

104TH CONGRESS
2D SESSION

S. 1745

AN ACT

To authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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 1997”.

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

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

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

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

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

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees defined.
- Sec. 4. General limitation.

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- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
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 Sec. 1415. Authority to transport a privately owned motor vehicle within the continental United States
 Sec. 1416. Authority to pay limited relocation allowances to an employee who is performing an extended assignment.
 Sec. 1417. Authority to pay a home marketing incentive.
 Sec. 1418. Conforming amendments.

Subtitle B—Miscellaneous Provisions

Sec. 1431. Repeal of the long-distance telephone call certification requirement.
 Sec. 1432. Transfer of authority to issue regulations.
 Sec. 1433. Report on assessment of cost savings.
 Sec. 1434. Effective date; issuance of regulations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
 Sec. 2102. Family housing.
 Sec. 2103. Improvements to military family housing units.
 Sec. 2104. Authorization of appropriations, Army.
 Sec. 2105. Plan for repairs and stabilization of the historic district at the Forest Glen Annex of Walter Reed Medical Center, Maryland.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Defense access roads.
- Sec. 2205. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Military housing planning and design.
- Sec. 2403. Improvements to military family housing units.
- Sec. 2404. Military housing improvement program.
- Sec. 2405. Energy conservation projects.
- Sec. 2406. Authorization of appropriations, Defense Agencies.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.
- Sec. 2503. Redesignation of North Atlantic Treaty Organization Infrastructure program.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
- Sec. 2602. Funding for construction and improvement of reserve centers in the State of Washington.

**TITLE XXVII—EXPIRATION AND EXTENSION OF
AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 1994 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1993 projects.
- Sec. 2704. Extension of authorizations of certain fiscal year 1992 projects.
- Sec. 2705. Prohibition on use of funds for certain projects.
- Sec. 2706. Effective date.

TITLE XXVIII—GENERAL PROVISIONS**Subtitle A—Military Construction Program and Military
Family Housing Changes**

- Sec. 2801. Increase in certain thresholds for unspecified minor construction projects.

- Sec. 2802. Clarification of authority to improve military family housing.
 Sec. 2803. Authority to grant easements for rights-of-way.

Subtitle B—Defense Base Closure and Realignment

- Sec. 2811. Restoration of authority under 1988 base closure law to transfer property and facilities to other entities in the Department of Defense.
 Sec. 2812. Agreements for services at installations after closure.

Subtitle C—Land Conveyances

- Sec. 2821. Transfer of lands, Arlington National Cemetery, Arlington, Virginia.
 Sec. 2822. Land transfer, Potomac Annex, District of Columbia.
 Sec. 2823. Land conveyance, Army Reserve Center, Montpelier, Vermont.
 Sec. 2824. Land conveyance, former Naval Reserve Facility, Lewes, Delaware.
 Sec. 2825. Land conveyance, Radar Bomb Scoring Site, Belle Fourche, South Dakota.
 Sec. 2826. Conveyance of primate research complex, Holloman Air Force Base, New Mexico.
 Sec. 2827. Demonstration project for installation and operation of electric power distribution system at Youngstown Air Reserve Station, Ohio.
 Sec. 2828. Transfer of jurisdiction and land conveyance, Fort Sill, Oklahoma.
 Sec. 2829. Renovation of the Pentagon Reservation.
 Sec. 2830. Land conveyance, William Langer Jewel Bearing Plant, Rolla, North Dakota.
 Sec. 2831. Reaffirmation of land conveyances, Fort Sheridan, Illinois.
 Sec. 2832. Land conveyance, Crafts Brothers Reserve Training Center, Manchester, New Hampshire.
 Sec. 2833. Land transfer, Vernon Ranger District, Kisatchie National Forest, Louisiana.
 Sec. 2834. Land conveyance, Air Force Plant No. 85, Columbus, Ohio.
 Sec. 2835. Land conveyance, Pine Bluff Arsenal, Arkansas.
 Sec. 2836. Modification of boundaries of White Sands National Monument and White Sands Missile Range.
 Sec. 2837. Bandelier National Monument.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
 Sec. 3102. Environmental restoration and waste management.
 Sec. 3103. Other defense activities.
 Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
 Sec. 3122. Limits on general plant projects.
 Sec. 3123. Limits on construction projects.
 Sec. 3124. Fund transfer authority.

- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Tritium production.
- Sec. 3132. Modernization and consolidation of tritium recycling facilities.
- Sec. 3133. Modification of requirements for manufacturing infrastructure for refabrication and certification of nuclear weapons stockpile.
- Sec. 3134. Limitation on use of funds for certain research and development purposes.
- Sec. 3135. Accelerated schedule for isolating high-level nuclear waste at the Defense Waste Processing Facility, Savannah River Site.
- Sec. 3136. Processing of high-level nuclear waste and spent nuclear fuel rods.
- Sec. 3137. Fellowship program for development of skills critical to Department of Energy nuclear weapons complex.
- Sec. 3138. Payment of costs of operation and maintenance of infrastructure at Nevada Test Site.

Subtitle D—Other Matters

- Sec. 3151. Requirement for annual five-year budget for the national security programs of the Department of Energy.
- Sec. 3152. Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1997.
- Sec. 3153. Repeal of requirement relating to accounting procedures for Department of Energy funds.
- Sec. 3154. Plans for activities to process nuclear materials and clean up nuclear waste at the Savannah River Site.
- Sec. 3155. Update of report on nuclear test readiness postures.
- Sec. 3156. Reports on critical difficulties at nuclear weapons laboratories and nuclear weapons production plants.
- Sec. 3157. Extension of applicability of notice-and-wait requirement regarding proposed cooperation agreements.
- Sec. 3158. Sense of Congress relating to redesignation of Defense Environmental Restoration and Waste Management Program.
- Sec. 3159. Commission on Maintaining United States Nuclear Weapons Expertise.
- Sec. 3160. Sense of Senate regarding reliability and safety of remaining nuclear forces.
- Sec. 3161. Report on Department of Energy liability at Department superfund sites.
- Sec. 3162. Fiscal year 1998 funding for Greenville Road Improvement Project, Livermore, California.
- Sec. 3163. Opportunity for review and comment by State of Oregon regarding certain remedial actions at Hanford Reservation, Washington.
- Sec. 3164. Sense of Senate on Hanford memorandum of understanding.
- Sec. 3165. Foreign environmental technology.
- Sec. 3166. Study on worker protection at the Mound Facility.

**Subtitle E—Environmental Restoration at Defense Nuclear
Facilities**

- Sec. 3171. Short title.
 Sec. 3172. Applicability.
 Sec. 3173. Designation of covered facilities as environmental cleanup demonstration areas.
 Sec. 3174. Site managers.
 Sec. 3175. Department of Energy orders.
 Sec. 3176. Demonstrations of technology for remediation of defense nuclear waste.
 Sec. 3177. Reports to Congress.
 Sec. 3178. Termination.
 Sec. 3179. Definitions.

**Subtitle F—Waste Isolation Pilot Plant Land Withdrawal Act
Amendments.**

- Sec. 3181. Short title and reference.
 Sec. 3182. Definitions.
 Sec. 3183. Test phase and retrieval plans.
 Sec. 3184. Management plan.
 Sec. 3185. Test phase activities.
 Sec. 3186. Disposal operations.
 Sec. 3187. Environmental Protection Agency disposal regulations.
 Sec. 3188. Compliance with environmental laws and regulations.
 Sec. 3189. Retrievability.
 Sec. 3190. Decommissioning of WIPP
 Sec. 3191. Economic assistance and miscellaneous payments.

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

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of stockpile funds.
 Sec. 3302. Disposal of certain materials in National Defense Stockpile.
 Sec. 3303. Additional authority to dispose of materials in National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. Short title.
 Sec. 3502. Authorization of expenditures.
 Sec. 3503. Purchase of vehicles.
 Sec. 3504. Expenditures in accordance with other laws.

TITLE XXXVI—MISCELLANEOUS PROVISION

- Sec. 3601. Sense of the Senate regarding the reopening of Pennsylvania Avenue.

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

2 For purposes of this Act, the term “congressional de-
3 fense committees” means—

4 (1) the Committee on Armed Services and the
5 Committee on Appropriations of the Senate; and

6 (2) the Committee on National Security and the
7 Committee on Appropriations of the House of Rep-
8 resentatives.

9 **SEC. 4. GENERAL LIMITATION.**

10 Notwithstanding any other provision of this Act, the
11 total amount authorized to be appropriated for fiscal year
12 1997 for the national defense function under the provi-
13 sions of this Act is \$265,583,000,000.

14 **DIVISION A—DEPARTMENT OF**
15 **DEFENSE AUTHORIZATIONS**
16 **TITLE I—PROCUREMENT**
17 **Subtitle A—Authorization of**
18 **Appropriations**

19 **SEC. 101. ARMY.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 1997 for procurement for the Army as follows:

22 (1) For aircraft, \$1,508,515,000.

23 (2) For missiles, \$1,160,829,000.

24 (3) For weapons and tracked combat vehicles,
25 \$1,460,115,000.

26 (4) For ammunition, \$1,156,728,000.

1 (5) For other procurement, \$3,298,940,000.

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

3 (a) NAVY.—Funds are hereby authorized to be appro-
4 priated for fiscal year 1997 for procurement for the Navy
5 as follows:

6 (1) For aircraft, \$6,911,352,000.

7 (2) For weapons, including missiles and tor-
8 pedoes, \$1,513,263,000.

9 (3) For shipbuilding and conversion,
10 \$6,567,330,000.

11 (4) For other procurement, \$3,005,040,000.

12 (b) MARINE CORPS.—Funds are hereby authorized to
13 be appropriated for fiscal year 1997 for procurement for
14 the Marine Corps in the amount of \$816,107,000.

15 **SEC. 103. AIR FORCE.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 1997 for procurement for the Air Force as fol-
18 lows:

19 (1) For aircraft, \$7,003,528,000.

20 (2) For missiles, \$2,847,177,000.

21 (3) For other procurement, \$5,889,519,000.

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

23 Funds are hereby authorized to be appropriated for
24 fiscal year 1997 for Defense-wide procurement in the
25 amount of \$1,908,012,000.

1 **SEC. 105. RESERVE COMPONENTS.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1997 for procurement of aircraft, vehicles, com-
4 munications equipment, and other equipment for the re-
5 serve components of the Armed Forces as follows:

6 (1) For the Army National Guard,
7 \$224,000,000.

8 (2) For the Air National Guard, \$305,800,000.

9 (3) For the Army Reserve, \$90,000,000.

10 (4) For the Naval Reserve, \$40,000,000.

11 (5) For the Air Force Reserve, \$40,000,000.

12 (6) For the Marine Corps Reserve,
13 \$60,000,000.

14 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 1997 for procurement for the Inspector General
17 of the Department of Defense in the amount of
18 \$2,000,000.

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

20 There is hereby authorized to be appropriated for fis-
21 cal year 1997 the amount of \$802,847,000 for—

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

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

4 **SEC. 108. DEFENSE HEALTH PROGRAM.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 1997 for the Department of Defense for pro-
7 curement for carrying out health care programs, projects,
8 and activities of the Department of Defense in the total
9 amount of \$269,470,000.

10 **SEC. 109. DEFENSE NUCLEAR AGENCY.**

11 Of the amounts authorized to be appropriated for the
12 Department of Defense under section 104, \$7,900,000
13 shall be available for the Defense Nuclear Agency.

14 **Subtitle B—Army Programs**

15 **SEC. 111. MULTIYEAR PROCUREMENT OF JAVELIN MISSILE**
16 **SYSTEM.**

17 The Secretary of the Army may, in accordance with
18 section 2306b of title 10, United States Code, enter into
19 multiyear procurement contracts for the procurement of
20 the Javelin missile system.

21 **SEC. 112. ARMY ASSISTANCE FOR CHEMICAL DEMILI-**
22 **TARIZATION CITIZENS' ADVISORY COMMIS-**
23 **SIONS.**

24 Subsections (b) and (f) of section 172 of the National
25 Defense Authorization Act for Fiscal Year 1993 (Public

1 Law 102–484; 106 Stat. 2341; 50 U.S.C. 1521 note) are
2 each amended by striking out “Assistant Secretary of the
3 Army (Installations, Logistics and Environment)” and in-
4 serting in lieu thereof “Assistant Secretary of the Army
5 (Research, Development and Acquisition)”.

6 **SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE**
7 **CHEMICAL WEAPONS STOCKPILE.**

8 (a) STUDY.—The Secretary of Defense shall conduct
9 a study to determine the cost of incineration of the current
10 chemical munitions stockpile by building incinerators at
11 each existing facility compared to the proposed cost of dis-
12 mantling those same munitions, neutralizing them at each
13 storage site and transporting the neutralized remains and
14 all munitions parts to a centrally located incinerator with-
15 in the United States for incineration.

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary shall submit
18 to the appropriate committees of the Congress a report
19 on the study carried out under subsection (a).

20 **SEC. 114. PERMANENT AUTHORITY TO CARRY OUT ARMS**
21 **INITIATIVE.**

22 Section 193(a) of the Armament Retooling and Man-
23 ufacturing Support Initiative Act of 1992 (subtitle H of
24 title I of Public Law 102–484; 10 U.S.C. 2501 note) is
25 amended by striking out “During fiscal years 1993

1 through 1996”, and inserting in lieu thereof “During fis-
2 cal years 1993 through 1998”.

3 **SEC. 115. TYPE CLASSIFICATION OF ELECTRO OPTIC AUG-**
4 **MENTATION (EOA) SYSTEM.**

5 (a) REQUIREMENT.—The Secretary of the Army shall
6 type classify the Electro Optic Augmentation (EOA) sys-
7 tem.

8 (b) FUNDING.—Of the amounts authorized to be ap-
9 propriated for the Army by this division, \$100,000 shall
10 made be available to the Armored Systems Modernization
11 Program manager for the type classification required by
12 subsection (a).

13 **SEC. 116. BRADLEY TOW 2 TEST PROGRAM SETS.**

14 Of the funds authorized to be appropriated under sec-
15 tion 101(3) of the National Defense Authorization Act for
16 Fiscal Year 1996 (110 Stat. 204), \$6,000,000 is available
17 for the procurement of Bradley TOW 2 Test Program
18 sets.

19 **SEC. 117. DEMILITARIZATION OF ASSEMBLED CHEMICAL**
20 **MUNITIONS.**

21 (a) PILOT PROGRAM.—The Secretary of Defense
22 shall conduct a pilot program to identify and demonstrate
23 feasible alternatives to incineration for the demilitarization
24 of assembled chemical munitions.

1 (b) PROGRAM REQUIREMENTS.—(1) The Secretary
2 of Defense shall designate an executive agent to carry out
3 the pilot program required to be conducted under sub-
4 section (a).

5 (2) The executive agent shall—

6 (A) be an officer or executive of the United
7 States Government;

8 (B) be accountable to the Secretary of Defense;
9 and

10 (C) not be, or have been, in direct or immediate
11 control of the chemical weapon stockpile demili-
12 tarization program established by 1412 of the De-
13 partment of Defense Authorization Act, 1986 (50
14 U.S.C. 1521) or the alternative disposal process pro-
15 gram carried out under sections 174 and 175 of the
16 National Defense Authorization Act for Fiscal Year
17 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

18 (3) The executive agent may—

19 (A) carry out the pilot program directly;

20 (B) enter into a contract with a private entity
21 to carry out the pilot program; or

22 (C) transfer funds to another department or
23 agency of the Federal Government in order to pro-
24 vide for such department or agency to carry out the
25 pilot program.

1 (4) A department or agency that carries out the pilot
2 program under paragraph (3)(C) may not, for purposes
3 of the pilot program, contract with or competitively select
4 the organization within the Army that exercises direct or
5 immediate management control over either program re-
6 ferred to in paragraph (2)(C).

7 (5) The pilot program shall terminate not later than
8 September 30, 2000.

9 (c) ANNUAL REPORT.—Not later than December 15
10 of each year in which the Secretary carries out the pilot
11 program, the Secretary shall submit to Congress a report
12 on the activities under the pilot program during the pre-
13 ceding fiscal year.

14 (d) EVALUATION AND REPORT.—Not later than De-
15 cember 31, 2000, the Secretary of Defense shall—

16 (1) evaluate each demilitarization alternative
17 identified and demonstrated under the pilot program
18 to determine whether that alternative—

19 (A) is as safe and cost efficient as inciner-
20 ation for disposing of assembled chemical muni-
21 tions; and

22 (B) meets the requirements of section
23 1412 of the Department of Defense Authoriza-
24 tion Act, 1986; and

1 (2) submit to Congress a report containing the
2 evaluation.

3 (e) LIMITATION ON LONG LEAD CONTRACTING.—(1)
4 Notwithstanding any other provision of law and except as
5 provided in paragraph (2), the Secretary may not enter
6 into any contract for the purchase of long lead materials
7 considered to be baseline incineration specific materials for
8 the construction of an incinerator at any site in Kentucky
9 or Colorado, within one year of the date of enactment of
10 this Act or, thereafter until the executive agent designated
11 for the pilot program submits an application for such per-
12 mits as are necessary under the law of the State of Ken-
13 tucky or the law of the State of Colorado, as the case may
14 be, for the construction at that site of a plant for demili-
15 tarization of assembled chemical munitions by means of
16 an alternative to incineration.

17 (2) *Provided, however,* That the Secretary may enter
18 into a contract described in paragraph (1) beginning 60
19 days after the date on which the Secretary submits to Con-
20 gress—

21 (A) the report required by subsection (d)(2);
22 and

23 (B) the certification of the executive agent that
24 there exists no alternative technology as safe and
25 cost efficient as incineration for demilitarizing chem-

1 ical munitions at non-bulk sites that can meet the
2 requirements of section 1412 of the Department of
3 Defense Authorization Act, 1986.

4 (f) ASSEMBLED CHEMICAL MUNITION DEFINED.—

5 For the purpose of this section, the term “assembled
6 chemical munition” means an entire chemical munition,
7 including component parts, chemical agent, propellant,
8 and explosive.

9 (g) FUNDING.—(1) Of the amount authorized to be
10 appropriated under section 107, \$60,000,000 shall be
11 available for the pilot program under this section. Such
12 funds may not be derived from funds to be made available
13 under the chemical demilitarization program for the alter-
14 native technologies research and development program at
15 bulk sites.

16 (2) Funds made available for the pilot program pur-
17 suant to paragraph (1) shall be made available to the exec-
18 utive agent for use for the pilot program.

19 **Subtitle C—Navy Programs**

20 **SEC. 121. EA-6B AIRCRAFT REACTIVE JAMMER PROGRAM.**

21 (a) LIMITATION.—None of the funds appropriated
22 pursuant to section 102(a)(1) for modifications or up-
23 grades of EA-6B aircraft may be obligated, other than
24 for a reactive jammer program for such aircraft, until 30
25 days after the date on which the Secretary of the Navy

1 submits to the congressional defense committees in writ-
2 ing—

3 (1) a certification that some or all of such
4 funds have been obligated for a reactive jammer pro-
5 gram for EA-6B aircraft; and

6 (2) a report that sets forth a detailed, well-de-
7 fined program for—

8 (A) developing a reactive jamming capabil-
9 ity for EA-6B aircraft; and

10 (B) upgrading the EA-6B aircraft of the
11 Navy to incorporate the reactive jamming capa-
12 bility.

13 (b) CONTINGENT TRANSFER OF FUNDS TO AIR
14 FORCE.—(1) If the Secretary of the Navy has not submit-
15 ted the certification and report described in subsection (a)
16 to the congressional defense committees before June 1,
17 1997, then, on that date, the Secretary of Defense shall
18 transfer to Air Force, out of appropriations available to
19 the Navy for fiscal year 1997 for procurement of aircraft,
20 the amount equal to the amount appropriated to the Navy
21 for fiscal year 1997 for modifications and upgrades of
22 EA-6B aircraft.

23 (2) Funds transferred to the Air Force pursuant to
24 paragraph (1) shall be available for maintaining and up-
25 grading the jamming capability of EF-111 aircraft.

1 **SEC. 122. PENGUIN MISSILE PROGRAM.**

2 (a) **MULTIYEAR PROCUREMENT AUTHORITY.**—The
3 Secretary of the Navy may, in accordance with section
4 2306b of title 10, United States Code, enter into multiyear
5 procurement contracts for the procurement of not more
6 than 106 Penguin missile systems.

7 (b) **LIMITATION ON TOTAL COST.**—The total amount
8 obligated or expended for procurement of Penguin missile
9 systems under contracts under subsection (a) may not ex-
10 ceed \$84,800,000.

11 **SEC. 123. NUCLEAR ATTACK SUBMARINE PROGRAMS.**

12 (a) **AMOUNTS AUTHORIZED.**—(1) Of the amount au-
13 thorized to be appropriated by section 102(a)(3)—

14 (A) \$804,100,000 shall be available for con-
15 struction of the third vessel (designated SSN-23) in
16 the Seawolf attack submarine class;

17 (B) \$296,200,000 shall be available for long-
18 lead and advance construction and procurement of
19 components for construction of a submarine (pre-
20 viously designated by the Navy as the New Attack
21 Submarine) beginning in fiscal year 1998 to be built
22 by Electric Boat Division; and

23 (C) \$701,000,000 shall be available for long-
24 lead and advance construction and procurement of
25 components for construction of a second submarine
26 (previously designated by the Navy as the New At-

1 tack Submarine) beginning in fiscal year 1999 to be
2 built by Newport News Shipbuilding.

3 (2) In addition to the purposes for which the amount
4 authorized to be appropriated by section 102(a)(3) is
5 available under subparagraphs (B) and (C) of paragraph
6 (1), the amounts available under such subparagraphs are
7 also available for contracts with Electric Boat Division
8 and Newport News Shipbuilding to carry out the provi-
9 sions of the “Memorandum of Agreement Among the De-
10 partment of the Navy, Electric Boat Corporation (EB)
11 and Newport News Shipbuilding and Drydock Company
12 (NNS) Concerning the New Attack Submarine”, dated
13 April 5, 1996, relating to design data transfer, design im-
14 provements, integrated process teams, and updated design
15 base.

16 (b) CONTRACTS AUTHORIZED.—(1) The Secretary of
17 the Navy is authorized, using funds available pursuant to
18 subparagraphs (B) and (C) of subsection (a)(1), to enter
19 into contracts with Electric Boat Division and Newport
20 News Shipbuilding, and suppliers of components, during
21 fiscal year 1997 for—

22 (A) the procurement of long-lead components
23 for the submarines referred to in such subpara-
24 graphs; and

1 (B) advance construction of such components
2 and other components for such submarines.

3 (2) The Secretary of the Navy may enter into a con-
4 tract or contracts under this section with the shipbuilder
5 of the submarine referred to in subsection (a)(1)(B) only
6 if the Secretary enters into a contract or contracts under
7 this section with the shipbuilder of the submarine referred
8 to in subsection (a)(1)(C).

9 (c) COMPETITION AND LIMITATIONS ON OBLIGA-
10 TIONS.—(1)(A) Of the amounts made available pursuant
11 to subsection (a)(1), not more than \$100,000,000 may be
12 obligated or expended until the Secretary of Defense cer-
13 tifies in writing to the Committee on Armed Services of
14 the Senate and the Committee on National Security of the
15 House of Representatives that procurement of nuclear at-
16 tack submarines described in subparagraph (B) will be
17 provided for under one or more contracts that are entered
18 into after a competition between Electric Boat Division
19 and Newport News Shipbuilding in which the Secretary
20 of the Navy solicits competitive proposals and awards the
21 contract or contracts on the basis of price.

22 (B) The submarines referred to in subparagraph (A)
23 are nuclear attack submarines that are to be constructed
24 beginning—

25 (i) after fiscal year 1999; or

1 (ii) if four submarines are to be procured as
2 provided for in the plan required under section
3 131(c) of the National Defense Authorization Act
4 for Fiscal Year 1996 (Public Law 104–106; 110
5 Stat. 209), after fiscal year 2001.

6 (2) Of the amounts made available pursuant to sub-
7 section (a)(1), not more than \$100,000,000 may be obli-
8 gated or expended until the Under Secretary of Defense
9 for Acquisition and Technology submits to the committees
10 referred to in paragraph (1) a written report that de-
11 scribes in detail—

12 (A) the oversight activities undertaken by the
13 Under Secretary up to the date of the report pursu-
14 ant to section 131(b)(2)(C) of the National Defense
15 Authorization Act for Fiscal Year 1996 (Public Law
16 104–106; 110 Stat. 207), and the plans for the fu-
17 ture development and improvement of the nuclear
18 attack submarine program of the Navy;

19 (B) the implementation of, and activities con-
20 ducted under, the program required to be estab-
21 lished by the Director of the Defense Advanced Re-
22 search Projects Agency by section 131(i) of such Act
23 (110 Stat. 210) for the development and demonstra-
24 tion of advanced submarine technologies and a rapid
25 prototype acquisition strategy for both land-based

1 and at-sea subsystem and system demonstrations of
2 such technologies; and

3 (C) all research, development, test, and evalua-
4 tion programs, projects, or activities within the De-
5 partment of Defense which, in the opinion of the
6 Under Secretary, are designed to contribute to the
7 development and demonstration of advanced sub-
8 marine technologies leading to a more capable, more
9 affordable nuclear attack submarine, together with a
10 specific identification of ongoing involvement, and
11 plans for future involvement, in any such program,
12 project, or activity by Electric Boat Division, New-
13 port News Shipbuilding, or both.

14 (d) REFERENCES TO SHIPBUILDERS.—For purposes
15 of this section—

16 (1) the shipbuilder referred to as “Electric Boat
17 Division” is the Electric Boat Division of the Gen-
18 eral Dynamics Corporation; and

19 (2) the shipbuilder referred to as “Newport
20 News Shipbuilding” is the Newport News Shipbuild-
21 ing and Drydock Company.

22 (e) NEXT ATTACK SUBMARINE AFTER NEW ATTACK
23 SUBMARINE.—The Secretary of Defense shall modify the
24 plan (relating to development of a program leading to pro-
25 duction of a more capable and less expensive submarine

1 than the New Attack Submarine) that was submitted to
2 Congress pursuant to section 131(c) of Public Law 104–
3 106 (110 Stat. 208) in order to provide in such plan for
4 selection of a design for a next submarine for serial pro-
5 duction not earlier than fiscal year 2000 (rather than fis-
6 cal year 2003, as provided in paragraph (3)(B) of such
7 section 131(c)).

8 **SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

9 (a) FUNDING.—(1) Subject to paragraph (3), funds
10 authorized to be appropriated by section 102(a)(3) may
11 be made available for contracts entered into in fiscal year
12 1996 under subsection (b)(1) of section 135 of the Na-
13 tional Defense Authorization Act for Fiscal Year 1996
14 (Public Law 104–106; 110 Stat. 211) for construction for
15 the third of the three Arleigh Burke class destroyers cov-
16 ered by that subsection. Such funds are in addition to
17 amounts made available for such contracts by the second
18 sentence of subsection (a) of that section.

19 (2) Subject to paragraph (3), funds authorized to be
20 appropriated by section 102(a)(3) may be made available
21 for contracts entered into in fiscal year 1997 under sub-
22 section (b)(2) of such section 135 for construction (includ-
23 ing advance procurement) for the Arleigh Burke class de-
24 stroyers covered by such subsection (b)(2).

1 (3) The aggregate amount of funds available under
2 paragraphs (1) and (2) for contracts referred to in such
3 paragraphs may not exceed \$3,483,030,000.

4 (4) Within the amount authorized to be appropriated
5 by section 102(a)(3), \$750,000,000 is authorized to be ap-
6 propriated for advance procurement for construction for
7 the Arleigh Burke class destroyers authorized by sub-
8 section (b).

9 (b) **AUTHORITY FOR MULTIYEAR PROCUREMENT OF**
10 **TWELVE VESSELS.**—The Secretary of the Navy is author-
11 ized, pursuant to section 2306b of title 10, United States
12 Code, to enter into multiyear contracts for the procure-
13 ment of a total of 12 Arleigh Burke class destroyers at
14 a procurement rate of three ships in each of fiscal years,
15 1998, 1999, 2000, and 2001 in accordance with this sub-
16 section and subsections (a)(4) and (c), subject to the avail-
17 ability of appropriations for such destroyers. A contract
18 for construction of one or more vessels that is entered into
19 in accordance with this subsection shall include a clause
20 that limits the liability of the Government to the contrac-
21 tor for any termination of the contract.

22 **SEC. 125. MARITIME PREPOSITIONING SHIP PROGRAM EN-**
23 **HANCEMENT.**

24 Section 2218(f) of title 10, United States Code, shall
25 not apply in the case of the purchase of three ships for

1 the purpose of enhancing Marine Corps prepositioning
2 ship squadrons.

3 **SEC. 126. ADDITIONAL EXCEPTION FROM COST LIMITATION**
4 **FOR SEAWOLF SUBMARINE PROGRAM.**

5 Section 133 of the National Defense Authorization
6 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
7 211) is amended—

8 (1) in subsection (a), by striking out “sub-
9 section (b)” and inserting in lieu thereof “sub-
10 sections (b) and (c)”; and

11 (2) by striking out subsection (c) and inserting
12 in lieu thereof the following:

13 “(c) COSTS NOT INCLUDED.—The previous obliga-
14 tions of \$745,700,000 for the SSN–23, SSN–24, and
15 SSN–25 submarines, out of funds appropriated for fiscal
16 years 1990, 1991, and 1992, that were subsequently can-
17 celed (as a result of a cancellation of such submarines)
18 shall not be taken into account in the application of the
19 limitation in subsection (a).”.

20 **SEC. 127. RADAR MODERNIZATION.**

21 Funds appropriated for the Navy for fiscal years be-
22 fore fiscal year 1997 may not be used for development
23 and procurement of the Pulse Doppler Upgrade modifica-
24 tion to the AN/SPS–48E radar system.

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. MULTIYEAR CONTRACTING AUTHORITY FOR THE**
3 **C-17 AIRCRAFT PROGRAM.**

4 (a) MULTIYEAR CONTRACTS AUTHORIZED.—The
5 Secretary of the Air Force may, pursuant to section 2306b
6 of title 10, United States Code (except as provided in sub-
7 section (b)(1)), enter into one or more multiyear contracts
8 for the procurement of not more than a total of 80 C-
9 17 aircraft.

10 (b) CONTRACT PERIOD.—(1) Notwithstanding sec-
11 tion 2306b(k) of title 10, United States Code, the period
12 covered by a contract entered into on a multiyear basis
13 under the authority of subsection (a) may exceed five
14 years, but may not exceed seven years.

15 (2) Paragraph (1) shall not be construed as prohibit-
16 ing the Secretary of the Air Force from entering into a
17 multiyear contract for a period of less than seven years.
18 In determining to do so, the Secretary shall consider
19 whether—

20 (A) sufficient funding is provided for in the fu-
21 ture-years defense program for procurement, within
22 the shorter period, of the total number of aircraft to
23 be procured (within the number set forth in sub-
24 section (a)); and

1 (B) the contractor is capable of delivering that
2 total number of aircraft within the shorter period.

3 (c) OPTION TO CONVERT TO ONE-YEAR PROCURE-
4 MENTS.—Each multiyear contract for the procurement of
5 C-17 aircraft authorized by subsection (a) shall include
6 a clause that permits the Secretary of the Air Force—

7 (1) to terminate the contract as of September
8 30, 1998, without a modification in the price of each
9 aircraft and without incurring any obligation to pay
10 the contractor termination costs; and

11 (2) to then enter into follow-on one-year con-
12 tracts with the contractor for the procurement of C-
13 17 aircraft (within the total number of aircraft au-
14 thorized under subsection (a)) at a negotiated price
15 that is not to exceed the price that is negotiated be-
16 fore September 30, 1998, for the annual production
17 contract for the C-17 aircraft in lot VIII and subse-
18 quent lots.

19 **Subtitle E—Reserve Components**

20 **SEC. 141. ASSESSMENTS OF MODERNIZATION PRIORITIES** 21 **OF THE RESERVE COMPONENTS.**

22 (a) ASSESSMENTS REQUIRED.—Not later than De-
23 cember 1, 1996, each officer referred to in subsection (b)
24 shall submit to the congressional defense committees an
25 assessment of the modernization priorities established for

1 the reserve component or reserve components for which
 2 that officer is responsible.

3 (b) RESPONSIBLE OFFICERS.—The officers required
 4 to submit a report under subsection (a) are as follows:

5 (1) The Chief of the National Guard Bureau.

6 (2) The Chief of Army Reserve.

7 (3) The Chief of Air Force Reserve.

8 (4) The Director of Naval Reserve.

9 (5) The Commanding General, Marine Forces
 10 Reserve.

11 **TITLE II—RESEARCH, DEVELOP-**
 12 **MENT, TEST, AND EVALUA-**
 13 **TION**

14 **Subtitle A—Authorization of**
 15 **Appropriations**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for
 18 fiscal year 1997 for the use of the Department of Defense
 19 for research, development, test, and evaluation as follows:

20 (1) For the Army, \$4,958,140,000.

21 (2) For the Navy, \$9,041,534,000.

22 (3) For the Air Force, \$14,786,356,000.

23 (4) For Defense-wide activities,
 24 \$9,699,542,000, of which—

1 (A) \$252,038,000 is authorized for the ac-
2 tivities of the Director, Test and Evaluation;
3 and

4 (B) \$21,968,000 is authorized for the Di-
5 rector of Operational Test and Evaluation.

6 **SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLOR-**
7 **ATORY DEVELOPMENT.**

8 (a) FISCAL YEAR 1997.—Of the amounts authorized
9 to be appropriated by section 201, \$4,005,787,000 shall
10 be available for basic research and exploratory develop-
11 ment projects.

12 (b) BASIC RESEARCH AND EXPLORATORY DEVELOP-
13 MENT DEFINED.—For purposes of this section, the term
14 “basic research and exploratory development” means work
15 funded in program elements for defense research and de-
16 velopment under Department of Defense category 6.1 or
17 6.2.

18 **SEC. 203. DEFENSE NUCLEAR AGENCY.**

19 Of the amounts authorized to be appropriated for the
20 Department of Defense under section 201, \$221,330,000
21 shall be available for the Defense Nuclear Agency.

1 **SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST,**
2 **AND EVALUATION RELATING TO HUMANI-**
3 **TARIAN DEMINING TECHNOLOGIES.**

4 Of the amounts authorized to be appropriated by sec-
5 tion 201(4), \$18,000,000 shall be available for research,
6 development, test, and evaluation activities relating to hu-
7 manitarian demining technologies (PE0603120D), to be
8 administered by the Assistant Secretary of Defense for
9 Special Operations and Low Intensity Conflict.

10 **Subtitle B—Program Require-**
11 **ments, Restrictions, and Limita-**
12 **tions**

13 **SEC. 211. SPACE LAUNCH MODERNIZATION.**

14 (a) FUNDING.—Funds appropriated pursuant to the
15 authorization of appropriations in section 201(3) are au-
16 thorized to be made available for space launch moderniza-
17 tion for purposes and in amounts as follows:

18 (1) For the Evolved Expendable Launch Vehi-
19 cle program, \$44,457,000.

20 (2) For a competitive reusable launch vehicle
21 technology program, \$25,000,000.

22 (b) LIMITATIONS.—(1) Of the funds made available
23 for the reusable launch vehicle technology program pursu-
24 ant to subsection (a)(2), the total amount obligated for
25 such purpose may not exceed the total amount allocated
26 in the fiscal year 1997 current operating plan of the Na-

1 tional Aeronautics and Space Administration for the Reus-
2 able Space Launch program of the National Aeronautics
3 and Space Administration.

4 (2) None of the funds made available for the Evolved
5 Expendable Launch Vehicle program pursuant to sub-
6 section (a)(1) may be obligated until the Secretary of De-
7 fense certifies to Congress that the Secretary has made
8 available for obligation the funds, if any, that are made
9 available for the reusable launch vehicle technology pro-
10 gram pursuant to subsection (a)(2).

11 **SEC. 212. DEPARTMENT OF DEFENSE SPACE ARCHITECT.**

12 (a) **REQUIRED PROGRAM ELEMENT.**—The Secretary
13 of Defense shall include the kinetic energy tactical anti-
14 satellite program of the Department of Defense as an ele-
15 ment of the space control architecture being developed by
16 the Department of Defense Space Architect.

17 (b) **LIMITATION ON USE OF FUNDS.**—None of the
18 funds authorized to be appropriated pursuant to this Act,
19 or otherwise made available to the Department of Defense
20 for fiscal year 1997, may be obligated or expended for the
21 Department of Defense Space Architect until the Sec-
22 retary of Defense certifies to Congress that—

23 (1) the Secretary is complying with the require-
24 ment in subsection (a);

1 (2) funds appropriated for the kinetic energy
2 tactical anti-satellite program for fiscal year 1996
3 have been obligated in accordance with section 218
4 of Public Law 104–106 and the Joint Explanatory
5 Statement of the Committee of Conference accom-
6 panying S. 1124 (House Report 104–450 (104th
7 Congress, second session)); and

8 (3) the Secretary has made available for obliga-
9 tion the funds appropriated for the kinetic energy
10 tactical anti-satellite program for fiscal year 1997 in
11 accordance with this Act.

12 **SEC. 213. SPACE-BASED INFRARED SYSTEM PROGRAM.**

13 (a) FUNDING.—Funds appropriated pursuant to the
14 authorization of appropriations in section 201(3) are au-
15 thorized to be made available for the Space-Based Infra-
16 red System program for purposes and in amounts as fol-
17 lows:

18 (1) For Space Segment High, \$192,390,000.

19 (2) For Space Segment Low (the Space and
20 Missile Tracking System), \$247,221,000.

21 (3) For Cobra Brass, \$6,930,000.

22 (b) CONDITIONAL TRANSFER OF MANAGEMENT
23 OVERSIGHT.—Not later than 30 days after the date of the
24 enactment of this Act, the Secretary of Defense shall
25 transfer the management oversight responsibilities for the

1 Space and Missile Tracking System from the Secretary
2 of the Air Force to the Director of the Ballistic Missile
3 Defense Organization.

4 (c) CERTIFICATION.—If, within the 30-day period de-
5 scribed in subsection (b), the Secretary of Defense submits
6 to Congress a certification that the Secretary has estab-
7 lished a program baseline for the Space-Based Infrared
8 System that satisfies the requirements of section 216(a)
9 of Public Law 104–106 (110 Stat. 220), then subsection
10 (b) of this section shall cease to be effective on the date
11 on which the Secretary submits the certification.

12 **SEC. 214. RESEARCH FOR ADVANCED SUBMARINE TECH-**
13 **NOLOGY.**

14 Section 132 of the National Defense Authorization
15 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
16 210) is repealed.

17 **SEC. 215. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT**
18 **PROGRAM.**

19 (a) AMOUNT FOR PROGRAM.—Of the amount author-
20 ized to be appropriated under section 201(3), \$50,000,000
21 shall be available for the Clementine 2 micro-satellite
22 near-Earth asteroid interception mission.

23 (b) LIMITATION.—None of the funds authorized to
24 be appropriated pursuant to this Act for the global posi-
25 tioning system (GPS) Block II F Satellite system may be

1 obligated until the Secretary of Defense certifies to Con-
2 gress that—

3 (1) funds appropriated for fiscal year 1996 for
4 the Clementine 2 Micro-Satellite development pro-
5 gram have been obligated in accordance with Public
6 Law 104–106 and the Joint Explanatory Statement
7 of the Committee of Conference accompanying S.
8 1124 (House Report 104–450 (104th Congress, sec-
9 ond session)); and

10 (2) the Secretary has made available for obliga-
11 tion the funds appropriated for fiscal year 1997 for
12 the Clementine 2 micro-satellite development pro-
13 gram in accordance with this section.

14 **SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.**

15 No official of the Department of Defense may enter
16 into a contract for the procurement of (including advance
17 procurement for) a higher number of Dark Star (tier III)
18 low observable, high altitude endurance unmanned aerial
19 vehicles than is necessary to complete procurement of a
20 total of three such vehicles until flight testing has been
21 completed.

