 (2) the amount provided in subsection (b)(1) of
12 such section shall be deemed to be \$1,500,000; and

13 (3) the amount provided in subsection (c)(1) of
14 such section shall be deemed to be \$1,000,000.

15 (c) DESIGNATION OF COVERED LABORATORIES.—
16 Not later than 30 days before commencing the program,
17 the Secretary shall designate the Department of Defense
18 laboratories that are to be covered by the program and
19 notify Congress of the laboratories so designated. Only the
20 designated laboratories may be covered by the program.

21 (d) REPORT.—Not later than September 30, 1999,
22 the Secretary shall submit to Congress a report on the
23 program. The report shall include the Secretary's conclu-
24 sions and recommendations regarding the desirability and
25 feasibility of extending the authority set forth in sub-

1 section (b) to cover all Department of Defense labora-
2 tories.

3 (e) EXCLUSIVITY OF PROGRAM.—Nothing in this sec-
4 tion may be construed to limit any other authority pro-
5 vided by law for any military construction project at a De-
6 partment of Defense laboratory covered by the program.

7 (f) DEFINITIONS.—In this section:

8 (1) The term “laboratory” includes—

9 (A) a research, engineering, and develop-
10 ment center;

11 (B) a test and evaluation activity owned,
12 funded, and operated by the Federal Govern-
13 ment through the Department of Defense; and

14 (C) a supporting facility of a laboratory.

15 (2) The term “supporting facility”, with respect
16 to a laboratory, means any building or structure
17 that is used in support of research, development,
18 test, and evaluation at a laboratory.

19 (3) The term “Department of Defense labora-
20 tory” does not include a contractor owned labora-
21 tory.

22 (g) EXPIRATION OF AUTHORITY.—The Secretary
23 may not carry out the program after September 30, 2000.

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**

3 **Subtitle A—Active Forces**

4 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5 (a) FISCAL YEAR 1996.—The Armed Forces are au-
6 thORIZED strengths for active duty personnel as of Septem-
7 ber 30, 1996 , as follows:

8 (1) The Army, 495,000.

9 (2) The Navy, 428,000.

10 (3) The Marine Corps, 174,000.

11 (4) The Air Force, 388,200.

12 (b) FISCAL YEAR 1997.—The Armed Forces are au-
13 thORIZED strengths for active duty personnel as of Septem-
14 ber 30, 1997, as follows:

15 (1) The Army, 495,000.

16 (2) The Navy, 409,400.

17 (3) The Marine Corps, 174,000.

18 (4) The Air Force, 385,400.

19 **Subtitle B—Reserve Forces**

20 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

21 (a) FISCAL YEAR 1996.—The Armed Forces are au-
22 thORIZED strengths for Selected Reserve personnel of the
23 reserve components as of September 30, 1996, as follows:

24 (1) The Army National Guard of the United
25 States, 373,000.

1 (2) The Army Reserve, 230,000.

2 (3) The Naval Reserve, 98,608.

3 (4) The Marine Corps Reserve, 42,000.

4 (5) The Air National Guard of the United
5 States, 109,458.

6 (6) The Air Force Reserve, 73,969.

7 (7) The Coast Guard Reserve, 8,000.

8 (b) FISCAL YEAR 1997.—The Armed Forces are au-
9 thorized strengths for Selected Reserve personnel of the
10 reserve components as of September 30, 1997, as follows:

11 (1) The Army National Guard of the United
12 States, 367,000.

13 (2) The Army Reserve, 215,000.

14 (3) The Naval Reserve, 96,402.

15 (4) The Marine Corps Reserve, 42,000.

16 (5) The Air National Guard of the United
17 States, 107,151.

18 (6) The Air Force Reserve, 73,160.

19 (7) The Coast Guard Reserve, 8,000.

20 (c) WAIVER AUTHORITY.—The Secretary of Defense
21 may vary the end strength authorized by subsection (a)
22 or subsection (b) by not more than 2 percent.

23 (d) ADJUSTMENTS.—The end strengths prescribed by
24 subsection (a) or (b) for the Selected Reserve of any re-
25 serve component shall be proportionately reduced by—

1 (1) the total authorized strength of units orga-
2 nized to serve as units of the Selected Reserve of
3 such component which are on active duty (other
4 than for training) at the end of the fiscal year, and

5 (2) the total number of individual members not
6 in units organized to serve as units of the Selected
7 Reserve of such component who are on active duty
8 (other than for training or for unsatisfactory partici-
9 pation in training) without their consent at the end
10 of the fiscal year.

11 Whenever such units or such individual members are re-
12 leased from active duty during any fiscal year, the end
13 strength prescribed for such fiscal year for the Selected
14 Reserve of such reserve component shall be proportion-
15 ately increased by the total authorized strengths of such
16 units and by the total number of such individual members.

17 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
18 **DUTY IN SUPPORT OF THE RESERVES.**

19 (a) FISCAL YEAR 1996.—Within the end strengths
20 prescribed in section 411(a), the reserve components of
21 the Armed Forces are authorized, as of September 30,
22 1996 , the following number of Reserves to be serving on
23 full-time active duty or full-time duty, in the case of mem-
24 bers of the National Guard, for the purpose of organizing,

1 administering, recruiting, instructing, or training the re-
2 serve components:

3 (1) The Army National Guard of the United
4 States, 23,390.

5 (2) The Army Reserve, 11,575.

6 (3) The Naval Reserve, 17,490.

7 (4) The Marine Corps Reserve, 2,285.

8 (5) The Air National Guard of the United
9 States, 9,817.

10 (6) The Air Force Reserve, 628.

11 (b) FISCAL YEAR 1997.—Within the end strengths
12 prescribed in section 411(b), the reserve components of
13 the Armed Forces are authorized, as of September 30,
14 1997, the following number of Reserves to be serving on
15 full-time active duty or full-time duty, in the case of mem-
16 bers of the National Guard, for the purpose of organizing,
17 administering, recruiting, instructing, or training the re-
18 serve components:

19 (1) The Army National Guard of the United
20 States, 23,040.

21 (2) The Army Reserve, 11,550.

22 (3) The Naval Reserve, 17,074.

23 (4) The Marine Corps Reserve, 2,285.

24 (5) The Air National Guard of the United
25 States, 9,824.

1 (6) The Air Force Reserve, 625.

2 **Subtitle C—Military Training**
3 **Student Loads**

4 **SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.**

5 (a) FISCAL YEAR 1996.—For fiscal year 1996 , the
6 components of the Armed Forces are authorized average
7 military training loads as follows:

8 (1) The Army, 75,013.

9 (2) The Navy, 44,238.

10 (3) The Marine Corps, 26,095.

11 (4) The Air Force, 33,232.

12 (b) FISCAL YEAR 1997.—For fiscal year 1997, the
13 components of the Armed Forces are authorized average
14 military training loads as follows:

15 (1) The Army, 79,275.

16 (2) The Navy, 44,121.

17 (3) The Marine Corps, 27,255.

18 (4) The Air Force, 35,522.

19 (c) SCOPE.—The average military training student
20 loads authorized for an armed force under subsections (a)
21 and (b) apply to the active and reserve components of that
22 armed force.

23 (d) ADJUSTMENTS.—The average military student
24 loads authorized in subsections (a) and (b) shall be ad-
25 justed consistent with the end strengths authorized in sub-

1 titles A and B. The Secretary of Defense shall prescribe
2 the manner in which such adjustments shall be appor-
3 tioned.

4 **TITLE V—MILITARY PERSONNEL**
5 **POLICY**

6 **Subtitle A—Officer Personnel**
7 **Policy**

8 **SEC. 501. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT**
9 **FOR OFFICERS AND ENLISTED MEMBERS OF**
10 **THE ARMED FORCES.**

11 (a) ENLISTED SERVICE CREDIT.—Section 972 of
12 title 10, United States Code, is amended to read as fol-
13 lows:

14 **“§972. Enlisted members: required to make up time**
15 **lost**

16 “An enlisted member of an armed force who—

17 “(1) deserts;

18 “(2) is absent from his organization, station, or
19 duty for more than one day without proper author-
20 ity, as determined by competent authority;

21 “(3) is confined by military or civilian authori-
22 ties for more than one day before, during or after
23 trial; or

24 “(4) is unable for more than one day, as deter-
25 mined by competent authority, to perform his duties

1 because of intemperate use of drugs or alcoholic liq-
2 uor, or because of disease or injury resulting from
3 his misconduct;

4 is required, after his return to full duty, to serve for a
5 period that, when added to the period that he served be-
6 fore his absence from duty, amounts to the term for which
7 he was enlisted or inducted.”.

8 (b) OFFICER SERVICE CREDIT.—Chapter 49 of title
9 10, United States Code, is amended by inserting after sec-
10 tion 972 the following new section:

11 **“§972a. Officers: service credit**

12 “(a) In the case of an officer of an armed force who—

13 “(1) deserts;

14 “(2) is absent from his organization, station, or
15 duty for more than one day without proper author-
16 ity, as determined by competent authority;

17 “(3) is confined by military or civilian authori-
18 ties for more than one day before, during or after
19 trial; or

20 “(4) is unable for more than one day, as deter-
21 mined by competent authority, to perform his duties
22 because of intemperate use of drugs or alcoholic liq-
23 uor, or because of disease or injury resulting from
24 his misconduct;

1 the period of such desertion, absence, confinement, or in-
2 ability to perform duties may not be counted in computing,
3 for any purpose other than basic pay under section 205
4 of title 37, the officer's length of service.".