22 **SEC. 217. DEFENSE AIRBORNE RECONNAISSANCE PRO-**
23 **GRAM.**

24 (a) REPORT REQUIRED.—The Secretary of Defense
25 shall submit to Congress a report comparing the Predator

1 unmanned aerial vehicle program with the Dark Star (tier
2 III) low observable, high altitude endurance unmanned
3 aerial vehicle program. The report shall contain the follow-
4 ing:

5 (1) A comparison of the capabilities of the
6 Predator unmanned aerial vehicle with the capabili-
7 ties of the Dark Star unmanned aerial vehicle.

8 (2) A comparison of the costs of the Predator
9 program with the costs of the Dark Star program.

10 (3) A recommendation on which program
11 should be funded in the event that funds are author-
12 ized to be appropriated, and are appropriated, for
13 only one of the two programs in the future.

14 (b) LIMITATION ON USE OF FUNDS PENDING SUB-
15 MISSION OF REPORT.—Funds appropriated pursuant to
16 section 104 may not be obligated for any contract to be
17 entered into after the date of the enactment of this Act
18 for the procurement of Predator unmanned aerial vehicles
19 until the date that is 60 days after the date on which the
20 Secretary of Defense submits the report required by sub-
21 section (a).

22 **SEC. 218. COST ANALYSIS OF F-22 AIRCRAFT PROGRAM.**

23 (a) REVIEW OF PROGRAM.—The Secretary of De-
24 fense shall direct the Cost Analysis Improvement Group
25 in the Office of the Secretary of Defense to review the

1 F-22 aircraft program, analyze and estimate the produc-
2 tion costs of the program, and submit to the Secretary
3 a report on the results of the review. The report shall in-
4 clude—

5 (1) a comparison of—

6 (A) the results of the review, with

7 (B) the results of the last independent esti-
8 mate of production costs of the program that
9 was prepared by the Cost Analysis Improve-
10 ment Group in July 1991; and

11 (2) a description of any major changes in pro-
12 grammatic assumptions that have occurred since the
13 estimate referred to in paragraph (1)(B) was made,
14 including any major change in assumptions regard-
15 ing the program schedule, the quantity of aircraft to
16 be developed and acquired, and the annual rates of
17 production, together with an assessment of the ef-
18 fects of such changes on the program.

19 (b) REPORT.—Not later than March 30, 1997, the
20 Secretary shall transmit to the congressional defense com-
21 mittees the report prepared under paragraph (1), together
22 with the Secretary's views on the matters covered by the
23 report.

24 (c) LIMITATION ON USE OF FUNDS PENDING SUB-
25 MISSION OF REPORT.—Not more than 92 percent of the

1 funds appropriated for the F-22 aircraft program pursu-
2 ant to the authorization of appropriations in section
3 103(1) may be expended until the Secretary of Defense
4 submits the report required by subsection (b).

5 **SEC. 219. F-22 AIRCRAFT PROGRAM REPORTS.**

6 (a) ANNUAL REPORT.—(1) At the same time as the
7 President submits the budget for a fiscal year to Congress
8 pursuant to section 1105(a) of title 31, United States
9 Code, the Secretary of Defense shall submit to Congress
10 a report on event-based decisionmaking for the F-22 air-
11 craft program for that fiscal year. The Secretary shall
12 submit the report for fiscal year 1997 not later than Octo-
13 ber 1, 1996.

14 (2) The report for a fiscal year shall include the fol-
15 lowing:

16 (A) A discussion of each decision (known as an
17 “event-based decision”) that is expected to be made
18 during that fiscal year regarding whether the F-22
19 program is to proceed into a new phase or into a
20 new administrative subdivision of a phase.

21 (B) The criteria (known as “exit criteria”) to
22 be applied, for purposes of making the event-based
23 decision, in determining whether the F-22 aircraft
24 program has demonstrated the specific progress nec-

1 essary for proceeding into the new phase or adminis-
2 trative subdivision of a phase.

3 (b) REPORT ON EVENT-BASED DECISIONS.—Not
4 later than 30 days after an event-based decision has been
5 made for the F-22 aircraft program, the Secretary of De-
6 fense shall submit to Congress a report on the decision.
7 The report shall include the following:

8 (1) A discussion of the commitments made, and
9 the commitments to be made, under the program as
10 a result of the decision.

11 (2) The exit criteria applied for purposes of the
12 decision.

13 (3) How, in terms of the exit criteria, the pro-
14 gram demonstrated the specific progress justifying
15 the decision.

16 **SEC. 220. NONLETHAL WEAPONS AND TECHNOLOGIES PRO-**
17 **GRAMS.**

18 (a) FUNDING.—Of the amount authorized to be ap-
19 propriated under section 201(2), \$15,000,000 shall be
20 available for joint service research, development, test, and
21 evaluation of nonlethal weapons and nonlethal tech-
22 nologies under the program element established pursuant
23 to subsection (b).

24 (b) NEW PROGRAM ELEMENT REQUIRED.—The Sec-
25 retary of Defense shall establish a new program element

1 for the funds authorized to be appropriated under sub-
2 section (a). The funds within that program element shall
3 be administered by the executive agent designated for joint
4 service research, development, test, and evaluation of non-
5 lethal weapons and nonlethal technologies.

6 (c) LIMITATION PENDING RELEASE OF FUNDS.—(1)
7 None of the funds authorized to be appropriated for the
8 Department of Defense for fiscal year 1997 for foreign
9 comparative testing (program element 605130D) may be
10 obligated until the funds authorized to be appropriated in
11 section 219(d) of the National Defense Authorization Act
12 for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
13 223) are released for obligation by the executive agent re-
14 ferred to in subsection (b).

15 (2) Not more than 50 percent of the funds authorized
16 to be appropriated for the Department of Defense for fis-
17 cal year 1997 for NATO research and development (pro-
18 gram element 603790D) may be obligated until the funds
19 authorized to be appropriated in subsection (a) are re-
20 leased for obligation by the executive agent referred to in
21 subsection (b).

22 **SEC. 221. COUNTERPROLIFERATION SUPPORT PROGRAM.**

23 (a) FUNDING.—Of the funds authorized to be appro-
24 priated to the Department of Defense under section
25 201(4), \$176,200,000 shall be available for the

1 Counterproliferation Support Program, of which
2 \$75,000,000 shall be available for a tactical antisatellite
3 technologies program.

4 (b) ADDITIONAL AUTHORITY TO TRANSFER AU-
5 THORIZATIONS.—(1) In addition to the transfer authority
6 provided in section 1001, upon determination by the Sec-
7 retary of Defense that such action is necessary in the na-
8 tional interest, the Secretary may transfer amounts of au-
9 thorizations made available to the Department of Defense
10 in this division for fiscal year 1997 to counterproliferation
11 programs, projects, and activities identified as areas for
12 progress by the Counterproliferation Program Review
13 Committee established by section 1605 of the National
14 Defense Authorization Act for Fiscal Year 1994 (22
15 U.S.C. 2751 note). Amounts of authorizations so trans-
16 ferred shall be merged with and be available for the same
17 purposes as the authorization to which transferred.

18 (2) The total amount of authorizations transferred
19 under the authority of this subsection may not exceed
20 \$50,000,000.

21 (3) The authority provided by this subsection to
22 transfer authorizations—

23 (A) may only be used to provide authority for
24 items that have a higher priority than the items
25 from which authority is transferred; and

1 (B) may not be used to provide authority for an
2 item that has been denied authorization by Con-
3 gress.

4 (4) A transfer made from one account to another
5 under the authority of this subsection shall be deemed to
6 increase the amount authorized for the account to which
7 the amount is transferred by an amount equal to the
8 amount transferred.

9 (5) The Secretary of Defense shall promptly notify
10 Congress of transfers made under the authority of this
11 subsection.

12 (c) LIMITATION ON USE OF FUNDS FOR TECHNICAL
13 STUDIES AND ANALYSES PENDING RELEASE OF
14 FUNDS.—(1) None of the funds authorized to be appro-
15 priated to the Department of Defense for fiscal year 1997
16 for program element 605104D, relating to technical stud-
17 ies and analyses, may be obligated or expended until the
18 funds referred to in paragraph (2) have been released to
19 the program manager of the tactical anti-satellite tech-
20 nology program for implementation of that program.

21 (2) The funds for release referred to in paragraph
22 (1) are as follows:

23 (A) Funds authorized to be appropriated by
24 section 218(a) of the National Defense Authoriza-
25 tion Act for Fiscal Year 1996 (Public Law 104–106;

1 110 Stat. 222) that are available for the program
2 referred to in paragraph (1).

3 (B) Funds authorized to be appropriated to the
4 Department for fiscal year 1997 by this Act for the
5 Counterproliferation Support Program that are to be
6 made available for that program.

7 **SEC. 222. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
8 **MENT CENTERS AND UNIVERSITY-AFFILI-**
9 **ATED RESEARCH CENTERS.**

10 (a) CENTERS COVERED.—Funds authorized to be ap-
11 propriated for the Department of Defense for fiscal year
12 1997 under section 201 may be obligated to procure work
13 from a federally funded research and development center
14 (in this section referred to as an “FFRDC”) or a univer-
15 sity-affiliated research center (in this section referred to
16 as a “UARC”) only in the case of a center named in the
17 report required by subsection (b) and, in the case of such
18 a center, only in an amount not in excess of the amount
19 of the proposed funding level set forth for that center in
20 such report.

21 (b) REPORT ON ALLOCATIONS FOR CENTERS.—(1)
22 Not later than 30 days after the date of the enactment
23 of this Act, the Secretary of Defense shall submit to the
24 Committee on Armed Services of the Senate and the Com-

1 mittee on National Security of the House of Representa-
2 tives a report containing—

3 (A) the name of each FFRDC and UARC from
4 which work is proposed to be procured for the De-
5 partment of Defense for fiscal year 1997; and

6 (B) for each such center, the proposed funding
7 level and the estimated personnel level for fiscal year
8 1997.

9 (2) The total of the proposed funding levels set forth
10 in the report for all FFRDCs and UARCs may not exceed
11 the amount set forth in subsection (d).

12 (c) LIMITATION PENDING SUBMISSION OF RE-
13 PORT.—Not more than 15 percent of the funds authorized
14 to be appropriated for the Department of Defense for fis-
15 cal year 1997 for FFRDCs and UARCs under section 201
16 may be obligated to procure work from an FFRDC or
17 UARC until the Secretary of Defense submits the report
18 required by subsection (b).

19 (d) FUNDING.—Of the amounts authorized to be ap-
20 propriated by section 201, not more than a total of
21 \$1,668,850,000 may be obligated to procure services from
22 the FFRDCs and UARCs named in the report required
23 by subsection (b).

24 (e) AUTHORITY TO WAIVE FUNDING LIMITATION.—
25 The Secretary of Defense may waive the limitation regard-

1 ing the maximum funding amount that applies under sub-
2 section (a) to an FFRDC or UARC. Whenever the Sec-
3 retary proposes to make such a waiver, the Secretary shall
4 submit to the Committee on Armed Services of the Senate
5 and the Committee on National Security of the House of
6 Representatives notice of the proposed waiver and the rea-
7 sons for the waiver. The waiver may then be made only
8 after the end of the 60-day period that begins on the date
9 on which the notice is submitted to those committees, un-
10 less the Secretary determines that it is essential to the
11 national security that funds be obligated for work at that
12 center in excess of that limitation before the end of such
13 period and notifies those committees of that determination
14 and the reasons for the determination.

15 **SEC. 223. ADVANCED SUBMARINE TECHNOLOGIES.**

16 (a) AMOUNTS AUTHORIZED FROM NAVY RDT&E AC-
17 COUNT.—Of the amount authorized to be appropriated by
18 section 201(2)—

19 (1) \$489,443,000 is available for the design of
20 the submarine previously designated by the Navy as
21 the New Attack Submarine; and

22 (2) \$100,000,000 is available to address the in-
23 clusion on future nuclear attack submarines of core
24 advanced technologies, category I advanced tech-
25 nologies, and category II advanced technologies, as

1 such advanced technologies are identified by the Sec-
2 retary of Defense in Appendix C of the report of the
3 Secretary entitled “Report on Nuclear Attack Sub-
4 marine Procurement and Submarine Technology”,
5 submitted to Congress on March 26, 1996.

6 (b) CERTAIN TECHNOLOGIES TO BE EMPHASIZED.—
7 In using funds made available in accordance with sub-
8 section (a)(2), the Secretary of the Navy shall emphasize
9 research, development, test, and evaluation of the tech-
10 nologies identified by the Submarine Technology Assess-
11 ment Panel (in the final report of the panel to the Assist-
12 ant Secretary of the Navy for Research, Development, and
13 Acquisition, dated March 15, 1996) as having the highest
14 priority for initial investment.

15 (c) SHIPYARDS INVOLVED IN TECHNOLOGY DEVEL-
16 OPMENT.—To further implement the recommendations of
17 the Submarine Technology Assessment Panel, the Sec-
18 retary of the Navy shall ensure that the shipyards involved
19 in the construction of nuclear attack submarines are also
20 principal participants in the process of developing ad-
21 vanced submarine technologies and including the tech-
22 nologies in future submarine designs. The Secretary shall
23 ensure that those shipyards have access for such purpose
24 (under procedures prescribed by the Secretary) to the
25 Navy laboratories and the Office of Naval Intelligence and

1 (in accordance with arrangements to be made by the Sec-
2 retary) to the Defense Advanced Research Projects Agen-
3 cy.

4 (d) FUNDING FOR CONTRACTS UNDER 1996 AGREE-
5 MENT AMONG THE NAVY AND SHIPYARDS.—In addition
6 to the purposes of which the amount authorized to be ap-
7 propriated by section 201(2) are available under para-
8 graphs (1) and (2) of subsection (a), the amounts avail-
9 able under such paragraphs are also available for con-
10 tracts with Electric Boat Division and Newport News
11 Shipbuilding to carry out the provisions of the “Memoran-
12 dum of Agreement Among the Department of the Navy,
13 Electric Boat Corporation (EB), and Newport News Ship-
14 building and Drydock Company (NNS) Concerning the
15 New Attack Submarine”, dated April 5, 1996, for research
16 and development activities under that memorandum of
17 agreement.

18 **SEC. 224. FUNDING FOR BASIC RESEARCH IN NUCLEAR**
19 **SEISMIC MONITORING.**

20 Of the amount authorized to be appropriated by sec-
21 tion 201(3) and made available for arms control imple-
22 mentation for the Air Force (account PE0305145F),
23 \$6,500,000 shall be available for basic research in nuclear
24 seismic monitoring.

1 **SEC. 225. CYCLONE CLASS CRAFT SELF-DEFENSE.**

2 (a) STUDY REQUIRED.—Not later than March 31,
3 1997, the Secretary of Defense shall—

4 (1) carry out a study of vessel self-defense op-
5 tions for the Cyclone class patrol craft; and

6 (2) submit to the Committee on Armed Services
7 of the Senate and the Committee on National Secu-
8 rity of the House of Representatives a report on the
9 results of the study.

10 (b) SOCOM INVOLVEMENT.—The Secretary shall
11 carry out the study through the Commander of the Special
12 Operations Command.

13 (c) SPECIFIC SYSTEM TO BE EVALUATED.—The
14 study under subsection (a) shall include an evaluation of
15 the BARAK ship self-defense missile system.

16 **SEC. 226. COMPUTER-ASSISTED EDUCATION AND TRAIN-**
17 **ING.**

18 Of the amount authorized to be appropriated under
19 section 201(4), \$10,000,000 shall be available under pro-
20 gram element 0601103D for computer-assisted education
21 and training at the Defense Advanced Research Projects
22 Agency.

23 **SEC. 227. SEAMLESS HIGH OFF-CHIP CONNECTIVITY.**

24 Of the amount authorized to be appropriated by this
25 Act, \$7,000,000 shall be available for the Defense Ad-
26 vanced Research Projects Agency for research and devel-

1 opment on Seamless High Off-Chip Connectivity
2 (SHOCC) under the materials and electronic technology
3 program (PE 0602712E).

4 **SEC. 228. COST-BENEFIT ANALYSIS OF F/A-18E/F AIRCRAFT**
5 **PROGRAM.**

6 (a) REPORT ON PROGRAM.—Not later than March
7 30, 1997, the Secretary of Defense shall submit to the
8 congressional defense committees a report on the
9 F/A-18E/F aircraft program.

10 (b) CONTENT OF REPORT.—The report shall contain
11 the following:

12 (1) A review of the F/A-18E/F aircraft
13 program.

14 (2) An analysis and estimate of the production
15 costs of the program for the total number of aircraft
16 realistically expected to be procured at each of three
17 annual production rates as follows:

18 (A) 18 aircraft.

19 (B) 24 aircraft.

20 (C) 36 aircraft.

21 (3) A comparison of the costs and benefits of
22 the program with the costs and benefits of the
23 F/A-18C/D aircraft program taking into account the
24 operational combat effectiveness of the aircraft.

1 (c) LIMITATION ON USE OF FUNDS PENDING TRANS-
2 MITTAL OF REPORT.—No more than 90 percent of the
3 funds authorized to be appropriated by this Act may be
4 obligated or expended for the procurement of F/A–18E/
5 F aircraft before the date that is 30 days after the date
6 on which the congressional defense committees receive the
7 report required under subsection (a).

8 **SEC. 229. NATIONAL POLAR-ORBITING OPERATIONAL ENVI-**
9 **RONMENTAL SATELLITE SYSTEM.**

10 (a) FUNDS AVAILABLE FOR POLAR-ORBITING OPER-
11 ATIONAL ENVIRONMENTAL SATELLITE SYSTEM.—Of the
12 amount authorized to be appropriated under section
13 201(3), \$29,024,000 is available for the National Polar-
14 Orbiting Operational Environmental Satellite System
15 (Space) program (PE 0603434F).

16 (b) FUNDS AVAILABLE FOR INTERCONTINENTAL
17 BALLISTIC MISSILE.—Of the amount authorized to be ap-
18 propriated under section 201(3), \$212,895,000 is avail-
19 able for the Intercontinental Ballistic Missile—EMD pro-
20 gram (PE 0604851F).

21 **SEC. 230. SURGICAL STRIKE VEHICLE FOR USE AGAINST**
22 **HARDENED AND DEEPLY BURIED TARGETS.**

23 (a) AMOUNT AUTHORIZED.—Of the amount author-
24 ized to be appropriated by section 201(4) for
25 counterproliferation support program \$3,000,000 shall be

1 made available to the Air Combat Command for research
2 and development into the near-term development of a ca-
3 pability to defeat hardened and deeply buried targets, in-
4 cluding tunnels and deeply buried facilities for the produc-
5 tion and storage of chemical, biological, and nuclear weap-
6 ons and their delivery systems.

7 (b) REQUIREMENTS.—Nothing in this section shall
8 be construed as precluding the application of the require-
9 ments of the Competition in Contracting Act.

10 **Subtitle C—Ballistic Missile** 11 **Defense**

12 **SEC. 231. CONVERSION OF ABM TREATY TO MULTILATERAL** 13 **TREATY.**

14 (a) FISCAL YEAR 1997.—It is the sense of the Senate
15 that during fiscal year 1997, the United States shall not
16 be bound by any international agreement entered into by
17 the President that would substantively modify the ABM
18 Treaty, including any agreement that would add one or
19 more countries as signatories to the treaty or would other-
20 wise convert the treaty from a bilateral treaty to a multi-
21 lateral treaty, unless the agreement is entered pursuant
22 to the treaty making power of the President under the
23 Constitution.

24 (b) RELATIONSHIP TO OTHER LAW.—This section
25 shall not be construed as superseding section 232 of the

1 National Defense Authorization Act for Fiscal Year 1995
2 (Public Law 103–337; 108 Stat. 2701) for any fiscal year
3 other than fiscal year 1997, including any fiscal year after
4 fiscal year 1997.

5 **SEC. 232. FUNDING FOR UPPER TIER THEATER MISSILE DE-**
6 **FENSE SYSTEMS.**

7 (a) FUNDING.—Funds authorized to be appropriated
8 under section 201(4) shall be available for purposes and
9 in amounts as follows:

10 (1) For the Theater High Altitude Area De-
11 fense (THAAD) System, \$621,798,000.

12 (2) For the Navy Upper Tier (Theater Wide)
13 system, \$304,171,000.

14 (b) LIMITATION.—None of the funds appropriated or
15 otherwise made available for the Department of Defense
16 pursuant to this or any other Act may be obligated or ex-
17 pended by the Office of the Under Secretary of Defense
18 for Acquisition and Technology for official representation
19 activities, or related activities, until the Secretary of De-
20 fense certifies to Congress that—

21 (1) the Secretary has made available for obliga-
22 tion the funds provided under subsection (a) for the
23 purposes specified in that subsection and in the
24 amounts appropriated pursuant to that subsection;
25 and

1 (2) the Secretary has included the Navy Upper
2 Tier theater missile defense system in the theater
3 missile defense core program.

4 **SEC. 233. ELIMINATION OF REQUIREMENTS FOR CERTAIN**
5 **ITEMS TO BE INCLUDED IN THE ANNUAL RE-**
6 **PORT ON THE BALLISTIC MISSILE DEFENSE**
7 **PROGRAM.**

8 Section 224(b) of the National Defense Authorization
9 Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431
10 note), is amended—

11 (1) by striking out paragraphs (3), (4), (7), (9),
12 and (10); and

13 (2) by redesignating paragraphs (5), (6), and
14 (8), as paragraphs (3), (4), and (5), respectively.

15 **SEC. 234. ABM TREATY DEFINED.**

16 In this subtitle, the term “ABM Treaty” means the
17 Treaty Between the United States of America and the
18 Union of Soviet Socialist Republics on the Limitation of
19 Anti-Ballistic Missile Systems, signed in Moscow on May
20 26, 1972, with related protocol, signed in Moscow on July
21 3, 1974.

22 **SEC. 235. SCORPIUS SPACE LAUNCH TECHNOLOGY PRO-**
23 **GRAM.**

24 Of the amount authorized to be appropriated under
25 section 201(4) for the Ballistic Missile Defense Organiza-

1 tion for Support Technologies/Follow-On Technologies
2 (PE 63173C), up to \$7,500,000 is available for the
3 Scorpius space launch technology program.

4 **SEC. 236. CORPS SAM/MEADS PROGRAM.**

5 (a) FUNDING.—Of the amount authorized to be ap-
6 propriated under section 201(4)—

7 (1) \$56,200,000 is available for the Corps sur-
8 face-to-air missile (SAM)/Medium Extended Air De-
9 fense System (MEADS) program (PE63869C); and

10 (2) \$515,711,000 is available for Other Theater
11 Missile Defense programs, projects, and activities
12 (PE63872C).

13 (b) INTERNATIONAL COOPERATION.—The Secretary
14 of Defense may carry out the program referred to in sub-
15 section (a) in accordance with the memorandum of under-
16 standing entered into on May 25, 1996 by the govern-
17 ments of the United States, Germany, and Italy regarding
18 international cooperation on such program (including any
19 amendments to the memorandum of understanding).

20 (c) LIMITATIONS.—Not more than \$15,000,000 of
21 the amount available for the Corps SAM/MEADS pro-
22 gram under subsection (a) may be obligated until the Sec-
23 retary of Defense submits to the congressional defense
24 committees the following:

1 (1) An initial program estimate for the Corps
2 SAM/MEADS program, including a tentative sched-
3 ule of major milestones and an estimate of the total
4 program cost through initial operational capability.

5 (2) A report on the options associated with the
6 use of existing systems, technologies, and program
7 management mechanisms to satisfy the requirement
8 for the Corps surface-to-air missile, including an as-
9 sessment of cost and schedule implications in rela-
10 tion to the program estimate submitted under para-
11 graph (1).

12 (3) A certification that there will be no increase
13 in overall United States funding commitment to the
14 project definition and validation phase of the Corps
15 SAM/MEADS program as a result of the withdrawal
16 of France from participation in the program.

17 **SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BAL-**
18 **LISTIC MISSILES CARRYING NUCLEAR, CHEM-**
19 **ICAL, OR BIOLOGICAL WARHEADS.**

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

22 (1) The worldwide proliferation of ballistic mis-
23 siles is a potential threat to the United States na-
24 tional interests overseas and challenges United
25 States defense planning.

1 (2) In the absence of a national missile defense,
2 the United States remains vulnerable to long-range
3 missile threats.

4 (3) Russia has a ground-based missile defense
5 system deployed around Moscow.

6 (4) Several countries, including Iraq, Iran, and
7 North Korea may soon be technologically capable of
8 threatening the United States and Russia with bal-
9 listic missile attack.

10 (b) REPORT REQUIRED.—(1) Each year, the Presi-
11 dent shall submit to Congress a report on the threats to
12 the United States of attack by ballistic missiles carrying
13 nuclear, biological, or chemical warheads.

14 (2) The President shall submit the first report not
15 later than 180 days after the date of the enactment of
16 this Act.

17 (c) CONTENT OF REPORT.—The report shall contain
18 the following:

19 (1) A list of all countries thought to have nu-
20 clear, chemical, or biological weapons, the estimated
21 numbers of such weapons that each country has, and
22 the destructive potential of the weapons.

23 (2) A list of all countries thought to have ballis-
24 tic missiles, the estimated number of such missiles
25 that each country has, and an assessment of the

1 ability of those countries to integrate their ballistic
2 missile capabilities with their nuclear, chemical, or
3 biological weapons technologies.

4 (3) A comparison of the United States civil de-
5 fense capabilities with the civil defense capabilities of
6 each country that has nuclear, chemical, or biologi-
7 cal weapons and ballistic missiles capable of deliver-
8 ing such weapons.

9 (4) An estimate of the number of American fa-
10 talities and injuries that could result, and an esti-
11 mate of the value of property that could be lost,
12 from an attack on the United States by ballistic mis-
13 siles carrying nuclear, chemical, or biological weap-
14 ons if the United States were left undefended by a
15 national missile defense system covering all 50
16 States.

17 (5) Assuming the use of any existing theater
18 ballistic missile defense system for defense of the
19 United States, a list of the States that would be left
20 exposed to nuclear ballistic missile attacks and the
21 criteria used to determine which States would be left
22 exposed.

23 (6) The means by which the United States is
24 preparing to defend itself against the potential
25 threat of ballistic missile attacks by North Korea,

1 Iran, Iraq, and other countries obtaining ballistic
2 missiles capable of delivering nuclear, chemical, and
3 biological weapons in the near future.

4 (7) For each country that is capable of attack-
5 ing the United States with ballistic missiles carrying
6 a nuclear, biological, or chemical weapon, a compari-
7 son of—

8 (A) the vulnerability of the United States
9 to such an attack if theater missile defenses
10 were used to defend against the attack; and

11 (B) the vulnerability of the United States
12 to such an attack if a national missile defense
13 were in place to defend against the attack.

14 **SEC. 238. AIR FORCE NATIONAL MISSILE DEFENSE PLAN.**

15 (a) SENSE OF THE SENATE.—It is the sense of the
16 Senate that—

17 (1) the Air Force proposal for a Minuteman
18 based national missile defense system is an impor-
19 tant national missile defense option and is worthy of
20 serious consideration; and

21 (2) the Secretary of Defense should give the Air
22 Force National Missile Defense Proposal full consid-
23 eration.

24 (b) REPORT.—Not later than 120 days after the en-
25 actment of this Act, the Secretary of Defense shall provide

1 the congressional defense committees a report on the fol-
2 lowing matters in relation to the Air Force National Mis-
3 sile Defense Proposal:

4 (1) The cost and operational effectiveness of a
5 system that could be developed pursuant to the Air
6 Forces' plan.

7 (2) The Arms Control implications of such sys-
8 tem.

9 (3) Growth potential to meet future threats.

10 (4) The Secretary's recommendation for im-
11 provements to the Air Force's plan.

12 **SEC. 239. EXTENSION OF PROHIBITION ON USE OF FUNDS**
13 **TO IMPLEMENT AN INTERNATIONAL AGREE-**
14 **MENT CONCERNING THEATER MISSILE DE-**
15 **FENSE SYSTEMS.**

16 Section 235(c) of the National Defense Authorization
17 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
18 232) is amended in the matter preceding paragraph (1)
19 by inserting “or 1997” after “fiscal year 1996”.

20 **Subtitle D—Other Matters**

21 **SEC. 241. LIVE-FIRE SURVIVABILITY TESTING OF F-22 AIR-**
22 **CRAFT.**

23 (a) **AUTHORITY FOR RETROACTIVE WAIVER.**—The
24 Secretary of Defense may, in accordance with section
25 2366(c) of title 10, United States Code, waive for the F–

1 22 aircraft program the survivability tests required by
2 that section, notwithstanding that such program has en-
3 tered full-scale engineering development.

4 (b) REPORTING REQUIREMENT.—(1) If the Secretary
5 of Defense submits in accordance with section 2366(e)(1)
6 of title 10, United States Code, a certification that live-
7 fire testing of the F-22 aircraft would be unreasonably
8 expensive and impractical, the Secretary of Defense shall
9 require that F-22 aircraft components and subsystems be
10 made available for any alternative live-fire test program.

11 (2) The components and subsystem required by the
12 Secretary to be made available for such a program shall
13 be components that—

14 (A) could affect the survivability of the F-22
15 aircraft; and

16 (B) are sufficiently large and realistic that
17 meaningful conclusions about the survivability of F-
18 22 aircraft can be drawn from the test results.

19 (c) FUNDING.—Funds available for the F-22 aircraft
20 program may be used for carrying out any alternative live-
21 fire testing program for F-22 aircraft.

22 **SEC. 242. LIVE-FIRE SURVIVABILITY TESTING OF V-22 AIR-**
23 **CRAFT.**

24 (a) AUTHORITY FOR RETROACTIVE WAIVER.—The
25 Secretary of Defense may, in accordance with section

1 2366(c) of title 10, United States Code, waive for the V-
2 22 aircraft program the survivability tests required by
3 that section, notwithstanding that such program has en-
4 tered engineering and manufacturing development.

5 (b) ALTERNATIVE SURVIVABILITY TEST REQUIRE-
6 MENTS.—If the Secretary of Defense submits in accord-
7 ance with section 2366(c)(1) of title 10, United States
8 Code, a certification that live-fire testing of the V-22 air-
9 craft would be unreasonably expensive and impractical,
10 the Secretary of Defense shall require that a sufficient
11 number of components critical to the survivability of the
12 V-22 aircraft be tested in an alternative live-fire test pro-
13 gram involving realistic threat environments that mean-
14 ingful conclusions about the survivability of V-22 aircraft
15 can be drawn from the test results.

16 (c) FUNDING.—Funds available for the V-22 aircraft
17 program may be used for carrying out any alternative live-
18 fire testing program for V-22 aircraft.

19 **SEC. 243. AMENDMENT TO UNIVERSITY RESEARCH INITIA-**
20 **TIVE SUPPORT PROGRAM.**

21 Section 802(c) of the National Defense Authorization
22 Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat.
23 1701; 10 U.S.C. 2358 note) is amended by striking out
24 “fiscal years before the fiscal year in which the institution
25 submits a proposal” and inserting in lieu thereof “most

1 recent fiscal years for which complete statistics are avail-
2 able when proposals are requested”.

3 **SEC. 244. DESALTING TECHNOLOGIES.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) Access to scarce fresh water is likely to be
7 a cause of future military conflicts in the Middle
8 East and has a direct impact on stability and secu-
9 rity in the region.

10 (2) The Middle East is an area of vital and
11 strategic importance to the United States.

12 (3) The United States has played a military
13 role in the Middle East, most recently in the Persian
14 Gulf War, and may likely be called upon again to
15 deter aggression in the region.

16 (4) United States troops have used desalting
17 technologies to guarantee the availability of fresh
18 water in past deployments in the Middle East.

19 (5) Adequate, efficient, and cheap access to
20 high-quality fresh water will be vital to maintaining
21 the readiness and sustainability of United States
22 troops, and those of our allies.

23 (b) SENSE OF SENATE.—It is the sense of the Senate
24 that, as improved access to fresh water will be an impor-
25 tant factor in helping prevent future conflicts in the Mid-

1 dle East, the United States should, in cooperation with
 2 its allies, promote and invest in technologies to reduce the
 3 costs of converting saline water into fresh water.

4 (c) **FUNDING FOR RESEARCH AND DEVELOPMENT.**—
 5 Of the amounts authorized to be appropriated by this title,
 6 the Secretary shall place greater emphasis on making
 7 funds available for research and development into efficient
 8 and economical processes and methods for converting sa-
 9 line water into fresh water.

10 **Subtitle E—National**
 11 **Oceanographic Partnership**

12 **SEC. 251. SHORT TITLE.**

13 This subtitle may be cited as the “National Oceano-
 14 graphic Partnership Act”.

15 **SEC. 252. NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-**
 16 **GRAM.**

17 (a) **PROGRAM REQUIRED.**—(1) Subtitle C of title 10,
 18 United States Code, is amended by inserting after chapter
 19 663 the following new chapter:

20 **“CHAPTER 665—NATIONAL OCEANO-**
 21 **GRAPHIC PARTNERSHIP PROGRAM**

“Sec.

“7901. National Oceanographic Partnership Program.

“7902. National Ocean Research Leadership Council.

“7903. Partnership program projects.

1 **“§ 7901. National Oceanographic Partnership Pro-**
2 **gram**

3 “(a) ESTABLISHMENT.—The Secretary of the Navy
4 shall establish a program to be known as the ‘National
5 Oceanographic Partnership Program’.

6 “(b) PURPOSES.—The purposes of the program are
7 as follows:

8 “(1) To promote the national goals of assuring
9 national security, advancing economic development,
10 protecting quality of life, and strengthening science
11 education and communication through improved
12 knowledge of the ocean.

13 “(2) To coordinate and strengthen oceano-
14 graphic efforts in support of those goals by—

15 “(A) identifying and carrying out partner-
16 ships among Federal agencies, institutions of
17 higher education, industry, and other members
18 of the oceanographic scientific community in
19 the areas of data, resources, education, and
20 communication; and

21 “(B) reporting annually to Congress on the
22 program.

23 “(c) NATIONAL COASTAL DATA CENTER.—(1) The
24 Secretary of the Navy shall establish a National Coastal
25 Data Center at each of two educational institutions that
26 are either well-established oceanographic institutes or

1 graduate schools of oceanography. The Secretary shall se-
2 lect for the center one institution located at or near the
3 east coast of the continental United States and one insti-
4 tution located at or near the west coast of the continental
5 United States.

6 “(2) The purpose of the center is to collect, maintain,
7 and make available for research and educational purposes
8 information on coastal oceanographic phenomena.

9 “(3) The Secretary shall complete the establishment
10 of the National Coastal Data Center not later than one
11 year after the date of the enactment of the National De-
12 fense Authorization Act for Fiscal Year 1997.

13 **“§ 7902. National Ocean Research Leadership Council**

14 “(a) COUNCIL.—There is a National Ocean Research
15 Leadership Council (hereinafter in this chapter referred
16 to as the “Council”).

17 “(b) MEMBERSHIP.—The Council is composed of the
18 following members:

19 “(1) The Secretary of the Navy who shall be
20 the chairman of the Council.

21 “(2) The Administrator of the National Oceanic
22 and Atmospheric Administration, who shall be the
23 vice chairman of the Council.

24 “(3) The Director of the National Science
25 Foundation.

1 “(4) The Administrator of the National Aero-
2 nautics and Space Administration.

3 “(5) The Commandant of the Coast Guard.

4 “(6) With their consent, the President of the
5 National Academy of Sciences, the President of the
6 National Academy of Engineering, and the President
7 of the Institute of Medicine.

8 “(7) Up to five members appointed by the
9 Chairman from among individuals who will represent
10 the views of ocean industries, institutions of higher
11 education, and State governments.

12 “(c) TERM OF OFFICE.—The term of office of a
13 member of the Council appointed under paragraph (7) of
14 subsection (b) shall be two years, except that any person
15 appointed to fill a vacancy occurring before the expiration
16 of the term for which his predecessor was appointed shall
17 be appointed for the remainder of such term.

18 “(d) ANNUAL REPORT.—Not later than March 1 of
19 each year, the Council shall submit to Congress a report
20 on the National Oceanographic Partnership Program. The
21 report shall contain the following:

22 “(1) A description of activities of the program
23 carried out during the fiscal year before the fiscal
24 year in which the report is prepared. The description
25 also shall include a list of the members of the Ocean

1 Research Partnership Coordinating Group (estab-
2 lished pursuant to subsection (e)), the Ocean Re-
3 search Advisory Panel (established pursuant to sub-
4 section (f)), and any working groups in existence
5 during the fiscal year covered.

6 “(2) A general outline of the activities planned
7 for the program during the fiscal year in which the
8 report is prepared.

9 “(3) A summary of projects continued from the
10 fiscal year before the fiscal year in which the report
11 is prepared and projects expected to be started dur-
12 ing the fiscal year in which the report is prepared
13 and during the following fiscal year.

14 “(4) A description of the involvement of the
15 program with Federal interagency coordinating enti-
16 ties.

17 “(5) The amounts requested, in the budget sub-
18 mitted to Congress pursuant to section 1105(a) of
19 title 31 for the fiscal year following the fiscal year
20 in which the report is prepared, for the programs,
21 projects, and activities of the program and the esti-
22 mated expenditures under such programs, projects,
23 and activities during such following fiscal year.

24 “(e) OCEAN RESEARCH PARTNERSHIP COORDINAT-
25 ING GROUP.—(1) The Council shall establish an Ocean

1 Research Partnership Coordinating Group consisting of
2 not more than 10 members appointed by the Council from
3 among officers and employees of the Government, persons
4 employed in the maritime industry, educators at institu-
5 tions of higher education, and officers and employees of
6 State governments.

7 “(2) The Council shall designate a member of the Co-
8 ordinating Group to serve as Chairman of the group.

9 “(3) The Council shall assign to the Coordinating
10 Group responsibilities that the Council considers appro-
11 priate. The Coordinating Group shall be subject to the au-
12 thority, direction, and control of the Council in the per-
13 formance the assigned responsibilities.

14 “(f) OCEAN RESEARCH ADVISORY PANEL.—(1) The
15 Council shall establish an Ocean Research Advisory Panel
16 consisting of members appointed by the Council from
17 among persons eminent in the fields of oceanography,
18 ocean sciences, or marine policy (or related fields) who are
19 representative of the interests of governments, institutions
20 of higher education, and industry in the matters covered
21 by the purposes of the National Oceanographic Partner-
22 ship Program (as set forth in section 7901(b) of this title).

23 “(2) The Council shall assign to the Advisory Panel
24 responsibilities that the Council consider appropriate. The
25 Coordinating Group shall be subject the authority, direc-

1 tion, and control of the Council to in the performance of
2 the assigned responsibilities.

3 **“§ 7903. Partnership program projects**

4 “(a) SELECTION OF PARTNERSHIP PROJECTS.—The
5 National Ocean Research Leadership Council shall select
6 the partnership projects that are to be considered eligible
7 for support under the National Oceanographic Partner-
8 ship Program. A project partnership may be established
9 by any instrument that the Council considers appropriate,
10 including a memorandum of understanding, a cooperative
11 research and development agreement, and any similar in-
12 strument.

13 “(b) CONTRACT AND GRANT AUTHORITY.—(1) The
14 Council may authorize one or more of the departments
15 and agencies of the Federal Government represented on
16 the Council to enter into contracts or to make grants for
17 the support of partnership projects selected under sub-
18 section (a).

19 “(2) Funds appropriated or otherwise made available
20 for the National Oceanographic Partnership Program may
21 be used for contracts entered into or grants awarded
22 under authority provided pursuant to paragraph (1).”.

23 (2) The table of chapters at the beginning of subtitle
24 C of title 10, United States Code, and at the beginning

1 of part IV of such subtitle, are each amended by inserting
2 after the item relating to chapter 663 the following:

“665. National Oceanographic Partnership Program 7901”.

3 (b) INITIAL APPOINTMENTS OF COUNCIL MEM-
4 BERS.—The Chairman of the National Ocean Research
5 Leadership Council established under section 7902 of title
6 10, United States Code, as added by subsection (a)(1),
7 shall make the appointments required by subsection (b)(7)
8 of such section not later than December 1, 1996.

9 (c) FIRST ANNUAL REPORT OF NATIONAL OCEAN
10 RESEARCH LEADERSHIP COUNCIL.—The first annual re-
11 port required by section 7902(d) of title 10, United States
12 Code, as added by subsection (a)(1), shall be submitted
13 to Congress not later than March 1, 1997. The first report
14 shall include, in addition to the information required by
15 such section, information about the terms of office, proce-
16 dures, and responsibilities of the Ocean Research Advisory
17 Panel established by the Council.

18 (d) FUNDING.—Of the funds authorized to be appro-
19 priated by section 201(2), \$13,000,000 shall be available
20 for the National Oceanographic Partnership Program.

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

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

6 Funds are hereby authorized to be appropriated for
7 fiscal year 1997 for the use of the Armed Forces and other
8 activities and agencies of the Department of Defense for
9 expenses, not otherwise provided for, for operation and
10 maintenance, in amounts as follows:

11 (1) For the Army, \$18,147,623,000.

12 (2) For the Navy, \$20,298,339,000.

13 (3) For the Marine Corps, \$2,279,477,000.

14 (4) For the Air Force, \$17,949,339,000.

15 (5) For Defense-wide activities,
16 \$9,863,942,000.

17 (6) For the Army Reserve, \$1,094,436,000.

18 (7) For the Naval Reserve, \$851,027,000.

19 (8) For the Marine Corps Reserve,
20 \$110,367,000.

21 (9) For the Air Force Reserve, \$1,493,553,000.

22 (10) For the Army National Guard,
23 \$2,218,477,000.

24 (11) For the Air National Guard,
25 \$2,699,173,000.

1 (12) For the Defense Inspector General,
2 \$136,501,000.

3 (13) For the United States Court of Appeals
4 for the Armed Forces, \$6,797,000.

5 (14) For Environmental Restoration, Army,
6 \$356,916,000.

7 (15) For Environmental Restoration, Navy,
8 \$302,900,000.

9 (16) For Environmental Restoration, Air Force,
10 \$414,700,000.

11 (17) For Environmental Restoration, Defense-
12 wide, \$258,500,000.

13 (18) For Drug Interdiction and Counter-drug
14 Activities, Defense-wide, \$793,824,000.

15 (19) For Medical Programs, Defense,
16 \$9,375,988,000.

17 (20) For Cooperative Threat Reduction pro-
18 grams, \$327,900,000.

19 (21) For Overseas Humanitarian, Disaster, and
20 Civic Aid programs, \$49,000,000.

21 **SEC. 302. WORKING CAPITAL FUNDS.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 1997 for the use of the Armed Forces and other
24 activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds
2 in amounts as follows:

3 (1) For the Defense Business Operations Fund,
4 \$947,900,000.

5 (2) For the National Defense Sealift Fund,
6 \$1,268,002,000.

7 **SEC. 303. DEFENSE NUCLEAR AGENCY.**

8 Of the amounts authorized to be appropriated for the
9 Department of Defense under section 301(5),
10 \$88,083,000 shall be available for the Defense Nuclear
11 Agency.

12 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
13 **PILE TRANSACTION FUND.**

14 (a) **TRANSFER AUTHORITY.**—To the extent provided
15 in appropriations Acts, not more than \$150,000,000 is au-
16 thorized to be transferred from the National Defense
17 Stockpile Transaction Fund to operation and maintenance
18 accounts for fiscal year 1997 in amounts as follows:

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

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

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

22 (b) **TREATMENT OF TRANSFERS.**—Amounts trans-
23 ferred under this section—

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

4 (2) may not be expended for an item that has
5 been denied authorization of appropriations by Con-
6 gress.

7 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
8 ITY.—The transfer authority provided in this section is in
9 addition to the transfer authority provided in section
10 1001.

11 **SEC. 305. CIVIL AIR PATROL.**

12 (a) FUNDING.—Of the amounts authorized to be ap-
13 propriated pursuant to this Act, \$14,526,000 may be
14 made available to the Civil Air Patrol Corporation.

15 (b) AMOUNT FOR SEARCH AND RESCUE OPER-
16 ATIONS.—Of the amount made available pursuant to sub-
17 section (a), not more than 75 percent of such amount may
18 be available for costs other than the costs of search and
19 rescue missions.

20 **SEC. 306. SR-71 CONTINGENCY RECONNAISSANCE FORCE.**

21 Of the funds authorized to be appropriated by section
22 301(4), \$30,000,000 is authorized to be made available
23 for the SR-71 contingency reconnaissance force.

1 **Subtitle B—Program Requirements, Restrictions, and Limitations**
2
3

4 **SEC. 311. FUNDING FOR SECOND AND THIRD MARITIME**
5 **PREPOSITIONING SHIPS OUT OF NATIONAL**
6 **DEFENSE SEALIFT FUND.**

7 (a) NATIONAL DEFENSE SEALIFT FUND.—To the
8 extent provided in appropriations Acts, funds in the Na-
9 tional Defense Sealift Fund may be obligated and ex-
10 pended for the purchase and conversion, or construction,
11 of a total of three ships for the purpose of enhancing Ma-
12 rine Corps prepositioning ship squadrons.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
14 amount authorized to be appropriated under section
15 302(2), \$240,000,000 is authorized to be appropriated for
16 the purpose stated in subsection (a).

17 **SEC. 312. NATIONAL DEFENSE SEALIFT FUND.**

18 Section 2218 of title 10, United States Code, is
19 amended—

20 (1) in subsection (c)(1)(E), by striking out “,
21 but only for vessels built in United States ship-
22 yards”;

23 (2) in subsection (f)—

24 (A) in paragraph (1)—

1 (i) by striking out “five” and insert-
2 ing in lieu thereof “ten”; and

3 (ii) by striking out “(c)(1)” and in-
4 serting in lieu thereof “(c)(1)(A)”; and

5 (B) in paragraph (2), by striking out
6 “(c)(1)” and inserting in lieu thereof
7 “(c)(1)(A)”; and

8 (3) in subsection (j), by striking out “(c)(1)
9 (A), (B), (C), and (D)” and inserting in lieu thereof
10 “(c)(1) (A), (B), (C), (D), and (E)”.

11 **SEC. 313. NONLETHAL WEAPONS CAPABILITIES.**

12 Of the amount authorized to be appropriated under
13 section 301, \$5,000,000 shall be available for the imme-
14 diate procurement of nonlethal weapons capabilities to
15 meet existing deficiencies in inventories of such capabili-
16 ties, of which—

17 (1) \$2,000,000 shall be available for the Army;

18 and

19 (2) \$3,000,000 shall be available for the Marine
20 Corps.

21 **SEC. 314. RESTRICTION ON COAST GUARD FUNDING.**

22 No funds are authorized by this Act to be appro-
23 priated to the Department of Defense for the Coast Guard
24 within budget subfunction 054.

1 **SEC. 315. OCEANOGRAPHIC SHIP OPERATIONS AND DATA**
2 **ANALYSIS.**

3 (a) FUNDS AUTHORIZED.—Of the funds provided by
4 section 301(2), an additional \$6,200,000 may be author-
5 ized for the reduction, storage, modeling and conversion
6 of oceanographic data for use by the Navy, consistent with
7 Navy’s requirements.

8 (b) PURPOSE.—Such funds identified in subsection
9 (a) shall be in addition to such amounts already provided
10 for this purpose in the budget request.

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

12 **SEC. 321. DEPARTMENT OF DEFENSE PERFORMANCE OF**
13 **CORE LOGISTICS FUNCTIONS.**

14 Section 2464(a) of title 10, United States Code is
15 amended by striking out paragraph (2) and inserting in
16 lieu thereof the following:

17 “(2) The Secretary of Defense shall maintain within
18 the Department of Defense those logistics activities and
19 capabilities that are necessary to provide the logistics ca-
20 pability described in paragraph (1). The logistics activities
21 and capabilities maintained under this paragraph shall in-
22 clude all personnel, equipment, and facilities that are nec-
23 essary to maintain and repair the weapon systems and
24 other military equipment identified under paragraph (3).

25 “(3) The Secretary of Defense, in consultation with
26 the Joint Chiefs of Staff, shall identify the weapon sys-

1 tems and other military equipment that it is necessary to
2 maintain and repair within the Department of Defense in
3 order to maintain within the department the capability de-
4 scribed in paragraph (1).

5 “(4) The Secretary shall require that the core logis-
6 tics functions identified pursuant to paragraph (3) be per-
7 formed in Government-owned, Government-operated facili-
8 ties of the Department of Defense by Department of De-
9 fense personnel using Department of Defense equip-
10 ment.”.

11 **SEC. 322. INCREASE IN PERCENTAGE LIMITATION ON CON-**
12 **TRACTOR PERFORMANCE OF DEPOT-LEVEL**
13 **MAINTENANCE AND REPAIR WORKLOADS.**

14 (a) FIFTY PERCENT LIMITATION.—Section 2466(a)
15 of title 10, United States Code, is amended by striking
16 out “40 percent” in the first sentence and inserting in
17 lieu thereof “50 percent”.

18 (b) INCREASE DELAYED PENDING RECEIPT OF
19 STRATEGIC PLAN FOR THE PERFORMANCE OF DEPOT-
20 LEVEL MAINTENANCE AND REPAIR.—(1) Notwithstand-
21 ing the first sentence of section 2466(a) of title 10, United
22 States Code (as amended by subsection (a)), until the
23 strategic plan for the performance of depot-level mainte-
24 nance and repair is submitted under section 325, not more
25 than 40 percent of the funds made available in a fiscal

1 year to a military department or a Defense Agency for
2 depot-level maintenance and repair workload may be used
3 to contract for the performance by non-Federal Govern-
4 ment personnel of such workload for the military depart-
5 ment or the Defense Agency.

6 (2) In paragraph (1), the term “depot-level mainte-
7 nance and repair workload” has the meaning given such
8 term in section 2466(f) of title 10, United States Code.

9 **SEC. 323. REPORT ON DEPOT-LEVEL MAINTENANCE AND**
10 **REPAIR.**

11 Subsection (e) of section 2466 of title 10, United
12 States Code, is amended to read as follows:

13 “(e) REPORT.—(1) Not later than February 1 of each
14 year, the Secretary of Defense shall submit to Congress
15 a report identifying, for each military department and De-
16 fense Agency—

17 “(A) the percentage of the funds referred to in
18 subsection (a) that were used during the preceding
19 fiscal year for performance of depot-level mainte-
20 nance and repair workloads by Federal Government
21 personnel; and

22 “(B) the percentage of the funds referred to in
23 subsection (a) that were used during the preceding
24 fiscal year to contract for the performance of depot-

1 level maintenance and repair workloads by non-Fed-
2 eral Government personnel.

3 “(2) Not later than 90 days after the date on which
4 the Secretary submits the annual report under paragraph
5 (1), the Comptroller General shall submit to the Commit-
6 tees on Armed Services and on Appropriations of the Sen-
7 ate and the Committees on National Security and on Ap-
8 propriations of the House of Representatives the Comp-
9 troller’s views on whether the Department of Defense has
10 complied with the requirements of subsection (a) for the
11 fiscal year covered by the report.”.

12 **SEC. 324. DEPOT-LEVEL MAINTENANCE AND REPAIR WORK-**
13 **LOAD DEFINED.**

14 Section 2466 of title 10, United States Code, is
15 amended by adding at the end the following:

16 “(f) DEPOT-LEVEL MAINTENANCE AND REPAIR
17 WORKLOAD DEFINED.—In this section, the term ‘depot-
18 level maintenance and repair workload’—

19 “(1) means material maintenance requiring
20 major overhaul or complete rebuilding of parts, as-
21 semblies, or subassemblies, and testing and reclama-
22 tion of equipment as necessary, including all aspects
23 of software maintenance;

24 “(2) includes those portions of interim contrac-
25 tor support, contractor logistics support, or any

1 similar contractor support for the performance of
2 services described in paragraph (1); and

3 “(3) does not include ship modernization and
4 other repair activities that—

5 “(A) are funded out of appropriations
6 available to the Department of Defense for pro-
7 curement; and

8 “(B) were not considered to be depot-level
9 maintenance and repair workload activities
10 under regulations of the Department of Defense
11 in effect on February 10, 1996.”.

12 **SEC. 325. STRATEGIC PLAN RELATING TO DEPOT-LEVEL**
13 **MAINTENANCE AND REPAIR.**

14 (a) STRATEGIC PLAN REQUIRED.—(1) As soon as
15 possible after the enactment of this Act, the Secretary of
16 Defense shall submit to the Committee on Armed Services
17 of the Senate and the Committee on National Security of
18 the House of Representatives a strategic plan for the per-
19 formance of depot-level maintenance and repair.

20 (2) The strategic plan shall cover the performance of
21 depot-level maintenance and repair for the Department of
22 Defense in fiscal years 1998 through 2007. The plan shall
23 provide for maintaining the capability described in section
24 2464 of title 10, United States Code.

1 (b) ADDITIONAL MATTERS COVERED.—The Sec-
2 retary of Defense shall include in the strategic plan sub-
3 mitted under subsection (a) a detailed discussion of the
4 following matters:

5 (1) For each military department, as deter-
6 mined after consultation with the Secretary of that
7 military department and the Chairman of the Joint
8 Chiefs of Staff, the depot-level maintenance and re-
9 pair activities and workloads that are necessary to
10 perform within the Department of Defense in order
11 to maintain the core logistics capability required by
12 section 2464 of title 10, United States Code.

13 (2) For each military department, as deter-
14 mined after consultation with the Secretary of that
15 military department and the Chairman of the Joint
16 Chiefs of Staff, the depot-level maintenance and re-
17 pair activities and workloads that the Secretary of
18 Defense plans to perform within the Department of
19 Defense in order to satisfy the requirements of sec-
20 tion 2466 of title 10, United States Code.

21 (3) For the activities identified pursuant to
22 paragraphs (1) and (2), a discussion of which spe-
23 cific existing weapon systems or other existing equip-
24 ment, and which specific planned weapon systems or
25 other planned equipment, are weapon systems or

1 equipment for which it is necessary to maintain a
2 core depot-level maintenance and repair capability
3 within the Department of Defense.

4 (4) The core capabilities, including sufficient
5 skilled personnel, equipment, and facilities, that—

6 (A) are of sufficient size—

7 (i) to ensure a ready and controlled
8 source of the technical competencies, and
9 the maintenance and repair capabilities,
10 that are necessary to meet the require-
11 ments of the national military strategy and
12 other requirements for responding to mobi-
13 lizations and military contingencies; and

14 (ii) to provide for rapid augmentation
15 in time of emergency; and

16 (B) are assigned a sufficient workload to
17 ensure cost efficiency and technical proficiency
18 in peacetime.

19 (5) The environmental liability issues associated
20 with any projected privatization of the performance
21 of depot-level maintenance and repair, together with
22 detailed projections of the cost to the United States
23 of satisfying environmental liabilities associated with
24 such privatized performance.

1 (6) Any significant issues and risks concerning
2 exchange of technical data on depot-level mainte-
3 nance and repair between the Federal Government
4 and the private sector.

5 (7) Any deficiencies in Department of Defense
6 financial systems that hinder effective evaluation of
7 competitions (whether among private-sector sources
8 or among depot-level activities owned and operated
9 by the Department of Defense and private-sector
10 sources), and merit-based selections (among depot-
11 level activities owned and operated by the Depart-
12 ment of Defense), for a depot-level maintenance and
13 repair workload, together with plans to correct such
14 deficiencies.

15 (9) The type of facility (whether a private sec-
16 tor facility or a Government owned and operated fa-
17 cility) in which depot-level maintenance and repair
18 of any new weapon systems that will reach full scale
19 development is to be performed.

20 (10) The workloads necessary to maintain Gov-
21 ernment owned and operated depots at 50 percent,
22 70 percent, and 85 percent of operating capacity.

23 (11) A plan for improving the productivity of
24 the Government owned and operated depot mainte-
25 nance and repair facilities, together with manage-

1 ment plans for changing administrative and missions
2 processes to achieve productivity gains, a discussion
3 of any barriers to achieving desired productivity
4 gains at the depots, and any necessary changes in ci-
5 vilian personnel policies that are necessary to im-
6 prove productivity.

7 (12) The criteria used to make decisions on
8 whether to convert to contractor performance of
9 depot-level maintenance and repair, the officials re-
10 sponsible for making the decision to convert, and
11 any depot-level maintenance and repair workloads
12 that are proposed to be converted to contractor per-
13 formance before the end of fiscal year 2001.

14 (13) A detailed analysis of savings proposed to
15 be achieved by contracting for the performance of
16 depot-level maintenance and repair workload by pri-
17 vate sector sources, together with the report on the
18 review of the analysis (and the assumptions underly-
19 ing the analysis) provided for under subsection (c).

20 (c) INDEPENDENT REVIEW OF SAVINGS ANALYSIS.—
21 The Secretary shall provide for a public accounting firm
22 (independent of Department of Defense influence) to re-
23 view the analysis referred to in subsection (b)(13) and the
24 assumptions underlying the analysis for submission to the

1 committees referred to in subsection (a) and to the Comp-
2 troller General.

3 (d) REVIEW BY COMPTROLLER GENERAL.—(1) At
4 the same time that the Secretary of Defense transmits the
5 strategic plan under subsection (a), the Secretary shall
6 transmit a copy of the plan (including the report of the
7 public accounting firm provided for under subsection (c))
8 to the Comptroller General of the United States and make
9 available to the Comptroller General all information used
10 by the Department of Defense in preparing the plan and
11 analysis.

12 (2) Not later than 60 days after the date on which
13 the Secretary submits the strategic plan required by sub-
14 section (a), the Comptroller General shall transmit to Con-
15 gress a report containing a detailed analysis of the strate-
16 gic plan.

17 (e) ADDITIONAL REPORTING REQUIREMENT FOR
18 COMPTROLLER GENERAL.—Not later than February 1,
19 1997, the Comptroller General shall submit to the commit-
20 tees referred to in subsection (a) a report on the effective-
21 ness of the oversight by the Department of Defense of the
22 management of existing contracts with private sector
23 sources of depot-level maintenance and repair of weapon
24 systems, the adequacy of Department of Defense financial
25 and information systems to support effective decisions to

1 contract for private sector performance of depot-level
2 maintenance and repair workloads that are being or have
3 been performed by Government personnel, the status of
4 reengineering efforts at depots owned and operated by the
5 United States, and any overall management weaknesses
6 within the Department of Defense that would hinder effec-
7 tive use of contracting for the performance of depot-level
8 maintenance and repair.

9 **SEC. 326. ANNUAL REPORT ON COMPETITIVE PROCE-**
10 **DURES.**

11 (a) ANNUAL REPORT.—Section 2469 of title 10,
12 United States Code, is amended by adding at the end the
13 following:

14 “(d) ANNUAL REPORT.—Not later than March 31 of
15 each year, the Secretary of Defense shall submit to the
16 Committee on Armed Services of the Senate and the Com-
17 mittee on National Security of the House of Representa-
18 tives a report describing the competitive procedures used
19 during the preceding fiscal year for competitions referred
20 to in subsection (a).”.

21 (b) FIRST REPORT.—The first report under sub-
22 section (d) of section 2469 of title 10, United States Code
23 (as added by subsection (a)), shall be submitted not later
24 than March 31, 1997.

1 **SEC. 327. ANNUAL RISK ASSESSMENTS REGARDING PRI-**
2 **VATE PERFORMANCE OF DEPOT-LEVEL MAIN-**
3 **TENANCE WORK.**

4 (a) REPORTS.—Chapter 146 of title 10, United
5 States Code, is amended by adding at the end the follow-
6 ing:

7 **“§ 2473. Reports on privatization of depot-level main-**
8 **tenance work**

9 “(a) ANNUAL RISK ASSESSMENTS.—(1) Not later
10 than January 1 of each year, the Joint Chiefs of Staff
11 shall submit to the Secretary of Defense a report on the
12 privatization of the performance of the various depot-level
13 maintenance workloads of the Department of Defense.

14 “(2) The report shall include with respect to each
15 depot-level maintenance workload the following:

16 “(A) An assessment of the risk to the readi-
17 ness, sustainability, and technology of the Armed
18 Forces in a full range of anticipated scenarios for
19 peacetime and for wartime of—

20 “(i) using public entities to perform the
21 workload;

22 “(ii) using private entities to perform the
23 workload; and

24 “(iii) using a combination of public entities
25 and private entities to perform the workload.

1 “(B) The recommendation of the Joint Chiefs
2 as to whether public entities, private entities, or a
3 combination of public entities and private entities
4 could perform the workload without jeopardizing
5 military readiness.

6 “(3) Not later than 30 days after receiving the report
7 under paragraph (2)(B), the Secretary shall transmit the
8 report to Congress. If the Secretary does not concur in
9 the recommendation made by the Joint Chiefs pursuant
10 to paragraph (2)(B), the Secretary shall include in the re-
11 port under this paragraph—

12 “(A) the recommendation of the Secretary; and

13 “(B) a justification for the differences between
14 the recommendation of the Joint Chiefs and the rec-
15 ommendation of the Secretary.

16 “(b) ANNUAL REPORT ON PROPOSED PRIVATIZA-
17 TION.—(1) Not later than February 28 of each year, the
18 Joint Chiefs of Staff shall submit to the Secretary of De-
19 fense a report on each depot-level maintenance workload
20 of the Department of Defense that the Joint Chiefs believe
21 could be converted to performance by private entities dur-
22 ing the next fiscal year without jeopardizing military read-
23 iness.

24 “(2) Not later than 30 days after receiving a report
25 under paragraph (1), the Secretary shall transmit the re-

1 port to Congress. If the Secretary does not concur in the
 2 proposal of the Joint Chiefs in the report, the Secretary
 3 shall include in the report under this paragraph—

4 “(A) each depot-level maintenance workload of
 5 the Department that the Secretary proposes to be
 6 performed by private entities during the fiscal year
 7 concerned; and

8 “(B) a justification for the differences between
 9 the proposal of the Joint Chiefs and the proposal of
 10 the Secretary.”.

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

“2473. Reports on privatization of depot-level maintenance work.”.

14 **SEC. 328. EXTENSION OF AUTHORITY FOR NAVAL SHIP-**
 15 **YARDS AND AVIATION DEPOTS TO ENGAGE IN**
 16 **DEFENSE-RELATED PRODUCTION AND SERV-**
 17 **ICES.**

18 (a) EXTENSION OF AUTHORITY.—Section 1425(e) of
 19 the National Defense Authorization Act for Fiscal Year
 20 1991 (Public Law 101–510) is amended by striking out
 21 “expires on September 30, 1995” and inserting in lieu
 22 thereof “may not be exercised after September 30, 1997”.

23 (b) REVIVAL OF EXPIRED AUTHORITY.—The author-
 24 ity provided in section 1425 of the National Defense Au-
 25 thorization Act for Fiscal Year 1991 may be exercised

1 after September 30, 1995, subject to the limitation in sub-
2 section (e) of such section as amended by subsection (a)
3 of this section.

4 **SEC. 329. LIMITATION ON USE OF FUNDS FOR F-18 AIR-**
5 **CRAFT DEPOT MAINTENANCE.**

6 Of the amounts authorized to be appropriated by sec-
7 tion 301(2), not more than \$5,000,000 may be used for
8 the performance of depot maintenance on F-18 aircraft
9 until 30 days after the date on which the Secretary of
10 Defense submits to the congressional defense committees
11 a report on aviation depot maintenance. The report shall
12 contain the following:

13 (1) The results of a competition which the Sec-
14 retary shall conduct between all Department of De-
15 fense aviation depots for selection for the perform-
16 ance of depot maintenance on F-18 aircraft.

17 (2) An analysis of the total cost of transferring
18 the F-18 aircraft depot maintenance workload to an
19 aviation depot not performing such workload as of
20 the date of the enactment of this Act.

21 **SEC. 330. DEPOT MAINTENANCE AND REPAIR AT FACILI-**
22 **TIES CLOSED BY BRAC.**

23 The Secretary may not contract for the performance
24 by a private sector source of any of the depot maintenance
25 workload performed as of the date of the enactment of

1 this Act at Sacramento Air Logistics Center or the San
2 Antonio Air Logistics Center until the Secretary—

3 (1) publishes criteria for the evaluation of bids
4 and proposals to perform such workload;

5 (2) conducts a competition for the workload be-
6 tween public and private entities;

7 (3) pursuant to the competition, determines in
8 accordance with the criteria published under para-
9 graph (1) that an offer submitted by a private sector
10 source to perform the workload is the best value for
11 the United States; and

12 (4) submits to Congress the following—

13 (A) a detailed comparison of the cost of
14 the performance of the workload by civilian em-
15 ployees of the Department of Defense with the
16 cost of the performance of the workload by that
17 source; and

18 (B) an analysis which demonstrates that
19 the performance of the workload by that source
20 will provide the best value for the United States
21 over the life of the contract.

1 **Subtitle D—Environmental**
2 **Provisions**

3 **SEC. 341. ESTABLISHMENT OF SEPARATE ENVIRONMENTAL**
4 **RESTORATION ACCOUNTS FOR EACH MILI-**
5 **TARY DEPARTMENT.**

6 (a) ESTABLISHMENT.—(1) Section 2703 of title 10,
7 United States Code, is amended to read as follows:

8 **“§ 2703. Environmental restoration accounts**

9 “(a) ESTABLISHMENT OF ACCOUNTS.—There are
10 hereby established in the Department of Defense the fol-
11 lowing accounts:

12 “(1) An account to be known as the ‘Defense
13 Environmental Restoration Account’.

14 “(2) An account to be known as the ‘Army En-
15 vironmental Restoration Account’.

16 “(3) An account to be known as the ‘Navy En-
17 vironmental Restoration Account’.

18 “(4) An account to be known as the ‘Air Force
19 Environmental Restoration Account’.

20 “(b) OBLIGATION OF AUTHORIZED AMOUNTS.—
21 Funds authorized for deposit in an account under sub-
22 section (a) may be obligated or expended from the account
23 only in order to carry out the environmental restoration
24 functions of the Secretary of Defense and the Secretaries
25 of the military departments under this chapter and under

1 any other provision of law. Funds so authorized shall re-
2 main available until expended.

3 “(c) BUDGET REPORTS.—In proposing the budget
4 for any fiscal year pursuant to section 1105 of title 31,
5 the President shall set forth separately the amounts re-
6 quested for environmental restoration programs of the De-
7 partment of Defense and of each of the military depart-
8 ments under this chapter and under any other Act.

9 “(d) AMOUNTS RECOVERED.—The following
10 amounts shall be credited to the appropriate environ-
11 mental restoration account:

12 “(1) Amounts recovered under CERCLA for re-
13 sponse actions.

14 “(2) Any other amounts recovered from a con-
15 tractor, insurer, surety, or other person to reimburse
16 the Department of Defense or a military department
17 for any expenditure for environmental response ac-
18 tivities.

19 “(e) PAYMENTS OF FINES AND PENALTIES.—None
20 of the funds appropriated to the Defense Environmental
21 Restoration Account for fiscal years 1995 through 1999,
22 or to any environmental restoration account of a military
23 department for fiscal years 1997 through 1999, may be
24 used for the payment of a fine or penalty (including any
25 supplemental environmental project carried out as part of

1 such penalty) imposed against the Department of Defense
2 or a military department unless the act or omission for
3 which the fine or penalty is imposed arises out of an activ-
4 ity funded by the environmental restoration account con-
5 cerned and the payment of the fine or penalty has been
6 specifically authorized by law.”.

7 (2) The table of sections at the beginning of chapter
8 160 of title 10, United States Code, is amended by strik-
9 ing out the item relating to section 2703 and inserting
10 in lieu thereof the following new item:

“2703. Environmental restoration accounts.”.

11 (b) REFERENCES.—Any reference to the Defense En-
12 vironmental Restoration Account in any Federal law, Ex-
13 ecutive Order, regulation, delegation of authority, or docu-
14 ment of or pertaining to the Department of Defense shall
15 be deemed to refer to the appropriate environmental res-
16 toration account established under section 2703(a)(1) of
17 title 10, United States Code (as amended by subsection
18 (a)(1)).

19 (c) CONFORMING AMENDMENT.—Section 2705(g)(1)
20 of title 10, United States Code, is amended by striking
21 out “the Defense Environmental Restoration Account”
22 and inserting in lieu thereof “the environmental restora-
23 tion account concerned”.

24 (d) TREATMENT OF UNOBLIGATED BALANCES.—Any
25 unobligated balances that remain in the Defense Environ-

1 mental Restoration Account under section 2703(a) of title
2 10, United States Code, as of the effective date specified
3 in subsection (e) shall be transferred on such date to the
4 Defense Environmental Restoration Account established
5 under section 2703(a)(1) of title 10, United States Code
6 (as amended by subsection (a)(1)).

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the later of—

9 (1) October 1, 1996; or

10 (2) the date of the enactment of this Act.

11 **SEC. 342. DEFENSE CONTRACTORS COVERED BY REQUIRE-**
12 **MENT FOR REPORTS ON CONTRACTOR REIM-**
13 **BURSEMENT COSTS FOR RESPONSE ACTIONS.**

14 Section 2706(d)(1)(A) of title 10, United States
15 Code, is amended by striking out “100” and inserting in
16 lieu thereof “20”.

17 **SEC. 343. REPEAL OF REDUNDANT NOTIFICATION AND**
18 **CONSULTATION REQUIREMENTS REGARDING**
19 **REMEDIAL INVESTIGATIONS AND FEASIBIL-**
20 **ITY STUDIES AT CERTAIN INSTALLATIONS TO**
21 **BE CLOSED UNDER THE BASE CLOSURE**
22 **LAWS.**

23 Section 334 of the National Defense Authorization
24 Act for Fiscal Years 1992 and 1993 (Public Law 102–
25 190; 105 Stat. 1340; 10 U.S.C. 2687 note) is repealed.

1 **SEC. 344. PAYMENT OF CERTAIN STIPULATED CIVIL PEN-**
2 **ALTIES.**

3 (a) **AUTHORITY.**—The Secretary of Defense may pay
4 to the Hazardous Substance Superfund established under
5 section 9507 of the Internal Revenue Code of 1986 (26
6 U.S.C. 9507) stipulated civil penalties assessed under
7 CERCLA in amounts, and using funds, as follows:

8 (1) Using funds authorized to be appropriated
9 to the Army Environmental Restoration Account es-
10 tablished under section 2703(a)(1)(B) of title 10,
11 United States Code, as amended by section 341 of
12 this Act, \$34,000 assessed against Fort Riley, Kan-
13 sas, under CERCLA.

14 (2) Using funds authorized to be appropriated
15 to the Navy Environmental Restoration Account es-
16 tablished under section 2703(a)(1)(C) of that title,
17 as so amended, \$30,000 assessed against the Naval
18 Education and Training Center, Newport, Rhode Is-
19 land, under CERCLA.

20 (3) Using funds authorized to be appropriated
21 to the Air Force Environmental Restoration Account
22 established under section 2703(a)(1)(D) of that title,
23 as so amended—

24 (A) \$550,000 assessed against the Massa-
25 chusetts Military Reservation, Massachusetts,
26 under CERCLA, of which \$500,000 shall be for

1 the supplemental environmental project for a
2 groundwater modeling project that constitutes a
3 part of the negotiated settlement of a penalty
4 against the reservation; and

5 (B) \$10,000 assessed against F.E. Warren
6 Air Force Base, Wyoming, under CERCLA.

7 (4) Using funds authorized to be appropriated
8 to the Department of Defense Base Closure Account
9 1990 by section 2406(a)(13) of this Act, \$50,000
10 assessed against Loring Air Force Base, Maine,
11 under CERCLA.

12 (b) CERCLA DEFINED.—In this section, the term
13 “CERCLA” means the Comprehensive Environmental Re-
14 sponse, Compensation, and Liability Act of 1980 (42
15 U.S.C. 9601 et seq.).

16 **SEC. 345. AUTHORITY TO WITHHOLD LISTING OF FEDERAL**
17 **FACILITIES ON NATIONAL PRIORITIES LIST.**

18 Section 120(d) of the Comprehensive Environmental
19 Response, Compensation, and Liability Act of 1980 (42
20 U.S.C. 9620(d)) is amended—

21 (1) by redesignating paragraphs (1) and (2) as
22 subparagraphs (A) and (B), respectively;

23 (2) by striking “Not later than 18 months after
24 the enactment of the Superfund Amendments and

1 Reauthorization Act of 1986, the Administrator”
2 and inserting the following:

3 “(1) IN GENERAL.—The Administrator”; and
4 (3) by striking “Such criteria” and all that fol-
5 lows through the end of the subsection and inserting
6 the following:

7 “(2) APPLICATION OF CRITERIA.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), the criteria referred to in paragraph
10 (1) shall be applied in the same manner as the
11 criteria are applied to facilities that are owned
12 or operated by persons other than the United
13 States.

14 “(B) RESPONSE UNDER OTHER LAW.—
15 That the head of the department, agency, or in-
16 strumentality that owns or operates a facility
17 has arranged with the Administrator or appro-
18 priate State authorities to respond appro-
19 priately, under authority of a law other than
20 this Act, to a release or threatened release of a
21 hazardous substance shall be an appropriate
22 factor to be taken into consideration for the
23 purposes of section 105(a)(8)(A).

24 “(3) COMPLETION.—Evaluation and listing
25 under this subsection shall be completed in accord-

1 ance with a reasonable schedule established by the
2 Administrator.”.

3 **SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FED-**
4 **ERAL PROPERTY BEFORE COMPLETION OF**
5 **REQUIRED REMEDIAL ACTIONS.**

6 (a) IN GENERAL.—Section 120(h)(3) of the Com-
7 prehensive Environmental Response, Compensation, and
8 Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amend-
9 ed—

10 (1) by redesignating subparagraph (A) as
11 clause (i) and clauses (i), (ii), and (iii) of that sub-
12 paragraph as subclauses (I), (II), and (III), respec-
13 tively;

14 (2) by striking “After the last day” and insert-
15 ing the following:

16 “(A) IN GENERAL.—After the last day”;

17 (3) by redesignating subparagraph (B) as
18 clause (ii) and clauses (i) and (ii) of that subpara-
19 graph as subclauses (I) and (II), respectively;

20 (4) by redesignating subparagraph (C) as
21 clause (iii);

22 (5) by striking “For purposes of subparagraph
23 (B)(i)” and inserting the following:

1 “(B) COVENANT REQUIREMENTS.—For
2 purposes of subparagraphs (A)(ii)(I) and
3 (C)(iii)”;

4 (6) in subparagraph (B), as designated by para-
5 graph (5), by striking “subparagraph (B)” each
6 place it appears and inserting “subparagraph
7 (A)(ii)”;

8 (7) by adding at the end the following:

9 “(C) DEFERRAL.—

10 “(i) IN GENERAL.—The Administrator
11 (in the case of real property at a Federal
12 facility that is listed on the National Prior-
13 ities List) or the Governor of the State in
14 which the facility is located (in the case of
15 real property at a Federal facility not list-
16 ed on the National Priorities List) may
17 defer the requirement of subparagraph
18 (A)(ii)(I) with respect to the property if
19 the Administrator or the Governor, as the
20 case may be, determines that—

21 “(I) the property is suitable for
22 transfer for the use intended by the
23 transferee;

24 “(II) the deed or other agree-
25 ment proposed to govern the transfer

1 between the United States and the
2 transferee of the property contains the
3 assurances set forth in clause (ii); and

4 “(III) the Federal agency re-
5 questing deferral has provided notice,
6 by publication in a newspaper of gen-
7 eral circulation in the vicinity of the
8 property, of the proposed transfer and
9 of the opportunity for the public to
10 submit, within a period of not less
11 than 30 days after the date of the no-
12 tice, written comments on the finding
13 by the agency that the property is
14 suitable for transfer.

15 “(ii) REMEDIAL ACTION ASSUR-
16 ANCES.—With regard to a release or
17 threatened release of a hazardous sub-
18 stance for which a Federal agency is po-
19 tentially responsible under this section, the
20 deed or other agreement proposed to gov-
21 ern the transfer shall contain assurances
22 that—

23 “(I) provide for any necessary re-
24 strictions to ensure the protection of
25 human health and the environment;

1 “(II) provide that there will be
2 restrictions on use necessary to ensure
3 required remedial investigations, re-
4 medial actions, and oversight activities
5 will not be disrupted;

6 “(III) provide that all appro-
7 priate remedial action will be taken
8 and identify the schedules for inves-
9 tigation and completion of all nec-
10 essary remedial action; and

11 “(IV) provide that the Federal
12 agency responsible for the property
13 subject to transfer will submit a budg-
14 et request to the Director of the Of-
15 fice of Management and Budget that
16 adequately addresses schedules, sub-
17 ject to congressional authorizations
18 and appropriations.

19 “(iii) WARRANTY.—When all remedial
20 action necessary to protect human health
21 and the environment with respect to any
22 substance remaining on the property on
23 the date of transfer has been taken, the
24 United States shall execute and deliver to
25 the transferee an appropriate document

1 containing a warranty that all such reme-
2 dial action has been completed, and the
3 making of the warranty shall be considered
4 to satisfy the requirement of subparagraph
5 (A)(ii)(I).

6 “(iv) FEDERAL RESPONSIBILITY.—A
7 deferral under this subparagraph shall not
8 increase, diminish, or affect in any manner
9 any rights or obligations of a Federal
10 agency with respect to a property trans-
11 ferred under this subparagraph.”.

12 (b) CONTINUED APPLICATION OF STATE LAW.—The
13 first sentence of section 120(a)(4) of the Comprehensive
14 Environmental Response, Compensation, and Liability Act
15 of 1980 (42 U.S.C. 9620(a)(4)) is amended by inserting
16 “or facilities that are the subject of a deferral under sub-
17 section (h)(3)(C)” after “United States”.

18 **SEC. 347. CLARIFICATION OF MEANING OF**
19 **UNCONTAMINATED PROPERTY FOR PUR-**
20 **POSES OF TRANSFER BY THE UNITED**
21 **STATES.**

22 Section 120(h)(4)(A) of the Comprehensive Environ-
23 mental Response, Compensation, and Liability Act of
24 1980 (42 U.S.C. 9620(h)(4)(A)) is amended in the first
25 sentence by striking “stored for one year or more, known

1 to have been released,” and inserting “known to have been
2 released”.

3 **SEC. 348. SHIPBOARD SOLID WASTE CONTROL.**

4 (a) IN GENERAL.—Section 3(c) of the Act to Prevent
5 Pollution from Ships (33 U.S.C. 1902(c)) is amended—

6 (1) in paragraph (1), by striking “Not later
7 than” and inserting “Except as provided in para-
8 graphs (2) and (3), not later than”; and

9 (2) by striking paragraphs (2), (3), and (4) and
10 inserting the following:

11 “(2)(A) Subject to subparagraph (B), any ship de-
12 scribed in subparagraph (C) may discharge, without re-
13 gard to the special area requirements of Regulation 5 of
14 Annex V to the Convention, the following non-plastic, non-
15 floating garbage:

16 “(i) A slurry of seawater, paper, cardboard, or
17 food waste that is capable of passing through a
18 screen with openings no larger than 12 millimeters
19 in diameter.

20 “(ii) Metal and glass that have been shredded
21 and bagged so as to ensure negative buoyancy.

22 “(B)(i) Garbage described subparagraph (A)(i) may
23 not be discharged within 3 nautical miles of land.

24 “(ii) Garbage described in subparagraph (A)(ii) may
25 not be discharged within 12 nautical miles of land.

1 “(C) This paragraph applies to any ship that is
2 owned or operated by the Department of the Navy that,
3 as determined by the Secretary of the Navy—

4 “(i) has unique military design, construction,
5 manning, or operating requirements; and

6 “(ii) cannot fully comply with the special area
7 requirements of Regulation 5 of Annex V to the
8 Convention because compliance is not technologically
9 feasible or would impair the operations or oper-
10 ational capability of the ship.

11 “(3)(A) Not later than December 31, 2000, the Sec-
12 retary of the Navy shall prescribe and publish in the Fed-
13 eral Register standards to ensure that each ship described
14 in subparagraph (B) is, to the maximum extent prac-
15 ticable without impairing the operations or operational ca-
16 pabilities of the ship, operated in a manner that is consist-
17 ent with the special area requirements of Regulation 5 of
18 Annex V to the Convention.