5 (c) ARMY COMPUTATION OF YEARS OF SERVICE.—
6 Section 3926 of title 10, United States Code, is amended
7 by adding at the end the following new subsection:

8 “(e) Time identified in section 972a of this title may
9 not be counted in computing years of service under this
10 section.”.

11 (d) NAVY COMPUTATION OF YEARS OF SERVICE.—
12 Chapter 571 of title 10, United States Code, is amended
13 by inserting after section 6327 the following new section:

14 **“§6328. Computation of years of service: voluntary**
15 **retirement**

16 “(a) ENLISTED MEMBERS.—Time required to be
17 made up under section 972 of this title may not be count-
18 ed in computing years of service under this chapter.

19 “(b) OFFICERS.—Time identified in section 972a of
20 this title may not be counted in computing years of service
21 under this chapter.”.

22 (e) AIR FORCE COMPUTATION OF YEARS OF SERV-
23 ICE.—Section 8926 of title 10, United States Code, is
24 amended by adding at the end the following new sub-
25 section:

1 “(d) Time identified in section 972a of this title may
2 not be counted in computing years of service under this
3 section.”.

4 (f) CLERICAL AMENDMENTS.—

5 (1) The table of sections at the beginning of
6 chapter 49 of title 10, United States Code, is
7 amended by inserting after the item relating to sec-
8 tion 972 the following new item:

“972a. Officers: service credit.”.

9 (2) The table of sections at the beginning of
10 chapter 571 of title 10, United States Code, is
11 amended by inserting after the item relating to sec-
12 tion 6327 the following new item:

“6328. Computation of years of service: voluntary retirement.”.

13 (g) EFFECTIVE DATE AND APPLICABILITY.—The
14 amendments made by this section shall take effect on Oc-
15 tober 1, 1995, and shall apply to time identified in sections
16 972 or 972a of title 10, United States Code, that occurs
17 after such effective date.

18 **SEC. 502. CHANGES IN GENERAL OFFICER BILLET TITLES**
19 **RESULTING FROM THE REORGANIZATION OF**
20 **HEADQUARTERS, MARINE CORPS.**

21 (a) HEADQUARTERS, MARINE CORPS: FUNCTION;
22 COMPOSITION.—Section 5041(b) of title 10, United States
23 Code, is amended to read as follows:

1 “(b) The Headquarters, Marine Corps, is composed
2 of the following:

3 “(1) The Commandant of the Marine Corps.

4 “(2) The Vice Commandant of the Marine
5 Corps.

6 “(3) Director of the Marine Corps Staff.

7 “(4) Deputy Commandants of the Marine
8 Corps.

9 “(5) Assistant Commandants of the Marine
10 Corps.

11 “(6) Other members of the Navy and Marine
12 Corps assigned or detailed to the Headquarters, Ma-
13 rine Corps.

14 “(7) Civilian employees in the Department of
15 the Navy assigned or detailed to the Headquarters,
16 Marine Corps.”.

17 (b) VICE COMMANDANT OF THE MARINE CORPS.—
18 Section 5044 is amended—

19 (1) by amending the heading to read as follows:

20 **“§ 5044. Vice Commandant of the Marine Corps”;**

21 and

22 (2) by striking out “Assistant Commandant” in
23 each place it appears and inserting in lieu thereof
24 “Vice Commandant” in each instance.

1 (c) DIRECTOR OF THE MARINE CORPS STAFF; DEP-
 2 UTY AND ASSISTANT COMMANDANTS OF THE MARINE
 3 CORPS.—Section 5045 of title 10, United States Code,
 4 and its heading are amended to read as follows:

5 **“§ 5045. Director of the Marine Corps Staff; Deputy**
 6 **and Assistant Commandants of the Ma-**
 7 **rine Corps**

8 “There are in the Headquarters, Marine Corps, a Di-
 9 rector of the Marine Corps Staff, not more than five Dep-
 10 uty Commandants of the Marine Corps, and not more
 11 than three Assistant Commandants of the Marine Corps,
 12 detailed by the Secretary of the Navy from officers of the
 13 active-duty list of the Marine Corps.”.

14 (d) CLERICAL AMENDMENT.—The table of sections
 15 at the beginning of chapter 506 of title 10, United States
 16 Code, is amended by striking out the items relating to sec-
 17 tions 5044 and 5045 and inserting in lieu thereof the fol-
 18 lowing new items:

“5044. Vice Commandant of the Marine Corps.

“5045. Director of the Marine Corps Staff; Deputy and Assistant Commandants
 of the Marine Corps.”.

19 **SEC. 503. INCREASE IN THE TRANSITION PERIOD FOR OF-**
 20 **FICERS SELECTED FOR EARLY RETIREMENT.**

21 (a) SELECTIVE RETIREMENT OF WARRANT OFFI-
 22 CERS.—Section 581 of title 10, United States Code, is
 23 amended—

1 (1) in subsection (b), by striking out “seventh”
2 and inserting in lieu thereof “tenth”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(e) The Secretary concerned may defer the retire-
6 ment of an officer otherwise approved for early retirement
7 under this section for not more than 90 days in order to
8 prevent a personal hardship for the officer or for other
9 humanitarian reasons.”.

10 (b) SELECTIVE EARLY RETIREMENT OF ACTIVE-
11 DUTY OFFICERS.—Section 638(b) of title 10, United
12 States Code, is amended—

13 (1) in paragraph (1)(A), by striking out “sev-
14 enth” and inserting in lieu thereof “tenth”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(3) The Secretary concerned may defer the re-
18 tirement of an officer otherwise approved for early
19 retirement under this section or section 638a of this
20 title for not more than 90 days, in order to prevent
21 a personal hardship for the officer or for other hu-
22 manitarian reasons.”.

23 (c) PERSONNEL STRENGTHS: REQUIREMENT FOR
24 ANNUAL AUTHORIZATION.—Section 115(d) of title 10,

1 United States Code, is amended by adding at the end the
 2 following new paragraph:

3 “(8) Members selected for early retirement
 4 under section 581 or section 638 of this title whose
 5 retirement has been deferred under section 581(e) or
 6 section 638(b)(3) of this title.”.

7 **SEC. 504. REVISION IN THE AUTHORIZED STRENGTH LIM-**
 8 **TATIONS FOR AIR FORCE COMMISSIONED OF-**
 9 **FICERS ON ACTIVE DUTY IN THE GRADE OF**
 10 **MAJOR.**

11 (a) REVISION IN THE AUTHORIZED STRENGTH LIM-
 12 TATIONS.—Notwithstanding section 523(a)(1) of title 10,
 13 United States Code, and except as provided in section
 14 523(c) of title 10, United States Code, of the total number
 15 of commissioned officers serving on active duty in the Air
 16 Force at the end of any fiscal year up to and including
 17 fiscal year 1997 (excluding officers in categories specified
 18 in section 523(b) of title 10, United States Code), the
 19 number of officers who may be serving on active duty in
 20 each of the grades of major, lieutenant colonel and colonel
 21 may not, as of the end of such fiscal year, exceed a number
 22 determined in accordance with the following table:

Total number of commissioned officers (ex- cluding officers in categories specified in sec- tion 523(b) of title 10, United States Code) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Major	Lieutenant Colonel	Colonel
Air Force: 70,000	14,612	9,428	3,392

Total number of commissioned officers (excluding officers in categories specified in section 523(b) of title 10, United States Code) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Major	Lieutenant Colonel	Colonel
75,000	15,407	9,801	3,573
80,000	16,202	10,175	3,754
85,000	16,997	10,549	3,935
90,000	17,792	10,923	4,115
95,000	18,587	11,297	4,296
100,000	19,382	11,671	4,477
105,000	20,177	12,045	4,658
110,000	20,971	12,418	4,838
115,000	21,766	12,792	5,019
120,000	22,561	13,165	5,200
125,000	23,356	13,539	5,381

1 (b) EXPIRATION OF AUTHORITY.—The revision in
2 the authorized strength limitations under subsection (a)
3 expires at the close of September 30, 1997.

4 **SEC. 505. REVISION IN THE AUTHORIZED STRENGTH LIM-**
5 **TATIONS FOR NAVY COMMISSIONED OFFI-**
6 **CERS ON ACTIVE DUTY IN GRADES OF LIEU-**
7 **TENANT COMMANDER, COMMANDER, AND**
8 **CAPTAIN.**

9 (a) REVISION IN THE AUTHORIZED STRENGTH LIM-
10 TATIONS.—Notwithstanding section 523(a)(2) of title 10,
11 United States Code, and except as provided in section
12 523(c) of title 10, United States Code, of the total number
13 of commissioned officers serving on active duty in the
14 Navy at the end of any fiscal year up to and including
15 fiscal year 1997 (excluding officers in categories specified
16 in section 523(b) of title 10, United States Code), the
17 number of officers who may be serving on active duty in
18 each of the grades of lieutenant commander, commander,

1 and captain may not, as of the end of such fiscal year,
 2 exceed a number determined in accordance with the fol-
 3 lowing table:

Total number of commissioned officers (ex- cluding officers in categories specified in sec- tion 523(b) of title 10, United States Code) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
45,000	10,034	6,498	2,801
48,000	10,475	6,706	2,902
51,000	10,916	6,912	3,002
54,000	11,357	7,120	3,103
57,000	11,798	7,328	3,204
60,000	12,239	7,535	3,305
63,000	12,680	7,742	3,406
66,000	13,121	7,949	3,506
70,000	13,709	8,226	3,641
90,000	16,649	9,608	4,313

4 (b) EXPIRATION OF AUTHORITY.—The revision in
 5 the authorized strength limitations under subsection (a)
 6 expires at the close of September 30, 1997.