19 “(B) Subparagraph (A) applies to surface ships that
20 are owned or operated by the Department of the Navy
21 that the Secretary plans to decommission during the pe-
22 riod beginning on January 1, 2001, and ending on Decem-
23 ber 31, 2005.

24 “(C) At the same time that the Secretary publishes
25 standards under subparagraph (A), the Secretary shall

1 publish in the Federal Register a list of the ships covered
2 by subparagraph (B).”.

3 (b) SENSE OF CONGRESS.—

4 (1) COMPLIANCE WITH ANNEX V.—It is the
5 sense of Congress that it should be an objective of
6 the Navy to achieve full compliance with Annex V to
7 the Convention as part of the Navy’s development of
8 ships that are environmentally sound.

9 (2) DEFINITION.—In this subsection, the terms
10 “Convention” and “ship” have the meanings pro-
11 vided in section 2(a) of the Act to Prevent Pollution
12 from Ships (33 U.S.C. 1901(a)).

13 (c) REPORT ON COMPLIANCE WITH ANNEX V TO THE
14 CONVENTION.—The Secretary of Defense shall include in
15 each report on environmental compliance activities submit-
16 ted to Congress under section 2706(b) of title 10, United
17 States Code, the following information:

18 (1) A list of the ships types, if any, for which
19 the Secretary of the Navy has made the determina-
20 tion referred to in paragraph (2)(C) of section 3(c)
21 of the Act to Prevent Pollution from Ships, as
22 amended by subsection (a)(2) of this section.

23 (2) A list of ship types which the Secretary of
24 the Navy has determined can comply with Regula-
25 tion 5 of Annex V to the Convention.

1 (3) A summary of the progress made by the
2 Navy in implementing the requirements of para-
3 graphs (2) and (3) such section 3(c), as so amended.

4 (4) A description of any emerging technologies
5 offering the potential to achieve full compliance with
6 Regulation 5 of Annex V to the Convention.

7 (d) PUBLICATION REGARDING SPECIAL AREA DIS-
8 CHARGES.—Section 3(e)(4) of the Act to Prevent Pollu-
9 tion from Ships (33 U.S.C. 1902(e)(4)) is amended by
10 striking out subparagraph (A) and inserting in lieu thereof
11 the following:

12 “(A) The amount and nature of the dis-
13 charges in special areas, not otherwise author-
14 ized under this title, during the preceding year
15 from ships referred to in subsection (b)(1)(A)
16 of this section owned or operated by the De-
17 partment of the Navy.”.

18 **SEC. 349. COOPERATIVE AGREEMENTS FOR THE MANAGE-**
19 **MENT OF CULTURAL RESOURCES ON MILI-**
20 **TARY INSTALLATIONS.**

21 (a) AUTHORITY TO ENTER INTO AGREEMENTS.—
22 Chapter 159 of title 10, United States Code, is amended
23 by adding at the end the following new section:

1 **“§ 2694. Cooperative agreements for management of**
2 **cultural resources on military installa-**
3 **tions**

4 “(a) AUTHORITY TO ENTER INTO AGREEMENTS.—
5 The Secretary of Defense and the Secretaries of the mili-
6 tary departments may enter into cooperative agreements
7 with States, local governments, and appropriate public and
8 private entities in order to provide for the preservation,
9 management, maintenance, and rehabilitation of cultural
10 resources on military installations.

11 “(b) INAPPLICABILITY OF CERTAIN FEDERAL FI-
12 NANCIAL MANAGEMENT LAWS.—A cooperative agreement
13 under subsection (a) shall not be treated as a cooperative
14 agreement for purposes of chapter 63 of title 31.

15 “(c) LIMITATION ON AUTHORITY TO CARRY OUT
16 AGREEMENTS.—The authority of the Secretary of Defense
17 or the Secretary of a military department to carry out an
18 agreement entered into under subsection (a) shall be sub-
19 ject to the availability of funds for that purpose.

20 “(d) DEFINITION.—For purposes of this section, the
21 term ‘cultural resource’ means any of the following:

22 “(1) A building, structure, site, district, or ob-
23 ject eligible for or included in the National Register
24 of Historic Places maintained under section 101(a)
25 of the National Historic Preservation Act (16 U.S.C.
26 470a(a)).

1 (b) REPORT ELEMENTS.—The report under sub-
2 section (a) shall—

3 (1) describe in detail the operational and train-
4 ing requirements of the Department of Defense at
5 El Centro Naval Air Facility;

6 (2) assess the effects of the proposed with-
7 drawal on such operational and training require-
8 ments;

9 (3) describe the relationship, if any, of the pro-
10 posed withdrawal to the withdrawal of other public
11 lands under the California Desert Protection Act of
12 1994 (Public Law 103–433);

13 (4) assess the additional responsibilities, if any,
14 of the Navy for land management at the facility as
15 a result of the proposed withdrawal; and

16 (5) assess the costs, if any, to the Navy result-
17 ing from the proposed withdrawal.

18 **SEC. 351. USE OF HUNTING AND FISHING PERMIT FEES**
19 **COLLECTED AT CLOSED MILITARY RESERVA-**
20 **TIONS.**

21 Subparagraph (B) of section 101(b)(4) of the Act of
22 September 15, 1960 (commonly known as the “Sikes
23 Act”; 16 U.S.C. 670a(b)(4)), is amended to read as fol-
24 lows:

1 “(B) the fees collected under this para-
2 graph—

3 “(i) shall be expended at the military
4 reservation with respect to which collected;
5 or

6 “(ii) if collected with respect to a mili-
7 tary reservation that is closed, shall be
8 available for expenditure at any other mili-
9 tary reservation for purposes of the protec-
10 tion, conservation, and management of fish
11 and wildlife at such reservation.”.

12 **SEC. 352. AUTHORITY FOR AGREEMENTS WITH INDIAN**
13 **TRIBES FOR SERVICES UNDER ENVIRON-**
14 **MENTAL RESTORATION PROGRAM.**

15 Section 2701(d) of title 10, United States Code, is
16 amended—

17 (1) in the first sentence of paragraph (1), by
18 striking out “, or with any State or local government
19 agency,” and inserting in lieu thereof “, with any
20 State or local government agency, or with any In-
21 dian tribe,”; and

22 (2) by adding at the end the following:

23 “(3) DEFINITION.—In this subsection, the term
24 ‘Indian tribe’ has the meaning given such term in
25 section 101(36) of the Comprehensive Environ-

1 mental Response, Compensation, and Liability Act
2 of 1980 (42 U.S.C. 9601(36)).”.

3 **Subtitle E—Other Matters**

4 **SEC. 361. FIREFIGHTING AND SECURITY-GUARD FUNC-** 5 **TIONS AT FACILITIES LEASED BY THE GOV-** 6 **ERNMENT.**

7 Section 2465(b) of title 10, United States Code, is
8 amended—

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

11 (2) by striking out the period at the end of
12 paragraph (3) and inserting in lieu thereof “; or”;
13 and

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

15 “(4) to a contract to be carried out at a private
16 facility at which a Federal Government activity is lo-
17 cated pursuant to a lease of the facility to the Gov-
18 ernment.”.

19 **SEC. 362. AUTHORIZED USE OF RECRUITING FUNDS.**

20 (a) **AUTHORITY.**—Chapter 31 of title 10, United
21 States Code, is amended by adding at the end the follow-
22 ing new section:

23 **“§ 520c. Authorized use of recruiting funds**

24 “(a) **MEALS AND REFRESHMENTS.**—Under regula-
25 tions prescribed by the Secretary concerned, funds appro-

1 priated to the Department of Defense for recruitment of
2 military personnel may be expended for small meals and
3 refreshments that are provided in the performance of per-
4 sonnel recruiting functions of the armed forces to—

5 “(1) persons who have enlisted under the De-
6 layed Entry Program authorized by section 513 of
7 this title;

8 “(2) persons who are objects of armed forces
9 recruiting efforts;

10 “(3) influential persons in communities when
11 assisting the military departments in recruiting ef-
12 forts;

13 “(4) members of the armed forces and Federal
14 Government employees when attending recruiting
15 events in accordance with a requirement to do so;
16 and

17 “(5) other persons when contributing to recruit-
18 ing efforts by attending recruiting events.

19 “(b) ANNUAL REPORT.—Not later than February 1
20 of each year, the Secretary of Defense shall submit to Con-
21 gress a report on the extent to which the authority under
22 subsection (a) was exercised during the fiscal year ending
23 in the preceding year.

1 “(c) TERMINATION OF AUTHORITY.—(1) The author-
2 ity in subsection (a) may not be exercised after September
3 30, 2001.

4 “(2) No report is required under subsection (b) after
5 2002.”.

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

“520e. Authorized use of recruiting funds.”.

9 **SEC. 363. NONCOMPETITIVE PROCUREMENT OF BRAND-**
10 **NAME COMMERCIAL ITEMS FOR RESALE IN**
11 **COMMISSARY STORES.**

12 (a) CLARIFICATION OF EXCEPTION TO COMPETITIVE
13 PROCUREMENT.—Section 2486 of title 10, United States
14 Code, is amended by adding at the end the following:

15 “(e) The Secretary of Defense may not, under the
16 exception provided in section 2304(c)(5) of this title, use
17 procedures other than competitive procedures for the pro-
18 curement of a brand-name commercial item for resale in
19 commissary stores unless the commercial item is regularly
20 sold outside of commissary stores under the same brand
21 name as the commercial item will be sold in commissary
22 stores.”.

23 (b) EFFECT ON EXISTING CONTRACTS.—The amend-
24 ment made by subsection (a) shall not affect the terms,
25 conditions, or duration of any contract entered into by the

1 Secretary of Defense before the date of the enactment of
 2 this Act for the procurement of commercial items for re-
 3 sale in commissary stores.

4 **SEC. 364. ADMINISTRATION OF MIDSHIPMEN'S STORE AND**
 5 **OTHER NAVAL ACADEMY SUPPORT ACTIVI-**
 6 **TIES AS NONAPPROPRIATED FUND INSTRU-**
 7 **MENTALITIES.**

8 (a) IN GENERAL.—(1) Chapter 603 of title 10, Unit-
 9 ed States Code, is amended by striking out sections 6970
 10 and 6971 and inserting in lieu thereof the following new
 11 section:

12 **“§ 6970. Midshipmen’s store and Naval Academy**
 13 **shops, laundry, and dairy: nonappro-**
 14 **priated fund accounts**

15 “(a) IN GENERAL.—Under regulations prescribed by
 16 the Secretary of the Navy, the Superintendent of the
 17 Naval Academy shall administer a nonappropriated fund
 18 account for each of the Academy activities referred to in
 19 subsection (b).

20 “(b) ACTIVITIES.—Subsection (a) applies to the fol-
 21 lowing Academy activities:

- 22 “(1) The midshipmen’s store.
 23 “(2) The barber shop.
 24 “(3) The cobbler shop.
 25 “(4) The tailor shop.

1 “(5) The dairy.

2 “(6) The laundry.

3 “(c) CREDITING OF REVENUE.—The Superintendent
4 shall credit to each account administered with respect to
5 an activity under subsection (a) all revenue received from
6 the activity.”.

7 (2) The table of sections at the beginning of such
8 chapter is amended by striking out the items relating to
9 sections 6970 and 6971 and inserting in lieu thereof the
10 following new item:

“6970. Midshipmen’s store and Naval Academy shops, laundry, and dairy: non-
appropriated fund accounts.”.

11 (b) EMPLOYMENT STATUS OF EMPLOYEES OF AC-
12 TIVITIES.—Section 2105 of title 5, United States Code,
13 is amended by striking out subsection (b).

14 **SEC. 365. ASSISTANCE TO COMMITTEES INVOLVED IN INAUGURATION OF THE PRESIDENT.**

15
16 (a) IN GENERAL.—Section 2543 of title 10, United
17 States Code, is amended to read to read as follows:

18 **“§ 2543. Equipment and services: Presidential inaugu-
19 gural committees**

20 “(a) ASSISTANCE AUTHORIZED.—The Secretary of
21 Defense may provide the assistance referred to in sub-
22 section (b) to the following committees:

1 “(1) An Inaugural Committee established under
2 the first section of the Presidential Inaugural Cere-
3 monies Act (36 U.S.C. 721).

4 “(2) A joint committee of the Senate and
5 House of Representatives appointed under section 9
6 of that Act (36 U.S.C. 729).

7 “(b) ASSISTANCE.—The following assistance may be
8 provided under subsection (a):

9 “(1) Planning and carrying out activities relat-
10 ing to security and safety.

11 “(2) Planning and carrying out ceremonial ac-
12 tivities.

13 “(3) Loan of property.

14 “(4) Any other assistance that the Secretary
15 considers appropriate.

16 “(c) REIMBURSEMENT.—(1) An inaugural committee
17 referred to in subsection (a)(1) shall reimburse the Sec-
18 retary for any costs incurred in connection with the provi-
19 sion to the committee of assistance referred to in sub-
20 section (b)(4).

21 “(2) Costs reimbursed under paragraph (1) shall be
22 credited to the appropriations from which the costs were
23 paid. The amount credited to an appropriation shall be
24 proportionate to the amount of the costs charged to that
25 appropriation.

1 “(d) LOANED PROPERTY.—(1) Property loaned for
2 a presidential inauguration under subsection (b)(3) shall
3 be returned within nine days after the date of the cere-
4 mony inaugurating the President.

5 “(2) An inaugural committee referred to in sub-
6 section (a)(1) shall give good and sufficient bond for the
7 return in good order and condition of property loaned to
8 the committee under subsection (b)(3).

9 “(3) An inaugural committee referred to in sub-
10 section (a)(1) shall—

11 “(A) indemnify the United States for any loss
12 of, or damage to, property loaned to the committee
13 under subsection (b)(3); and

14 “(B) defray any expense incurred for the deliv-
15 ery, return, rehabilitation, replacement, or operation
16 of the property.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of subchapter II of chapter 152 of such
19 title is amended by striking out the item relating to section
20 2543 and inserting in lieu thereof the following:

“2543. Equipment and services: Presidential inaugural committees.”.

21 **SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORT-**
22 **ING EVENTS.**

23 (a) SECURITY AND SAFETY ASSISTANCE.—At the re-
24 quest of a Federal, State, or local government agency re-
25 sponsible for providing law enforcement services, security

1 services, or safety services, the Secretary of Defense may
2 authorize the commander of a military installation or
3 other facility of the Department of Defense or the com-
4 mander of a specified or unified combatant command to
5 provide assistance for the World Cup Soccer Games, the
6 Goodwill Games, the Olympics, and any other civilian
7 sporting event in support of essential security and safety
8 at such event, but only if the Attorney General certifies
9 that such assistance is necessary to meet essential security
10 and safety needs.

11 (b) OTHER ASSISTANCE.—The Secretary may au-
12 thorize a commander referred to in subsection (a) to pro-
13 vide assistance for a sporting event referred to in that sub-
14 section in support of other needs relating to such event,
15 but only—

16 (1) to the extent that such needs cannot reason-
17 ably be met by a source other than the Department;

18 (2) to the extent that the provision of such as-
19 sistance does not adversely affect the military pre-
20 paredness of the Armed Forces; and

21 (3) if the organization requesting such assist-
22 ance agrees to reimburse the Department for
23 amounts expended by the Department in providing
24 the assistance in accordance with the provisions of

1 section 377 of title 10, United States Code, and
2 other applicable provisions of law.

3 (c) INAPPLICABILITY TO CERTAIN EVENTS.—Sub-
4 sections (a) and (b) do not apply to the following sporting
5 events:

6 (1) Sporting events for which funds have been
7 appropriated before the date of the enactment of
8 this Act.

9 (2) The Special Olympics.

10 (3) The Paralympics.

11 (d) TERMS AND CONDITIONS.—The Secretary may
12 require such terms and conditions in connection with the
13 provision of assistance under this section as the Secretary
14 considers necessary and appropriate to protect the inter-
15 ests of the United States.

16 (e) REPORT ON ASSISTANCE.—Not later than Janu-
17 ary 30 of each year following a year in which the Secretary
18 provides assistance under this section, the Secretary shall
19 submit to the congressional defense committees a report
20 on the assistance provided. The report shall set forth—

21 (1) a description of the assistance provided;

22 (2) the amount expended by the Department in
23 providing the assistance;

24 (3) if the assistance was provided under sub-
25 section (a), the certification of the Attorney General

1 with respect to the assistance under that subsection;
2 and

3 (4) if the assistance was provided under sub-
4 section (b)—

5 (A) an explanation why the assistance
6 could not reasonably be met by a source other
7 than the Department; and

8 (B) the amount the Department was reim-
9 bursed under that subsection.

10 (f) RELATIONSHIP TO OTHER LAWS.—Assistance
11 provided under this section shall be subject to the provi-
12 sions of sections 375 and 376 of title 10, United States
13 Code.

14 **SEC. 367. RENOVATION OF BUILDING FOR DEFENSE FI-**
15 **NANCE AND ACCOUNTING SERVICE CENTER,**
16 **FORT BENJAMIN HARRISON, INDIANA.**

17 (a) TRANSFER AUTHORITY.—Subject to subsection
18 (b), the Secretary of Defense may transfer funds available
19 to the Department of Defense for the Defense Finance
20 and Accounting Service for a fiscal year for operation and
21 maintenance to the Administrator of General Services for
22 paying the costs of planning, design, and renovation of
23 Building One, Fort Benjamin Harrison, Indiana, for use
24 as a Defense Finance and Accounting Service Center.

1 (b) AUTHORITY SUBJECT TO AUTHORIZATIONS AND
2 APPROPRIATIONS.—To the extent provided in appropria-
3 tions Acts—

4 (1) of funds appropriated for fiscal year 1997,
5 \$9,000,000 may be transferred pursuant to sub-
6 section (a); and

7 (2) of funds appropriated for fiscal years 1998,
8 1999, 2000, and 2001, funds may be transferred
9 pursuant to subsection (a) in such amounts as are
10 authorized to be transferred in an Act enacted after
11 the date of the enactment of this Act.

12 **SEC. 368. COMPUTER EMERGENCY RESPONSE TEAM AT**
13 **SOFTWARE ENGINEERING INSTITUTE.**

14 (a) FUNDING.—Of the amounts authorized to be ap-
15 propriated under this Act, \$2,000,000 shall be available
16 to the Software Engineering Institute only for use by the
17 Computer Emergency Response Team.

18 (b) CHALLENGE ATHENA PROGRAM.—Funds author-
19 ized by section 301(2) for the Challenge Athena program
20 shall be reduced by \$2,000,000.

1 **SEC. 369. REIMBURSEMENT UNDER AGREEMENT FOR IN-**
2 **STRUCTION OF CIVILIAN STUDENTS AT FOR-**
3 **EIGN LANGUAGE INSTITUTE OF THE DE-**
4 **FENSE LANGUAGE INSTITUTE.**

5 Section 559(a)(1) of the National Defense Authoriza-
6 tion Act for Fiscal Year 1995 (Public Law 103–337; 108
7 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking
8 out “on a cost-reimbursable, space-available basis” and in-
9 serting in lieu thereof “on a space-available basis and for
10 such reimbursement (whether in whole or in part) as the
11 Secretary considers appropriate”.

12 **SEC. 370. AUTHORITY OF AIR NATIONAL GUARD TO PRO-**
13 **VIDE CERTAIN SERVICES AT LINCOLN MU-**
14 **NICIPAL AIRPORT, LINCOLN, NEBRASKA.**

15 (a) **AUTHORITY.**—Subject to subsections (b) and (c),
16 the Nebraska Air National Guard may provide fire protec-
17 tion services and rescue services relating to aircraft at
18 Lincoln Municipal Airport, Lincoln, Nebraska, on behalf
19 of the Lincoln Municipal Airport Authority, Lincoln, Ne-
20 braska.

21 (b) **AGREEMENT.**—The Nebraska Air National
22 Guard may not provide services under subsection (a) until
23 the Nebraska Air National Guard and the authority enter
24 into an agreement under which the authority reimburses
25 the Nebraska Air National Guard for the cost of the serv-
26 ices provided.

1 (c) CONDITIONS.—These services may only be pro-
2 vided to the extent that the provision of such services does
3 not adversely affect the military preparedness of the
4 Armed Forces.

5 **TITLE IV—MILITARY**
6 **PERSONNEL AUTHORIZATIONS**
7 **Subtitle A—Active Forces**

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

9 The Armed Forces are authorized strengths for active
10 duty personnel as of September 30, 1997, as follows:

11 (1) The Army, 495,000, of which not more than
12 80,300 may be commissioned officers.

13 (2) The Navy, 407,318, of which not more than
14 56,165 may be commissioned officers.

15 (3) The Marine Corps, 174,000, of which not
16 more than 17,978 may be commissioned officers.

17 (4) The Air Force, 381,222, of which not more
18 than 74,445 may be commissioned officers.

19 **SEC. 402. TEMPORARY FLEXIBILITY RELATING TO PERMA-**
20 **NENT END STRENGTH LEVELS.**

21 Section 691(d) of title 10, United States Code, is
22 amended by striking out “not more than 0.5 percent” and
23 inserting in lieu thereof “not more than 5 percent”.

1 **SEC. 403. AUTHORIZED STRENGTHS FOR COMMISSIONED**
 2 **OFFICERS IN GRADES O-4, O-5, AND O-6.**

3 (a) ARMY, AIR FORCE, AND MARINE CORPS.—The
 4 table in section 523(a)(1) of title 10, United States Code,
 5 is amended to read as follows:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000	6,848	5,253	1,613
25,000	7,539	5,642	1,796
30,000	8,231	6,030	1,980
35,000	8,922	6,419	2,163
40,000	9,614	6,807	2,347
45,000	10,305	7,196	2,530
50,000	10,997	7,584	2,713
55,000	11,688	7,973	2,897
60,000	12,380	8,361	3,080
65,000	13,071	8,750	3,264
70,000	13,763	9,138	3,447
75,000	14,454	9,527	3,631
80,000	15,146	9,915	3,814
85,000	15,837	10,304	3,997
90,000	16,529	10,692	4,181
95,000	17,220	11,081	4,364
100,000	17,912	11,469	4,548
110,000	19,295	12,246	4,915
120,000	20,678	13,023	5,281
130,000	22,061	13,800	5,648
170,000	27,593	16,908	7,116
Air Force:			
35,000	9,216	7,090	2,125
40,000	10,025	7,478	2,306
45,000	10,835	7,866	2,487
50,000	11,645	8,253	2,668
55,000	12,454	8,641	2,849
60,000	13,264	9,029	3,030
65,000	14,073	9,417	3,211
70,000	14,883	9,805	3,392
75,000	15,693	10,193	3,573
80,000	16,502	10,582	3,754
85,000	17,312	10,971	3,935
90,000	18,121	11,360	4,115
95,000	18,931	11,749	4,296
100,000	19,741	12,138	4,477
105,000	20,550	12,527	4,658
110,000	21,360	12,915	4,838
115,000	22,169	13,304	5,019
120,000	22,979	13,692	5,200
125,000	23,789	14,081	5,381
Marine Corps:			
10,000	2,525	1,480	571
12,500	2,900	1,600	592
15,000	3,275	1,720	613
17,500	3,650	1,840	633
20,000	4,025	1,960	654
22,500	4,400	2,080	675
25,000	4,775	2,200	695".

6 (b) NAVY.—The table in section 523(a)(2) of title 10,
 7 United States Code, is amended to read as follows:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,331	5,018	2,116
33,000	7,799	5,239	2,223
36,000	8,267	5,460	2,330
39,000	8,735	5,681	2,437
42,000	9,203	5,902	2,544
45,000	9,671	6,123	2,651
48,000	10,139	6,343	2,758
51,000	10,606	6,561	2,864
54,000	11,074	6,782	2,971
57,000	11,541	7,002	3,078
60,000	12,009	7,222	3,185
63,000	12,476	7,441	3,292
66,000	12,944	7,661	3,398
70,000	13,567	7,954	3,541
90,000	16,683	9,419	4,254".

1 (c) REPEAL OF TEMPORARY AUTHORITY FOR VARI-
2 ATIONS IN END STRENGTHS.—The following provisions of
3 law are repealed:

4 (1) Section 402 of the National Defense Au-
5 thorization Act for Fiscal Year 1994 (Public Law
6 103–160; 107 Stat. 1639; 10 U.S.C. 523 note).

7 (2) Section 402 of the National Defense Au-
8 thorization Act for Fiscal Year 1995 (Public Law
9 103–337; 108 Stat. 2743; 10 U.S.C. 523 note).

10 (3) Section 402 of the National Defense Au-
11 thorization Act for Fiscal Year 1996 (Public Law
12 104–106; 110 Stat. 286; 10 U.S.C. 523 note).

13 (d) EFFECTIVE DATE.—The amendments made by
14 subsections (a), (b), and (c) shall take effect on September
15 1, 1997.

1 **SEC. 404. EXTENSION OF REQUIREMENT FOR REC-**
2 **COMMENDATIONS REGARDING APPOINT-**
3 **MENTS TO JOINT 4-STAR OFFICER POSI-**
4 **TIONS.**

5 Section 604(c) of title 10, United States Code, is
6 amended by striking out “September 30, 1997” and in-
7 serting in lieu thereof “September 30, 2000”.

8 **SEC. 405. INCREASE IN AUTHORIZED NUMBER OF GENERAL**
9 **OFFICERS ON ACTIVE DUTY IN THE MARINE**
10 **CORPS.**

11 Section 526(a)(4) of title 10, United States Code, is
12 amended by striking out “68” and inserting in lieu thereof
13 “80”.

14 **Subtitle B—Reserve Forces**

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

16 (a) IN GENERAL.—The Armed Forces are authorized
17 strengths for Selected Reserve personnel of the reserve
18 components as of September 30, 1997, as follows:

19 (1) The Army National Guard of the United
20 States, 366,758.

21 (2) The Army Reserve, 214,925.

22 (3) The Naval Reserve, 96,304.

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

24 (5) The Air National Guard of the United
25 States, 108,904.

26 (6) The Air Force Reserve, 73,281.

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

2 (b) WAIVER AUTHORITY.—The Secretary of Defense
3 may vary the end strength authorized by subsection (a)
4 by not more than 2 percent.

5 (c) ADJUSTMENTS.—The end strengths prescribed by
6 subsection (a) for the Selected Reserve of any reserve com-
7 ponent for a fiscal year shall be proportionately reduced
8 by—

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

13 (2) the total number of individual members not
14 in units organized to serve as units of the Selected
15 Reserve of such component who are on active duty
16 (other than for training or for unsatisfactory partici-
17 pation in training) without their consent at the end
18 of the fiscal year.

19 Whenever such units or such individual members are re-
20 leased from active duty during any fiscal year, the end
21 strength prescribed for such fiscal year for the Selected
22 Reserve of such reserve component shall be proportion-
23 ately increased by the total authorized strengths of such
24 units and by the total number of such individual members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
4 411(a), the reserve components of the Armed Forces are
5 authorized, as of September 30, 1997, the following num-
6 ber of Reserves to be serving on full-time active duty or
7 full-time duty, in the case of members of the National
8 Guard, for the purpose of organizing, administering, re-
9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United
11 States, 22,798.

12 (2) The Army Reserve, 11,475.

13 (3) The Naval Reserve, 16,603.

14 (4) The Marine Corps Reserve, 2,559.

15 (5) The Air National Guard of the United
16 States, 10,403.

17 (6) The Air Force Reserve, 655.

18 **SEC. 413. PERSONNEL MANAGEMENT RELATING TO AS-**
19 **SIGNMENT TO SERVICE IN THE SELECTIVE**
20 **SERVICE SYSTEM.**

21 Section 10 of the Military Selective Service Act (50
22 U.S.C. App. 460) is amended—

23 (1) in subsection (b)(2), by inserting “, subject
24 to subsection (e),” after “to employ such number of
25 civilians, and”; and

1 (2) by inserting after subsection (d) the follow-
2 ing:

3 “(e)(1) The number of armed forces personnel as-
4 signed to the Selective Service System under subsection
5 (b)(2) may not exceed 745, except in a time of war de-
6 clared by Congress or national emergency declared by
7 Congress or the President.

8 “(2) Members of the Selected Reserve assigned to the
9 Selective Service System under subsection (b)(2) shall not
10 be counted for purposes of any limitation on the author-
11 ized strength of Selected Reserve personnel of the reserve
12 components under any law authorizing the end strength
13 of such personnel.”.

14 **Subtitle C—Authorization of**
15 **Appropriations**

16 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
17 **TARY PERSONNEL.**

18 There is hereby authorized to be appropriated to the
19 Department of Defense for military personnel for fiscal
20 year 1997 a total of \$69,880,430,000. The authorization
21 in the preceding sentence supersedes any other authoriza-
22 tion of appropriations (definite or indefinite) for such pur-
23 pose for fiscal year 1997.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel**
4 **Policy**

5 **SEC. 501. EXTENSION OF AUTHORITY FOR TEMPORARY**
6 **PROMOTIONS FOR CERTAIN NAVY LIEUTEN-**
7 **ANTS WITH CRITICAL SKILLS.**

8 Section 5721(g) of title 10, United States Code, is
9 amended by striking out “September 30, 1996” and in-
10 serting in lieu thereof “September 30, 1997”.

11 **SEC. 502. EXCEPTION TO BACCALAUREATE DEGREE RE-**
12 **QUIREMENT FOR APPOINTMENT IN THE**
13 **NAVAL RESERVE IN GRADES ABOVE O-2.**

14 Section 12205(b)(3) of title 10, United States Code,
15 is amended by inserting “or the Seaman to Admiral pro-
16 gram” after “(NAVCAD) program”.

17 **SEC. 503. TIME FOR AWARD OF DEGREES BY**
18 **UNACCREDITED EDUCATIONAL INSTITU-**
19 **TIONS FOR GRADUATES TO BE CONSIDERED**
20 **EDUCATIONALLY QUALIFIED FOR APPOINT-**
21 **MENT AS RESERVE OFFICERS IN GRADE O-3.**

22 Section 12205(c)(2)(C) of title 10, United States
23 Code, is amended by striking out “three years” and insert-
24 ing in lieu thereof “eight years”.

1 **SEC. 504. CHIEF WARRANT OFFICER PROMOTIONS.**

2 (a) REDUCTION OF MINIMUM TIME IN GRADE RE-
3 QUIRED FOR CONSIDERATION FOR PROMOTION.—Section
4 574(e) of title 10, United States Code, is amended by
5 striking out “three years of service” and inserting in lieu
6 thereof “two years of service”.

7 (b) BELOW-ZONE SELECTION.—Section 575(b)(1) of
8 such title is amended by inserting “chief warrant officer,
9 W-3,” in the first sentence after “to consider warrant offi-
10 cers for selection for promotion to the grade of”.

11 **SEC. 505. FREQUENCY OF PERIODIC REPORT ON PRO-**
12 **MOTION RATES OF OFFICERS CURRENTLY OR**
13 **FORMERLY SERVING IN JOINT DUTY ASSIGN-**
14 **MENTS.**

15 Section 662(b) of title 10, United States Code, is
16 amended by striking out “not less often than every six
17 months” in the parenthetical in the first sentence and in-
18 serting in lieu thereof “not less often than every twelve
19 months”.

20 **SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.**

21 Section 5022(a) of title 10, United States Code, is
22 amended—

23 (1) by inserting “(1)” after “(a)”; and

24 (2) by adding at the end the following:

25 “(2) Unless appointed to higher grade under another
26 provision of law, an officer, while serving in the Office of

1 Naval Research as Chief of Naval Research, has the rank
2 of rear admiral (upper half).”.

3 **SEC. 507. SERVICE CREDIT FOR SENIOR ROTC CADETS AND**
4 **MIDSHIPMEN IN SIMULTANEOUS MEMBER-**
5 **SHIP PROGRAM.**

6 (a) AMENDMENTS TO TITLE 10.—(1) Section
7 2106(c) of title 10, United States Code, is amended by
8 striking out “while serving on active duty other than for
9 training after July 31, 1990, while a member of the Se-
10 lected Reserve” and inserting in lieu thereof “performed
11 on or after August 1, 1979, as a member of the Selected
12 Reserve”.

13 (2) Section 2107(g) of such title is amended by strik-
14 ing out “while serving on active duty other than for train-
15 ing after July 31, 1990, while a member of the Selected
16 Reserve” and inserting in lieu thereof “performed on or
17 after August 1, 1979, as a member of the Selected Re-
18 serve”.

19 (3) Section 2107a(g) of such title is amended by in-
20 serting “, other than enlisted service performed after Au-
21 gust 1, 1979, as a member of Selected Reserve” after
22 “service as a cadet or with concurrent enlisted service”.

23 (b) AMENDMENT TO TITLE 37.—Section 205(d) of
24 title 37, United States Code, is amended by striking out
25 “that service after July 31, 1990, that the officer per-

1 formed while serving on active duty” and inserting in lieu
 2 thereof “for service that the officer performed on or after
 3 August 1, 1979.”.

4 (c) BENEFITS NOT TO ACCRUE FOR PRIOR PERI-
 5 ODS.—No increase in pay or retired or retainer pay shall
 6 accrue for periods before the date of the enactment of this
 7 Act by reason of the amendments made by this section.

8 **Subtitle B—Matters Relating to** 9 **Reserve Components**

10 **SEC. 511. CLARIFICATION OF DEFINITION OF ACTIVE STA-** 11 **TUS.**

12 Section 101(d)(4) of title 10, United States Code, is
 13 amended by striking out “a reserve commissioned officer,
 14 other than a commissioned warrant officer,” and inserting
 15 in lieu thereof the following: “a member of a reserve com-
 16 ponent”.

17 **SEC. 512. AMENDMENTS TO RESERVE OFFICER PERSONNEL** 18 **MANAGEMENT ACT PROVISIONS.**

19 (a) SERVICE REQUIREMENT FOR RETIREMENT IN
 20 HIGHEST GRADE HELD.—Section 1370(d) of title 10,
 21 United States Code, is amended—

22 (1) by redesignating paragraph (3) as para-
 23 graph (4);

24 (2) in paragraph (2)(A), by striking out “(A)”;

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

3 (4) in paragraph (3), as so redesignated—

4 (A) by designating the first sentence as
5 subparagraph (A);

6 (B) by designating the second sentence as
7 subparagraph (B) and realigning such subpara-
8 graph, as so redesignated, flush to the left mar-
9 gin;

10 (C) in subparagraph (B), as so redesis-
11 gated, by striking out “the preceding sentence”
12 and inserting in lieu thereof “subparagraph
13 (A)”; and

14 (D) by adding at the end the following:

15 “(C) If a person covered by subparagraph (A) has
16 completed at least six months of satisfactory service in
17 grade, the person was serving in that grade while serving
18 in a position of adjutant general required under section
19 314 of title 32 or while serving in a position of assistant
20 adjutant general subordinate to such a position of adju-
21 tant general, and the person has failed to complete three
22 years of service in that grade solely because the person’s
23 appointment to such position has been terminated or va-
24 cated as described in section 324(b) of such title, then
25 such person may be credited with satisfactory service in

1 that grade, notwithstanding the failure to complete three
2 years of service in that grade.

3 “(D) To the extent authorized by the Secretary of
4 the military department concerned, a person who, after
5 having been recommended for promotion in a report of
6 a promotion board but before being promoted to the rec-
7 ommended grade, served in a position for which that grade
8 is the minimum authorized grade may be credited for pur-
9 poses of subparagraph (A) as having served in that grade
10 for the period for which the person served in that position
11 while in the next lower grade. The period credited may
12 not include any period before the date on which the Senate
13 provides advice and consent for the appointment of that
14 person in the recommended grade.

15 “(E) To the extent authorized by the Secretary of
16 the military department concerned, a person who, after
17 having been extended temporary Federal recognition as a
18 reserve officer of the Army National Guard in a particular
19 grade under section 308 of title 32 or temporary Federal
20 recognition as a reserve officer of the Air National Guard
21 in a particular grade under such section, served in a posi-
22 tion for which that grade is the minimum authorized grade
23 may be credited for purposes of subparagraph (A) as hav-
24 ing served in that grade for the period for which the per-
25 son served in that position while extended the temporary

1 Federal recognition, but only if the person was subse-
2 quently extended permanent Federal recognition as a re-
3 serve officer in that grade and also served in that position
4 after being extended the permanent Federal recognition.”.

5 (b) EXCEPTION TO REQUIREMENT FOR RETENTION
6 OF RESERVE OFFICERS UNTIL COMPLETION OF RE-
7 QUIRED SERVICE.—Section 12645(b)(2) of such title is
8 amended by inserting “or a reserve active-status list” after
9 “active-duty list”.

10 (c) TECHNICAL CORRECTION.—Section
11 14314(b)(2)(B) of such title is amended by striking out
12 “of the Air Force”.

13 **SEC. 513. REPEAL OF REQUIREMENT FOR PHYSICAL EXAMI-**
14 **NATIONS OF MEMBERS OF NATIONAL GUARD**
15 **CALLED INTO FEDERAL SERVICE.**

16 (a) REPEAL.—Section 12408 of title 10, United
17 States Code, is repealed.

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

21 **SEC. 514. AUTHORITY FOR A RESERVE ON ACTIVE DUTY TO**
22 **WAIVE RETIREMENT SANCTUARY.**

23 Section 12686 of title 10, United States Code, is
24 amended—

1 “(B) traveling directly to or from the place
2 at which such duty is performed; or

3 “(C) an injury, illness, or disease incurred
4 or aggravated while remaining overnight, be-
5 tween successive periods of inactive-duty train-
6 ing, at or in the vicinity of the site of the inac-
7 tive duty training, if the site is outside reason-
8 able commuting distance of the member’s resi-
9 dence;”.

10 **SEC. 516. RESERVE CREDIT FOR PARTICIPATION IN THE**
11 **HEALTH PROFESSIONS SCHOLARSHIP AND**
12 **FINANCIAL ASSISTANCE PROGRAM.**

13 (a) CREDIT AUTHORIZED.—Section 2126 of title 10,
14 United States Code, is amended—

15 (1) by striking out “Service performed” and in-
16 serting in lieu thereof “(a) SERVICE NOT CRED-
17 ITABLE.—Except as provided in subsection (b), serv-
18 ice performed”; and

19 (2) by adding at the end the following:

20 “(b) EXCEPTION.—(1) The Secretary concerned may
21 authorize service performed by a member of the program
22 in pursuit of a course of study under this subchapter to
23 be counted in accordance with this subsection if the mem-
24 ber—

25 “(A) completes the course of study;

1 “(B) completes the active duty obligation im-
2 posed under section 2123(a) of this title; and

3 “(C) possesses a specialty designated by the
4 Secretary concerned as critically needed in wartime.

5 “(2) Service credited under paragraph (1) counts
6 only for the following purposes:

7 “(A) Award of retirement points for computa-
8 tion of years of service under section 12732 of this
9 title and for computation of retired pay under sec-
10 tion 12733 of this title.

11 “(B) Computation of years of service creditable
12 under section 205 of title 37.

13 “(3) For purposes of paragraph (2)(A), a member
14 may be credited in accordance with paragraph (1) with
15 not more than 50 points for each year of participation in
16 a course of study that the member satisfactorily completes
17 as a member of the program.

18 “(4) Service may not be counted under paragraph (1)
19 for more than four years of participation in a course of
20 study as a member of the program.

21 “(5) A member who is dropped from the program
22 under section 2123(c) of this title may not receive any
23 credit under paragraph (1) for participation in a course
24 of study as a member of the program. Any credit awarded

1 for participation in the program before the member is
2 dropped shall be rescinded.

3 “(6) A member is not entitled to any retroactive
4 award of, or increase in, pay or allowances under title 37
5 by reason of an award of service credit under paragraph
6 (1).”.

7 (b) AWARD OF RETIREMENT POINTS.—(1) Section
8 12732(a)(2) of such title is amended—

9 (A) by inserting after clause (C) the following:

10 “(D) Points credited for the year under
11 section 2126(b) of this title.”; and

12 (B) in the matter following clause (D), as in-
13 serted by paragraph (1), by striking out “and (C)”
14 and inserting in lieu thereof “(C), and (D)”.

15 (2) Section 12733(3) of such title is amended by
16 striking out “or (C)” and inserting in lieu thereof “(C),
17 or (D)”.