7 **SEC. 506. AUTHORIZATION OF GENERAL OR FLAG OFFICER**
 8 **PROMOTION ZONES.**

9 Section 645 of title 10, United States Code, is
 10 amended—

11 (1) by amending paragraph (1) to read as fol-
 12 lows:

13 “(1) The term ‘promotion zone’ means a pro-
 14 motion eligibility category consisting of the officers
 15 on an active-duty list in the same grade and com-
 16 petitive category who—

17 “(A) are senior to the officer designated by
 18 the Secretary of the military department con-

1 cerned to be the junior officer in the promotion
2 zone eligible for consideration for promotion to
3 the next higher grade together with the junior
4 officer so designated; and

5 “(B) in the case of officers in grades below
6 colonel, for officers of the Army, Air Force, and
7 Marine Corps, or captain, for officers of the
8 Navy, neither—

9 “(i) have failed of selection for pro-
10 motion to the next higher grade; nor

11 “(ii) have been removed from a list of
12 officers recommended for promotion to
13 that grade (other than after having been
14 placed on that list after a selection from
15 below the promotion zone).”; and

16 (2) in paragraph (2), by inserting “below the
17 grade of colonel for officers of the Army, Air Force,
18 and Marine Corps, or captain for officers of the
19 Navy,” after “a group of officers”.

1 **Subtitle B—Reserve Component**
2 **Matters**

3 **SEC. 511. REPEAL OF REQUIREMENT FOR PHYSICAL EXAM-**
4 **INATION ON CALLING MILITIA INTO FEDERAL**
5 **SERVICE.**

6 (a) REPEAL OF REQUIREMENT.—Section 12408 of
7 title 10, United States Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 1209 is amended by striking
10 out the item relating to section 12408.

11 **SEC. 512. AUTHORITY TO PRESCRIBE THE DURATION OF**
12 **FIELD TRAINING OR PRACTICE CRUISE RE-**
13 **QUIRED FOR ADMISSION TO THE RESERVE**
14 **OFFICERS' TRAINING CORPS ADVANCED**
15 **COURSE.**

16 Section 2104(b)(6)(A)(ii) of title 10, United States
17 Code, is amended by striking out “not less than six weeks”
18 and inserting in lieu thereof “a”.

19 **SEC. 513. CLARIFYING USE OF MILITARY MORALE, WEL-**
20 **FARE, AND RECREATION FACILITIES BY RE-**
21 **TIRED RESERVISTS.**

22 Section 1065(a) of title 10, United States Code, is
23 amended by striking out the last sentence and inserting
24 in lieu thereof the following new sentences: “Such use by
25 members of the Selected Reserve, and the dependents of

1 such members, shall be permitted on the same basis as
2 members on active duty. Such use by members who would
3 be eligible for retired pay under chapter 67 of this title
4 but for the fact that the members are under 60 years of
5 age, and the dependents of such members, shall be per-
6 mitted on the same basis as retirees from active duty mili-
7 tary service.”.

8 **SEC. 514. OBJECTIVE TO INCREASE PERCENTAGE OF**
9 **PRIOR ACTIVE DUTY PERSONNEL IN THE SE-**
10 **LECTED RESERVE.**

11 Section 1111(a) of the National Defense Authoriza-
12 tion Act for Fiscal Year 1993 (10 U.S.C. 3077 note) is
13 amended to read as follows:

14 “(a) OBJECTIVE TO INCREASE PERCENTAGE.—The
15 Secretary of the Army shall have an objective of increasing
16 the percentage of qualified prior active duty personnel in
17 the Selected Reserve.”.

18 **SEC. 515. WEAR OF MILITARY UNIFORM BY NATIONAL**
19 **GUARD TECHNICIANS.**

20 (a) TECHNICIANS: EMPLOYMENT, USE, STATUS.—
21 Section 709(b) of title 32, United States Code, is amended
22 to read as follows:

23 “(b) Except as prescribed by the Secretary concerned,
24 a technician employed under subsection (a) shall, while so
25 employed, be a member of the National Guard, hold the

1 military grade specified by the Secretary concerned for
2 that position, and wear the military uniform appropriate
3 for the member's grade and component of the armed
4 forces while performing duties as a technician.”.

5 (b) UNIFORM ALLOWANCE: OFFICERS; GENERAL
6 PROVISIONS.—Section 417 of title 37, United States
7 Code, is amended by inserting at the end the following
8 new subsection:

9 “(d) Service as a National Guard technician by a per-
10 son who is an officer and is required to wear a military
11 uniform pursuant to section 709(b) of title 32 shall be
12 considered active duty (other than for training) for pur-
13 poses of sections 415 and 416 of this title. Section 1593
14 of title 10, United States Code, and section 5901 of title
15 5, United States Code, shall not apply to a National
16 Guard technician who receives a uniform allowance under
17 this Chapter.”.

18 (c) CLOTHING ALLOWANCE: ENLISTED MEMBERS.—
19 Section 418 of title 37, United States Code, is amended
20 by inserting at the end the following new sentences: “In
21 determining the quantity and kind of clothing and allow-
22 ances to be furnished under this section to a member who
23 is a National Guard technician, the President shall take
24 into account the requirement that such person wear a mili-
25 tary uniform pursuant to section 709(b) of title 32. Sec-

1 tion 1593 of title 10, United States Code, and section
2 5901 of title 5, United States Code, shall not apply to
3 a National Guard technician furnished clothing or allow-
4 ances under this section.”.

5 **SEC. 516. ACTIVE DUTY RETIREMENT SANCTUARY FOR RE-**
6 **SERVISTS.**

7 Section 1163(d) of title 10, United States Code, is
8 amended—

9 (1) by designating the existing matter as para-
10 graph (1); and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) The regulations prescribed under para-
14 graph (1) may except from the prohibition on invol-
15 untary release in that paragraph members who serve
16 on active duty (other than for training) under sec-
17 tion 672(d) of this title under orders specifying a pe-
18 riod of less than 180 days provided that the member
19 is informed of and consents to such exception prior
20 to entry on active duty.”.

1 **Subtitle C—Amendments to the**
2 **Uniform Code of Military Justice**

3 **SEC. 551. DEFINITIONS.**

4 Section 801 (article 1) of title 10, United States
5 Code, is amended by inserting after paragraph (14) the
6 following new paragraphs:

7 “(15) The term ‘classified information’ means
8 any information or material that has been deter-
9 mined by the United States Government pursuant to
10 an Executive order, statute, or regulation, to require
11 protection against unauthorized disclosure for rea-
12 sons of national security, and any restricted data, as
13 defined in section 2014(y) of title 42, United States
14 Code.

15 “(16) The term ‘national security’ means the
16 national defense and foreign relations of the United
17 States.

18 “(17) The term ‘armed conflict’ means oper-
19 ations in which members of the United States armed
20 forces are involved as combatants in military actions,
21 operations, or hostilities against an enemy of the
22 United States or against an organized opposing for-
23 eign armed force regardless of whether or not a war
24 or national emergency has been declared by the

1 President of the United States or the Congress of
2 the United States.”.

3 **SEC. 552. JURISDICTION OVER CIVILIANS ACCOMPANYING**
4 **THE FORCES IN THE FIELD IN TIME OF**
5 **ARMED CONFLICT.**

6 Section 802(a)(10) (article 2(a)(10)) of title 10,
7 United States Code, is amended to read as follows:

8 “(10) In time of armed conflict, persons serving
9 with or accompanying an armed force in the field.”.

10 **SEC. 553. INVESTIGATIONS.**

11 Section 832 (article 32) of title 10, United States
12 Code, is amended—

13 (1) by redesignating subsection (d) as sub-
14 section (e); and

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

17 “(d) If during an investigation under this article, the
18 evidence indicates that the accused may have committed
19 an uncharged offense or offenses, the investigating officer
20 is authorized to investigate the subject matter of such of-
21 fense or offenses before the accused has been charged with
22 such offense or offenses. If the accused was present at
23 such investigation, was informed of the nature of the un-
24 charged offense or offenses, and was afforded the opportu-
25 nities for representation, cross-examination, and presen-

1 tation prescribed in subsection (b), no further investiga-
2 tion of such offense or offenses is necessary under this
3 article.”.

4 **SEC. 554. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.**

5 Section 847(b) (article 47(b)) of title 10, United
6 States Code, is amended to read as follows:

7 “(b) Any person who commits an offense named in
8 subsection (a) shall be tried on indictment or information
9 in a United States district court or in a court of original
10 criminal jurisdiction in any of the Territories, Common-
11 wealths, or possessions of the United States, and jurisdic-
12 tion is conferred upon those courts for that purpose. Upon
13 conviction, such person shall be punished by fine or im-
14 prisonment, or both, at the court’s discretion.”.