18 **SEC. 517. REPORT ON GUARD AND RESERVE FORCE STRUC-**
19 **TURE.**

20 (a) REPORT.—Not later than March 1, 1997, the
21 Secretary of Defense shall submit to Congress a report
22 on the current force structure and the projected force
23 structure of the National Guard and the other reserve
24 components.

1 (b) REPORT ELEMENTS.—The report required by
2 subsection (a) shall address the following:

3 (1) The role of specific guard and reserve units
4 in the current force structure of the guard and re-
5 serves.

6 (2) The projected role of specific guard units
7 and reserve units in a major regional contingency.

8 (3) Whether or not the current force structure
9 of the guard and reserves is excess to the combat
10 readiness requirements of the Armed Forces and, if
11 so, to what extent.

12 (4) The effect of decisions relating to the force
13 structure of the guard and reserves on combat readi-
14 ness within the tiered structure of combat readiness
15 applied to the Armed Forces.

16 **SEC. 518. MODIFIED END STRENGTH AUTHORIZATION FOR**
17 **MILITARY TECHNICIANS FOR THE AIR NA-**
18 **TIONAL GUARD FOR FISCAL YEAR 1997.**

19 Section 513(b)(3) of the National Defense Authoriza-
20 tion Act for Fiscal Year 1996 (Public Law 104–106; 110
21 Stat. 305; 10 U.S.C. 115 note) is amended to read as fol-
22 lows:

23 “(3) Air National Guard:

24 “(A) For fiscal year 1996, 22,906.

25 “(B) For fiscal year 1997, 22,956.”.

1 **Subtitle C—Officer Education**
2 **Programs**

3 **SEC. 521. INCREASED AGE LIMIT ON APPOINTMENT AS A**
4 **CADET OR MIDSHIPMAN IN THE SENIOR RE-**
5 **SERVE OFFICERS' TRAINING CORPS AND THE**
6 **SERVICE ACADEMIES.**

7 (a) SENIOR RESERVE OFFICERS' TRAINING
8 CORPS.—Section 2107(a) of title 10, United States Code,
9 is amended by striking out “25 years of age” and inserting
10 in lieu thereof “27 years of age”.

11 (b) UNITED STATES MILITARY ACADEMY.—Section
12 4346(a) of title 10, United States Code, is amended by
13 striking out “twenty-second birthday” and inserting in
14 lieu thereof “twenty-third birthday”.

15 (c) UNITED STATES NAVAL ACADEMY.—Section
16 6958(a)(1) of title 10, United States Code, is amended
17 by striking out “twenty-second birthday” and inserting in
18 lieu thereof “twenty-third birthday”.

19 (d) UNITED STATES AIR FORCE ACADEMY.—Section
20 9346(a) of title 10, United States Code, is amended by
21 striking out “twenty-second birthday” and inserting in
22 lieu thereof “twenty-third birthday”.

1 **SEC. 522. DEMONSTRATION PROJECT FOR INSTRUCTION**
2 **AND SUPPORT OF ARMY ROTC UNITS BY**
3 **MEMBERS OF THE ARMY RESERVE AND NA-**
4 **TIONAL GUARD.**

5 (a) IN GENERAL.—The Secretary of the Army shall
6 carry out a demonstration project in order to assess the
7 feasibility and advisability of providing instruction and
8 similar support to units of the Reserve Officers Training
9 Corps of the Army through members of the Army Reserve
10 (including members of the Individual Ready Reserve) and
11 members of the Army National Guard.

12 (b) PROJECT REQUIREMENTS.—(1) The Secretary
13 shall carry out the demonstration project at least one in-
14 stitution.

15 (2) In order to enhance the value of the project, the
16 Secretary may take actions to ensure that members of the
17 Army Reserve and the Army National Guard provide in-
18 struction and support under the project in a variety of
19 innovative ways.

20 (c) INAPPLICABILITY OF LIMITATION ON RESERVES
21 IN SUPPORT OF ROTC.—The assignment of a member of
22 the Army Reserve or the Army National Guard to provide
23 instruction or support under the demonstration project
24 shall not be treated as an assignment of the member to
25 duty with a unit of a Reserve Officer Training Corps pro-

1 gram for purposes of section 12321 of title 10, United
2 States Code.

3 (d) REPORTS.—Not later than February 1 in each
4 of 1998, 1999, 2000, and 2001, the Secretary shall submit
5 to Congress a report assessing the activities under the
6 project during the preceding year. The report submitted
7 in 2000 shall include the Secretary's recommendation as
8 to the advisability of continuing or expanding the author-
9 ity for the project.

10 (e) TERMINATION.—The authority of the Secretary
11 to carry out the demonstration project shall expire four
12 years after the date of the enactment of this Act.

13 **SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY**
14 **ROTC CADET COMMAND OR TERMINATION OF**
15 **SENIOR ROTC UNITS PENDING REPORT ON**
16 **ROTC.**

17 (a) PROHIBITION.—Notwithstanding any other provi-
18 sion of law, the Secretary of the Army may not reorganize
19 or restructure the Reserve Officers Training Corps Cadet
20 Command or terminate any Senior Reserve Officer Train-
21 ing Corps units identified in the Information for Members
22 of Congress concerning Senior Reserve Officer Training
23 Corps (ROTC) Unit Closures dated May 20, 1996, until
24 180 days after the date on which the Secretary submits

1 to the congressional defense committees the report de-
2 scribed in subsection (b).

3 (b) REPORT.—The report referred to in subsection
4 (a) shall—

5 (1) describe the selection process used to iden-
6 tify the Reserve Officer Training Corps units of the
7 Army to be terminated;

8 (2) list the criteria used by the Army to select
9 Reserve Officer Training Corps units for termi-
10 nation;

11 (3) set forth the specific ranking of each unit
12 of the Reserve Officer Training Corps of the Army
13 to be terminated as against all other such units;

14 (4) set forth the authorized and actual cadre
15 staffing of each such unit to be termination for each
16 fiscal year of the 10-fiscal year period ending with
17 fiscal year 1996;

18 (5) set forth the production goals and perform-
19 ance evaluations of each Reserve Officer Training
20 Corps unit of the Army on the closure list for each
21 fiscal year of the 10-fiscal year period ending with
22 fiscal year 1996;

23 (6) describe how cadets currently enrolled in
24 the units referred to in paragraph (5) will be accom-
25 modated after the closure of such units;

1 (7) describe the incentives to enhance the Re-
2 serve Officer Training Corps program that are pro-
3 vided by each of the colleges on the closure list;

4 (8) include the projected officer accession plan
5 by source of commission for the active-duty Army,
6 the Army Reserve, and the Army National Guard;
7 and

8 (9) describe whether the closure of any ROTC
9 unit will adversely effect the recruitment of minority
10 officer candidates.

11 **Subtitle D—Other Matters**

12 **SEC. 531. RETIREMENT AT GRADE TO WHICH SELECTED** 13 **FOR PROMOTION WHEN A PHYSICAL DISABIL-** 14 **ITY IS FOUND AT ANY PHYSICAL EXAMINA-** 15 **TION.**

16 Section 1372(3) of title 10, United States Code, is
17 amended by striking out “his physical examination for
18 promotion” and inserting in lieu thereof “a physical exam-
19 ination”.

20 **SEC. 532. LIMITATIONS ON RECALL OF RETIRED MEMBERS** 21 **TO ACTIVE DUTY.**

22 (a) NUMBER ON ACTIVE DUTY CONCURRENTLY.—
23 Subsection (c) of section 688 of title 10, United States
24 Code, is amended—

1 (1) by striking out “(c) Except in time of war,
2 or of national emergency declared by Congress or
3 the President after November 30, 1980, not” and
4 inserting in lieu thereof “(c)(1) Not”; and

5 (2) by adding at the end the following:

6 “(2)(A) Not more than 25 officers of any one armed
7 force may be serving on active duty concurrently pursuant
8 to orders to active duty issued under this section.

9 “(B) In the administration of subparagraph (A), the
10 following officers shall not be counted:

11 “(i) A chaplain who is assigned to duty as a
12 chaplain for the period of active duty to which or-
13 dered.

14 “(ii) A health care professional (as character-
15 ized by the Secretary concerned) who is assigned to
16 duty as a health care professional for the period of
17 the active duty to which ordered.

18 “(iii) Any officer assigned to duty with the
19 American Battle Monuments Commission for the pe-
20 riod of active duty to which ordered.”.

21 (b) OFFICERS RETIRED ON SELECTIVE EARLY RE-
22 TIREMENT BASIS.—Such section is amended by adding at
23 the end the following:

24 “(e) The following officers may not be ordered to ac-
25 tive duty under this section:

1 “(1) An officer who retired under section 638
2 of this title.

3 “(2) An officer who—

4 “(A) after having been notified that the of-
5 ficer was to be considered for early retirement
6 under section 638 of this title by a board con-
7 vened under section 611(b) of this title and be-
8 fore being considered by that board, requested
9 retirement under section 3911, 6323, or 8911
10 of this title; and

11 “(B) was retired pursuant to that re-
12 quest.”.

13 (c) LIMITATION OF PERIOD OF RECALL SERVICE.—
14 Such section, as amended by subsection (b), is further
15 amended by adding at the end the following:

16 “(f) A member ordered to active duty under sub-
17 section (a) may not serve on active duty pursuant to or-
18 ders under such subsection for more than 12 months with-
19 in the 24 months following the first day of the active duty
20 to which ordered under this section.”.

21 (d) WAIVER FOR PERIODS OF WAR OR NATIONAL
22 EMERGENCY.—Such section, as amended by subsection
23 (c), is further amended by adding at the end the following:

1 “(g)(1) Subsection (c)(1) does not apply in time of
2 war or of national emergency declared by Congress or the
3 President after November 30, 1980.

4 “(2) Subsections (c)(2), (e), and (f) do not apply in
5 time of war or of national emergency declared by Congress
6 or the President.”.

7 **SEC. 533. DISABILITY COVERAGE FOR OFFICERS GRANTED**
8 **EXCESS LEAVE FOR EDUCATIONAL PUR-**
9 **POSES.**

10 (a) **ELIGIBILITY FOR RETIREMENT.**—Section 1201
11 of title 10, United States Code, is amended—

12 (1) by inserting “(a) **RETIREMENT.**—” before
13 “Upon a determination”;

14 (2) by striking out “a member of a regular
15 component of the armed forces entitled to basic pay,
16 or any other member of the armed forces entitled to
17 basic pay who has been called or ordered to active
18 duty (other than for training under section 10148(a)
19 of this title) for a period of more than 30 days,” and
20 inserting in lieu thereof “a member described in sub-
21 section (b)”;

22 (3) by inserting after “incurred while entitled to
23 basic pay” the following: “or incurred while absent
24 as described in section 502(b) of title 37 to partici-
25 pate in an educational program (even though not en-

1 titled to basic pay by operation of such section)”;
2 and

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

4 “(b) ELIGIBLE MEMBERS.—This section applies to
5 the following members:

6 “(1) A member of a regular component of the
7 armed forces entitled to basic pay.

8 “(2) Any other member of the armed forces en-
9 titled to basic pay who has been called or ordered to
10 active duty (other than for training under section
11 10148(a) of this title) for a period of more than 30
12 days.

13 “(3) A member of a regular component of the
14 armed forces who is on active duty but is absent as
15 described in section 502(b) of title 37 to participate
16 in an educational program.”.

17 (b) ELIGIBILITY FOR PLACEMENT ON TEMPORARY
18 DISABILITY RETIREMENT LIST.—Section 1202 of title 10,
19 United States Code, is amended—

20 (1) by inserting “(a) TEMPORARY RETIRE-
21 MENT.—” before “Upon a determination”; and

22 (2) by striking out “a member of a regular
23 component of the armed forces entitled to basic pay,
24 or any other member of the armed forces entitled to
25 basic pay who has been called or ordered to active

1 duty (other than for training under section 10148(a)
2 of this title) for a period of more than 30 days,” and
3 inserting in lieu thereof “a member described in sec-
4 tion 1201(b) of this title”.

5 (c) ELIGIBILITY FOR SEPARATION.—Section 1203 of
6 title 10, United States Code, is amended—

7 (1) by inserting “(a) SEPARATION.—” before
8 “Upon a determination”;

9 (2) by striking out “a member of a regular
10 component of the armed forces entitled to basic pay,
11 or any other member of the armed forces entitled to
12 basic pay who has been called or ordered to active
13 duty (other than for training under section 10148(a)
14 of this title) for a period of more than 30 days,” and
15 inserting in lieu thereof “a member described in sec-
16 tion 1201(b) of this title”; and

17 (3) by inserting after “incurred while entitled to
18 basic pay” the following: “or incurred while absent
19 as described in section 502(b) of title 37 to partici-
20 pate in an educational program (even though not en-
21 titled to basic pay by operation of such section)”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of the enactment
24 of this Act and shall apply with respect to physical disabil-
25 ities incurred on or after such date.

1 **SEC. 534. UNIFORM POLICY REGARDING RETENTION OF**
 2 **MEMBERS WHO ARE PERMANENTLY NON-**
 3 **WORLDWIDE ASSIGNABLE.**

4 (a) **POLICY REQUIRED.**—Chapter 59 of title 10,
 5 United States Code, is amended by inserting after section
 6 1176 the following:

7 **“§ 1177. Uniform policy regarding retention of mem-**
 8 **bers who are permanently nonworldwide**
 9 **assignable**

10 “The Secretary of Defense shall prescribe regulations
 11 setting forth uniform policies and procedures regarding re-
 12 tention of members of the Army, Navy, Air Force, and
 13 Marine Corps who are permanently nonworldwide assign-
 14 able for medical reasons.”.

15 (b) **CLERICAL AMENDMENT.**—The table of sections
 16 at the beginning of such chapter is amended by inserting
 17 after the item relating to section 1176 the following:

“1177. Uniform policy regarding retention of members who are permanently
 nonworldwide assignable.”.

18 **SEC. 535. AUTHORITY TO EXTEND PERIOD FOR ENLIST-**
 19 **MENT IN REGULAR COMPONENT UNDER THE**
 20 **DELAYED ENTRY PROGRAM.**

21 (a) **AUTHORITY.**—Section 513(b) of title 10, United
 22 States Code, is amended by inserting after the first sen-
 23 tence the following: “The Secretary concerned may extend
 24 the 365-day period for a person for up to 180 additional

1 days if the Secretary determines that it is in the best in-
2 terests of the armed force under the Secretary's jurisdic-
3 tion to do so.”.

4 (b) TECHNICAL AMENDMENTS.—Section 513(b) of
5 such title, as amended by subsection (a), is further amend-
6 ed—

7 (1) by inserting “(1)” after “(b)”;

8 (2) by designating the third sentence as para-
9 graph (2) and realigning such paragraph, as so des-
10 ignated, flush to the left margin; and

11 (3) in paragraph (2), as so designated, by strik-
12 ing out “the preceding sentence” and inserting in
13 lieu thereof “paragraph (1)”.

14 **SEC. 536. CAREER SERVICE REENLISTMENTS FOR MEM-**
15 **BERS WITH AT LEAST 10 YEARS OF SERVICE.**

16 Subsection (d) of section 505 of title 10, United
17 States Code, is amended to read as follows:

18 “(d)(1) The Secretary concerned may accept a reen-
19 listment in the Regular Army, Regular Navy, Regular Air
20 Force, Regular Marine Corps, or Regular Coast Guard,
21 as the case may be, for a period determined under this
22 subsection.

23 “(2) In the case of a member who has less than 10
24 years of service in the armed forces as of the day before
25 the first day of the period for which reenlisted, the period

1 for which the member reenlists shall be at least two years
2 but not more than six years.

3 “(3) In the case of a member who has at least 10
4 years of service in the armed forces as of the day before
5 the first day of the period for which reenlisted, the Sec-
6 retary concerned may accept a reenlistment for either—

7 “(A) a specified period of at least two
8 years but not more than six years; or

9 “(B) an unspecified period.

10 “(4) No enlisted member is entitled to be reenlisted
11 for a period that would expire before the end of the mem-
12 ber’s current enlistment.”.

13 **SEC. 537. REVISIONS TO MISSING PERSONS AUTHORITIES.**

14 (a) REPEAL OF APPLICABILITY OF AUTHORITIES TO
15 DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND
16 CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10,
17 United States Code, is amended—

18 (A) by striking out subsection (c) and inserting
19 in lieu thereof the following new subsection (c):

20 “(c) COVERED PERSONS.—Section 1502 of this title
21 applies in the case of any member of the armed forces
22 on active duty who becomes involuntarily absent as a re-
23 sult of a hostile action, or under circumstances suggesting
24 that the involuntary absence is a result of a hostile action,

1 and whose status is undetermined or who is unaccounted
2 for.”; and

3 (B) by striking out subsection (f).

4 (2) Section 1503(c) of such title is amended—

5 (A) in paragraph (1), by striking out “one indi-
6 vidual described in paragraph (2)” and inserting in
7 lieu thereof “one military officer”;

8 (B) by striking out paragraph (2); and

9 (C) by redesignating paragraphs (3) and (4) as
10 paragraphs (2) and (3), respectively.

11 (3) Section 1504(d) of such title is amended—

12 (A) by striking out the text of paragraph (1)
13 and inserting in lieu thereof the following new text:
14 “A board under this section shall be composed of at
15 least three members who are officers having the
16 grade of major or lieutenant commander or above.”;
17 and

18 (B) in paragraph (4), by striking out “section
19 1503(e)(4)” and inserting in lieu thereof “section
20 1503(e)(3)”.

21 (4) Paragraph (1) of section 1513 of such title is
22 amended to read as follows:

23 “(1) The term ‘missing person’ means a mem-
24 ber of the armed forces on active duty who is in a
25 missing status.”.

1 (b) REPORT ON PRELIMINARY ASSESSMENT OF STA-
2 TUS.—(1) Section 1502 of title 10, United States Code,
3 is amended—

4 (A) in subsection (a)(2)—

5 (i) by striking out “48 hours” and insert-
6 ing in lieu thereof “10 days”; and

7 (ii) by striking out “theater component
8 commander with jurisdiction over the missing
9 person” and inserting in lieu thereof “Secretary
10 concerned”;

11 (B) by striking out subsection (b);

12 (C) by redesignating subsection (c) as sub-
13 section (b); and

14 (D) in subsection (b), as so redesignated, by
15 striking out the second sentence.

16 (2) Section 1503(a) of such title is amended by strik-
17 ing out “section 1502(b)” and inserting in lieu thereof
18 “section 1502(a)”.

19 (3) Section 1513 of such title is amended by striking
20 out paragraph (8).

21 (c) REPEAL OF REQUIREMENTS FOR COUNSELS FOR
22 MISSING PERSONS.—(1) Section 1503 of title 10, United
23 States Code, is amended—

24 (A) by striking out subsection (f); and

1 (B) by redesignating subsections (g) through
2 (k) as subsections (f) through (j), respectively.

3 (2) Section 1504 of such title is amended—

4 (A) by striking out subsection (f); and

5 (B) by redesignating subsections (g) through
6 (m) as subsections (f) through (l), respectively.

7 (3) Such section 1503 is further amended—

8 (A) in subsection (g)(3), as redesignated by
9 paragraph (1)(B) of this subsection, by striking out
10 “subsection (j)” and inserting in lieu thereof “sub-
11 section (i)”;

12 (B) in subsection (h)(1), as so redesignated, by
13 striking out “subsection (h)” and inserting in lieu
14 thereof “subsection (g)”;

15 (C) in subsection (i), as so redesignated—

16 (i) by striking out “subsection (i)” in the
17 matter preceding paragraph (1) and inserting
18 in lieu thereof “subsection (h)”;

19 (ii) in paragraph (1)(B), by striking out
20 “subsection (h)” and inserting in lieu thereof
21 “subsection (g)”;

22 (D) in subsection (j), as so redesignated, by
23 striking out “subsection (i)” and inserting in lieu
24 thereof “subsection (h)”.

25 (4) Such section 1504 of such title is amended—

1 (A) in subsection (a), by striking out “section
2 1503(i)” and inserting in lieu thereof “section
3 1503(h)”;

4 (B) in subsection (e)(1), by striking out “sec-
5 tion 1503(h)” and inserting in lieu thereof “section
6 1503(g)”;

7 (C) in subsection (f), as redesignated by para-
8 graph (2)(B) of this subsection, by striking out
9 “subsection (i)” each place it appears in paragraphs
10 (4)(D) and (5)(B) and inserting in lieu thereof “sub-
11 section (h)”;

12 (D) in subsection (g)(3)(A), as so redesignated,
13 by striking out “and the counsel for the missing per-
14 son appointed under subsection (f)”;

15 (E) in subsection (j), as so redesignated—

16 (i) in paragraph (1)—

17 (I) by striking out “subsection (j)” in
18 the matter preceding subparagraph (A)
19 and inserting in lieu thereof “subsection
20 (i)”;

21 (II) by inserting “and” at the end of
22 subparagraph (A);

23 (III) by striking out subparagraph
24 (B); and

1 (IV) by redesignating subparagraph
2 (C) as subparagraph (B) and in that sub-
3 paragraph, as so redesignated, by striking
4 out “subsection (g)(5)” and inserting in
5 lieu thereof “subsection (f)(5)”; and

6 (ii) in paragraph (2), by striking out “sub-
7 paragraph (C)” and inserting in lieu thereof
8 “subparagraph (B)”;

9 (F) in subsection (k), as redesignated by para-
10 graph (2)(B) of this subsection, by striking out
11 “subsection (k)” in the matter preceding paragraph
12 (1) and inserting in lieu thereof “subsection (j)”;
13 and

14 (G) in subsection (l), as so redesignated, by
15 striking out “subsection (k)” and inserting in lieu
16 thereof “subsection (l)”.

17 (5) Section 1505(c) of such title is amended—

18 (A) in paragraph (2), by striking out “(A) the
19 designated missing person’s counsel for that person,
20 and (B)”;

21 (B) in paragraph (3), by striking out “, with
22 the advice” and all that follows through “paragraph
23 (2),”.

1 (6) Section 1509(a) of such title is amended by strik-
2 ing out “section 1504(g)” and inserting in lieu thereof
3 “section 1504(f)”.

4 (d) FREQUENCY OF SUBSEQUENT REVIEWS.—Sub-
5 section (b) of section 1505 of title 10, United States Code,
6 is amended to read as follows:

7 “(b) FREQUENCY OF SUBSEQUENT REVIEWS.—The
8 Secretary concerned shall conduct inquiries into the
9 whereabouts and status of a person under subsection (a)
10 upon receipt of information that may result in a change
11 of status of the person. The Secretary concerned shall ap-
12 point a board to conduct such inquiries.”.

13 (e) REPEAL OF STATUTORY PENALTIES FOR WRONG-
14 FUL WITHHOLDING OF INFORMATION.—Section 1506 of
15 title 10, United States Code, is amended—

16 (1) by striking out subsection (e); and

17 (2) by redesignating subsection (f) as sub-
18 section (e).

19 (f) INFORMATION TO ACCOMPANY RECOMMENDA-
20 TION OF STATUS OF DEATH.—Section 1507(b) of title 10,
21 United States Code, is amended by striking out para-
22 graphs (3) and (4).

23 (g) REPEAL OF RIGHT OF JUDICIAL REVIEW.—Sec-
24 tion 1508 of title 10, United States Code, is repealed.

1 (h) SCOPE OF PREENACTMENT REVIEW.—(1) Sec-
2 tion 1509 of title 10, United States Code, is amended—

3 (A) in subsection (b)—

4 (i) by striking out paragraph (1); and

5 (ii) by redesignating paragraphs (2) and
6 (3) as paragraphs (1) and (2), respectively;

7 (B) by striking out subsection (c);

8 (C) by redesignating subsection (d) as sub-
9 section (c); and

10 (D) in subsection (c), as so redesignated—

11 (i) by striking out paragraph (1); and

12 (ii) by redesignating paragraphs (2) and
13 (3) as paragraphs (1) and (2), respectively.

14 (2) The section heading of such section is amended
15 by striking out “, **special interest cases**”.

16 (i) CLERICAL AMENDMENTS.—The table of sections
17 at the beginning of chapter 76 of title 10, United States
18 Code, is amended—

19 (1) in the item relating to section 1509, by
20 striking out “, special interest cases”; and

21 (2) by striking out the item relating to section
22 1509.

1 **SEC. 538. INAPPLICABILITY OF SOLDIERS' AND SAILORS'**
2 **CIVIL RELIEF ACT OF 1940 TO THE PERIOD**
3 **OF LIMITATIONS FOR FILING CLAIMS FOR**
4 **CORRECTIONS OF MILITARY RECORDS.**

5 (a) **EXTENSION OF PERIOD.**—Section 1552(b) of title
6 10, United States Code, is amended—

7 (1) by inserting “(1)” after “(b)”; and

8 (2) by adding at the end the following:

9 “(2) Notwithstanding the provisions of section 205
10 of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50
11 U.S.C. App. 525), and any other provision of law, the
12 three-year period for filing a request for correction of
13 records is not extended by reason of military service. How-
14 ever, in determining under paragraph (1) whether it is in
15 the interest of justice to excuse a failure timely to file a
16 request for correction, the board shall consider the claim-
17 ant’s military service and its effect on the claimant’s abil-
18 ity to file a claim.”.

19 (b) **EFFECTIVE DATE.**—Paragraph (2) of section
20 1552(b) of such title, as added by subsection (a), shall
21 take effect three years after the date of the enactment of
22 this Act.

1 **SEC. 539. MEDAL OF HONOR FOR CERTAIN AFRICAN-AMER-**
2 **ICAN SOLDIERS WHO SERVED IN WORLD WAR**
3 **II.**

4 (a) INAPPLICABILITY OF TIME LIMITATIONS.—Not-
5 withstanding the time limitations in section 3744(b) of
6 title 10, United States Code, or any other time limitation,
7 the President may award the Medal of Honor to each per-
8 son identified in subsection (b), each such person having
9 distinguished himself conspicuously by gallantry and intre-
10 pidity at the risk of his life above and beyond the call of
11 duty while serving in the United States Army during
12 World War II.

13 (b) APPLICABILITY.—The authority in this section
14 applies with respect to the following persons:

15 (1) Vernon J. Baker, who served as a first lieu-
16 tenant in the 370th Infantry Regiment, 92nd Infan-
17 try Division.

18 (2) Edward A. Carter, who served as a staff
19 sergeant in the 56th Armored Infantry Battalion,
20 12th Armored Division.

21 (3) John R. Fox, who served as a first lieuten-
22 ant in the 366th Infantry Regiment, 92nd Infantry
23 Division.

24 (4) Willy F. James, Jr., who served as a private
25 first class in the 413th Infantry Regiment, 104th
26 Infantry Division.

1 Force designated as Air Force nurses whose regular grade
2 is above lieutenant colonel and who are recommended by
3 the Surgeon General. An appointee who holds a lower reg-
4 ular grade shall be appointed in the regular grade of briga-
5 dier general. The Chief serves during the pleasure of the
6 Secretary, but not for more than three years, and may
7 not be reappointed to the same position.

8 “(c) ASSISTANT CHIEF.—The Surgeon General shall
9 appoint the assistant chief from the officers of the Regular
10 Air Force designated as Air Force nurses whose regular
11 grade is above lieutenant colonel.”

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after section 8067 the following:

“3069. Air Force Nurse Corps: Chief and assistant chief; appointment; grade.”

15 **SEC. 542. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
16 **CERTAIN DECORATIONS TO SPECIFIED PER-**
17 **SONS.**

18 (a) WAIVER OF TIME LIMITATION.—Any limitation
19 established by law or policy for the time within which a
20 recommendation for the award of a military decoration or
21 award must be submitted shall not apply in the case of
22 awards of decorations as described in subsection (b), the
23 award of each such decoration having been determined by
24 the Secretary of the Navy to be warranted in accordance
25 with section 1130 of title 10, United States Code.

1 (b) DISTINGUISHED FLYING CROSS.—Subsection (a)
2 applies to awards of the Distinguished Flying Cross for
3 service during World War II as follows:

4 (1) FIRST AWARD.—First award, for completion
5 of at least 20 qualifying combat missions, to the fol-
6 lowing members and former members of the Armed
7 Forces:

8 Vernard V. Aiken of Wilmington, Vermont.

9 Ira V. Babcock of Dothan, Georgia.

10 George S. Barlow of Grafton, Virginia.

11 Earl A. Bratton of Bodega Bay, Califor-
12 nia.

13 Herman C. Edwards of Johns Island,
14 South Carolina.

15 James M. Fitzgerald of Anchorage, Alas-
16 ka.

17 Paul L. Hitchcock of Raleigh, North Caro-
18 lina.

19 Harold H. Hottle of Hillsboro, Ohio.

20 Samuel M. Keith of Anderson, South Caro-
21 lina.

22 Otis Lancaster of Wyoming, Michigan.

23 John B. McCabe of Biglerville, Pennsylva-
24 nia.

25 James P. Merriman of Midland, Texas.

1 The late Michael L. Michalak, formerly of
2 Akron, New York.

3 The late Edward J. Naparkowsky, for-
4 merly of Hartford, Connecticut.

5 A. Jerome Pfeiffer of Racine, Wisconsin.

6 Duane L. Rhodes of Earp, California.

7 Frank V. Roach of Bloomfield, New Jer-
8 sey.

9 Arnold V. Rosekrans of Horseheads, New
10 York.

11 Joseph E. Seaman, Jr. of Bordentown,
12 New Jersey.

13 Luther E. Thomas of Panama City, Flor-
14 ida.

15 Merton S. Ward of South Hamilton, Mas-
16 sachusetts.

17 Simon L. Webb of Magnolia, Mississippi.

18 Jerry W. Webster of Leander, Texas.

19 Stanley J. Orłowski of Jackson, Michigan.

20 (2) SECOND AWARD.—Second award, for com-
21 pletion of at least 40 qualifying combat missions, to
22 the following members and former members of the
23 Armed Forces:

24 Ralph J. Deceuster of Dover, Ohio.

1 Elbert J. Kimble of San Francisco, Cali-
2 fornia.

3 George W. Knauff of Monument, Colorado.

4 John W. Lincoln of Rockland, Massachu-
5 setts.

6 Alan D. Marker of Sonoma, California.

7 Joseph J. Oliver of White Haven, Penn-
8 sylvania.

9 Arthur C. Adair of Grants Pass, Oregon.

10 Daniel K. Connors of Hampton, New
11 Hampshire.

12 Glen E. Danielson of Whittier, California.

13 Prescott C. Jernegan of Hemet, California.

14 Stephen K. Johnson of Englewood, Flor-
15 ida.

16 Warren E. Johnson of Vista, California.

17 Albert P. Emsley of Bothell, Washington.

18 Robert B. Carnes of West Yarmouth, Mas-
19 sachusetts.

20 Urbain J. Fournier of Houma, Louisiana.

21 John B. Tagliapiri of St. Helena, Califor-
22 nia.

23 Ray B. Stiltner of Centralia, Washington.

24 (3) THIRD AWARD.—Third award, for comple-
25 tion of at least 60 qualifying combat missions, to the

1 following members and former members of the
2 Armed Forces:

3 Glenn Bowers of Dillsburg, Pennsylvania.

4 Arthur C. Casey of Irving, California.

5 Robert J. Larsen of Gulf Breeze, Florida.

6 William A. Nickerson of Portland, Oregon.

7 David Mendoza of McAllen, Texas.

8 (4) FOURTH AWARD.—Fourth award, for com-
9 pletion of at least 80 qualifying combat missions, to
10 the following members and former members of the
11 Armed Forces:

12 Arvid L. Kretz of Santa Rosa, California.

13 George E. McClane of Cocoa Beach, Flor-
14 ida.

15 Robert Bair of Ontario, California.

16 (5) FIFTH AWARD.—Fifth award, for comple-
17 tion of at least 100 qualifying combat missions, to
18 the following members and former members of the
19 Armed Forces:

20 William A. Baldwin of San Clemente, Cali-
21 fornia.

22 George Bobb of Blackwood, New Jersey.

23 John R. Conrad of Hot Springs, Arkansas.

24 Herbert R. Hetrick of Roaring Springs,
25 Pennsylvania.

1 William L. Wells of Cordele, Georgia.

2 (6) SIXTH AWARD.—Sixth award, for comple-
3 tion of at least 120 qualifying combat missions, to
4 Richard L. Murray of Dallas, Texas.

5 **SEC. 543. MILITARY PERSONNEL STALKING PUNISHMENT**
6 **AND PREVENTION ACT OF 1996.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “Military Personnel Stalking Punishment and Prevention
9 Act of 1996”.

10 (b) IN GENERAL.—Title 18, United States Code, is
11 amended by inserting after section 2261 the following:

12 **“§ 2261A. Stalking of members of the Armed Forces of**
13 **the United States**

14 “(a) IN GENERAL.—Whoever, within the special mar-
15 itime and territorial jurisdiction of the United States or
16 in the course of interstate travel, with the intent to injure
17 or harass any military person, places that military person
18 in reasonable fear of the death of, or serious bodily injury
19 to, that military person or a member of the immediate
20 family of that military person shall be punished as pro-
21 vided in section 2261.

22 “(b) DEFINITIONS.—For purposes of this section—

23 “(1) the term ‘immediate family’ has the same
24 meaning as in section 115; and

25 “(2) the term ‘military person’ means—

1 “(A) any member of the Armed Forces of
2 the United States (including a member of any
3 reserve component); and

4 “(B) any member of the immediate family
5 of a person described in subparagraph (A).”.

6 (c) CONFORMING AMENDMENTS.—

7 (1) Section 2261(b) of title 18, United States
8 Code, is amended by inserting “or section 2261A”
9 after “this section”.

10 (2) Sections 2261(b) and 2262(b) of title 18,
11 United States Code, are each amended by striking
12 “offender’s spouse or intimate partner” each place it
13 appears and inserting “victim”.

14 (3) The chapter heading for chapter 110A of
15 title 18, United States Code, is amended by insert-
16 ing “**AND STALKING**” after “**VIOLENCE**”.

17 (d) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 110A of title 18, United States
19 Code, is amended by inserting after the item relating to
20 section 2261 the following new item:

 “2261A. Stalking of members of the Armed Forces of the United States.”.

21 (e) EFFECTIVE DATE.—This section and the amend-
22 ments made by this section shall take effect on the day
23 after the date of enactment of this Act.

1 **Subtitle E—Commissioned Corps of**
2 **the Public Health Service**

3 **SEC. 561. APPLICABILITY TO PUBLIC HEALTH SERVICE OF**
4 **PROHIBITION ON CREDITING CADET OR MID-**
5 **SHIPMEN SERVICE AT THE SERVICE ACAD-**
6 **EMIES.**

7 Section 971(b) of title 10, United States Code, is
8 amended—

9 (1) in subsection (a), by inserting before the pe-
10 riod at the end the following: “or an officer in the
11 Commissioned Corps of the Public Health Service”;
12 and

13 (2) in subsection (b)—

14 (A) by striking out “and” at the end of
15 paragraph (2);

16 (B) by striking out the period at the end
17 of paragraph (3) and inserting in lieu thereof “;
18 and”; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(4) no officer in the Commissioned Corps of
22 the Public Health Service may be credited with serv-
23 ice as a midshipman at the United States Naval
24 Academy or as a cadet at the United States Military

1 Academy, United States Air Force Academy, or
2 United States Coast Guard Academy.”.

3 **SEC. 562. EXCEPTION TO GRADE LIMITATIONS FOR PUBLIC**
4 **HEALTH SERVICE OFFICERS ASSIGNED TO**
5 **THE DEPARTMENT OF DEFENSE.**

6 Section 206 of the Public Health Service Act (42
7 U.S.C. 207 et seq.) is amended by adding at the end there-
8 of the following new subsection:

9 “(f) EXCEPTION TO GRADE LIMITATIONS FOR OFFI-
10 CERS ASSIGNED TO DEPARTMENT OF DEFENSE.—In
11 computing the maximum number of commissioned officers
12 of the Public Health Service authorized by law to hold a
13 grade which corresponds to the grade of captain, major,
14 lieutenant colonel, or colonel, there may be excluded from
15 such computation officers who hold such a grade while the
16 officers are assigned to duty in the Department of De-
17 fense.”.

18 **Subtitle F—Defense Economic Ad-**
19 **justment, Diversification, Con-**
20 **version, and Stabilization**

21 **SEC. 571. AUTHORITY TO EXPAND LAW ENFORCEMENT**
22 **PLACEMENT PROGRAM TO INCLUDE FIRE-**
23 **FIGHTERS.**

24 Section 1152(g) of title 10, United States Code, is
25 amended—

1 (1) by striking out “(g) CONDITIONAL EXPAN-
2 SION OF PLACEMENT TO INCLUDE FIRE-
3 FIGHTERS.—(1) Subject to paragraph (2), the” and
4 inserting in lieu thereof “(g) AUTHORITY TO EX-
5 PAND PLACEMENT TO INCLUDE FIREFIGHTERS.—
6 The”; and

7 (2) in paragraph (2), by striking out the first
8 sentence.

9 **SEC. 572. TROOPS-TO-TEACHERS PROGRAM IMPROVE-**
10 **MENTS.**

11 (a) SEPARATED MEMBERS OF THE ARMED
12 FORCES.—(1) Subsection (a) of section 1151 of title 10,
13 United States Code, is amended by striking out “may es-
14 tablish” and inserting in lieu thereof “shall establish”.

15 (2) Such section is further amended—

16 (A) in subsection (f)(2), by striking out “five
17 school years” in subparagraphs (A) and (B) and in-
18 serting in lieu thereof “two school years”; and

19 (B) in subsection (h)(3)(A), by striking out
20 “five consecutive school years” and inserting in lieu
21 thereof “two consecutive school years”.

22 (3) Subsection (g)(2) of such section is amended—

23 (A) by striking out the comma after “section
24 1174a of this title” and inserting in lieu thereof
25 “or”; and

1 (B) by striking out “, or retires pursuant to the
2 authority provided in section 4403 of the National
3 Defense Authorization Act for fiscal year 1993
4 (Public Law 102–484; 10 U.S.C. 1293 note)”.

5 (4) Subsection (h)(3)(B) of such section is amend-
6 ed—

7 (A) in clause (i), by striking out “\$25,000” and
8 inserting in lieu thereof “\$17,000”;

9 (B) in clause (ii)—

10 (i) by striking out “40 percent” and insert-
11 ing in lieu thereof “25 percent”; and

12 (ii) by striking out “\$10,000” and insert-
13 ing in lieu thereof “\$8,000”; and

14 (C) by striking out clauses (iii), (iv), and (v).

15 (b) SAVINGS PROVISION.—The amendments made by
16 this section do not effect obligations under agreements en-
17 tered into in accordance with section 1151 of title 10,
18 United States Code, before the date of the enactment of
19 this Act.

20 **Subtitle G—Armed Forces**
21 **Retirement Home**

22 **SEC. 581. REFERENCES TO ARMED FORCES RETIREMENT**
23 **HOME ACT OF 1991.**

24 Except as otherwise expressly provided, whenever in
25 this subtitle an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
 2 sion, the reference shall be considered to be made to a
 3 section or other provision of the Armed Forces Retirement
 4 Home Act of 1991 (title XV of Public Law 101–510; 24
 5 U.S.C. 401 et seq.).

6 **SEC. 582. ACCEPTANCE OF UNCOMPENSATED SERVICES.**

7 (a) **AUTHORITY.**—Part A is amended by adding at
 8 the end the following:

9 **“SEC. 1522. AUTHORITY TO ACCEPT CERTAIN UNCOMPEN-
 10 SATED SERVICES.**

11 “(a) **AUTHORITY TO ACCEPT SERVICES.**—Subject to
 12 subsection (b) and notwithstanding section 1342 of title
 13 31, United States Code, the Chairman of the Retirement
 14 Home Board or the Director of each establishment of the
 15 Retirement Home may accept from any person voluntary
 16 personal services or gratuitous services unless the accept-
 17 ance of the voluntary services is disapproved by the Retire-
 18 ment Home Board.

19 “(b) **REQUIREMENTS AND LIMITATIONS.**—(1) The
 20 Chairman of the Retirement Home Board or the Director
 21 of the establishment accepting the services shall notify the
 22 person of the scope of the services accepted.

23 “(2) The Chairman or Director shall—

24 “(A) supervise the person providing the services
 25 to the same extent as that official would supervise

1 a compensated employee providing similar services;
2 and

3 “(B) ensure that the person is licensed, privi-
4 leged, has appropriate credentials, or is otherwise
5 qualified under applicable laws or regulations to pro-
6 vide such services.

7 “(3) A person providing services accepted under sub-
8 section (a) may not—

9 “(A) serve in a policymaking position of the Re-
10 tirement Home; or

11 “(B) be compensated for the services by the Re-
12 tirement Home.

13 “(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS
14 PROVIDING SERVICES.—The Chairman of the Retirement
15 Home Board or the Director of an establishment of the
16 Retirement Home may recruit and train persons to pro-
17 vide services authorized to be accepted under subsection
18 (a).

19 “(d) STATUS OF PERSONS PROVIDING SERVICES.—
20 (1) Subject to paragraph (3), while providing services ac-
21 cepted under subsection (a) or receiving training under
22 subsection (c), a person shall be considered to be an em-
23 ployee of the Federal Government only for purposes of the
24 following provisions of law:

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

4 “(B) Chapter 171 of title 28, United States
5 Code (relating to claims for damages or loss).

6 “(2) A person providing services accepted under sub-
7 section (a) shall be considered to be an employee of the
8 Federal Government under paragraph (1) only with re-
9 spect to services that are within the scope of the services
10 accepted.

11 “(3) For purposes of determining the compensation
12 for work-related injuries payable under chapter 81 of title
13 5, United States Code (pursuant to this subsection) to a
14 person providing services accepted under subsection (a),
15 the monthly pay of the person for such services shall be
16 deemed to be the amount determined by multiplying—

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

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

22 “(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—
23 The Chairman of the Retirement Board or the Director
24 of the establishment accepting services under subsection
25 (a) may provide for reimbursement of a person for inciden-

1 tal expenses incurred by the person in providing the serv-
2 ices accepted under subsection (a). The Chairman or Di-
3 rector shall determine which expenses qualify for reim-
4 bursement under this subsection.”.

5 (b) FEDERAL STATUS OF RESIDENTS PAID FOR
6 PART-TIME OR INTERMITTENT SERVICES.—Paragraph
7 (2) of section 1521(b) (24 U.S.C. 421(b)) is amended to
8 read as follows:

9 “(2) being an employee of the United States for
10 any purpose other than—

11 “(A) subchapter I of chapter 81 of title 5,
12 United States Code (relating to compensation
13 for work-related injuries); and

14 “(B) chapter 171 of title 28, United States
15 Code (relating to claims for damages or loss).”.

16 **SEC. 583. DISPOSAL OF REAL PROPERTY.**

17 (a) DISPOSAL AUTHORIZED.—Notwithstanding title
18 II the Federal Property and Administrative Services Act
19 of 1949 (40 U.S.C. 481 et seq.), title VIII of such Act
20 (40 U.S.C. 531 et seq.), section 501 of the Stewart B.
21 McKinney Homeless Assistance Act (42 U.S.C. 11411),
22 or any other provision of law relating to the management
23 and disposal of real property by the United States, but
24 subject to subsection (d), the Retirement Home Board
25 may, by sale or otherwise, convey all right, title, and inter-

1 est of the United States in a parcel of real property, in-
2 cluding improvements thereof, consisting of approximately
3 49 acres located in Washington, District of Columbia, east
4 of North Capitol Street, and recorded as District Parcel
5 121/19.

6 (b) MANNER, TERMS, AND CONDITIONS OF DIS-
7 POSAL.—The Retirement Home may determine—

8 (1) the manner for the disposal of the real
9 property under subsection (a); and

10 (2) the terms and conditions for the conveyance
11 of that property, including any terms and conditions
12 that the Board considers necessary to protect the in-
13 terests of the United States.

14 (c) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the real property to be conveyed
16 under subsection (a) shall be determined by a survey satis-
17 factory to the Board. The cost of the survey shall be borne
18 by the party or parties to which the property is to be con-
19 veyed.

20 (d) CONGRESSIONAL NOTIFICATION.—(1) Before dis-
21 posing of real property under subsection (a), the Board
22 shall notify the Committee on Armed Services of the Sen-
23 ate and the Committee on National Security of the House
24 of Representatives of the proposed disposal. The Board
25 may not dispose of the real property until the later of—

1 (A) the date that is 60 days after the date on
2 which the notification is received by the committees;
3 or

4 (B) the date of the next day following the expi-
5 ration of the first period of 30 days of continuous
6 session of Congress that follows the date on which
7 the notification is received by the committees.

8 (2) For the purposes of paragraph (1)—

9 (A) continuity of session is broken only by an
10 adjournment of Congress sine die; and

11 (B) the days on which either House is not in
12 session because of an adjournment of more than
13 three days to a day certain are excluded in the com-
14 putation of any period of time in which Congress is
15 in continuous session.

16 **SEC. 584. MATTERS CONCERNING PERSONNEL.**

17 (a) TERMS OF APPOINTMENT TO GOVERNING
18 BOARDS.—Section 1515(e) (24 U.S.C. 415(e)) is amend-
19 ed—

20 (1) in paragraph (1), by striking out “sub-
21 section (f)” and inserting in lieu thereof “paragraph
22 (2)”;

23 (2) by redesignating paragraph (2) as para-
24 graph (4); and

1 (3) by adding after paragraph (1) the following
2 new paragraphs:

3 “(2)(A) In the case of a member of a board who is
4 appointed or designated under subsection (b) or (c) on the
5 basis of a particular status described in a paragraph under
6 that subsection, the appointment or designation of that
7 member terminates on the date on which the member
8 ceases to hold that status. The preceding sentence applies
9 only to members of the Armed Forces on active duty and
10 employees of the United States.

11 “(B) Paragraph (1) does not apply with respect to
12 an appointment or designation of a member of a board
13 for a term of less than five years that is made in accord-
14 ance with subsection (f).

15 “(3) A member of the Retirement Home Board and
16 a member of a Local Board may be reappointed for one
17 consecutive term by the Chairman of that board.”.

18 (b) DUAL COMPENSATION.—(1) Section 1517 (24
19 U.S.C. 417) is amended—

20 (A) by redesignating subsection (f) as sub-
21 section (g); and

22 (B) by inserting after subsection (e) the follow-
23 ing new subsection (f):

24 “(f) DUAL COMPENSATION.—(1) The Retirement
25 Home Board may waive the application of section 5532

1 of title 5, United States Code, to the Director of an estab-
2 lishment of the Retirement Home or any employee of the
3 Retirement Home (to the extent that such section would
4 otherwise apply to the Director or employee by reason of
5 the employment as Director or employee). The Chairman
6 of the Board shall notify the Secretary of the Treasury
7 of any waiver exercised under the preceding sentence and
8 the effective date of the waiver.

9 “(2) If the application of section 5532 of title 5,
10 United States Code, to a Director or employee is waived
11 under paragraph (1), the rate of pay payable out of the
12 Retirement Home Trust Fund for the Director or em-
13 ployee shall be the amount equal to the excess, if any, of
14 the periodic rate of pay fixed for the position of the Direc-
15 tor or employee over the amount by which the retired or
16 retainer pay payable to the Director or employee would
17 have been reduced (computed on the basis of that periodic
18 rate of pay for that position) if section 5532 of title 5,
19 United States Code, had not been waived.

20 “(3)(A) In the case of a Director or employee paid
21 at a rate of pay that is reduced under paragraph (2), the
22 amounts deducted and withheld from pay for purposes of
23 chapter 81, subchapter III of chapter 83, chapter 84,
24 chapter 87, or chapter 89 of title 5, United States Code,
25 all agency contributions required under such provisions of

1 law, the maximum amount of contributions that may be
2 made to the Thrift Saving Fund under subchapter III of
3 chapter 84 of title 5, United States Code, the rate of dis-
4 ability compensation payable under subchapter I of chap-
5 ter 81 of such title, the levels of life insurance coverage
6 provided under chapter 87 of such title, and the amounts
7 of annuities under subchapter III of chapter 83 of such
8 title and subchapter II of chapter 84 of such title shall
9 be computed as if the Director or employee were paid the
10 full rate of pay fixed for the position of the Director or
11 employee for the period for which the Director was paid
12 at the reduced rate of pay under that paragraph.

13 “(B) If the amount payable to a Director or employee
14 under paragraph (2) is less than the total amount required
15 to be deducted and withheld from the pay of the Director
16 or employee under a provision of law referred to in sub-
17 paragraph (A), the amount of the deficiency shall be paid
18 by the Director or employee. The participation or benefits
19 available to a Director or employee who fails to pay a defi-
20 ciency promptly shall be restricted in accordance with reg-
21 ulations which the Director of the Office of Personnel
22 Management shall prescribe.

23 “(4) In this section, the term ‘retired or retainer pay’
24 has the meaning given such term in section 5531 of title
25 5, United States Code.”.

1 (2) Section 1516(f) (24 U.S.C. 416(f)) is amended—

2 (A) by inserting “(1)” after “(f) ANNUAL RE-
3 PORT.—”; and

4 (B) by adding at the end the following:

5 “(2) In addition to other matters covered by the an-
6 nual report for a fiscal year, the annual report shall iden-
7 tify each Director or employee, if any, whose pay was re-
8 duced for any period during that fiscal year pursuant to
9 an exercise of the waiver authority under section 1517(f),
10 and shall include a discussion that demonstrates that the
11 unreduced rate of pay established for the position of that
12 Director or employee is comparable to the prevailing rates
13 of pay provided for personnel in the retirement home in-
14 dustry who perform functions similar to those performed
15 by the Director or employee.”.

16 (3) Subsection (f) of section 1517 (as added by para-
17 graph (1)(B)) and subsection (f)(2) of section 1516 (as
18 added by paragraph (2)(B)) shall apply with respect to
19 pay periods beginning on or after January 1, 1997.

20 **SEC. 585. FEES FOR RESIDENTS.**

21 (a) ONE-YEAR DELAY IN IMPLEMENTATION OF NEW
22 FEE STRUCTURE.—(1) Subsection (d)(2) of section 371
23 of the National Defense Authorization Act for Fiscal Year
24 1995 (Public Law 103–337; 108 Stat. 2735; 24 U.S.C.

1 414 note) is amended by striking out “October 1, 1997”
2 and inserting in lieu thereof “October 1, 1998”.

3 (2) Subsection (b)(2)(B) of such section is amended
4 by striking out “1998”, “1999”, and “2000” in para-
5 graphs (1) and (2) of the subsection (d) that is set forth
6 in such subsection (b)(2)(B) as an amendment to section
7 1514 of the Armed Forces Retirement Home Act of 1991
8 and inserting in lieu thereof “1999”, “2000”, and
9 “2001”, respectively.

10 (b) REPORT ON FUNDING THE ARMED FORCES RE-
11 TIREMENT HOME.—(1) Not later than March 3, 1997, the
12 Secretary of Defense shall submit to Congress a report
13 on meeting the funding needs of the Armed Forces Retire-
14 ment Home in a manner that is fair and equitable to the
15 residents and to the members of the Armed Forces who
16 provide required monthly contributions for the home.

17 (2) The report shall include the following:

18 (A) The increment between levels of income of
19 a resident of the Armed Forces Retirement Home
20 that is appropriate for applying the next higher
21 monthly fee to a resident under a monthly fee struc-
22 ture for the residents of the home.

23 (B) The categories of income and disability
24 payments that should generally be considered as
25 monthly income for the purpose of determining the

1 fee applicable to a resident and the conditions under
2 which each such category should be considered as
3 monthly income for such purpose.

4 (C) The degree of flexibility that should be pro-
5 vided the Armed Forces Retirement Home Board for
6 the setting of fees for residents.

7 (D) A discussion of whether the Armed Forces
8 Retirement Home Board has and should have au-
9 thority to vary the fee charged a resident under ex-
10 ceptional circumstances, together with any rec-
11 ommended legislation regarding such an authority.

12 (E) A discussion of how to ensure fairness and
13 equitable treatment of residents and of warrant offi-
14 cers and enlisted members of the Armed Forces in
15 meeting the funding needs of the Armed Forces Re-
16 tirement Home.

17 (F) The advisability of exercising existing au-
18 thority to increase the amount deducted from the
19 pay of warrant officers and enlisted personnel for
20 the Armed Forces Retirement Home under section
21 1007(i) of title 37, United States Code.

22 (G) Options for ways to meet the funding needs
23 of the Armed Forces Retirement Home without in-
24 creasing the amount deducted from pay under sec-
25 tion 1007(i) of title 37, United States Code.

1 (H) Any other matters that the Secretary of
2 Defense, after the consultation required by para-
3 graph (3), considers appropriate regarding funding
4 of the Armed Forces Retirement Home.

5 (3) The Secretary shall consult the Armed Forces Re-
6 tirement Home Board and the secretaries of the military
7 departments in preparing the report under this subsection.

8 **SEC. 586. AUTHORIZATION OF APPROPRIATIONS.**

9 There is hereby authorized to be appropriated for fis-
10 cal year 1997 from the Armed Forces Retirement Home
11 Trust Fund the sum of \$57,345,000 for the operation of
12 the Armed Forces Retirement Home.

13 **TITLE VI—COMPENSATION AND**
14 **OTHER PERSONNEL BENEFITS**
15 **Subtitle A—Pay and Allowances**

16 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1997.**

17 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—Any
18 adjustment required by section 1009 of title 37, United
19 States Code, in elements of compensation of members of
20 the uniformed services to become effective during fiscal
21 year 1997 shall not be made.

22 (b) **INCREASE IN BASIC PAY AND BAS.**—Effective
23 January 1, 1997, the rates of basic pay and basic allow-
24 ance for subsistence of members of the uniformed services
25 are increased by 3.0 percent.

1 (c) INCREASE IN BAQ.—Effective January 1, 1997,
2 the rates of basic allowance for quarters of members of
3 the uniformed services are increased by 4.0 percent.

4 **SEC. 602. RATE OF CADET AND MIDSHIPMAN PAY.**

5 Section 203(e) of title 37, United States Code, is
6 amended—

7 (1) by striking out paragraph (2); and

8 (2) in paragraph (1), by striking out “(1)”.

9 **SEC. 603. PAY OF SENIOR NONCOMMISSIONED OFFICERS**
10 **WHILE HOSPITALIZED.**

11 (a) IN GENERAL.—Section 210 of title 37, United
12 States Code, is amended—

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

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

17 “(b) A senior enlisted member of an armed force shall
18 continue to be entitled to the rate of basic pay authorized
19 for the senior enlisted member of that armed force while
20 the member is hospitalized, beginning on the day of the
21 hospitalization and ending on the day the member is dis-
22 charged from the hospital, but not for more than 180
23 days.”.

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

1 **“§ 210. Pay of the senior noncommissioned officer of**
2 **an armed force during terminal leave and**
3 **while hospitalized”.**

4 (2) The item relating to such section in the table of
5 sections at the beginning of chapter 3 of title 10, United
6 States Code, is amended to read as follows:

“210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized.”.

7 **SEC. 604. BASIC ALLOWANCE FOR QUARTERS FOR MEM-**
8 **BERS ASSIGNED TO SEA DUTY.**

9 (a) ENTITLEMENT OF SINGLE MEMBERS ABOVE
10 GRADE E-5.—Section 403(c)(2) of title 37, United States
11 Code, is amended by striking out the second sentence.

12 (b) ENTITLEMENT OF CERTAIN SINGLE MEMBERS IN
13 GRADE E-5.—Section 403(c)(2) of such title, as amended
14 by subsection (a), is further amended by adding at the
15 end the following: “However, the Secretary concerned may
16 authorize payment of the basic allowance for quarters to
17 members of a uniformed service without dependents who
18 are in pay grade E-5, are on sea duty, and are not pro-
19 vided Government quarters ashore.”.

20 (c) ENTITLEMENT WHEN BOTH SPOUSES IN
21 GRADES BELOW GRADE E-6 ARE ASSIGNED TO SEA
22 DUTY.—Section 403(c)(2) of such title, as amended by
23 subsections (a) and (b), is further amended—

24 (1) by inserting “(A)” after “(2)”; and

1 (2) by adding at the end the following: “Not-
2 withstanding section 421 of this title, two members
3 of the uniformed services in pay grades below E-6
4 who are married to each other, have no dependent
5 other than the spouse, and are simultaneously as-
6 signed to sea duty on ships are jointly entitled to
7 one basic allowance for quarters at the rate provided
8 for members with dependents in the highest pay
9 grade in which either spouse is serving.”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 subsections (a), (b), and (c) shall take effect on October
12 1, 1996.

13 **SEC. 605. UNIFORM APPLICABILITY OF DISCRETION TO**
14 **DENY AN ELECTION NOT TO OCCUPY GOV-**
15 **ERNMENT QUARTERS.**

16 Section 403(b)(3) of title 37, United States Code, is
17 amended by striking out “A member” and inserting in lieu
18 thereof “Subject to the provisions of subsection (j), a
19 member”.

20 **SEC. 606. FAMILY SEPARATION ALLOWANCE FOR MEMBERS**
21 **SEPARATED BY MILITARY ORDERS FROM**
22 **SPOUSES WHO ARE MEMBERS.**

23 Section 427(b) of title 37, United States Code, is
24 amended—

25 (1) in paragraph (1)—

1 (A) by striking out “or” at the end of sub-
2 paragraph (B);

3 (B) by striking out the period at the end
4 of subparagraph (C) and inserting in lieu there-
5 of “; or”; and

6 (C) by adding at the end the following:

7 “(D) the member is married to a member of a
8 uniformed service, the member has no dependent
9 other than the spouse, the two members are sepa-
10 rated by reason of the execution of military orders,
11 and the two members were residing together imme-
12 diately before being separated by reason of execution
13 of military orders.”; and

14 (2) by adding at the end the following:

15 “(5) Section 421 of this title does not apply to bar
16 an entitlement to an allowance under paragraph (1)(D).
17 However, not more than one monthly allowance may be
18 paid with respect to a married couple under paragraph
19 (1)(D) for any month.”.

20 **SEC. 607. WAIVER OF TIME LIMITATIONS FOR CLAIM FOR**
21 **PAY AND ALLOWANCES.**

22 Section 3702 of title 31, United States Code, is
23 amended by adding at the end the following:

24 “(e)(1) Upon the request of the Secretary concerned
25 (as defined in section 101 of title 37), the Comptroller

1 General may waive the time limitations set forth in sub-
2 section (b) or (c) in the case of a claim for pay or allow-
3 ances provided under title 37 and, subject to paragraph
4 (2), settle the claim.

5 “(2) Payment of a claim settled under paragraph (1)
6 shall be subject to the availability of appropriations for
7 payment of that particular claim.

8 “(3) This subsection does not apply to a claim in ex-
9 cess of \$25,000.”

10 **Subtitle B—Bonuses and Special** 11 **and Incentive Pays**

12 **SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE** 13 **FORCES.**

14 (a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME
15 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—
16 Section 302g(f) of title 37, United States Code, is amend-
17 ed by striking out “September 30, 1997” and inserting
18 in lieu thereof “September 30, 1998”.

19 (b) SELECTED RESERVE REENLISTMENT BONUS.—
20 Section 308b(f) of title 37, United States Code, is amend-
21 ed by striking out “September 30, 1997” and inserting
22 in lieu thereof “September 30, 1998”.

23 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
24 tion 308c(e) of title 37, United States Code, is amended

1 by striking out “September 30, 1997” and inserting in
2 lieu thereof “September 30, 1998”.

3 (d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE
4 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-
5 ORITY UNITS.—Section 308d(c) of title 37, United States
6 Code, is amended by striking out “September 30, 1997”
7 and inserting in lieu thereof “September 30, 1998”.

8 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
9 tion 308e(e) of title 37, United States Code, is amended
10 by striking out “September 30, 1997” and inserting in
11 lieu thereof “September 30, 1998”.

12 (f) READY RESERVE ENLISTMENT AND REENLIST-
13 MENT BONUS.—Section 308h(g) of title 37, United States
14 Code, is amended by striking out “September 30, 1997”
15 and inserting in lieu thereof “September 30, 1998”.

16 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
17 308i(i) of title 37, United States Code, is amended by
18 striking out “September 30, 1997” and inserting in lieu
19 thereof “September 30, 1998”.

20 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
21 **PAY FOR NURSE OFFICER CANDIDATES, REG-**
22 **ISTERED NURSES, AND NURSE ANES-**
23 **THETISTS.**

24 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
25 GRAM.—Section 2130a(a)(1) of title 10, United States

1 Code, is amended by striking out “September 30, 1997”
2 and inserting in lieu thereof “September 30, 1998”.

3 (b) **ACCESSION BONUS FOR REGISTERED NURSES.**—
4 Section 302d(a)(1) of title 37, United States Code, is
5 amended by striking out “September 30, 1997” and in-
6 serting in lieu thereof “September 30, 1998”.

7 (c) **INCENTIVE SPECIAL PAY FOR NURSE ANES-**
8 **THETISTS.**—Section 302e(a)(1) of title 37, United States
9 Code, is amended by striking out “September 30, 1997”
10 and inserting in lieu thereof “September 30, 1998”.

11 **SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAY-**
12 **MENT OF OTHER BONUSES AND SPECIAL**
13 **PAYS.**

14 (a) **AVIATION OFFICER RETENTION BONUS.**—Sec-
15 tion 301b(a) of title 37, United States Code, is amended
16 by striking out “September 30, 1997” and inserting in
17 lieu thereof “September 30, 1998,”.

18 (b) **REENLISTMENT BONUS FOR ACTIVE MEM-**
19 **BERS.**—Section 308(g) of title 37, United States Code, is
20 amended by striking out “September 30, 1997” and in-
21 serting in lieu thereof “September 30, 1998”.

22 (c) **ENLISTMENT BONUSES FOR CRITICAL SKILLS.**—
23 Sections 308a(c) and 308f(e) of title 37, United States
24 Code, are each amended by striking out “September 30,

1 1997” and inserting in lieu thereof “September 30,
2 1998”.

3 (d) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-
4 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
5 312(e) of title 37, United States Code, is amended by
6 striking out “September 30, 1997” and inserting in lieu
7 thereof “September 30, 1998”.

8 (e) NUCLEAR CAREER ACCESSION BONUS.—Section
9 312b(e) of title 37, United States Code, is amended by
10 striking out “September 30, 1997” and inserting in lieu
11 thereof “September 30, 1998”.

12 (f) NUCLEAR CAREER ANNUAL INCENTIVE
13 BONUS.—Section 312c(d) of title 37, United States Code,
14 is amended by striking out “October 1, 1997” and insert-
15 ing in lieu thereof “October 1, 1998”.

16 (g) REPAYMENT OF EDUCATION LOANS FOR CER-
17 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
18 LECTED RESERVE.—Section 16302(d) of title 10, United
19 States Code, is amended by striking out “October 1,
20 1997” and inserting in lieu thereof “October 1, 1998”.

21 **SEC. 614. INCREASED SPECIAL PAY FOR DENTAL OFFICERS**
22 **OF THE ARMED FORCES.**

23 (a) INCREASED RATES.—Section 302b(a) of title 37,
24 United States Code, is amended—

25 (1) in paragraph (2)—

1 (A) in subparagraph (A), by striking out
2 “\$1,200” and inserting in lieu thereof
3 “\$3,000”;

4 (B) in subparagraph (B), by striking out
5 “\$2,000” and inserting in lieu thereof
6 “\$7,000”; and

7 (C) in subparagraph (C), by striking out
8 “\$4,000” and inserting in lieu thereof
9 “\$7,000”;

10 (2) in paragraph (4), by redesignating subpara-
11 graphs (A), (B), and (C) as subparagraphs (B), (C),
12 and (D), respectively, and by inserting before sub-
13 paragraph (B), as so redesignated, the following new
14 subparagraph (A):

15 “(A) \$4,000 per year, if the officer has less
16 than three years of creditable service.”; and

17 (3) in paragraph (5)—

18 (A) in subparagraph (A)—

19 (i) by striking out “\$2,000” and in-
20 serting in lieu thereof “\$2,500”; and

21 (ii) by striking out “12 years” and in-
22 serting in lieu thereof “10 years”;

23 (B) in subparagraph (B)—

24 (i) by striking out “\$3,000” and in-
25 serting in lieu thereof “\$3,500”; and

1 (ii) by striking out “12 but less than
2 14 years” and inserting in lieu thereof “10
3 but less than 12 years”; and

4 (C) in subparagraph (C), by striking out
5 “14 or more years” and inserting in lieu thereof
6 “12 or more years”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect on October 1, 1996.

9 **SEC. 615. RETENTION SPECIAL PAY FOR PUBLIC HEALTH**
10 **SERVICE OPTOMETRISTS.**

11 Section 302a(b) of title 37, United States Code, is
12 amended—

13 (1) in paragraph (2)—

14 (A) by striking out “an armed force” in
15 the matter preceding subparagraph (A) and in-
16 serting in lieu thereof “a uniformed service”;
17 and

18 (B) by striking out “of the military depart-
19 ment” in subparagraph (C); and

20 (2) in paragraph (4), by striking out “of the
21 military department”.

1 **SEC. 616. SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE**
2 **PROVIDERS IN THE PUBLIC HEALTH SERV-**
3 **ICE.**

4 Section 302c(d) of title 37, United States Code, is
5 amended—

6 (1) in the matter preceding paragraph (1), by
7 striking out “Secretary of Defense” and inserting in
8 lieu thereof “Secretary concerned”; and

9 (2) in paragraph (1)—

10 (A) by striking out “or” the third place it
11 appears; and

12 (B) by inserting before the period at the
13 end the following: “, or an officer in the Regu-
14 lar or Reserve Corps of the Public Health Serv-
15 ice”.

16 **SEC. 617. FOREIGN LANGUAGE PROFICIENCY PAY FOR PUB-**
17 **LIC HEALTH SERVICE AND NATIONAL OCE-**
18 **ANIC AND ATMOSPHERIC ADMINISTRATION**
19 **OFFICERS.**

20 (a) **ELIGIBILITY.**—Section 316 of title 37, United
21 States Code, is amended in subsection (a)—

22 (1) in the matter preceding paragraph (1), by
23 striking out “armed forces” and inserting in lieu
24 thereof “uniformed services”;

25 (2) in paragraph (2)—

1 (A) by striking out “Secretary of Defense”
2 and inserting in lieu thereof “Secretary con-
3 cerned”; and

4 (B) by inserting “or public health” after
5 “national defense”; and

6 (3) in paragraph (3)—

7 (A) in subparagraph (A), by striking out
8 “military” and inserting in lieu thereof “uni-
9 formed services”;

10 (B) in subparagraph (C), by striking out
11 “military”; and

12 (C) in subparagraph (D)—

13 (i) by striking out “Department of
14 Defense” and inserting in lieu thereof
15 “uniformed service”; and

16 (ii) by striking out “Secretary of De-
17 fense” and inserting in lieu thereof “Sec-
18 retary concerned”.

19 (b) ADMINISTRATION.—Subsection (d) of such sec-
20 tion is amended—

21 (1) by striking out “his jurisdiction and” and
22 inserting in lieu thereof “the Secretary’s jurisdic-
23 tion,”; and

24 (2) by inserting before the period at the end “,
25 by the Secretary of Health and Human Services for

1 the Commissioned Corps of the Public Health Serv-
2 ice, and by the Secretary of Commerce for the Na-
3 tional Oceanic and Atmospheric Administration”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 subsections (a) and (b) shall take effect on October 1,
6 1996, and apply with respect to months beginning on or
7 after such date.

8 **Subtitle C—Travel and** 9 **Transportation Allowances**

10 **SEC. 621. ROUND TRIP TRAVEL ALLOWANCES FOR SHIP-** 11 **PING MOTOR VEHICLES AT GOVERNMENT EX-** 12 **PENSE.**

13 (a) IN GENERAL.—Section 406(b)(1)(B) of title 37,
14 United States Code, is amended as follows—

15 (1) in clause (i)(I), by inserting “, including re-
16 turn travel to the old duty station,” after “nearest
17 the old duty station”; and

18 (2) in clause (ii), by inserting “, including trav-
19 el from the new duty station to the port of debarka-
20 tion to pick up the vehicle” after “to the new duty
21 station”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect on April 1, 1997.

1 **SEC. 622. OPTION TO STORE INSTEAD OF TRANSPORT A**
2 **PRIVATELY OWNED VEHICLE AT THE EX-**
3 **PENSE OF THE UNITED STATES.**

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

6 (1) by redesignating subsection (b) as sub-
7 section (g);

8 (2) by transferring subsection (g), as so reded-
9 ignated, to the end of such section; and

10 (3) by inserting after subsection (a) the follow-
11 ing new subsection (b):

12 “(b) When a member is ordered to make a change
13 of permanent station to a foreign country and the member
14 is authorized under subsection (a) to have a vehicle trans-
15 ported under that subsection, the Secretary may authorize
16 the member to store the vehicle (instead of having it trans-
17 ported) if restrictions imposed by the foreign country or
18 the United States preclude entry of the vehicle into that
19 country or require extensive modification of the vehicle as
20 a condition for entry of the vehicle into the country. The
21 cost of the storage of the vehicle, and costs associated with
22 the delivery of the vehicle for storage and removal of the
23 vehicle for delivery from storage shall be paid by the Unit-
24 ed States. Costs paid under this subsection may not exceed
25 reasonable amounts, as determined under regulations pre-
26 scribed by the Secretary of Defense (and the Secretary

1 of Transportation with respect to the Coast Guard when
2 it is not operating as a service in the Navy).”.

3 (b) UNACCOMPANIED TOURS.—Subsection (h)(1)(B)
4 of section 406 of title 37, United States Code, is amended
5 to read as follows:

6 “(B) in the case of a member described in para-
7 graph (2)(A), authorize the transportation of one
8 motor vehicle that is owned by the member (or a de-
9 pendent of a member) and is for his dependent’s
10 personal use to that location by means of transpor-
11 tation authorized under section 2634 of title 10, or
12 authorize storage of such motor vehicle if the stor-
13 age of the motor vehicle is otherwise authorized
14 under that section.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on October 1, 1996.

17 **SEC. 623. DEFERRAL OF TRAVEL WITH TRAVEL AND TRANS-**
18 **PORTATION ALLOWANCES IN CONNECTION**
19 **WITH LEAVE BETWEEN CONSECUTIVE OVER-**
20 **SEAS TOURS.**

21 (a) AUTHORITY FOR ADDITIONAL DEFERRAL OF
22 TRAVEL.—Section 411b(a)(2) of title 37, United States
23 Code, is amended by adding at the end the following: “A
24 member may defer the travel for one additional year if,
25 due to participation in a contingency operation, the mem-

1 ber is unable to commence the travel within the one-year
2 period provided for under the preceding sentence.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection shall (a) take effect as of November 1, 1995,
5 and shall apply with respect to members of the uniformed
6 services who, on or after that date, participate in critical
7 operational missions, as determined under the third sen-
8 tence of section 411b(a)(2) of title 37, United States Code
9 (as added by subsection (a)).

10 **SEC. 624. FUNDING FOR TRANSPORTATION OF HOUSEHOLD**

11 **EFFECTS OF PUBLIC HEALTH SERVICE OFFI-**
12 **CERS.**

13 Section 406(j)(1) of title 37, United States Code, is
14 amended in the first sentence—

15 (1) by inserting “, and appropriations available
16 to the Department of Health and Human Services
17 for providing transportation of household effects of
18 members of the Commissioned Corps of the Public
19 Health Service under subsection (b),” after “mem-
20 bers of the armed forces under subsection (b)”;

21 (2) by striking out “of the military depart-
22 ment”.

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

3 **SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-**
 4 **OF-LIVING ADJUSTMENT FOR FISCAL YEAR**
 5 **1998.**

6 (a) REPEAL OF ADJUSTMENT OF EFFECTIVE DATE
 7 FOR FISCAL YEAR 1998.—Section 1401a(b)(2)(B) of title
 8 10, United States Code, is amended—

9 (1) by striking out “(B) SPECIAL RULES” and
 10 all that follows through “In the case of” in clause
 11 (i) and inserting in lieu thereof “(B) SPECIAL RULE
 12 FOR FISCAL YEAR 1996.—In the case of”; and

13 (2) by striking out clause (ii).

14 (b) REPEAL OF CONTINGENT ALTERNATIVE DATE
 15 FOR FISCAL YEAR 1998.—Section 631 of the National
 16 Defense Authorization Act for Fiscal Year 1996 (Public
 17 Law 104–106; 110 Stat. 364) is amended by striking out
 18 subsection (b).

19 **SEC. 632. ALLOTMENT OF RETIRED OR RETAINER PAY.**

20 (a) AUTHORITY.—(1) Part II of subtitle A of title
 21 10, United States Code, is amended by inserting after
 22 chapter 71 the following new chapter:

23 **“CHAPTER 72—MISCELLANEOUS RETIRED**
 24 **AND RETAINER PAY AUTHORITIES**

“Sec.
 “1421. Allotments.

1 **“§ 1421. Allotments**

2 “(a) **AUTHORITY.**—Subject to such conditions and re-
3 strictions as may be provided in regulations prescribed
4 under subsection (b), a member or former member of the
5 armed forces entitled to retired or retainer pay may trans-
6 fer or assign the member or former member’s retired or
7 retainer pay account when due and payable.

8 “(b) **REGULATIONS.**—The Secretaries of the military
9 departments and the Secretary of Transportation (with re-
10 spect to the Coast Guard when it is not operating as a
11 service in the Navy) shall prescribe uniform regulations
12 for the administration of subsection (a).”.

13 (2) The tables of chapters at the beginning of subtitle
14 A of such title and the beginning of part II of such subtitle
15 are amended by inserting after the item relating to chap-
16 ter 71 the following:

“72. Miscellaneous retired and retainer pay authorities 1421”.

17 (b) **IMPLEMENTATION.**—(1) Notwithstanding section
18 1421 of title 10, United States Code (as added by sub-
19 section (a)), a person entitled to retired or retainer pay
20 may not initiate a transfer or assignment of retired or re-
21 tainer pay under such section until regulations prescribed
22 under subsection (b) of such section take effect.

23 (2) The Secretaries of the military departments and
24 the Secretary of Transportation shall prescribe regulations
25 under subsection (b) of such section that ensure that, be-

1 ginning not later than October 1, 1997, a person may
 2 make up to six transfers or assignments of the person's
 3 retired or retainer pay account when due and payable for
 4 payment of any financial obligations.

5 **SEC. 633. COST-OF-LIVING INCREASES IN SBP CONTRIBU-**
 6 **TIONS TO BE EFFECTIVE CONCURRENTLY**
 7 **WITH PAYMENT OF RELATED RETIRED PAY**
 8 **COST-OF-LIVING INCREASES.**

9 (a) SURVIVOR BENEFIT PLAN.—Section 1452(h) of
 10 title 10, United States Code, is amended—

11 (1) by inserting “(1)” after “(h)”; and

12 (2) by adding at the end the following new sub-
 13 section:

14 “(2)(A) Notwithstanding paragraph (1), when the
 15 initial payment of an increase in retired pay under section
 16 1401a of this title (or any other provision of law) to a
 17 person is later than the effective date of that increase by
 18 reason of the application of subsection (b)(2)(B) of such
 19 section (or section 631(b) of Public Law 104–106 (110
 20 Stat. 364)), then the amount of the reduction in the per-
 21 son's retired pay shall be effective on the date of that ini-
 22 tial payment of the increase in retired pay rather than
 23 the effective date of the increase in retired pay.

24 “(B) Subparagraph (A) may not be construed as de-
 25 laying, for purposes of determining the amount of a

1 monthly annuity under section 1451 of this title, the effective date of an increase in a base amount under subsection (h) of such section from the effective date of an increase in retired pay under section 1401a of this title to the date on which the initial payment of that increase in retired pay is made in accordance with subsection (b)(2)(B) of such section 1401a.”.

2 (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to retired pay payable for months beginning on or after the date of the enactment of this Act.

3 **SEC. 634. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.**

4 (a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—

5 (A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

6 (B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1,

1 1994), but for the fact that he was under 60 years
2 of age.

3 (2) A qualified surviving spouse for purposes of this
4 section is a surviving spouse who has not remarried and
5 who is not eligible for an annuity under section 4 of Public
6 Law 92-425 (10 U.S.C. 1448 note).

7 (b) AMOUNT OF ANNUITY.—(1) An annuity under
8 this section shall be paid at the rate of \$165 per month,
9 as adjusted from time to time under paragraph (3).

10 (2) An annuity paid to a surviving spouse under this
11 section shall be reduced by the amount of any dependency
12 and indemnity compensation (DIC) to which the surviving
13 spouse is entitled under section 1311(a) of title 38, United
14 States Code.

15 (3) Whenever after the date of the enactment of this
16 Act retired or retainer pay is increased under section
17 1401a(b)(2) of title 10, United States Code, each annuity
18 that is payable under this section shall be increased at
19 the same time and by the same total percent. The amount
20 of the increase shall be based on the amount of the month-
21 ly annuity payable before any reduction under this section.

22 (c) APPLICATION REQUIRED.—No benefit shall be
23 paid to any person under this section unless an application
24 for such benefit is filed with the Secretary concerned by
25 or on behalf of such person.

1 (d) DEFINITIONS.—For purposes of this section:

2 (1) The terms “uniformed services” and “Sec-
3 retary concerned” have the meanings given such
4 terms in section 101 of title 37, United States Code.

5 (2) The term “surviving spouse” has the mean-
6 ing given the terms “widow” and “widower” in para-
7 graphs (3) and (4) of section 1447 of title 10, Unit-
8 ed States Code.

9 (e) PROSPECTIVE APPLICABILITY.—(1) Annuities
10 under this section shall be paid for months beginning after
11 the month in which this Act is enacted.

12 (2) No benefit shall accrue to any person by reason
13 of the enactment of this section for any period before the
14 first month referred to in paragraph (1).

15 (f) EXPIRATION OF AUTHORITY.—The authority to
16 pay annuities under this section shall expire on September
17 30, 2001.

18 **SEC. 635. ADJUSTED ANNUAL INCOME LIMITATION APPLI-**
19 **CABLE TO ELIGIBILITY FOR INCOME SUPPLE-**
20 **MENT FOR CERTAIN WIDOWS OF MEMBERS**
21 **OF THE UNIFORMED SERVICES.**

22 Section 4 of Public Law 92–425 (10 U.S.C. 1448
23 note) is amended by striking out “\$2,340” in subsection
24 (a)(3) and in the first sentence of subsection (b) and in-
25 serting in lieu thereof “\$5,448”.

1 **SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT**
2 **ORDER BY WAIVER OF RETIRED PAY TO EN-**
3 **HANCE CIVIL SERVICE RETIREMENT ANNU-**
4 **ITY.**

5 (a) CIVIL SERVICE RETIREMENT AND DISABILITY
6 SYSTEM.—

7 (1) IN GENERAL.—Subsection (c) of section
8 8332 of title 5, United States Code, is amended by
9 adding at the end the following:

10 “(4) If an employee or Member waives retired pay
11 that is subject to a court order for which there has been
12 effective service on the Secretary concerned for purposes
13 of section 1408 of title 10, the military service on which
14 the retired pay is based may be credited as service for
15 purposes of this subchapter only if, in accordance with
16 regulations prescribed by the Director of the Office of Per-
17 sonnel Management, the employee or Member authorizes
18 the Director to deduct and withhold from the annuity pay-
19 able to the employee or Member under this subchapter,
20 and to pay to the former spouse covered by the court
21 order, the same amount that would have been deducted
22 and withheld from the employee’s or Member’s retired pay
23 and paid to that former spouse under such section 1408.”.

24 (2) CONFORMING AMENDMENT.—Paragraph (1)
25 of such subsection is amended by striking “Except

1 as provided in paragraph (2)” and inserting “Except
2 as provided in paragraphs (2) and (4)”.

3 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

4 (1) IN GENERAL.—Subsection (c) of section
5 8411 of title 5, United States Code, is amended by
6 adding at the end the following:

7 “(5) If an employee or Member waives retired pay
8 that is subject to a court order for which there has been
9 effective service on the Secretary concerned for purposes
10 of section 1408 of title 10, the military service on which
11 the retired pay is based may be credited as service for
12 purposes of this chapter only if, in accordance with regula-
13 tions prescribed by the Director of the Office of Personnel
14 Management, the employee or Member authorizes the Di-
15 rector to deduct and withhold from the annuity payable
16 to the employee or Member under this subchapter, and
17 to pay to the former spouse covered by the court order,
18 the same amount that would have been deducted and with-
19 held from the employee’s or Member’s retired pay and
20 paid to that former spouse under such section 1408.”.