15 **SEC. 555. RECORDS OF TRIAL.**

16 Section 854(c)(1)(A) (article 54(c)(1)(A)) of title 10,
17 United States Code, is amended to read as follows:

18 “(A) in each general court-martial case in
19 which the sentence adjudged includes death,
20 dismissal of a commissioned officer, cadet, or
21 midshipman, dishonorable or bad-conduct dis-
22 charge, or confinement for one year or more;
23 and”.

1 **SEC. 556. EFFECTIVE DATE OF PUNISHMENTS.**

2 Section 857(a) (article 57(a)) of title 10, United
3 States Code, is amended to read as follows:

4 “(a) Unless otherwise directed by the convening au-
5 thority, forfeitures of pay, allowances, or both, and reduc-
6 tion in grade shall be effective on the date adjudged and,
7 in the case of forfeiture, may be collected from pay accru-
8 ing on and after that date. Periods during which a sen-
9 tence to forfeiture of pay, allowances, or both, is sus-
10 pended or deferred, shall be excluded in computing the du-
11 ration of forfeiture.”.

12 **SEC. 557. DEFERMENT OF CONFINEMENT.**

13 (a) IN GENERAL.—Subchapter VIII of chapter 47 of
14 title 10, United States Code, is amended by inserting after
15 section 857 (article 57) the following new section (article):

16 **“§857a. Art. 57a. Deferment of confinement**

17 “(a) On application by an accused who is under sen-
18 tence to confinement that has not been ordered executed,
19 the convening authority or, if the accused is no longer
20 under his jurisdiction, the officer exercising general court-
21 martial jurisdiction over the command to which the ac-
22 cused is currently assigned, may in his sole discretion
23 defer service of the sentence to confinement. The
24 deferment shall terminate when the sentence is ordered
25 executed. The deferment may be rescinded at any time by
26 the officer who granted it or, if the accused is no longer

1 under his jurisdiction, by the officer exercising general
2 court-martial jurisdiction over the command to which the
3 accused is assigned.

4 “(b) The Secretary concerned, and, when designated
5 by him, any Under Secretary, Assistant Secretary, Judge
6 Advocate General, or any commanding officer may, during
7 the pendency of a review of the accused’s court-martial
8 conducted pursuant to section 867(a)(2) of this title (arti-
9 cle 67(a)(2)), defer further service of a sentence to con-
10 finement which has been ordered executed.

11 “(c) When an accused in the custody of a state or
12 foreign country is returned temporarily to military au-
13 thorities for trial and later returned to the sending state
14 or country under the authority of a mutual agreement or
15 treaty, the convening authority may defer service of the
16 sentence to confinement without the consent of the ac-
17 cused. The deferment will terminate when the accused is
18 released permanently to military authorities by the state
19 or country in whose custody the accused is being held.

20 “(d) The President shall prescribe such regulations
21 as are necessary to provide for granting, with or without
22 conditions, and rescinding deferments provided for under
23 this section.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of subchapter VIII of chapter 47 of title

1 10, United States Code, is amended by inserting after the
2 item relating to section 857 (article 57) the following new
3 item:

“857a. 57a. Deferment of confinement.”.

4 (c) CONFORMING AMENDMENT.—Section 857 (article
5 57) of title 10, United States Code, is amended—

6 (1) by striking out subsection (d); and

7 (2) by redesignating subsection (e) as sub-
8 section (d).

9 **SEC. 558. SUBMISSION OF MATTERS TO THE CONVENING**
10 **AUTHORITY FOR CONSIDERATION.**

11 Section 860(b)(1) (article 60(b)(1)) of title 10, Unit-
12 ed States Code, is amended to read as follows:

13 “(b)(1) The accused may submit to the convening au-
14 thority written matters for consideration by the convening
15 authority with respect to the findings and sentence. Ex-
16 cept in a summary court-martial case, such a submission
17 shall be made within 10 days after the accused has been
18 given an authenticated record of trial and, if applicable,
19 the recommendation of the staff judge advocate or legal
20 officer under subsection (d). In a summary court-martial
21 case, such submission shall be made within seven days
22 after the sentence is announced.”.

23 **SEC. 559. PROCEEDINGS IN REVISION.**

24 Section 860(e) (article 60(e)) of title 10, United
25 States Code, is amended—

1 (1) by redesignating paragraph (3) as para-
2 graph (4); and

3 (2) by inserting after paragraph (2) the follow-
4 ing new paragraph:

5 “(3) Notwithstanding any other provision in this sec-
6 tion, a proceeding in revision may be ordered, prior to au-
7 thentication of the record of trial by the military judge,
8 to correct an erroneously announced sentence.”.

9 **SEC. 560. POST-TRIAL REVIEW OF COURTS-MARTIAL.**

10 (a) **WAIVER OF WITHDRAWAL OF APPEAL.**—Section
11 861(c) (article 61(c)) of title 10, United States Code, is
12 amended to read as follows:

13 “(c) A waiver of the right to appellate review or the
14 withdrawal of an appeal bars review under section 866 or
15 869(a) of this title (article 66 or 69(a)) or an application
16 for relief under section 869(b) of this title (article
17 69(b)).”.

18 (b) **REVIEW IN THE OFFICE OF THE JUDGE ADVO-**
19 **CATE GENERAL.**—Section 869(b) (article 69(b)) of title
20 10, United States Code, is amended to read as follows:

21 “(b) Unless the accused has waived or withdrawn the
22 right to appellate review under section 861 of this title
23 (article 61), the findings or sentence, or both, in a court-
24 martial case not reviewed under subsection (a) or under
25 section 866 of this title (article 66) may be modified or

1 set aside, in whole or in part, by the Judge Advocate Gen-
2 eral on the ground of newly discovered evidence, fraud on
3 the court, lack of jurisdiction over the accused or the of-
4 fense, error prejudicial to the substantial rights of the ac-
5 cused, or the appropriateness of the sentence. The applica-
6 tion must be filed in the office of the Judge Advocate Gen-
7 eral by the accused on or before the last day of the two-
8 year period beginning on the date the sentence is approved
9 under section 860(c) of this title (article 60(c)), unless the
10 accused establishes good cause for failure to file within
11 that time.”.

12 **SEC. 561. APPEAL BY THE UNITED STATES.**

13 Section 862(a)(1) (article 62(a)(1)) of title 10, Unit-
14 ed States Code, is amended to read as follows:

15 “(a)(1) In a trial by court-martial in which a military
16 judge presides and in which a punitive discharge may be
17 adjudged, the United States may appeal an order or ruling
18 of the military judge which terminates the proceedings
19 with respect to a charge or specification or which excludes
20 evidence that is substantial proof of a fact material in the
21 proceeding, or, an order or ruling which directs the disclo-
22 sure of classified information, imposes sanctions for
23 nondisclosure of classified information, or which refuses
24 to issue a protective order sought by the United States
25 to prevent the disclosure of classified information, or re-

1 fuses to enforce such an order previously issued by appro-
2 priate authority. The United States may not appeal an
3 order or ruling that is or that amounts to, a finding of
4 not guilty with respect to the charge or specification.”.

5 **SEC. 562. FLIGHT FROM APPREHENSION.**

6 (a) IN GENERAL.—Section 895 (article 95) of title
7 10, United States Code, is amended to read as follows:

8 **“§895. Art. 95. Resistance, flight, breach of arrest,
9 and escape**

10 “Any person subject to this chapter who resists or
11 flees from apprehension or breaks arrest or who escapes
12 from custody or confinement shall be punished as a court-
13 martial may direct.”.

14 (b) CLERICAL AMENDMENT.—The item relating to
15 section 895 (article 95) in the table of sections at the be-
16 ginning of subchapter X of chapter 47 of title 10, United
17 States Code, is amended to read as follows:

“895. 95. Resistance, flight, breach of arrest, and escape.”.

18 **SEC. 563. CARNAL KNOWLEDGE.**

19 (a) GENDER NEUTRAL.—Section 920(b) (article
20 120(b)) of title 10, United States Code, is amended to
21 read:

22 “(b) Any person subject to this chapter who, under
23 circumstances not amounting to rape, commits an act of
24 sexual intercourse with a person—

25 “(1) who is not his or her spouse; and

1 “(2) who has not attained the age of sixteen
2 years;
3 is guilty of carnal knowledge and shall be punished as a
4 court-martial may direct.”.

5 (b) MISTAKE OF FACT.—Section 920 (article 120) of
6 title 10, United States Code, is amended by adding at the
7 end the following subsection:

8 “(d) In a prosecution under subsection (b) of this sec-
9 tion, it is a defense, that the accused must establish by
10 a preponderance of the evidence, that, at the time of the
11 alleged offense—

12 “(1) the person with whom the accused commit-
13 ted the act of sexual intercourse had attained the
14 age of 12 years; and

15 “(2) the accused reasonably believed that the
16 person with whom the accused committed the act of
17 sexual intercourse had attained the age of 16
18 years.”.