21 (2) CONFORMING AMENDMENT.—Paragraph (1)
22 of such subsection is amended by striking “Except
23 as provided in paragraph (2) or (3)” and inserting
24 “Except as provided in paragraphs (2), (3), and
25 (5)”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsections (a) and (b) shall take effect on January 1,
3 1997.

4 **Subtitle E—Other Matters**

5 **SEC. 641. REIMBURSEMENT FOR ADOPTION EXPENSES IN-** 6 **CURRED IN ADOPTIONS THROUGH PRIVATE** 7 **PLACEMENTS.**

8 (a) DEPARTMENT OF DEFENSE.—Section 1052(g)(1)
9 of title 10, United States Code, is amended by striking
10 out “adoption or by a nonprofit, voluntary adoption agen-
11 cy which is authorized by State or local law to place chil-
12 dren for adoption” and inserting in lieu thereof “adoption,
13 by a nonprofit, voluntary adoption agency which is author-
14 ized by State or local law to place children for adoption,
15 or by any other source if the adoption is supervised by
16 a court under State or local law”.

17 (b) COAST GUARD.—Section 514(g)(1) of title 14,
18 United States Code, is amended by striking out “adoption
19 or by a nonprofit, voluntary adoption agency which is au-
20 thorized by State or local law to place children for adop-
21 tion” and inserting in lieu thereof “adoption, by a non-
22 profit, voluntary adoption agency which is authorized by
23 State or local law to place children for adoption, or by
24 any other source if the adoption is supervised by a court
25 under State or local law”.

1 **SEC. 642. WAIVER OF RECOUPMENT OF AMOUNTS WITH-**
2 **HELD FOR TAX PURPOSES FROM CERTAIN**
3 **SEPARATION PAY RECEIVED BY INVOLUN-**
4 **TARILY SEPARATED MEMBERS AND FORMER**
5 **MEMBERS OF THE ARMED FORCES.**

6 (a) IN GENERAL.—Section 1174(h) of title 10, Unit-
7 ed States Code, is amended—

8 (1) in paragraph (1), by inserting “(less the
9 amount of Federal income tax withheld from such
10 pay)” before the period at the end; and

11 (2) in paragraph (2), by inserting “(less the
12 amount of Federal income tax withheld from such
13 pay)” before the period at the end of the first sen-
14 tence.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on October 1, 1996, and shall
17 apply to payments of separation pay, severance pay, or
18 readjustment pay that are made after October 1, 1996.

19 **SEC. 643. PAYMENT TO VIETNAMESE COMMANDOS CAP-**
20 **TURED AND INTERNED BY NORTH VIETNAM.**

21 (a) PAYMENT AUTHORIZED.—(1) The Secretary of
22 Defense shall make a payment to any person who dem-
23 onstrates that he or she was captured and incarcerated
24 by the Democratic Republic of Vietnam after having en-
25 tered into the territory of the Democratic Republic of Viet-

1 nam pursuant to operations conducted under OPLAN 34A
2 or its predecessor.

3 (2) No payment may be made under this section to
4 any individual who the Secretary of Defense determines,
5 based on the available evidence, served in the Peoples
6 Army of Vietnam or who provided active assistance to the
7 Government of the Democratic Republic of Vietnam dur-
8 ing the period 1958 through 1975.

9 (3) In the case of a decedent who would have been
10 eligible for a payment under this section if the decedent
11 had lived, the payment shall be made to survivors of the
12 decedent in the order in which the survivors are listed,
13 as follows:

14 (A) To the surviving spouse.

15 (B) If there is no surviving spouse, to the sur-
16 viving children (including natural children and
17 adopted children) of the decedent, in equal shares.

18 (b) AMOUNT PAYABLE.—The amount payable to or
19 with respect to a person under this section is \$40,000.

20 (c) TIME LIMITATIONS.—(1) In order to be eligible
21 for payment under this section, the claimant must file his
22 or her claim with the Secretary of Defense within 18
23 months of the effective date of the regulations implement-
24 ing this section.

1 (2) Not later than 18 months after the Secretary re-
2 ceives a claim for payment under this section—

3 (A) the claimant's eligibility for payment of the
4 claim under subsection (a) shall be determined; and

5 (B) if the claimant is determined eligible, the
6 claim shall be paid.

7 (d) DETERMINATION AND PAYMENT OF CLAIMS.—

8 (1) SUBMISSION AND DETERMINATION OF CLAIMS.—The
9 Secretary of Defense shall establish by regulation proce-
10 dures whereby individuals may submit claims for payment
11 under this section. Such regulations shall be issued within
12 6 months of the date of enactment of this Act.

13 (2) PAYMENT OF CLAIMS.—The Secretary of De-
14 fense, in consultation with the other affected agencies,
15 may establish guidelines for determining what constitutes
16 adequate documentation that an individual was captured
17 and incarcerated by the Democratic Republic of Vietnam
18 after having entered the territory of the Democratic Re-
19 public of Vietnam pursuant to operations conducted under
20 OPLAN 34A or its predecessor.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—Of the
22 total amount authorized to be appropriated under section
23 301, \$20,000,000 is available for payments under this sec-
24 tion. Notwithstanding section 301, that amount is author-

1 ized to be appropriated so as to remain available until ex-
2 pended.

3 (f) PAYMENT IN FULL SATISFACTION OF CLAIMS
4 AGAINST THE UNITED STATES.—The acceptance of pay-
5 ment by an individual under this section shall be in full
6 satisfaction of all claims by or on behalf of that individual
7 against the United States arising from operations under
8 OPLAN 34A or its predecessor.

9 (g) ATTORNEY FEES.—Notwithstanding any con-
10 tract, the representative of an individual may not receive,
11 for services rendered in connection with the claim of an
12 individual under this section, more than ten percent of a
13 payment made under this section on such claim.

14 (h) NO RIGHT TO JUDICIAL REVIEW.—All deter-
15 minations by the Secretary of Defense pursuant to this
16 section are final and conclusive, notwithstanding any other
17 provision of law. Claimants under this program have no
18 right to judicial review, and such review is specifically pre-
19 cluded.

20 (i) REPORTS.—(1) No later than 24 months after the
21 enactment of this Act, the Secretary of Defense shall sub-
22 mit a report to the Congress on the payment of claims
23 pursuant to this section.

24 (2) No later than 42 months after the enactment of
25 this Act, the Secretary of Defense shall submit a final re-

1 port to the Congress on the payment of claims pursuant
2 to this section.

3 **TITLE VII—HEALTH CARE**
4 **PROVISIONS**
5 **Subtitle A—General**

6 **SEC. 701. IMPLEMENTATION OF REQUIREMENT FOR SE-**
7 **LECTED RESERVE DENTAL INSURANCE PLAN.**

8 (a) **IMPLEMENTATION BY CONTRACT.**—Section
9 1076b(a) of title 10, United States Code, is amended—

10 (1) by inserting “(1)” after “(a) **AUTHORITY**
11 **TO ESTABLISH PLAN.**—”;

12 (2) by designating the third sentence as para-
13 graph (3); and

14 (3) by inserting after paragraph (1), as des-
15 ignated by paragraph (1) of this subsection, the fol-
16 lowing:

17 “(2) The Secretary shall provide benefits under the
18 plan through one or more contracts awarded after full and
19 open competition.”.

20 (b) **SCHEDULE FOR IMPLEMENTATION.**—Section
21 705(b) of the National Defense Authorization Act for Fis-
22 cal Year 1996 (Public Law 104–106; 110 Stat. 373; 10
23 U.S.C. 1076b note) is amended—

1 (1) by striking out “Beginning not later than
2 October 1, 1996” in the first sentence and inserting
3 in lieu thereof “During fiscal year 1997”;

4 (2) by striking out “fiscal year 1996” both
5 places it appears and inserting in lieu thereof “fiscal
6 years 1996 and 1997”; and

7 (3) in the second sentence, by striking out “by
8 that date” and inserting in lieu thereof “during fis-
9 cal year 1997”.

10 **SEC. 702. DENTAL INSURANCE PLAN FOR MILITARY RETIR-**
11 **EES AND CERTAIN DEPENDENTS.**

12 (a) IN GENERAL.—(1) Chapter 55 of title 10, United
13 States Code, is amended by inserting after section 1076b
14 the following new section:

15 **“§ 1076c. Military retirees’ dental insurance plan**

16 “(a) REQUIREMENT.—(1) The Secretary of Defense
17 shall establish a dental insurance plan for—

18 “(A) members and former members of the
19 armed forces who are entitled to retired or retainer
20 pay;

21 “(B) members of the Retired Reserve who, ex-
22 cept for not having attained 60 years of age, would
23 be entitled to retired pay; and

1 “(C) eligible dependents of members and former
2 members covered by the enrollment of such members
3 or former members in the plan.

4 “(2) The dental insurance plan shall provide for vol-
5 untary enrollment of participants and shall authorize a
6 member or former member to enroll for self only or for
7 self and eligible dependents.

8 “(3) The plan shall be administered under regula-
9 tions prescribed by the Secretary of Defense, in consulta-
10 tion with the Secretary of Transportation.

11 “(b) PREMIUMS.—(1) Subject to paragraph (2), a
12 member or former member enrolled in the dental insur-
13 ance plan shall pay the premiums charged for the insur-
14 ance coverage. The amount of the premiums payable by
15 a member or former member entitled to retired or retainer
16 pay shall be deducted and withheld from the retired or
17 retainer pay and shall be disbursed to pay the premiums.
18 The regulations prescribed under subsection (a)(3) shall
19 specify the procedures for payment of the premiums by
20 other enrolled members and former members.

21 “(2) The Secretary of Defense may provide for pre-
22 mium-sharing between the Department of Defense and the
23 members and former members enrolled in the plan.

24 “(c) BENEFITS AVAILABLE UNDER PLAN.—The den-
25 tal insurance plan established under subsection (a) shall

1 provide benefits for basic dental care and treatment, in-
2 cluding diagnostic services, preventative services, basic re-
3 storative services (including endodontics), surgical serv-
4 ices, and emergency services.

5 “(d) COVERAGE.—(1) The Secretary shall prescribe
6 a minimum required period for enrollment by a member
7 or former member in the dental insurance plan established
8 under subsection (a).

9 “(2) The Secretary shall terminate the enrollment in
10 the plan of any member or former member, and any de-
11 pendents covered by the enrollment, upon the occurrence
12 of one of the following events:

13 “(A) Termination of the member or former
14 member’s entitlement to retired pay or retainer pay.

15 “(B) Termination of the member or former
16 member’s status as a member of the Retired Re-
17 serve.

18 “(e) CONTINUATION OF DEPENDENTS’ ENROLLMENT
19 UPON DEATH OF ENROLLEE.—Coverage of a dependent
20 under an enrollment of a member or former member who
21 dies during the period of enrollment shall continue until
22 the end of that period, except that the coverage may be
23 terminated on any earlier date when the premiums paid
24 are no longer sufficient to cover continuation of the enroll-
25 ment. The Secretary shall prescribe in regulations the par-

1 ties responsible for paying the remaining premiums due
2 on the enrollment and the manner for collection of the pre-
3 miums.

4 “(f) ELIGIBLE DEPENDENT DEFINED.—In this sec-
5 tion, the term ‘eligible dependent’ means a dependent de-
6 scribed in subparagraph (A), (D), or (I) of section 1072(2)
7 of this title.”.

8 (2) The table of sections at the beginning of such
9 chapter is amended by inserting after the item relating
10 to section 1076b the following new item:

“1076c. Military retirees’ dental insurance plan.”.

11 (b) IMPLEMENTATION.—Beginning not later than
12 October 1, 1997, the Secretary of Defense shall offer
13 members and former members of the Armed Forces re-
14 ferred to in subsection (a)(1) of section 1076c of title 10,
15 United States Code (as added by subsection (a)(1) of this
16 section), the opportunity to enroll in the dental insurance
17 plan required under such section and to receive the bene-
18 fits under the plan immediately upon enrollment.

19 **SEC. 703. UNIFORM COMPOSITE HEALTH CARE SYSTEM**
20 **SOFTWARE.**

21 (a) REQUIREMENT FOR USE OF UNIFORM SOFT-
22 WARE.—The Secretary of Defense, in consultation with
23 the other administering Secretaries, shall take such action
24 as is necessary promptly—

1 (1) to provide a uniform software package for
2 use by providers of health care under the TRICARE
3 program and by military treatment facilities for the
4 computerized processing of information; and

5 (2) to require such providers to use the uniform
6 software package in connection with providing health
7 care under the TRICARE program or otherwise
8 under chapter 55 of title 10, United States Code.

9 (b) CONTENT OF UNIFORM SOFTWARE PACKAGE.—

10 The uniform software package required to be used under
11 subsection (a) shall, at a minimum, provide for processing
12 of the following information:

13 (1) TRICARE program enrollment.

14 (2) Determinations of eligibility for health care.

15 (3) Provider network information.

16 (4) Eligibility of beneficiaries to receive health
17 benefits from other sources.

18 (5) Appointment scheduling.

19 (c) MODIFICATION OF CONTRACTS.—Notwithstand-
20 ing any other provision of law, the Secretary may modify
21 any existing contract with a health care provider under
22 the TRICARE program as necessary to require the health
23 care provider to use the uniform software package re-
24 quired under subsection (a).

25 (d) DEFINITIONS.—In this section:

1 (1) The term “administering Secretaries” has
2 the meaning given such term in section 1072(3) of
3 title 10, United States Code.

4 (2) The term “military treatment facility”—

5 (A) means a facility of the uniformed serv-
6 ices in which health care is provided under
7 chapter 55 of title 10, United States Codes;
8 and

9 (B) includes a facility deemed to be a facil-
10 ity of the uniformed services by virtue of section
11 911(a) of the Military Construction Authoriza-
12 tion Act, 1982 (42 U.S.C. 248c(a)).

13 (3) The term “TRICARE program” means the
14 managed health care program that is established by
15 the Secretary of Defense under the authority of
16 chapter 55 of title 10, United States Code, prin-
17 cipally section 1097 of such title, and includes the
18 competitive selection of contractors to financially un-
19 derwrite the delivery of health care services under
20 the Civilian Health and Medical Program of the
21 Uniformed Services.

1 **SEC. 704. ENHANCEMENT OF THIRD-PARTY COLLECTION**
2 **AND SECONDARY PAYER AUTHORITIES**
3 **UNDER CHAMPUS.**

4 (a) **RETENTION AND USE BY TREATMENT FACILI-**
5 **TIES OF AMOUNTS COLLECTED.**—Subsection (g)(1) of
6 section 1095 of title 10, United States Code, is amended
7 by inserting “or through” after “provided at”.

8 (b) **EXPANSION OF DEFINITION OF THIRD PARTY**
9 **PAYER.**—Subsection (h) of such section is amended—

10 (1) in the first sentence of paragraph (1), by
11 inserting “and a workers’ compensation program or
12 plan” before the period; and

13 (2) in paragraph (2)—

14 (A) by striking out “organization and” and
15 inserting in lieu thereof a “organization,”; and

16 (B) by inserting “, and a personal injury
17 protection plan or medical payments benefit
18 plan for personal injuries resulting from the op-
19 eration of a motor vehicle” before the period.

20 (c) **APPLICABILITY OF SECONDARY PAYER REQUIRE-**
21 **MENT.**—Section 1079(j)(1) of such title is amended by in-
22 serting “, including any plan offered by a third party
23 payer (as defined in section 1095(h)(1) of this title),”
24 after “or health plan”.

1 **SEC. 705. CODIFICATION OF AUTHORITY TO CREDIT**
 2 **CHAMPUS COLLECTIONS TO PROGRAM AC-**
 3 **COUNTS.**

4 (a) CREDITS TO CHAMPUS ACCOUNTS.—Chapter
 5 55 of title 10, United States Code, is amended by inserting
 6 after section 1079 the following:

7 **“§ 1079a. Crediting of CHAMPUS collections to pro-**
 8 **gram accounts**

9 “All refunds and other amounts collected by or for
 10 the United States in the administration of the Civilian
 11 Health and Medical Program of the Uniformed Services
 12 (CHAMPUS) shall be credited to the appropriation avail-
 13 able for that program for the fiscal year in which col-
 14 lected.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 at the beginning of such chapter is amended by inserting
 17 after the item relating to section 1079 the following new
 18 item:

“1079a. Crediting of CHAMPUS collections to program accounts.”.

19 **SEC. 706. COMPTROLLER GENERAL REVIEW OF HEALTH**
 20 **CARE ACTIVITIES OF THE DEPARTMENT OF**
 21 **DEFENSE RELATING TO PERSIAN GULF ILL-**
 22 **NESSSES.**

23 (a) MEDICAL RESEARCH AND CLINICAL CARE PRO-
 24 GRAMS.—The Comptroller General shall analyze the effec-
 25 tiveness of the medical research programs and clinical care

1 programs of the Department of Defense that relate to ill-
2 nesses that might have been contracted by members of the
3 Armed Forces as a result of service in the Southwest Asia
4 theater of operations during the Persian Gulf War.

5 (b) EXPERIMENTAL DRUGS.—The Comptroller Gen-
6 eral shall analyze the scope and effectiveness of the poli-
7 cies of the Department of Defense with respect to the in-
8 vestigational use of drugs, the experimental use of drugs,
9 and the use of drugs not approved by the Food and Drug
10 Administration to treat illnesses referred to in subsection
11 (a).

12 (c) ADMINISTRATION OF MEDICAL RECORDS.—The
13 Comptroller General shall analyze the administration of
14 medical records by the military departments in order to
15 assess the extent to which such records accurately reflect
16 the pre-deployment medical assessments, immunization
17 records, informed consent releases, complaints during rou-
18 tine sick call, emergency room visits, visits with unit med-
19 ics during deployment, and other relevant medical infor-
20 mation relating to the members and former members re-
21 ferred to in subsection (a) with respect to the illnesses re-
22 ferred to in that subsection.

23 (d) REPORTS.—The Comptroller General shall sub-
24 mit to Congress a separate report on each of the analyses
25 required under subsections (a), (b), and (c). The Comp-

1 troller General shall submit the reports not later than
2 March 1, 1997.

3 **SEC. 707. RESTORATION OF PREVIOUS POLICY REGARDING**
4 **RESTRICTIONS ON USE OF DEPARTMENT OF**
5 **DEFENSE MEDICAL FACILITIES.**

6 Section 1093 of title 10, United States Code, is
7 amended—

8 (1) by striking out subsection (b); and

9 (2) in subsection (a), by striking out “(a) RE-
10 STRICTION ON USE OF FUNDS.—”.

11 **SEC. 708. PLANS FOR MEDICARE SUBVENTION DEM-**
12 **ONSTRATION PROGRAMS.**

13 (a) PROGRAM FOR ENROLLMENT IN TRICARE MAN-
14 AGED CARE OPTION.—(1) Not later than September 6,
15 1996, the Secretary of Defense and the Secretary of
16 Health and Human Services shall jointly submit to Con-
17 gress and the President a report that sets forth a specific
18 plan and the Secretaries’ recommendations regarding the
19 establishment of a demonstration program under which—

20 (A) military retirees who are eligible for medi-
21 care are permitted to enroll in the managed care op-
22 tion of the Tricare program; and

23 (B) the Secretary of Health and Human Serv-
24 ices reimburses the Secretary of Defense from the
25 medicare program on a capitated basis for the costs

1 of providing health care services to military retirees
2 who enroll.

3 (2) The report shall include the following:

4 (A) The number of military retirees projected
5 to participate in the demonstration program and the
6 minimum number of such participants necessary to
7 conduct the demonstration program effectively.

8 (B) A plan for notifying military retirees of
9 their eligibility for enrollment in the demonstration
10 program and for any other matters connected with
11 enrollment.

12 (C) A recommendation for the duration of the
13 demonstration program.

14 (D) A recommendation for the geographic re-
15 gions in which the demonstration program should be
16 conducted.

17 (E) The appropriate level of capitated reim-
18 bursement, and a schedule for such reimbursement,
19 from the medicare program to the Department of
20 Defense for health care services provided enrollees in
21 the demonstration program.

22 (F) An estimate of the amounts to be allocated
23 by the Department for the provision of health care
24 services to military retirees eligible for medicare in
25 the regions in which the demonstration program is

1 proposed to be conducted in the absence of the pro-
2 gram and an assessment of revisions to such alloca-
3 tion that would result from the conduct of the pro-
4 gram.

5 (G) An estimate of the cost to the Department
6 and to the medicare program of providing health
7 care services to medicare eligible military retirees
8 who enroll in the demonstration program.

9 (H) An assessment of the likelihood of cost
10 shifting among the Department and the medicare
11 program under the demonstration program.

12 (I) A proposal for mechanisms for reconciling
13 and reimbursing any improper payments among the
14 Department and the medicare program under the
15 demonstration program.

16 (J) A methodology for evaluating the dem-
17 onstration program, including cost analyses.

18 (K) An assessment of the extent to which the
19 Tricare program is prepared to meet requirements of
20 the medicare program for purposes of the dem-
21 onstration program and the provisions of law or reg-
22 ulation that would have to be waived in order to fa-
23 cilitate the carrying out of the demonstration pro-
24 gram.

1 (L) An assessment of the impact of the dem-
2 onstration program on military readiness.

3 (M) Contingency plans for the provision of
4 health care services under the demonstration pro-
5 gram in the event of the mobilization of health care
6 personnel.

7 (N) A recommendation of the reports that the
8 Department and the Department of Health and
9 Human Services should submit to Congress describ-
10 ing the conduct of the demonstration program.

11 (b) FEASIBILITY STUDY FOR PROGRAM FOR EN-
12 ROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—

13 Not later than January 3, 1997, the Secretary of Defense
14 and the Secretary of Health and Human Services shall
15 jointly submit to Congress and the President a report on
16 the feasibility and advisability of expanding the dem-
17 onstration program referred to in subsection (a) so as to
18 provide the Department with reimbursement from the
19 medicare program on a fee-for-service basis for health care
20 services provided medicare-eligible military retirees who
21 enroll in the demonstration program. The report shall in-
22 clude a proposal for the expansion of the program if the
23 expansion is determined to be advisable.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
25 amounts authorized to be appropriated in section 301,

1 \$75,000,000 shall be made available to carry out the dem-
2 onstration program referred to in subsection (a) if Con-
3 gress authorizes the program by the end of the Second
4 Session of the One Hundred Fourth Congress.

5 **SEC. 709. RESEARCH AND BENEFITS RELATING TO GULF**
6 **WAR SERVICE.**

7 (a) RESEARCH.—(1) The Secretary of Defense shall,
8 by contract, grant, or other transaction, provide for sci-
9 entific research to be carried out by entities independent
10 of the Federal Government on possible causal relation-
11 ships between the complex of illnesses and symptoms com-
12 monly known as “Gulf War syndrome” and the possible
13 exposures of members of the Armed Forces to chemical
14 warfare agents or other hazardous materials during Gulf
15 War service.

16 (2) The Secretary shall prescribe the procedures for
17 making awards under paragraph (1). The procedures
18 shall—

19 (A) include a comprehensive, independent peer-
20 review process for the evaluation of proposals for sci-
21 entific research that are submitted to the Depart-
22 ment of Defense; and

23 (B) provide for the final selection of proposals
24 for award to be based on the scientific merit and
25 program relevance of the proposed research.

1 (3) Of the amount authorized to be appropriated
2 under section 301(19), \$10,000,000 is available for re-
3 search under paragraph (1).

4 (b) HEALTH CARE BENEFITS FOR AFFLICTED CHIL-
5 DREN OF GULF WAR VETERANS.—(1) Under regulations
6 prescribed by the Secretary of Defense, any child of a Gulf
7 War veteran who has been born after August 2, 1990, and
8 has a congenital defect or catastrophic illness not excluded
9 from coverage under paragraph (2) is eligible for medical
10 and dental care under chapter 55 of title 10, United
11 States Code, for the congenital defect or catastrophic ill-
12 ness, and associated conditions, of the child.

13 (2) The administering Secretaries may exclude from
14 coverage under this subsection—

15 (A) any congenital defect or catastrophic illness
16 that, as determined by the Secretary of Defense to
17 a reasonable degree of scientific certainty on the
18 basis of scientific research, is not a defect or cata-
19 strophic illness that can result in a child from an ex-
20 posure of a parent of the child to a chemical warfare
21 agent or other hazardous material to which members
22 of the Armed Forces might have been exposed dur-
23 ing Gulf War service; and

24 (B) a particular congenital defect or cata-
25 strophic illness (and any associated condition) of a

1 particular child if the onset of the defect or illness
2 is determined to have preceded any possible exposure
3 of the parent or parents of the child to a chemical
4 warfare agent or other hazardous material during
5 Gulf War service.

6 (3) No fee, deductible, or copayment requirement
7 may be imposed or enforced for medical or dental care
8 provided under chapter 55 of title 10, United States Code,
9 in the case of a child who is eligible for such care under
10 this subsection (even if the child would otherwise be sub-
11 ject to such a requirement on the basis of any eligibility
12 for such care that the child also has under any provision
13 of law other than this subsection).

14 (c) DEFINITIONS.—(1) In this section:

15 (A) The term “Gulf War veteran” means a vet-
16 eran of Gulf War service.

17 (B) The term “Gulf War service” means service
18 on active duty as a member of the Armed Forces in
19 the Southwest Asia theater of operations during the
20 Persian Gulf War.

21 (C) The term “Persian Gulf War” has the
22 meaning given that term in section 101(33) of title
23 38, United States Code.

1 (D) The term “administering Secretaries” has
2 the meaning given that term in section 1072(3) of
3 title 10, United States Code.

4 (E) The term “child” means a natural child.

5 (2) The Secretary of Defense shall prescribe in regu-
6 lations a definition of the terms “congenital defect” and
7 “catastrophic illness” for the purposes of this section.

8 **SEC. 710. PREVENTIVE HEALTH CARE SCREENING FOR**
9 **COLON AND PROSTATE CANCER.**

10 (a) MEMBERS AND FORMER MEMBERS.—(1) Section
11 1074d of title 10, United States Code, is amended—

12 (A) in subsection (a)—

13 (i) by inserting “(1)” before “Female”;

14 and

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

17 “(2) Male members and former members of the uni-
18 formed services entitled to medical care under section
19 1074 or 1074a of this title shall also be entitled to preven-
20 tive health care screening for colon or prostate cancer at
21 such intervals and using such screening methods as the
22 administering Secretaries consider appropriate.”; and

23 (B) in subsection (b), by adding at the end the
24 following new paragraph:

1 **Subtitle B—Uniformed Services**
2 **Treatment Facilities**

3 **SEC. 721. DEFINITIONS.**

4 In this subtitle:

5 (1) The term “administering Secretaries”
6 means the Secretary of Defense, the Secretary of
7 Transportation, and the Secretary of Health and
8 Human Services.

9 (2) The term “agreement” means the agree-
10 ment required under section 722(b) between the Sec-
11 retary of Defense and a designated provider.

12 (3) The term “capitation payment” means an
13 actuarially sound payment for a defined set of health
14 care services that is established on a per enrollee per
15 month basis.

16 (4) The term “covered beneficiary” means a
17 beneficiary under chapter 55 of title 10, United
18 States Code, other than a beneficiary under section
19 1074(a) of such title.

20 (5) The term “designated provider” means a
21 public or nonprofit private entity that was a trans-
22 feree of a Public Health Service hospital or other
23 station under section 987 of the Omnibus Budget
24 Reconciliation Act of 1981 (Public Law 97–35; 95
25 Stat. 603) and that, before the date of the enact-

1 ment of this Act, was deemed to be a facility of the
2 uniformed services for the purposes of chapter 55 of
3 title 10, United States Code. The term includes any
4 legal successor in interest of the transferee.

5 (6) The term “enrollee” means a covered bene-
6 ficiary who enrolls with a designated provider.

7 (7) The term “health care services” means the
8 health care services provided under the health plan
9 known as the TRICARE PRIME option under the
10 TRICARE program.

11 (8) The term “Secretary” means the Secretary
12 of Defense.

13 (9) The term “TRICARE program” means the
14 managed health care program that is established by
15 the Secretary of Defense under the authority of
16 chapter 55 of title 10, United States Code, prin-
17 cipally section 1097 of such title, and includes the
18 competitive selection of contractors to financially un-
19 derwrite the delivery of health care services under
20 the Civilian Health and Medical Program of the
21 Uniformed Services.

1 **SEC. 722. INCLUSION OF DESIGNATED PROVIDERS IN UNI-**
2 **FORMED SERVICES HEALTH CARE DELIVERY**
3 **SYSTEM.**

4 (a) INCLUSION IN SYSTEM.—The health care delivery
5 system of the uniformed services shall include the des-
6 ignated providers.

7 (b) AGREEMENTS TO PROVIDE MANAGED HEALTH
8 CARE SERVICES.—(1) After consultation with the other
9 administering Secretaries, the Secretary of Defense shall
10 negotiate and enter into an agreement with each des-
11 ignated provider, under which the designated provider will
12 provide managed health care services to covered bene-
13 ficiaries who enroll with the designated provider.

14 (2) The agreement shall be entered into on a sole
15 source basis. The Federal Acquisition Regulation, except
16 for those requirements regarding competition, issued pur-
17 suant to section 25(c) of the Office of Federal Procure-
18 ment Policy Act (41 U.S.C. 421(c)) shall apply to the
19 agreements as acquisitions of commercial items.

20 (3) The implementation of an agreement is subject
21 to availability of funds for such purpose.

22 (c) EFFECTIVE DATE OF AGREEMENTS.—(1) Unless
23 an earlier effective date is agreed upon by the Secretary
24 and the designated provider, the agreement shall take ef-
25 fect upon the later of the following:

1 (A) The date on which a managed care support
2 contract under the TRICARE program is imple-
3 mented in the service area of the designated pro-
4 vider.

5 (B) October 1, 1997.

6 (2) Notwithstanding paragraph (1), the designated
7 provider whose service area includes Seattle, Washington,
8 shall implement its agreement as soon as the agreement
9 permits.

10 (d) TEMPORARY CONTINUATION OF EXISTING PAR-
11 TICIPATION AGREEMENTS.—The Secretary shall extend
12 the participation agreement of a designated provider in ef-
13 fect immediately before the date of the enactment of this
14 Act under section 718(c) of the National Defense Author-
15 ization Act for Fiscal Year 1991 (Public Law 101–510;
16 104 Stat. 1587) until the agreement required by this sec-
17 tion takes effect under subsection (c).

18 (e) SERVICE AREA.—The Secretary may not reduce
19 the size of the service area of a designated provider below
20 the size of the service area in effect as of September 30,
21 1996.

22 (f) COMPLIANCE WITH ADMINISTRATIVE REQUIRE-
23 MENTS.—(1) Unless otherwise agreed upon by the Sec-
24 retary and a designated provider, the designated provider
25 shall comply with necessary and appropriate administra-

1 tive requirements established by the Secretary for other
2 providers of health care services and requirements estab-
3 lished by the Secretary of Health and Human Services for
4 risk-sharing contractors under section 1876 of the Social
5 Security Act (42 U.S.C. 1395mm). The Secretary and the
6 designated provider shall determine and apply only such
7 administrative requirements as are minimally necessary
8 and appropriate. A designated provider shall not be re-
9 quired to comply with a law or regulation of a State gov-
10 ernment requiring licensure as a health insurer or health
11 maintenance organization.

12 (2) A designated provider may not contract out more
13 than five percent of its primary care enrollment without
14 the approval of the Secretary, except in the case of pri-
15 mary care contracts between a designated provider and a
16 primary care contractor in force on the date of the enact-
17 ment of this Act.

18 **SEC. 723. PROVISION OF UNIFORM BENEFIT BY DES-**
19 **IGNATED PROVIDERS.**

20 (a) **UNIFORM BENEFIT REQUIRED.**—A designated
21 provider shall offer to enrollees the health benefit option
22 prescribed and implemented by the Secretary under sec-
23 tion 731 of the National Defense Authorization Act for
24 Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 1073
25 note), including accompanying cost-sharing requirements.

1 (b) TIME FOR IMPLEMENTATION OF BENEFIT.—A
2 designated provider shall offer the health benefit option
3 described in subsection (a) to enrollees upon the later of
4 the following:

5 (1) The date on which health care services with-
6 in the health care delivery system of the uniformed
7 services are rendered through the TRICARE pro-
8 gram in the region in which the designated provider
9 operates.

10 (2) October 1, 1996.

11 (c) ADJUSTMENTS.—The Secretary may establish a
12 later date under subsection (b)(2) or prescribe reduced
13 cost-sharing requirements for enrollees.

14 **SEC. 724. ENROLLMENT OF COVERED BENEFICIARIES.**

15 (a) FISCAL YEAR 1997 LIMITATION.—(1) During fis-
16 cal year 1997, the number of covered beneficiaries who
17 are enrolled in managed care plans offered by designated
18 providers may not exceed the number of such enrollees as
19 of October 1, 1995.

20 (2) The Secretary may waive the limitation under
21 paragraph (1) if the Secretary determines that additional
22 enrollment authority for a designated provider is required
23 to accommodate covered beneficiaries who are dependents
24 of members of the uniformed services entitled to health
25 care under section 1074(a) of title 10, United States Code.

1 (b) PERMANENT LIMITATION.—For each fiscal year
2 after fiscal year 1997, the number of enrollees in managed
3 care plans offered by designated providers may not exceed
4 110 percent of the number of such enrollees as of the first
5 day of the immediately preceding fiscal year. The Sec-
6 retary may waive this limitation as provided in subsection
7 (a)(2).

8 (c) RETENTION OF CURRENT ENROLLEES.—An en-
9 rollee in the managed care program of a designated pro-
10 vider as of September 30, 1997, or such earlier date as
11 the designated provider and the Secretary may agree
12 upon, shall continue receiving services from the designated
13 provider pursuant to the agreement entered into under
14 section 722 unless the enrollee disenrolls from the des-
15 ignated provider. Except as provided in subsection (e), the
16 administering Secretaries may not disenroll such an en-
17 rollee unless the disenrollment is agreed to by the Sec-
18 retary and the designated provider.

19 (d) ADDITIONAL ENROLLMENT AUTHORITY.—Other
20 covered beneficiaries may also receive health care services
21 from a designated provider, except that the designated
22 provider may market such services to, and enroll, only
23 those covered beneficiaries who—

24 (1) do not have other primary health insurance
25 coverage (other than medicare coverage) covering

1 basic primary care and inpatient and outpatient
2 services; or

3 (2) are enrolled in the direct care system under
4 the TRICARE program, regardless of whether the
5 covered beneficiaries were users of the health care
6 delivery system of the uniformed services in prior
7 years.

8 (e) SPECIAL RULE FOR MEDICARE-ELIGIBLE BENE-
9 FICIARIES.—If a covered beneficiary who desires to enroll
10 in the managed care program of a designated provider is
11 also entitled to hospital insurance benefits under part A
12 of title XVIII of the Social Security Act (42 U.S.C. 1395c
13 et seq.), the covered beneficiary shall elect whether to re-
14 ceive health care services as an enrollee or under part A
15 of title XVIII of the Social Security Act. The Secretary
16 may disenroll an enrollee who subsequently violates the
17 election made under this subsection and receives benefits
18 under part A of title XVIII of the Social Security Act.

19 (f) INFORMATION REGARDING ELIGIBLE COVERED
20 BENEFICIARIES.—The Secretary shall provide, in a timely
21 manner, a designated provider with an accurate list of cov-
22 ered beneficiaries within the marketing area of the des-
23 igned provider to whom the designated provider may
24 offer enrollment.

1 **SEC. 725. APPLICATION OF CHAMPUS PAYMENT RULES.**

2 (a) APPLICATION OF PAYMENT RULES.—Subject to
3 subsection (b), the Secretary shall require a private facility
4 or health care provider that is a health care provider under
5 the Civilian Health and Medical Program of the Uni-
6 formed Services to apply the payment rules described in
7 section 1074(c) of title 10, United States Code, in impos-
8 ing charges for health care that the private facility or pro-
9 vider provides to enrollees of a designated provider.

10 (b) AUTHORIZED ADJUSTMENTS.—The payment
11 rules imposed under subsection (a) shall be subject to such
12 modifications as the Secretary considers appropriate. The
13 Secretary may authorize a lower rate than the maximum
14 rate that would otherwise apply under subsection (a) if
15 the lower rate is agreed to by the designated provider and
16 the private facility or health care provider.

17 (c) REGULATIONS.—The Secretary shall prescribe
18 regulations to implement this section after consultation
19 with the other administering Secretaries.

20 (d) CONFORMING AMENDMENT.—Section 1074 of
21 title 10, United States Code, is amended by striking out
22 subsection (d).

23 **SEC. 726. PAYMENTS FOR SERVICES.**

24 (a) FORM OF PAYMENT.—Unless otherwise agreed to
25 by the Secretary and a designated provider, the form of
26 payment for services provided by a designated provider

1 shall be full risk capitation. The capitation payments shall
2 be negotiated and agreed upon by the Secretary and the
3 designated provider. In addition to such other factors as
4 the parties may agree to apply, the capitation payments
5 shall be based on the utilization experience of enrollees
6 and competitive market rates for equivalent health care
7 services for a comparable population to such enrollees in
8 the area in which the designated provider is located.

9 (b) LIMITATION ON TOTAL PAYMENTS.—Total capi-
10 tation payments to a designated provider shall not exceed
11 an amount equal to the cost that would have been incurred
12 by the Government if the enrollees had received their care
13 through a military treatment facility, the TRICARE pro-
14 gram, or the medicare program, as the case may be.

15 (c) ESTABLISHMENT OF PAYMENT RATES ON AN-
16 NUAL BASIS.—The Secretary and a designated provider
17 shall establish capitation payments on an annual basis,
18 subject to periodic review for actuarial soundness and to
19 adjustment for any adverse or favorable selection reason-
20 ably anticipated to result from the design of the program.

21 (d) ALTERNATIVE BASIS FOR CALCULATING PAY-
22 MENTS.—After September 30, 1999, the Secretary and a
23 designated provider may mutually agree upon a new basis
24 for calculating capitation payments.

1 **SEC. 727. REPEAL OF SUPERSEDED AUTHORITIES.**

2 (a) REPEALS.—The following provisions of law are
3 repealed:

4 (1) Section 911 of the Military Construction
5 Authorization Act, 1982 (42 U.S.C. 248e).

6 (2) Section 1252 of the Department of Defense
7 Authorization Act, 1984 (42 U.S.C. 248d).

8 (3) Section 718(c) of the National Defense Au-
9 thorization Act for Fiscal year 1991 (Public Law
10 101–510; 42 U.S.C. 248e note).

11 (4) Section 726 of the National Defense Au-
12 thorization Act for Fiscal Year 1996 (Public Law
13 104–106; 42 U.S.C. 248e note).

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on October 1, 1997.

16 **TITLE VIII—ACQUISITION POL-**
17 **ICY, ACQUISITION MANAGE-**
18 **MENT, AND RELATED MAT-**
19 **TERS**

20 **SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
21 **GRAMS.**

22 (a) FUNDING.—Of the amount authorized to be ap-
23 propriated under section 301(5), \$12,000,000 shall be
24 available for carrying out the provisions of chapter 142
25 of title 10, United States Code.

1 (b) SPECIFIC PROGRAMS.—Of the amounts made
2 available pursuant to subsection (a), \$600,000 shall be
3 available for fiscal year 1997 for the purpose of carrying
4 out programs sponsored by eligible entities referred to in
5 subparagraph (D) of section 2411(1) of title 10, United
6 States Code, that provide procurement technical assist-
7 ance in distressed areas referred to in subparagraph (B)
8 of section 2411(2) of such title. If there is an insufficient
9 number of satisfactory proposals for cooperative agree-
10 ments in such distressed areas to allow effective use of
11 the funds made available in accordance with this sub-
12 section in such areas, the funds shall be allocated among
13 the Defense Contract Administration Services regions in
14 accordance with section 2415 of such title.