19 **SEC. 564. INSTRUCTION IN THE UNIFORM CODE OF MILI-**
20 **TARY JUSTICE.**

21 Section 937(a)(1) (article 137(a)(1)) of title 10,
22 United States Code, is amended to read as follows:

23 “(a)(1) The sections of this title (articles of the Uni-
24 form Code of Military Justice) specified in paragraph (3)

1 shall be carefully explained to each enlisted member at the
2 time of (or within fourteen days after)—

3 “(A) the member’s initial entrance on active
4 duty; or

5 “(B) the member’s initial entrance into a duty
6 status with a reserve component.”.

7 **Subtitle D—Other Matters**

8 **SEC. 571. CHIEF WARRANT OFFICER PROMOTIONS.**

9 (a) REDUCTION OF MINIMUM TIME IN GRADE RE-
10 QUIRED FOR CHIEF WARRANT OFFICER TO BE CONSID-
11 ERED FOR PROMOTION.—Section 574(e) of title 10, Unit-
12 ed States Code, is amended by striking out “three” and
13 inserting in lieu thereof “two”;

14 (b) AUTHORIZATION OF BELOW-ZONE SELECTION
15 FOR PROMOTION TO GRADE OF CHIEF WARRANT OFFI-
16 CER.—Section 575(b) of title 10 is amended by inserting
17 “chief warrant officer, W-3,” after “to consider warrant
18 officers for selection for promotion to the grade of”.

19 **SEC. 572. RETIREMENT OF DIRECTOR OF ADMISSIONS, 20 UNITED STATES MILITARY ACADEMY, FOR 21 YEARS OF SERVICE.**

22 (a) IN GENERAL.—Section 3920 of title 10, United
23 States Code, is amended—

24 (1) by amending the heading to read as follows:

1 **“§ 3920. More than thirty years: permanent profes-**
2 **sors and the Director of Admissions of**
3 **United States Military Academy”;**

4 and

5 (2) by inserting “or the Director of Admis-

6 sions” after “permanent professor”.

7 (b) CLERICAL AMENDMENT.—The table of sections

8 at the beginning of chapter 367 of title 10, United States

9 Code, is amended by amending the item relating to section

10 3920 to read as follows:

“3920. More than thirty years: permanent professors and the Director of Admis-
sions of United States Military Academy.”.

11 **TITLE VI—COMPENSATION AND**

12 **OTHER PERSONNEL BENEFITS**

13 **Subtitle A—Pay and Allowances**

14 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.**

15 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any

16 adjustment required by section 1009 of title 37, United

17 States Code, in elements of compensation of members of

18 the uniformed services to become effective during fiscal

19 year 1996 shall not be made.

20 (b) INCREASE IN BASIC PAY AND BAS.—Effective on

21 January 1, 1996, the rates of basic pay and basic allow-

22 ance for subsistence of members of the uniformed services

23 are increased by 2.4 percent.

1 (c) INCREASE IN BAQ.—Effective on January 1,
2 1996, the rates of basic allowance for quarters of members
3 of the uniformed services are increased by 3.4 percent.

4 **SEC. 602. EVACUATION ALLOWANCES THAT PERMITS**
5 **EQUAL TREATMENT OF MILITARY DEPEND-**
6 **ENTS TO CIVILIANS AND THEIR DEPEND-**
7 **ENTS.**

8 (a) EQUAL TREATMENT OF MILITARY DEPENDENTS
9 TO CIVILIANS AND THEIR DEPENDENTS.—Section
10 405a(a) of title 37, United States Code, is amended by
11 striking out “ordered” each place it appears and inserting
12 in lieu thereof “officially authorized or ordered”.

13 (b) EFFECTIVE DATE AND APPLICABILITY.—The
14 amendment made subsection (a) shall take effect on Octo-
15 ber 1, 1995, and shall apply to persons ordered or author-
16 ized to evacuate in accordance with section 405a, as re-
17 vised by this Act, on or after such date.

18 **SEC. 603. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY**
19 **FOR CREWMEMBERS OF SHIPS DESIGNATED**
20 **AS TENDERS.**

21 Section 305a(d)(1)(A) of title 37, United States
22 Code, is amended by inserting “, or while serving as a
23 member of a tender-class ship (with the hull classification
24 of submarine or destroyer)” after “the off-crew of a two-
25 crewed submarine”.

1 **SEC. 604. INCREASE IN THE SUBSISTENCE ALLOWANCE**
2 **PAYABLE TO MEMBERS OF SENIOR RESERVE**
3 **OFFICER'S TRAINING CORPS.**

4 (a) INCREASE.—Section 209(a) of title 37, United
5 States Code, is amended by striking out “\$150 a month”
6 in the first sentence and inserting in lieu thereof “\$200
7 a month”.

8 (b) APPLICATION OF INCREASE.—

9 (1) Except as provided in paragraph (2), the
10 amendments made by subsection (a) shall apply with
11 respect to months beginning after August 31, 1996.

12 (2) Upon the approval of the Secretary of De-
13 fense, the Secretary of a military department may
14 implement such amendments at an earlier date with
15 respect to members of the Senior Reserve Officer's
16 Training Corps under the jurisdiction of the Sec-
17 retary if funds are available for the monthly subsist-
18 ence allowances authorized by such amendments.

19 **SEC. 605. DISLOCATION ALLOWANCE (DLA) FOR BASE RE-**
20 **ALIGNMENT AND CLOSURE (BRAC) MOVES.**

21 Section 407(a)(1) of title 37, United States Code, is
22 amended by inserting “directed order to move as a result
23 of a base realignment or closure or” before “change of
24 permanent station,”.

1 **SEC. 606. FAMILY SEPARATION ALLOWANCE (FSA-II).**

2 Section 427(b)(3) of title 37, United States Code, is
3 amended by inserting “subparagraph (A) of” after “not
4 entitled to an allowance under”.

5 **SEC. 607. AUTHORIZATION OF PAYMENT OF BASIC ALLOW-**
6 **ANCE FOR QUARTERS TO CERTAIN MEMBERS**
7 **OF THE UNIFORMED SERVICES ASSIGNED TO**
8 **SEA DUTY.**

9 (a) IN GENERAL.—Section 403(c)(2) of title 37,
10 United States Code, is amended—

11 (1) in the first sentence, by striking out “E-7”
12 and inserting in lieu thereof “E-6”; and

13 (2) in the second sentence, by striking out “E-
14 6” and inserting in lieu thereof “E-5”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect as of July 1, 1996.

17 **Subtitle B—Bonuses and Special**
18 **and Incentive Pays**

19 **SEC. 611. AVIATION CAREER INCENTIVE PAY (ACIP) GATES.**

20 Section 301a(a)(4) of title 37, United States Code,
21 is amended by striking out “9” in the first sentence and
22 inserting in lieu thereof “8”.

23 **SEC. 612. EXPIRING AUTHORITIES.**

24 (a) SELECTED RESERVE REENLISTMENT BONUS.—
25 Section 308b(f) of title 37, United States Code, is amend-

1 ed by striking out “September 30, 1996” and inserting
2 in lieu thereof “September 30, 1998”.

3 (b) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
4 tion 308c(e) of title 37, United States Code, is amended
5 by striking out “September 30, 1996” and inserting in
6 lieu thereof “September 30, 1998”.

7 (c) SELECTED RESERVE AFFILIATION BONUS.—Sec-
8 tion 308e(e) of title 37, United States Code, is amended
9 by striking out “September 30, 1996” and inserting in
10 lieu thereof “September 30, 1998”.

11 (d) READY RESERVE ENLISTMENT AND REENLIST-
12 MENT BONUS.—Section 308h(g) of title 37, United States
13 Code, is amended by striking out “September 30, 1996”
14 and inserting in lieu thereof “September 30, 1998”.

15 (e) PRIOR SERVICE ENLISTMENT BONUS.—Section
16 308i(i) of title 37, United States Code, is amended by
17 striking out “September 30, 1996” and inserting in lieu
18 thereof “September 30, 1998”.

19 (f) NURSE OFFICER CANDIDATE ACCESSION PRO-
20 GRAM.—Section 2130a(a)(1) of title 10, United States
21 Code, is amended by striking out “September 30, 1996”
22 and inserting in lieu thereof “September 30, 1998”.

23 (g) ACCESSION BONUS FOR REGISTERED NURSES.—
24 Section 302d(a)(1) of title 37, United States Code, is

1 amended by striking out “September 30, 1996” and in-
2 serting in lieu thereof “September 30, 1998”.

3 (h) INCENTIVE SPECIAL PAY FOR NURSE ANES-
4 THETISTS.—Section 302e(a)(1) of title 37, United States
5 Code, is amended by striking out “September 30, 1996”
6 and inserting in lieu thereof “September 30, 1998”.

7 (i) REENLISTMENT BONUS FOR ACTIVE MEM-
8 BERS.—Section 308(g) of title 37, United States Code, is
9 amended by striking out “September 30, 1996” and in-
10 serting in lieu thereof “September 30, 1998”.

11 (j) ENLISTMENT BONUS FOR CRITICAL SKILLS.—
12 Section 308a(c) of title 37, United States Code, is amend-
13 ed by striking out “September 30, 1996” and inserting
14 in lieu thereof “September 30, 1998”.

15 (k) BONUS FOR ENLISTMENT IN THE ARMY.—Sec-
16 tion 308f(c) of title 37, United States Code, is amended
17 by striking out “September 30, 1996” and inserting in
18 lieu thereof “September 30, 1998”.

19 (l) SPECIAL PAY FOR ENLISTED MEMBERS OF THE
20 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-
21 ORITY UNITS.—Section 308d(c) of title 37, United States
22 Code, is amended by striking out “September 30, 1996”
23 and inserting in lieu thereof “September 30, 1998”.

24 (m) REPAYMENT OF EDUCATION LOANS FOR CER-
25 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-

1 LECTED RESERVE.—Section 2172(d) of title 10, United
2 States Code, is amended by striking out “October 1,
3 1996”, and inserting in lieu thereof “October 1, 1998”.

4 (n) SPECIAL PAY FOR CRITICALLY SHORT WARTIME
5 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—
6 Section 613(d) of the National Defense Authorization Act,
7 Fiscal Year 1989 (37 U.S.C. 302 note) is amended by
8 striking out “September 30, 1996” and inserting in lieu
9 thereof “September 30, 1998”.

10 (o) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-
11 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
12 312(e) of title 37, United States Code, is amended by
13 striking out “September 30, 1996” and inserting in lieu
14 thereof “September 30, 2000”.

15 (p) NUCLEAR CAREER ACCESSION BONUS.—Section
16 312b(c) of title 37, United States Code, is amended by
17 striking out “September 30, 1996” and inserting in lieu
18 thereof “September 30, 2000”.

19 (q) NUCLEAR CAREER ANNUAL INCENTIVE
20 BONUS.—Section 312c(d) of title 37, United States Code,
21 is amended by striking out “October 1, 1996” and insert-
22 ing in lieu thereof “October 1, 2000”.

23 (r) GRADE DETERMINATION AUTHORITY FOR CER-
24 TAIN RESERVE MEDICAL OFFICERS.— Sections 3359(b)
25 and 8359(b) of title 10, United States Code, are each

1 amended by striking out “September 30, 1995” and in-
2 serting in lieu thereof “September 30, 1996”.

3 (s) PROMOTION AUTHORITY FOR CERTAIN RESERVE
4 OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d)
5 and 8380(d) of title 10, United States Code, are each
6 amended by striking out “September 30, 1995” and in-
7 serting in lieu thereof “September 30, 1996”.

8 (t) YEARS OF SERVICE FOR MANDATORY TRANSFER
9 TO THE RETIRED RESERVE.—Section 1016(d) of the De-
10 partment of Defense Authorization Act, 1984 (10 U.S.C.
11 3360) is amended by striking out “September 30, 1995”
12 and inserting in lieu thereof “September 30, 1996”.

13 (u) MAKE PERMANENT THE AVIATION OFFICER RE-
14 TENTION BONUS.—Section 301b(a) of title 37, United
15 States Code, is amended by striking out “, during the pe-
16 riod beginning on January 1, 1989, and ending on Sep-
17 tember 30, 1996,”.

18 (v) MAKE PERMANENT THE AUTHORITY FOR TEM-
19 PORARY PROMOTIONS OF CERTAIN NAVY LIEUTEN-
20 ANTS.—Section 5721 of title 10, United States Code, is
21 amended by striking out subsection (f).

22 (w) MAKE PERMANENT THE AUTHORITY FOR SPE-
23 CIALIZED TREATMENT FACILITY PROGRAM.—Section
24 1105 of title 10, United States Code, is amended by strik-
25 ing out subsection (h).

1 **Subtitle C—Travel and**
2 **Transportation Allowances**

3 **SEC. 621. AUTHORITY TO EXPEND APPROPRIATED FUNDS**
4 **TO PAY CERTAIN ACTUAL EXPENSES OF RE-**
5 **SERVISTS.**

6 Section 404(j) of title 37, United States Code, is
7 amended—

8 (1) in paragraph (1), by striking out the period
9 at the end of the paragraph and inserting in lieu
10 thereof “or, if transient government quarters are un-
11 available, may provide contract quarters as lodging
12 in kind as if the member were entitled to such allow-
13 ances under subsection (a) of this section.”; and

14 (2) in paragraph (3), by inserting “or expenses
15 for contract quarters” after “service charge ex-
16 penses”.

17 **SEC. 622. FLEXIBILITY WHEN AUTHORIZING SHIPMENT OF**
18 **A MOTOR VEHICLE INCIDENT TO PERMA-**
19 **NENT CHANGE OF STATION ORDERS.**

20 (a) IN GENERAL.—Section 2634(a)(4) of title 10,
21 United States Code, is amended—

22 (1) by striking out “surface”;

23 (2) by inserting after “by other transportation
24 if” “under regulations developed by the Secretary of
25 Defense,”; and

1 (3) by striking out “does” and inserting in lieu
2 thereof “is determined”.

3 (b) EFFECTIVE DATE AND APPLICABILITY.—Section
4 2634(a)(4) of title 10, United States Code, as amended
5 by this section, shall take effect on October 1, 1995, and
6 shall apply to vehicles placed for shipment on or after such
7 date.

8 **SEC. 623. AUTHORIZATION OF RETURN TO UNITED STATES**
9 **OF FORMERLY DEPENDENT CHILDREN WHO**
10 **ATTAIN AGE OVERSEAS.**

11 (a) IN GENERAL.—Section 406(h)(1) of title 37,
12 United States Code, is amended by striking out the last
13 sentence and inserting in lieu thereof the following new
14 sentence: “For the purposes of this section, a member’s
15 unmarried child for whom the member received transpor-
16 tation in kind to his station outside the United States or
17 in Hawaii or Alaska, reimbursement therefor, or a mone-
18 tary allowance in place thereof and who ceased to be a
19 dependent, by reason of age, or graduation from or ces-
20 sation of enrollment in an institution of higher education,
21 while the member was serving at that station shall be con-
22 sidered as a dependent of the member.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall take effect on October 1, 1996.

1 **Subtitle D—Retired Pay,**
2 **Insurance, and Survivor Benefits**

3 **SEC. 631. RETIRED PAY FOR NON-REGULAR SERVICE.**

4 Section 1331 of chapter 67 of title 10, United States
5 Code, is amended—

6 (1) by redesignating subsections (d) and (e) as
7 subsections (e) and (f) respectively; and

8 (2) by inserting after subsection (c) the follow-
9 ing new subsection:

10 “(d) No person who is convicted of an offense under
11 the Uniform Code of Military Justice (chapter 47 of title
12 10), and whose executed sentence includes death, dishon-
13 orable discharge, bad conduct discharge, or dismissal from
14 the service, is eligible for retired pay under this chapter.”.

15 **SEC. 632. FISCAL YEAR 1996 COST-OF-LIVING ADJUSTMENT**
16 **FOR MILITARY RETIREES.**

17 (a) IN GENERAL.—Notwithstanding the provisions of
18 section 1401a(b)(2)(B)(ii) of title 10, United States Code,
19 or of section 8114A(b) of Department of Defense Appro-
20 priations Act, 1995 (Public Law 103–335; 108 Stat.
21 2648), or of any other provision of law, the fiscal year
22 1996 increase in military retired pay first shall be payable
23 as part of such retired pay for the month of March 1996.

24 (b) DEFINITIONS.—For the purpose of this section,
25 the following definitions apply:

1 (1) The term “fiscal year 1996 increase in mili-
2 tary retired pay” means the increase in retired pay
3 that, pursuant to paragraph (1) of section 1401a(b)
4 of title 10, United States Code, becomes effective on
5 December 1, 1995.

6 (2) The term “retired pay” includes retainer
7 pay.

8 **SEC. 633. IMPROVED DEATH AND DISABILITY BENEFITS**
9 **FOR RESERVISTS.**

10 (a) MEDICAL AND DENTAL CARE: MEMBERS ON
11 DUTY OTHER THAN ACTIVE DUTY FOR A PERIOD OF
12 MORE THAN 30 DAYS.—Section 1074a(a) of title 10,
13 United States Code, is amended by inserting after para-
14 graph (2) the following new paragraph:

15 “(3) Each member of a uniformed service who
16 incurs or aggravates an injury, illness, or disease in
17 the line of duty while remaining overnight at or in
18 the vicinity of a site outside reasonable commuting
19 distance from the member’s residence at which site
20 the member has performed inactive duty training be-
21 tween successive periods of such training.”.

22 (b) RECOVERY, CARE, AND DISPOSITION OF RE-
23 MAINS: DECEDENTS COVERED.—Section 1481(a)(2) of
24 title 10, United States Code, is amended—

1 (1) in subparagraph (C), by striking out “or”
2 at the end of the subparagraph;

3 (2) by redesignating subparagraph (D) as sub-
4 paragraph (E); and

5 (3) by inserting after subparagraph (C) the fol-
6 lowing new subparagraph:

7 “(D) remaining overnight at or in the vi-
8 cinity of a site outside reasonable commuting
9 distance from the member’s residence at which
10 site the member has performed inactive duty
11 training between successive periods of such
12 training; or”.

13 (c) ENTITLEMENT TO BASIC PAY.—Section 204 of
14 title 37, United States Code is amended—

15 (1) in subsection (g)(1)—

16 (A) in subparagraph (B), by striking out
17 “or” at the end of the subparagraph;

18 (B) in subparagraph (C), by striking out
19 the period at the end of the subparagraph and
20 inserting in lieu thereof “; or”; and

21 (C) by inserting after subparagraph (C)
22 the following new subparagraph:

23 “(D) in line of duty while remaining over-
24 night at or in the vicinity of a site outside rea-
25 sonable commuting distance from the member’s

1 residence at which site the member has per-
2 formed inactive duty training between succes-
3 sive periods of such training.”; and

4 (2) in subsection (h)(1)—

5 (A) in subparagraph (B), by striking out
6 “or” at the end of the subparagraph;

7 (B) in subparagraph (C), by striking out
8 the period at the end of the subparagraph and
9 inserting in lieu thereof “; or”; and

10 (C) by inserting after subparagraph (C)
11 the following new subparagraph:

12 “(D) in line of duty while remaining over-
13 night at or in the vicinity of a site outside rea-
14 sonable commuting distance from the member’s
15 residence at which site the member has per-
16 formed inactive duty training between succes-
17 sive periods of such training.”.

18 (d) RESERVES: MEMBERS OF NATIONAL GUARD: IN-
19 ACTIVE-DUTY TRAINING.—Section 206(a)(3) of title 37,
20 United States Code, is amended—

21 (1) in subparagraph (A), by striking out “or”
22 at the end of clause (ii);

23 (2) in subparagraph (B), by striking out the pe-
24 riod at the end of the subparagraph and inserting in
25 lieu thereof “; or”; and

1 (3) by inserting after subparagraph (B) the fol-
2 lowing new subparagraph:

3 “(C) in line of duty while remaining over-
4 night at or in the vicinity of a site outside rea-
5 sonable commuting distance from the member’s
6 residence at which site the member has per-
7 formed inactive duty training between succes-
8 sive periods of such training.”.

9 **Subtitle E—Separation Pay**

10 **SEC. 641. TRANSITIONAL COMPENSATION FOR DEPEND-** 11 **ENTS OF MEMBERS OF THE ARMED FORCES** 12 **SEPARATED FOR DEPENDENT ABUSE.**

13 Section 1059(d) of title 10, United States Code, is
14 amended by striking out “of a separation from active duty
15 as” in the first sentence.

16 **Subtitle F—Other Matters**

17 **SEC. 651. MILITARY CLOTHING SALES STORES, REPLACE-** 18 **MENT SALES.**

19 (a) IN GENERAL.—Chapter 651 of title 10, United
20 States Code, is amended by adding at the end the follow-
21 ing new section:

1 **“§ 7606. Subsistence and other supplies: members of**
2 **armed forces; veterans; executive or mili-**
3 **tary departments and employees; prices**

4 “(a) The branch, office or officer designated by the
5 Secretary of the Navy shall procure or sell, for cash or
6 credit—

7 “(1) articles specified by the Secretary of the
8 Navy or a person designated by him, to members of
9 the Navy and Marine Corps; and

10 “(2) items of individual clothing and equipment
11 to members of the Navy and Marine Corps, under
12 such restrictions as the Secretary may prescribe.

13 An account of sales on credit shall be kept and the amount
14 due reported to any branch office, or officer designated
15 by the Secretary. Except for articles and items acquired
16 through the use of working capital funds under section
17 2208 of this title, sales of articles shall be at cost, and
18 sales of individual clothing and equipment shall be at aver-
19 age current prices, including overhead, as determined by
20 the Secretary.

21 “(b) The branch, office, or officer designated by the
22 Secretary shall sell subsistence supplies to members of
23 other armed forces at the prices at which like property
24 is sold to members of the Navy and Marine Corps.

25 “(c) The branch, office or officer designated by the
26 Secretary may sell serviceable supplies, other than subsist-

1 ence supplies, to members of other armed forces at the
2 prices at which like property is sold to members of the
3 Navy and Marine Corps.

4 “(d) A person who has been discharged honorably or
5 under honorable conditions from the Army, Navy, Air
6 Force or Marine Corps and who is receiving care and med-
7 ical treatment from the Public Health Service or the De-
8 partment of Veterans Affairs may buy subsistence supplies
9 and other supplies, except articles of uniform, at the prices
10 at which like property is sold to members of the Navy and
11 Marine Corps.

12 “(e) Under such conditions as the Secretary may pre-
13 scribe, exterior articles of uniform may be sold to a person
14 who has been discharged from the Navy or Marine Corps
15 honorably or under honorable conditions at the prices at
16 which like articles are sold to members of the Navy or
17 Marine Corps. This subsection does not modify sections
18 772 or 773 of this title.

19 “(f) Under regulations prescribed by the Secretary,
20 payment for subsistence supplies shall be made in cash
21 or by commercial credit.

22 “(g) The Secretary may provide for the procurement
23 and sale of stores designated by him to such civilian offi-
24 cers and employees of the United States, and such other
25 persons as he considers proper—

1 “(1) at military installations outside the United
2 States (provided such sales conform with host nation
3 support agreements); and

4 “(2) at military installations inside the United
5 States where the Secretary determines that it is im-
6 practicable for those civilian officers, employees, and
7 persons to obtain such stores from commercial enter-
8 prises without impairing the efficient operation of
9 military activities.

10 However, sales to such civilian officers and employees of
11 the United States inside the United States may be only
12 to those who reside within military installations.

13 “(h) Appropriations for subsistence of the Navy or
14 Marine Corps may be applied to the purchase of subsist-
15 ence supplies for sale to members of the Navy and Marine
16 Corps on active duty for the use of themselves and their
17 families.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 651 of title 10, United States
20 Code, is amended by adding at the end the following new
21 item:

“7606. Subsistence and other supplies: members of armed forces; veterans; execu-
tive or military departments and employees; prices.”.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—Health Care**
4 **Management**

5 **SEC. 701. CODIFICATION AND STRENGTHENING OF**
6 **CHAMPUS PHYSICIAN PAYMENT REFORM**
7 **PROGRAM.**

8 Section 1079(h) of title 10, United States Code, is
9 amended to read as follows:

10 “(h)(1) Subject to paragraph (2), payment for a
11 charge for services by an individual health care profes-
12 sional (or other non institutional health-care provider) for
13 which a claim is submitted under a plan contracted for
14 under subsection (a) shall be limited to the lesser of—

15 “(A) the amount equivalent to the 80th per-
16 centile of billed charges, as determined by the Sec-
17 retary of Defense, in consultation with the other ad-
18 ministering Secretaries, for similar services in the
19 same locality during a twelve month base period,
20 which base period may be adjusted as frequently as
21 the Secretary considers appropriate; or

22 “(B) the amount determined to the extent prac-
23 ticable in accordance with the same reimbursement
24 rules as apply to payments for medical and other

1 health services under title XVIII of the Social Secu-
2 rity Act (42 U.S.C. 1395 et seq.).

3 “(2) The amount to be paid to an individual health-
4 care professional (or other non- institutional health-care
5 provider) shall be determined under regulations to be pre-
6 scribed by the Secretary of Defense in consultation with
7 the other administering Secretaries pursuant to paragraph
8 (1). Such regulations—

9 “(A) may provide for such exceptions as the
10 Secretary determines necessary to assure that cov-
11 ered beneficiaries have adequate access to health
12 care services, including payment of amounts greater
13 than the allowable amounts when enrollees in man-
14 aged care programs obtain covered emergency serv-
15 ices from non-participating providers;

16 “(B) shall establish limitations (similar to those
17 established under title XVIII of the Social Security
18 Act (42 U.S.C. 1395 et seq.)) on beneficiary liability
19 for charges of an individual health-care professional
20 (or other non-institutional health care provider); and

21 “(C) shall assure that in transitioning from the
22 payment methods previously in effect to any meth-
23 odology authorized by this subsection, in no case
24 may the amount allowable for any service be reduced
25 by more than fifteen percent from the amount al-

1 (1) Notwithstanding any other provision of law,
2 the Secretary of Defense shall phase out the Uni-
3 formed Services University of the Health Sciences,
4 beginning in fiscal year 1996, and ending with the
5 closure of such University not later than September
6 30, 1999. No provision of section 2687 of title 10,
7 United States Code, or of any other law establishing
8 preconditions to the closure of any activity of the
9 Department of Defense shall operate to establish
10 any precondition to the phaseout and closure of the
11 Uniformed Services University of the Health
12 Sciences pursuant to this Act.

13 (2) Under the phase-out process required by
14 paragraph (1), the Secretary of Defense is author-
15 ized to exercise all of the authorities pertaining to
16 the operation of the Uniformed Services University
17 of the Health Sciences that were granted to the Sec-
18 retary of Defense, the Board of Regents, or the
19 Dean of the Uniformed Services University of the
20 Health Sciences by chapter 104 of title 10, United
21 States Code, prior to enactment of the repeal of that
22 chapter by subsection (a). Such authorities may be
23 exercised by the Secretary of Defense so as to
24 achieve an orderly phase-out of operations of the

1 Uniformed Services University of the Health
2 Sciences.

3 (3) No new class of students may be admitted
4 to begin studies in the Uniformed Services Univer-
5 sity of the Health Sciences after September 30,
6 1995. No students may be awarded degrees by such
7 University after September 30, 1999, except that
8 the Secretary of Defense may grant exceptions on a
9 case-by-case basis for any students who by that date
10 have completed substantially all degree require-
11 ments.

12 (c) AUTHORITIES UNAFFECTED.—

13 (1) Commissioned service obligations incurred
14 by students of the Uniformed Services University of
15 the Health Sciences shall be unaffected by enact-
16 ment of the repeal of chapter 104 of title 10, United
17 States Code, by subsection (a).

18 (2) Nothing in this Act shall be construed as
19 limiting the exercise by the Secretary of Defense of
20 other authorities under law pertaining to health
21 sciences education, training and professional devel-
22 opment, graduate medical education, medical and
23 scientific research, and similar activities. To the ex-
24 tent any such activities had been assigned by the
25 Secretary of Defense to the Uniformed Services Uni-

1 iversity of the Health Sciences, the Secretary of De-
2 fense’s authority to assign such activities to any
3 other component or entity of the Department of De-
4 fense shall be unaffected by the phase-out and clo-
5 sure of the Uniformed Services University of the
6 Health Sciences pursuant to this Act.

7 (d) CONFORMING AMENDMENTS.—Section 178 of
8 title 10, United States Code, pertaining to the Henry M.
9 Jackson Foundation for the Advancement of Military
10 Medicine, is amended—

11 (1) in subsection (b), by striking out “Uni-
12 formed Services University of the Health Sciences”
13 and inserting in lieu thereof “Department of De-
14 fense”;

15 (2) in subsection (c)(1)(B), by striking out “the
16 Dean of the Uniformed Services University of the
17 Health Sciences” and inserting in lieu thereof “a
18 person designated by the Secretary of Defense”; and

19 (3) in subsection (g)(1), by striking out “Uni-
20 formed Services University of the Health Sciences”
21 and inserting in lieu thereof “Secretary of Defense”.

22 (e) CLERICAL AMENDMENT.—The table of chapters
23 at the beginning of subtitle A and at the beginning of part
24 III of such subtitle of title 10, United States Code, is
25 amended by striking out the items relating to chapter 104.

1 **SEC. 712. REPEAL OF THE STATUTORY RESTRICTION ON**
2 **USE OF FUNDS FOR ABORTIONS.**

3 (a) IN GENERAL.—Section 1093 of title 10, United
4 States Code, is repealed.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 55, United States Code, is
7 amended by striking out the item relating to section 1093.

8 (c) EFFECTIVE DATE.—The amendment made by
9 this section shall be effective October 1, 1995.

10 **TITLE VIII—DEPARTMENT OF**
11 **DEFENSE ORGANIZATION**
12 **AND MANAGEMENT**

13 **Subtitle A—Secretarial Matters**

14 **SEC. 801. ADDITIONAL ASSISTANT SECRETARY OF DE-**
15 **FENSE.**

16 Section 138(a) of title 10, United States Code, is
17 amended by striking out “eleven” and inserting in lieu
18 thereof “twelve”.

19 **SEC. 802. CHANGE IN NAME OF ASSISTANT TO THE SEC-**
20 **RETARY OF DEFENSE FOR ATOMIC ENERGY**
21 **TO ASSISTANT TO THE SECRETARY OF DE-**
22 **FENSE FOR NUCLEAR AND CHEMICAL PRO-**
23 **GRAMS.**

24 (a) IN GENERAL.—Section 142 of title 10, United
25 States Code, is amended—

26 (1) by amending the heading to read as follows:

1 **“§ 142. The Assistant to the Secretary of Defense for**
2 **Nuclear and Chemical Programs”;**

3 (2) in subsection (a), by striking out “Assistant
4 to the Secretary of Defense for Atomic Energy” and
5 inserting in lieu thereof “Assistant to the Secretary
6 of Defense for Nuclear and Chemical Programs”;
7 and

8 (3) by amending subsection (b) to read as fol-
9 lows:

10 “(b) The Assistant to the Secretary shall perform
11 such functions as the Secretary of Defense may prescribe
12 and shall advise the Secretary of Defense on nuclear en-
13 ergy, nuclear weapons, and chemical and biological defense
14 program matters. The Assistant to the Secretary also shall
15 serve as the Staff Director of the Nuclear Weapons Coun-
16 cil established by section 179 of this title.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 4 of title 10, United States
19 Code, is amended by amending the item relating to section
20 142 to read as follows:

“142. The Assistant to the Secretary of Defense for Nuclear and Chemical Pro-
grams.”.

21 (c) CONFORMING AMENDMENT.—Section 179(c)(2)
22 of title 10, United States Code, is amended by striking
23 out “The Assistant to the Secretary of Defense for Atomic
24 Energy” and inserting in lieu thereof “The Assistant to

1 the Secretary of Defense for Nuclear and Chemical Pro-
2 grams.”.

3 **Subtitle B—Other Matters**

4 **SEC. 811. REPEAL OF PROHIBITION OF CONTRACTING FOR** 5 **FIREFIGHTING AND SECURITY GUARD FUNC-** 6 **TIONS AT MILITARY FACILITIES.**

7 Section 2465 of title 10, United States Code, is re-
8 pealed.

9 **SEC. 812. INCREASE IN UNSPECIFIED MINOR CONSTRUC-** 10 **TION THRESHOLD FROM \$1,500,000 TO** 11 **\$1,700,000 AND THE OPERATION AND MAINTEN-** 12 **NANCE THRESHOLD FROM \$300,000 TO** 13 **\$350,000.**

14 Section 2805 of title 10, United States Code, is
15 amended—

16 (1) in subsection (a)(1), by striking out
17 “\$1,500,000” and inserting in lieu thereof
18 “\$1,700,000”; and

19 (2) in subsection (c)(1), by striking out
20 “\$300,000” and inserting in lieu thereof
21 “\$350,000”.

22 **SEC. 813. ANNUAL REPORT ON NATIONAL GUARD AND RE-** 23 **SERVE COMPONENT EQUIPMENT.**

24 (a) SUBMISSION DATE OF REPORT.—Section
25 115b(a) of title 10, United States Code, is amended by

1 striking out “February 15” and inserting in lieu thereof
2 “March 1”.

3 (b) DEFINITION OF EQUIPMENT IN THE REPORT.—
4 Section 115b(b) of title 10, United States Code, is amend-
5 ed—

6 (1) in paragraphs (1) through (6), by striking
7 out “major item of equipment” each place it appears
8 and inserting in lieu thereof in each instance “com-
9 bat essential item of equipment”;

10 (2) in paragraph (5)(E), by striking out “major
11 item of equipment.” and inserting in lieu thereof
12 “combat essential item of equipment.”; and

13 (3) in paragraph (7), by striking out “item of
14 major equipment” and inserting in lieu thereof
15 “combat essential item of equipment”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on October 1, 1995.

18 **TITLE IX—GENERAL**

19 **PROVISIONS**

20 **Subtitle A—Other Matters**

21 **SEC. 901. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**
22 **TIES PROGRAM.**

23 Section 1091 of the National Defense Authorization
24 Act for Fiscal Year 1993 (32 U.S.C. 501 note) is amend-
25 ed—

1 preservation services, and for educational programs, sup-
2 plies and new upgraded or renovated conservation equip-
3 ment, facilities and systems within existing structures,”.

4 **SEC. 903. AMENDMENTS TO EDUCATION LOAN REPAYMENT**
5 **PROGRAMS.**

6 (a) GENERAL EDUCATION LOAN REPAYMENT PRO-
7 GRAM.—Section 2171(a)(1) of title 10, United States
8 Code, is amended—

9 (1) by striking out “or” at the end of subpara-
10 graph (A);

11 (2) by redesignating subparagraph (B) as sub-
12 paragraph (C); and

13 (3) by inserting after subparagraph (A) the fol-
14 lowing new subparagraph:

15 “(B) any loan made under part D of such
16 title (the William D. Ford Federal Direct Loan
17 Program, 20 U.S.C. 1087a et seq.); or”.

18 (b) EDUCATION LOAN REPAYMENT PROGRAM: EN-
19 LISTED MEMBERS OF SELECTED RESERVE WITH CRITI-
20 CAL SPECIALTIES.—Section 16301(a)(1) of title 10, Unit-
21 ed States Code, is amended—

22 (1) by striking out “or” at the end of subpara-
23 graph (A);

24 (2) by redesignating subparagraph (B) as sub-
25 paragraph (C); and

1 (3) by inserting after subparagraph (A) the fol-
2 lowing new subparagraph:

3 “(B) any loan made under part D of such
4 title (the William D. Ford Federal Direct Loan
5 Program, 20 U.S.C. 1087a et seq.); or”.

6 (c) EDUCATION LOAN REPAYMENT PROGRAM:
7 HEALTH PROFESSIONS OFFICERS SERVING IN SELECTED
8 RESERVE WITH WARTIME CRITICAL MEDICAL SKILL
9 SHORTAGES.—Section 16302(a) of title 10, United States
10 Code, is amended—

11 (1) by redesignating paragraphs (2) through
12 (4) as paragraphs (3) through (5) respectively; and

13 (2) by inserting after paragraph (1) the follow-
14 ing new paragraph:

15 “(2) any loan made under part D of such title
16 (the William D. Ford Federal Direct Loan Program,
17 20 U.S.C. 1087a et seq.); or”.

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