15 **SEC. 802. EXTENSION OF PILOT MENTOR-PROTEGE PRO-**
16 **GRAM.**

17 Section 831(j) of the National Defense Authorization
18 Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amend-
19 ed—

20 (1) in paragraph (1), by striking out “1995”
21 and inserting in lieu thereof “1998”; and

22 (2) in paragraph (2), by striking out “1996”
23 and inserting in lieu thereof “1999”.

1 **SEC. 803. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN PROTOTYPE PROJECTS.**

3 (a) **AUTHORIZED OFFICIALS.**—(1) Subsection (a) of
4 section 845 of the National Defense Authorization Act for
5 Fiscal Year 1994 (107 Stat. 1547; 10 U.S.C. 2371 note)
6 is amended by inserting “, the Secretary of a military de-
7 partment, or any other official designated by the Secretary
8 of Defense” after “Agency”.

9 (2) Subsection (b)(2) of such section is amended to
10 read as follows:

11 “(2) To the maximum extent practicable, competitive
12 procedures shall be used when entering into agreements
13 to carry out projects under subsection (a).”.

14 (b) **EXTENSION OF AUTHORITY.**—Subsection (c) of
15 such section is amended by striking out “terminate” and
16 all that follows and inserting in lieu thereof “terminate
17 at the end of September 30, 2001.”.

18 **SEC. 804. REVISIONS TO THE PROGRAM FOR THE ASSESS-**
19 **MENT OF THE NATIONAL DEFENSE TECH-**
20 **NOLOGY AND INDUSTRIAL BASE.**

21 (a) **NATIONAL DEFENSE PROGRAM FOR ANALYSIS**
22 **OF THE TECHNOLOGY AND INDUSTRIAL BASE.**—Section
23 2503 of title 10, United States Code, is amended—

24 (1) in subsection (a)—

25 (A) by striking out “(1) The Secretary of
26 Defense, in consultation with the National De-

1 fense Technology and Industrial Base Council”
2 in paragraph (1) and inserting in lieu thereof
3 “The Secretary of Defense, in consultation with
4 the Secretary of Commerce”; and

5 (B) by striking out paragraphs (2), (3),
6 and (4); and

7 (2) in subsection (c)(3)(A)—

8 (A) by striking out “the National Defense
9 Technology and Industrial Base Council in”
10 and inserting in lieu thereof “the Secretary of
11 Defense for”; and

12 (B) by striking out “and the periodic plans
13 required by section 2506 of this title”.

14 (b) PERIODIC DEFENSE CAPABILITY ASSESS-
15 MENTS.—(1) Section 2505 of title 10, United States Code,
16 is amended to read as follows:

17 “**§ 2505. National technology and industrial base:**
18 **periodic defense capability assessments**

19 “(a) PERIODIC ASSESSMENT.—Each fiscal year, the
20 Secretary of Defense shall prepare selected assessments
21 of the capability of the national technology and industrial
22 base to attain the national security objectives set forth in
23 section 2501(a) of this title.

1 “(b) ASSESSMENT PROCESS.—The Secretary of De-
2 fense shall ensure that technology and industrial capability
3 assessments—

4 “(1) describe sectors or capabilities, their un-
5 derlying infrastructure and processes;

6 “(2) analyze present and projected financial
7 performance of industries supporting the sectors or
8 capabilities in the assessment; and

9 “(3) identify technological and industrial capa-
10 bilities and processes for which there is potential for
11 the national industrial and technology base not to be
12 able to support the achievement of national security
13 objectives.

14 “(c) FOREIGN DEPENDENCY CONSIDERATIONS.—In
15 the preparation of the periodic assessments, the Secretary
16 shall include considerations of foreign dependency.

17 “(d) INTEGRATED PROCESS.—The Secretary of De-
18 fense shall ensure that consideration of the technology and
19 industrial base assessments is integrated into the overall
20 budget, acquisition, and logistics support decision proc-
21 esses of the Department of Defense.”.

22 (2) Section 2502(b) of title 10, United States Code,
23 is amended—

24 (A) by striking out “the following responsibil-
25 ities:” and all that follows through “effective co-

1 operation” and inserting in lieu thereof “the respon-
2 sibility to ensure effective cooperation”; and

3 (B) by striking out paragraph (2); and

4 (3) by redesignating subparagraphs (A), (B),
5 and (C) as paragraphs (1), (2), and (3), respectively,
6 and adjusting the margin of such paragraphs two
7 ems to the left.

8 (c) REPEAL OF REQUIREMENT FOR PERIODIC DE-
9 FENSE CAPABILITY PLAN.—Section 2506 of title 10,
10 United States Code, is repealed.

11 (d) DEPARTMENT OF DEFENSE TECHNOLOGY AND
12 INDUSTRIAL BASE POLICY GUIDANCE.—Subchapter II of
13 chapter 148 of title 10, United States Code, is amended
14 by inserting after section 2505 the following new section
15 2506:

16 **“§ 2506. Department of Defense technology and in-
17 dustrial base policy guidance**

18 “(a) DEPARTMENTAL GUIDANCE.—The Secretary of
19 Defense shall prescribe departmental guidance for the at-
20 tainment of each of the national security objectives set
21 forth in section 2501(a) of this title. Such guidance shall
22 provide for technological and industrial capability consid-
23 erations to be integrated into the budget allocation, weap-
24 ons acquisition, and logistics support decision processes.

1 “(b) REPORT TO CONGRESS.—The Secretary of De-
2 fense shall report on the implementation of the depart-
3 mental guidance in the annual report to Congress submit-
4 ted pursuant to section 2508 of this title.”.

5 (e) ANNUAL REPORT TO CONGRESS.—Such sub-
6 chapter is amended by inserting after section 2507 the
7 following new section:

8 **“§ 2508. Annual report to Congress**

9 “The Secretary of Defense shall transmit to the Com-
10 mittee on Armed Services of the Senate and the Commit-
11 tee on National Security of the House of Representatives
12 by March 1 of each year a report which shall include the
13 following information:

14 “(1) A description of the departmental guidance
15 prepared pursuant to section 2506 of this title.

16 “(2) A description of the methods and analyses
17 being undertaken by the Department of Defense
18 alone or in cooperation with other Federal agencies,
19 to identify and address concerns regarding techno-
20 logical and industrial capabilities of the national
21 technology and industrial base.

22 “(3) A description of the assessments prepared
23 pursuant to section 2505 of this title and other anal-
24 yses used in developing the budget submission of the
25 Department of Defense for the next fiscal year.

1 “(4) Identification of each program designed to
2 sustain specific essential technological and industrial
3 capabilities and processes of the national technology
4 and industrial base.”.

5 (f) REPEAL OF REQUIREMENT TO COORDINATE THE
6 ENCOURAGEMENT OF TECHNOLOGY TRANSFER WITH
7 THE COUNCIL.—Subsection 2514(c) of title 10, United
8 States Code, is amended by striking out paragraph (5).

9 (g) CLERICAL AMENDMENTS.—The table of sections
10 at the beginning of subchapter II of chapter 148 of title
11 10, United States Code, is amended—

12 (1) by striking out the item relating to section
13 2506 and inserting in lieu thereof the following:

“2506. Department of Defense technology and industrial base policy guidance.”;

14 and

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

“2508. Annual report to Congress.”.

16 (h) REPEAL OF SUPERSEDED AND EXECUTED
17 LAW.—Sections 4218, 4219, and 4220 of the National
18 Defense Authorization Act for Fiscal Year 1993 (Public
19 Law 102–484; 10 U.S.C. 2505 note and 2506 note) are
20 repealed.

1 **SEC. 805. PROCUREMENTS TO BE MADE FROM SMALL ARMS**
2 **INDUSTRIAL BASE FIRMS.**

3 (a) REQUIREMENT.—Chapter 146 of title 10, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 **“§ 2473. Procurements from the small arms industrial**
7 **base**

8 “(a) AUTHORITY TO DESIGNATE EXCLUSIVE
9 SOURCES.—To the extent that the Secretary of Defense
10 determines necessary to preserve the part of the national
11 technology and industrial base that supplies property and
12 services described in subsection (b), the Secretary may re-
13 quire that the procurements of such items for the Depart-
14 ment of Defense be made only from the firms listed in
15 the plan entitled ‘Preservation of Critical Elements of the
16 Small Arms Industrial Base’, dated January 8, 1994, that
17 was prepared by an independent assessment panel of the
18 Army Science Board.

19 “(b) COVERED ITEMS.—The authority provided in
20 subsection (a) applies to the following property and serv-
21 ices:

22 “(1) Repair parts for small arms.

23 “(2) Modifications of parts to improve small
24 arms used by the armed forces.

25 “(3) Overhaul of unserviceable small arms of
26 the armed forces.”.

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

“2473. Procurements from the small arms industrial base.”.

4 **SEC. 806. EXCEPTION TO PROHIBITION ON PROCUREMENT**
 5 **OF FOREIGN GOODS.**

6 Section 2534(d)(3) of title 10, United States Code,
 7 is amended by inserting “or would impede the reciprocal
 8 procurement of defense items under a memorandum of un-
 9 derstanding providing for reciprocal procurement of de-
 10 fense items that is entered into under section 2531 of this
 11 title,” after “a foreign country,”.

12 **SEC. 807. TREATMENT OF DEPARTMENT OF DEFENSE**
 13 **CABLE TELEVISION FRANCHISE AGREE-**
 14 **MENTS.**

15 (a) TREATMENT AS CONTRACT FOR TELECOMMUNI-
 16 CATIONS SERVICES.—Subject to subsection (b), a cable
 17 television franchise agreement for the Department of De-
 18 fense shall be considered a contract for telecommuni-
 19 cations services for purposes of part 49 of the Federal Ac-
 20 quisition Regulation.

21 (b) LIMITATION.—The treatment of a cable television
 22 franchise agreement as a contract for telecommunications
 23 services shall be subject to such terms, conditions, limita-
 24 tions, restrictions, and requirements relating to the power
 25 of the executive branch to treat such an agreement as such

1 a contract as are identified in the advisory opinion re-
2 quired under section 823 of the National Defense Author-
3 ization Act for Fiscal Year 1996 (Public Law 104–106;
4 110 Stat. 399).

5 (c) APPLICABILITY.—This section applies to cable tel-
6 evision franchise agreements for the Department of De-
7 fense only if the United States Court of Federal Claims
8 states in an advisory opinion referred to in subsection (b)
9 that it is within the power of the executive branch to treat
10 cable television franchise agreements for the construction,
11 installation, or capital improvement of cable television sys-
12 tems at military installations of the Department of De-
13 fense as contracts under part 49 of the Federal Acquisi-
14 tion Regulation without violating title VI of the Commu-
15 nications Act of 1934 (47 U.S.C. 521 et seq.).

16 **SEC. 808. REMEDIES FOR REPRISALS AGAINST CONTRAC-**
17 **TOR EMPLOYEE WHISTLEBLOWERS.**

18 Section 2409(c)(1) of title 10, United States Code,
19 is amended by striking out subparagraph (B) and insert-
20 ing in lieu thereof the following:

21 “(B) Order the contractor either—

22 “(i) to reinstate the person to the position
23 that the person held before the reprisal, to-
24 gether with the compensation (including back
25 pay), employment benefits, and other terms and

1 conditions of employment that would apply to
2 the person in that position if the reprisal had
3 not been taken; or

4 “(ii) without reinstating the person, to pay
5 the person an amount equal to the compensa-
6 tion (including back pay) that, if the reprisal
7 had not been taken, would have been paid the
8 person in that position up to the date on which
9 the head of the agency determines that the per-
10 son has been subjected to a reprisal prohibited
11 under subsection (a).”.

12 **SEC. 809. IMPLEMENTATION OF INFORMATION TECH-**
13 **NOLOGY MANAGEMENT REFORM.**

14 (a) REPORT.—(1) The Secretary of Defense shall in-
15 clude in the report submitted in 1997 under section 381
16 of Public Law 103–337 (108 Stat. 2739) a discussion of
17 the following matters relating to information resources
18 management by the Federal Government:

19 (A) The progress made in implementing the In-
20 formation Technology Management Reform Act of
21 1996 (division E of Public Law 104–106; 110 Stat.
22 679; 40 U.S.C. 1401 et seq.) and the amendments
23 made by that Act.

24 (B) The progress made in implementing the
25 strategy for the development or modernization of

1 automated information systems for the Department
2 of Defense, as required by section 366 of Public
3 Law 104–106 (110 Stat 275; 10 U.S.C. 113 note).

4 (C) Plans of the Department of Defense for es-
5 tablishing an integrated framework for management
6 of information resources within the department.

7 (2) The discussion of matters under paragraph (1)
8 shall specifically include a discussion of the following:

9 (A) The status of the implementation of a set
10 of strategic, outcome-oriented performance meas-
11 ures.

12 (B) The specific actions being taken to link the
13 proposed performance measures to the planning,
14 programming, and budgeting system of the Depart-
15 ment of Defense and to the life-cycle management
16 processes of the department.

17 (C) The results of pilot program testing of pro-
18 posed performance measures.

19 (D) The additional training necessary for the
20 implementation of performance-based information
21 management.

22 (E) Plans for integrating management improve-
23 ment programs of the Department of Defense.

1 (F) The department-wide actions that are nec-
2 essary to comply with the requirements of the follow-
3 ing provisions of law:

4 (i) The amendments made by the Govern-
5 ment Performance and Results Act of 1993
6 (Public Law 103–62; 107 Stat. 285).

7 (ii) The Information Management Reform
8 Act of 1996 (division E of Public Law 104–
9 106; 110 Stat 679; 40 U.S.C. 1401 et seq.) and
10 the amendments made by that Act.

11 (iii) Title V of the Federal Acquisition
12 Management Streamlining Act of 1994 (Public
13 Law 103–355; 108 Stat. 3349) and the amend-
14 ments made by that title.

15 (iv) The Chief Financial Officers Act of
16 1990 (Public Law 101–576; 104 Stat. 2838)
17 and the amendments made by that Act.

18 (G) A strategic information resources plan for
19 the Department of Defense that is based on the
20 strategy of the Secretary of Defense for support of
21 the department’s overall strategic goals by the core
22 and supporting processes of the department.

23 (b) YEAR 2000 SOFTWARE CONVERSION.—(1) The
24 Secretary of Defense shall ensure that all information
25 technology acquired by the Department of Defense pursu-

1 ant to contracts entered into after September 30, 1996,
2 have the capabilities that comply with time and date
3 standards established by the National Institute of Stand-
4 ards and Technology or, if there is no such standard, gen-
5 erally accepted industry standards for providing fault-free
6 processing of date and date-related data in 2000.

7 (2) The Secretary, acting through the chief informa-
8 tion officers within the department (as designated pursu-
9 ant to section 3506 of title 44, United States Code), shall
10 assess all information technology within the Department
11 of Defense to determine the extent to which such tech-
12 nology have the capabilities to operate effectively with
13 technology that meet the standards referred to in para-
14 graph (1).

15 (3) Not later than January 1, 1997, the Secretary
16 shall submit to Congress a detailed plan for eliminating
17 any deficiencies identified pursuant to paragraph (2). The
18 plan shall include—

19 (A) a prioritized list of all affected programs;

20 (B) a description of how the deficiencies could
21 affect the national security of the United States; and

22 (C) an estimate of the resources that are nec-
23 essary to eliminate the deficiencies.

1 **SEC. 810. RESEARCH UNDER TRANSACTIONS OTHER THAN**
2 **CONTRACTS AND GRANTS.**

3 (a) **CONDITIONS FOR USE OF AUTHORITY.**—Sub-
4 section (e) of section 2371 of title 10, United States Code,
5 is amended—

6 (1) by redesignating paragraphs (1) and (2) as
7 subparagraphs (A) and (B);

8 (2) by inserting “and” after the semicolon at
9 the end of subparagraph (A), as so redesignated;

10 (3) by striking out “; and” at the end of sub-
11 paragraph (B), as so redesignated, and inserting in
12 lieu thereof a period;

13 (4) by inserting “(1)” after “(e) CONDI-
14 TIONS.—”; and

15 (5) by striking out paragraph (3) and inserting
16 in lieu thereof the following:

17 “(2) A cooperative agreement containing a clause
18 under subsection (d) or a transaction authorized under
19 subsection (a) may be used for a research project when
20 the use of a standard contract, grant, or cooperative
21 agreement for such project is not feasible or appropriate.”.

22 (b) **REVISED REQUIREMENT FOR ANNUAL RE-**
23 **PORT.**—Section 2371 of such title is amended by striking
24 out subsection (h) and inserting in lieu thereof the follow-
25 ing:

1 “(h) ANNUAL REPORT.—(1) Not later than 90 days
2 after the end of each fiscal year, the Secretary of Defense
3 shall submit to the Committee on Armed Services of the
4 Senate and the Committee on National Security of the
5 House of Representatives a report on Department of De-
6 fense use during such fiscal year of—

7 “(A) cooperative agreements authorized under
8 section 2358 of this title that contain a clause under
9 subsection (d); and

10 “(B) transactions authorized under subsection
11 (a).

12 “(2) The report shall include, with respect to the co-
13 operative agreements and other transactions covered by
14 the report, the following:

15 “(A) The technology areas in which research
16 projects were conducted under such agreements or
17 other transactions.

18 “(B) The extent of the cost-sharing among
19 Federal Government and non-Federal sources.

20 “(C) The extent to which the use of the cooper-
21 ative agreements and other transactions—

22 “(i) has contributed to a broadening of the
23 technology and industrial base available for
24 meeting Department of Defense needs; and

1 “(ii) has fostered within the technology
2 and industrial base new relationships and prac-
3 tices that support the national security of the
4 United States.

5 “(D) The total amount of payments, if any,
6 that were received by the Federal Government dur-
7 ing the fiscal year covered by the report pursuant to
8 a clause described in subsection (d) that was in-
9 cluded in the cooperative agreements and trans-
10 actions, and the amount of such payments, if any,
11 that were credited to each account established under
12 subsection (f).”.

13 (c) PROTECTION OF CERTAIN INFORMATION FROM
14 DISCLOSURE.—Such section, as amended by subsection
15 (b), is further amended by inserting after subsection (h)
16 the following:

17 “(i) PROTECTION OF CERTAIN INFORMATION FROM
18 DISCLOSURE.—(1) Disclosure of information described in
19 paragraph (2) is not required, and may not be compelled,
20 under section 552 of title 5 for five years after the date
21 on which the information is received by the Department
22 of Defense.

23 “(2) Paragraph (1) applies to the following informa-
24 tion in the records of the Department of Defense if the
25 information was submitted to the department in a com-

1 petitive or noncompetitive process having the potential for
 2 resulting in an award, to the submitters, of a cooperative
 3 agreement that includes a clause described in subsection
 4 (d) or other transaction authorized under subsection (a):

5 “(A) Proposals, proposal abstracts, and sup-
 6 porting documents.

7 “(B) Business plans submitted on a confidential
 8 basis.

9 “(C) Technical information submitted on a con-
 10 fidential basis.”.

11 (d) DIVISION OF SECTION INTO DISTINCT PROVI-
 12 SIONS BY SUBJECT MATTER.—(1) Chapter 139 of title
 13 10, United States Code, is amended—

14 (A) by inserting before the last subsection of
 15 section 2371 (relating to cooperative research and
 16 development agreements under the Stevenson-
 17 Wydler Technology Innovation Act of 1980) the
 18 following:

19 “**§ 2371a. Cooperative research and development**
 20 **agreements under Stevenson-Wydler**
 21 **Technology Innovation Act of 1980”;**

22 (B) by striking out “(i) COOPERATIVE RE-
 23 SEARCH AND DEVELOPMENT AGREEMENTS UNDER
 24 STEVENSON-WYDLER TECHNOLOGY INNOVATION
 25 ACT OF 1980.—”;

1 (C) in the table of sections at the beginning of
2 such chapter, by inserting after the item relating to
3 section 2371 the following:

“2371a. Cooperative research and development agreements under Stevenson-
Wydler Technology Innovation Act of 1980.”.

4 (2) Section 2358(d) of such title is amended by strik-
5 ing out “section 2371” and inserting in lieu thereof “sec-
6 tions 2371 and 2371a”.

7 **SEC. 811. REPORTING REQUIREMENT UNDER DEMONSTRA-**
8 **TION PROJECT FOR PURCHASE OF FIRE, SE-**
9 **CURITY, POLICE, PUBLIC WORKS, AND UTIL-**
10 **ITY SERVICES FROM LOCAL GOVERNMENT**
11 **AGENCIES.**

12 Section 816(b) of the National Defense Authorization
13 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
14 2820) is amended by striking out “1996” and inserting
15 in lieu thereof “1998”.

16 **SEC. 812. TEST PROGRAMS FOR MODERNIZATION-**
17 **THROUGH-SPARES.**

18 Not later than 60 days after the date of enactment
19 of this Act, the Secretary of the Army shall report to the
20 Committee on Armed Services of the Senate and the Com-
21 mittee on National Security of the House of Representa-
22 tives on the steps he has taken to ensure that each pro-
23 gram included in the Army’s modernization-through-
24 spares program is conducted in accordance with—

1 (1) the competition requirements in section
2 2304 of title 10;

3 (2) the core logistics requirements in section
4 2464 of title 10;

5 (3) the public-private competition requirements
6 in section 2469 of title 10; and

7 (4) requirements relating to contract bundling
8 and spare parts breakout in sections 15(a) and 15(l)
9 of the Small Business Act (15 U.S.C. 644) and im-
10 plementing regulations in the Defense FAR Supple-
11 ment.

12 **SEC. 813. PILOT PROGRAM FOR TRANSFER OF DEFENSE**
13 **TECHNOLOGY INFORMATION TO PRIVATE IN-**
14 **DUSTRY.**

15 (a) PROGRAM REQUIRED.—The Secretary of Defense
16 shall carry out a pilot program to demonstrate online
17 transfers of information on defense technologies to busi-
18 nesses in the private sector through an interactive data
19 network involving Small Business Development Centers of
20 institutions of higher education.

21 (b) COMPUTERIZED DATA BASE OF DEFENSE TECH-
22 NOLOGIES.—(1) Under the pilot program, the Secretary
23 shall enter into an agreement with the head of an eligible
24 institution of higher education that provides for such insti-
25 tution—

1 (A) to develop and maintain a computerized
2 data base of information on defense technologies;

3 (B) to make such information available online
4 to—

5 (i) businesses; and

6 (ii) other institutions of higher education
7 entering into partnerships with the Secretary
8 under subsection (c).

9 (2) The online accessibility may be established by
10 means of any of, or any combination of, the following:

11 (A) Digital teleconferencing.

12 (B) International Signal Digital Network
13 lines.

14 (C) Direct modem hookup.

15 (c) PARTNERSHIP NETWORK.—Under the pilot pro-
16 gram, the Secretary shall seek to enter into agreements
17 with the heads of several eligible institutions of higher
18 education having strong business education programs to
19 provide for the institutions of higher education entering
20 into such agreements—

21 (1) to establish interactive computer links with
22 the data base developed and maintained under sub-
23 section (b); and

24 (2) to assist the Secretary in making informa-
25 tion on defense technologies available online to the

1 broadest practicable number, types, and sizes of
2 businesses.

3 (d) ELIGIBLE INSTITUTIONS.—For the purposes of
4 this section, an institution of higher education is eligible
5 to enter into an agreement under subsection (b) or (c) if
6 the institution has a Small Business Development Center.

7 (e) DEFENSE TECHNOLOGIES COVERED.—(1) The
8 Secretary shall designate the technologies to be covered
9 by the pilot program from among the existing and experi-
10 mental technologies that the Secretary determines—

11 (A) are useful in meeting Department of De-
12 fense needs; and

13 (B) should be made available under the pilot
14 program to facilitate the satisfaction of such needs
15 by private sector sources.

16 (2) Technologies covered by the program should in-
17 clude technologies useful for defense purposes that can
18 also be used for nondefense purposes (without or without
19 modification).

20 (f) DEFINITIONS.—In this section:

21 (1) The term “Small Business Development
22 Center” means a small business development center
23 established pursuant to section 21 of the Small
24 Business Act (15 U.S.C. 648).

1 (2) The term “defense technology” means a
2 technology designated by the Secretary of Defense
3 under subsection (d).

4 (3) The term “partnership” means an agree-
5 ment entered into under subsection (e).

6 (g) TERMINATION OF PILOT PROGRAM.—The pilot
7 program shall terminate one year after the Secretary en-
8 ters into an agreement under subsection (b).

9 (h) AUTHORIZATION OF APPROPRIATIONS.—Of the
10 amount authorized to be appropriated under section
11 201(4) for university research initiatives, \$3,000,000 is
12 available for the pilot program.

13 **TITLE IX—DEPARTMENT OF DE-**
14 **FENSE ORGANIZATION AND**
15 **MANAGEMENT**

16 **Subtitle A—General Matters**

17 **SEC. 901. REPEAL OF REORGANIZATION OF OFFICE OF SEC-**
18 **RETARY OF DEFENSE.**

19 Sections 901 and 903 of the National Defense Au-
20 thorization Act for Fiscal Year 1996 (Public Law 104–
21 106; 110 Stat. 399 and 401) are repealed.

1 **SEC. 902. CODIFICATION OF REQUIREMENTS RELATING TO**
2 **CONTINUED OPERATION OF THE UNIFORMED**
3 **SERVICES UNIVERSITY OF THE HEALTH**
4 **SCIENCES.**

5 (a) CODIFICATION OF EXISTING LAW.—(1) Chapter
6 104 of title 10, United States Code, is amended by insert-
7 ing after section 2112 the following:

8 **“§ 2112a. Continued operation of University**

9 “(a) CLOSURE PROHIBITED.—The University may
10 not be closed.

11 “(b) PERSONNEL STRENGTH.—During the five-year
12 period beginning on October 1, 1996, the personnel staff-
13 ing levels for the University may not be reduced below the
14 personnel staffing levels for the University on October 1,
15 1993.”.

16 (2) The table of sections at the beginning of such
17 chapter is amended by inserting after the item relating
18 to section 2112 the following:

“2112a. Continued operation of University.”.

19 (b) REPEAL OF SUPERSEDED LAW.—(1) Section 922
20 of the National Defense Authorization Act for Fiscal Year
21 1995 (Public Law 103–337; 108 Stat. 282; 10 U.S.C.
22 2112 note) is amended by striking out subsection (a).

23 (2) Section 1071 of the National Defense Authoriza-
24 tion Act for Fiscal Year 1996 (Public Law 104–106; 110

1 Stat. 445; 10 U.S.C. 2112 note) is amended by striking
2 out subsection (b).

3 **SEC. 903. CODIFICATION OF REQUIREMENT FOR UNITED**
4 **STATES ARMY RESERVE COMMAND.**

5 (a) REQUIREMENT FOR ARMY RESERVE COM-
6 MAND.—(1) Chapter 307 of title 10, United States Code,
7 is amended by inserting after section 3074 the following:

8 **“§ 3074a. United States Army Reserve Command**

9 “(a) COMMAND.—The United States Army Reserve
10 Command is a separate command of the Army com-
11 manded by the Chief of Army Reserve.

12 “(b) CHAIN OF COMMAND.—Except as otherwise pre-
13 scribed by the Secretary of Defense, the Secretary of the
14 Army shall prescribe the chain of command for the United
15 States Army Reserve Command.

16 “(c) ASSIGNMENT OF FORCES.—The Secretary of the
17 Army—

18 “(1) shall assign to the United States Army Re-
19 serve Command all forces of the Army Reserve in
20 the continental United States other than forces as-
21 signed to the unified combatant command for special
22 operations forces established pursuant to section 167
23 of this title; and

24 “(2) except as otherwise directed by the Sec-
25 retary of Defense in the case of forces assigned to

1 carry out functions of the Secretary of the Army
2 specified in section 3013 of this title, shall assign all
3 such forces of the Army Reserve to the commander
4 of the United States Atlantic Command.”.

5 (2) The table of sections at the beginning of such
6 chapter is amended by inserting after the item relating
7 to section 3074 the following:

“3074a. United States Army Reserve Command.”.

8 (b) REPEAL OF SUPERSEDED LAW.—Section 903 of
9 the National Defense Authorization Act for Fiscal Year
10 1991 (Public Law 101–510; 104 Stat. 1620; 10 U.S.C.
11 3074 note) is repealed.

12 **SEC. 904. TRANSFER OF AUTHORITY TO CONTROL TRANS-**
13 **PORTATION SYSTEMS IN TIME OF WAR.**

14 (a) AUTHORITY OF SECRETARY OF DEFENSE.—Sec-
15 tion 4742 of title 10, United States Code, is amended by
16 striking out “Secretary of the Army” and inserting in lieu
17 thereof “Secretary of Defense”.

18 (b) TRANSFER OF SECTION.—Such section, as
19 amended by subsection (a), is transferred to the end of
20 chapter 157 of such title and is redesignated as section
21 2644.

22 (c) CONFORMING AMENDMENT.—Section 9742 of
23 such title is repealed.

24 (d) CLERICAL AMENDMENTS.—(1) The table of sec-
25 tions at the beginning of chapter 157 of such title is

1 amended by inserting after the item relating to section
2 2643 the following new item:

“2644. Control of transportation systems in time of war.”.

3 (2) The table of sections at the beginning of chapter
4 447 of such title is amended by striking out the item relat-
5 ing to section 4742.

6 (3) The table of sections at the beginning of chapter
7 947 of such title is amended by striking out the item relat-
8 ing to section 9742.

9 **SEC. 905. REDESIGNATION OF OFFICE OF NAVAL RECORDS**
10 **AND HISTORY FUND AND CORRECTION OF**
11 **RELATED REFERENCES.**

12 (a) NAME OF FUND.—Subsection (a) of section 7222
13 of title 10, United States Code, is amended by striking
14 out “‘Office of Naval Records and History Fund’” in the
15 second sentence and inserting in lieu thereof “‘Naval His-
16 torical Center Fund’”.

17 (b) CORRECTION OF REFERENCE TO ADMINISTERING
18 OFFICE.—Subsection (a) of such section, as amended by
19 subsection (a), is further amended by striking out “Office
20 of Naval Records and History” in the first sentence and
21 inserting in lieu thereof “Naval Historical Center”.

22 (c) CONFORMING REFERENCE.—Subsection (c) of
23 such section is amended by striking out “Office of Naval
24 Records and History Fund” in the second sentence and
25 inserting in lieu thereof “Naval Historical Center Fund”.

1 (d) CLERICAL AMENDMENTS.—(1) The heading of
2 such section is amended to read as follows:

3 **“§ 7222. Naval Historical Center Fund”.**

4 (2) The item relating to such section in the table of
5 sections at the beginning of chapter 631 of title 10, United
6 States Code, is amended to read as follows:

“7222. Naval Historical Center Fund.”.

7 **SEC. 906. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE**

8 **IN APPOINTMENT AND EVALUATION OF CER-**

9 **TAIN INTELLIGENCE OFFICIALS.**

10 (a) IN GENERAL.—Section 201 of title 10, United
11 States Code, is amended to read as follows:

12 **“§ 201. Certain intelligence officials: consultation and**
13 **concurrence regarding appointments;**
14 **evaluation of performance**

15 **“(a) CONSULTATION REGARDING APPOINTMENT.—**
16 Before submitting a recommendation to the President re-
17 garding the appointment of an individual to the position
18 of Director of the Defense Intelligence Agency, the Sec-
19 retary of Defense shall consult with the Director of
20 Central Intelligence regarding the recommendation.

21 **“(b) CONCURRENCE IN APPOINTMENT.—**Before sub-
22 mitting a recommendation to the President regarding the
23 appointment of an individual to a position referred to in
24 paragraph (2), the Secretary of Defense shall seek the
25 concurrence of the Director of Central Intelligence in the

1 recommendation. If the Director does not concur in the
2 recommendation, the Secretary may make the rec-
3 ommendation to the President without the Director's con-
4 currence, but shall include in the recommendation a state-
5 ment that the Director does not concur in the rec-
6 ommendation.

7 “(2) Paragraph (1) applies to the following positions:

8 “(A) The Director of the National Security
9 Agency.

10 “(B) The Director of the National Reconnaissance
11 Office.

12 “(c) PERFORMANCE EVALUATIONS.—(1) The Direc-
13 tor of Central Intelligence shall provide annually to the
14 Secretary of Defense, for the Secretary's consideration, an
15 evaluation of the performance of the individuals holding
16 the positions referred to in paragraph (2) in fulfilling their
17 respective responsibilities with regard to the National For-
18 eign Intelligence Program.

19 “(2) The positions referred to in paragraph (1) are
20 the following:

21 “(A) The Director of the National Security
22 Agency.

23 “(B) The Director of the National Reconnaissance
24 Office.

1 “(C) The Director of the National Imagery and
2 Mapping Agency.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of subchapter II of chapter 8 of such
5 title is amended by striking out the item relating to section
6 201 and inserting in lieu thereof the following new item:

“201. Certain intelligence officials: consultation and concurrence regarding ap-
pointments; evaluation of performance.”.

7 **SEC. 907. MATTERS TO BE CONSIDERED IN NEXT ASSESS-**
8 **MENT OF CURRENT MISSIONS, RESPONSIBIL-**
9 **ITIES, AND FORCE STRUCTURE OF THE UNI-**
10 **FIED COMBATANT COMMANDS.**

11 The Chairman of the Joint Chiefs of Staff shall con-
12 sider, as part of the next periodic review of the missions,
13 responsibilities, and force structure of the unified combat-
14 ant commands under section 161(b) of title 10, United
15 States Code, the following matters:

16 (1) For each Area of Responsibility of the re-
17 gional unified combatant commands—

18 (A) the foremost threats to United States
19 or allied security in the near- and long-term;

20 (B) the total area of ocean and total area
21 of land encompassed; and

22 (C) the number of countries and total pop-
23 ulation encompassed.

1 (2) Whether any one Area of Responsibility en-
2 compasses a disproportionately high or low share of
3 threats, mission requirements, land or ocean area,
4 number of countries, or population.

5 (3) The other factors used to establish the cur-
6 rent Areas of Responsibility.

7 (4) Whether any of the factors addressed under
8 paragraph (3) account for any apparent imbalances
9 indicated in the response to paragraph (2).

10 (5) Whether, in light of recent reductions in the
11 overall force structure of the Armed Forces, the
12 United States could better execute its warfighting
13 plans with fewer unified combatant commands, in-
14 cluding—

15 (A) a total of five or fewer commands, all
16 of which are regional;

17 (B) an eastward-oriented command, a
18 westward-oriented command, and a central
19 command; or

20 (C) a purely functional command struc-
21 ture, involving (for example) a first theater
22 command, a second theater command, a logis-
23 tics command, a special contingencies com-
24 mand, and a strategic command.

1 (6) Whether any missions, staff, facilities,
2 equipment, training programs, or other assets or ac-
3 tivities of the unified combatant commands are re-
4 dundant.

5 (7) Whether warfighting requirements are ade-
6 quate to justify the current functional commands.

7 (8) Whether the exclusion of Russia from a spe-
8 cific Area of Responsibility presents any difficulties
9 for the unified combatant commands with respect to
10 contingency planning for that area and its periphery.

11 (9) Whether the current geographic boundary
12 between the Central Command and the European
13 Command through the Middle East could create
14 command conflicts in the context of fighting a major
15 regional conflict in the Middle East.

16 **SEC. 908. ACTIONS TO LIMIT ADVERSE EFFECTS OF ESTAB-**
17 **LISHMENT OF NATIONAL MISSILE DEFENSE**
18 **JOINT PROGRAM OFFICE ON PRIVATE SEC-**
19 **TOR EMPLOYMENT.**

20 The Director of the Ballistic Missile Defense Organi-
21 zation shall take such actions as are necessary in connec-
22 tion with the establishment of the National Missile De-
23 fense Joint Program Office to ensure that the establish-
24 ment of that office does not make it necessary for a Fed-
25 eral Government contractor to reduce the number of per-

1 sons employed by the contractor for supporting the na-
2 tional missile defense development program at any par-
3 ticular location outside the National Capital Region (as
4 defined in section 2674(f)(2) of title 10, United States
5 Code).

6 **Subtitle B—National Imagery and** 7 **Mapping Agency**

8 **SEC. 911. SHORT TITLE.**

9 This subtitle may be cited as the “National Imagery
10 and Mapping Agency Act of 1996”.

11 **SEC. 912. FINDINGS.**

12 Congress makes the following findings:

13 (1) There is a need within the Department of
14 Defense and the Intelligence Community of the
15 United States to provide a single agency focus for
16 the growing number and diverse types of customers
17 for imagery and geospatial information resources
18 within the Government, to ensure visibility and ac-
19 countability for those resources, and to harness, le-
20 verage, and focus rapid technological developments
21 to serve the imagery, imagery intelligence, and
22 geospatial information customers.

23 (2) There is a need for a single Government
24 agency to solicit and advocate the needs of that
25 growing and diverse pool of customers.

1 (3) A single combat support agency dedicated
2 to imagery, imagery intelligence, and geospatial in-
3 formation could act as a focal point for support of
4 all imagery intelligence and geospatial information
5 customers, including customers in the Department
6 of Defense, the Intelligence Community, and related
7 agencies outside of the Department of Defense.

8 (4) Such an agency would best serve the needs
9 of the imagery, imagery intelligence, and geospatial
10 information customers if it were organized—

11 (A) to carry out its mission responsibilities
12 under the authority, direction, and control of
13 the Secretary of Defense, with the advice of the
14 Chairman of the Joint Chiefs of Staff; and

15 (B) to carry out its responsibilities to na-
16 tional intelligence customers in accordance with
17 policies and priorities established by the Direc-
18 tor of Central Intelligence.

19 **PART I—ESTABLISHMENT**

20 **SEC. 921. ESTABLISHMENT, MISSIONS, AND AUTHORITY.**

21 (a) ESTABLISHMENT IN TITLE 10, UNITED STATES
22 CODE.—Part I of subtitle A of title 10, United States
23 Code, is amended—

24 (1) by redesignating chapter 22 as chapter 23;

25 and

1 rector does not concur in the recommendation, the Sec-
2 retary may make the recommendation to the President
3 without the Director's concurrence, but shall include in
4 the recommendation a statement that the Director does
5 not concur in the recommendation.

6 “(3) If an officer of the armed forces is appointed
7 to the position of Director under this subsection, the posi-
8 tion is a position of importance and responsibility for pur-
9 poses of section 601 of this title and carries the grade
10 of lieutenant general, or, in the case of an officer of the
11 Navy, vice admiral.

12 “(c) COLLECTION TASKING AUTHORITY.—The Di-
13 rector of Central Intelligence shall have authority to ap-
14 prove collection requirements, determine collection prior-
15 ities, and resolve conflicts in collection priorities levied on
16 national imagery collection assets, except as otherwise
17 agreed by the Director and the Secretary of Defense pur-
18 suant to the direction of the President.

19 **“§ 442. Missions**

20 “(a) DEPARTMENT OF DEFENSE MISSIONS.—The
21 National Imagery and Mapping Agency shall—

22 “(1) provide timely, relevant, and accurate im-
23 agery, imagery intelligence, and geospatial informa-
24 tion in support of the national security objectives of
25 the United States;

1 “(2) improve means of navigating vessels of the
2 Navy and the merchant marine by providing, under
3 the authority of the Secretary of Defense, accurate
4 and inexpensive nautical charts, sailing directions,
5 books on navigation, and manuals of instructions for
6 the use of all vessels of the United States and of
7 navigators generally; and

8 “(3) prepare and distribute maps, charts,
9 books, and geodetic products as authorized under
10 subchapter II of this chapter.

11 “(b) NATIONAL MISSION.—The National Imagery
12 and Mapping Agency shall also have national missions as
13 specified in section 120(a) of the National Security Act
14 of 1947.

15 “(c) LIFE CYCLE SUPPORT.—The National Imagery
16 and Mapping Agency may, in furtherance of a mission of
17 the agency, design, develop, deploy, operate, and maintain
18 systems related to the processing and dissemination of im-
19 agery intelligence and geospatial information that may be
20 transferred to, accepted or used by, or used on behalf of—

21 “(1) the armed forces, including any combatant
22 command, component of a combatant command,
23 joint task force, or tactical unit; or

24 “(2) to any other department or agency of the
25 United States.

1 **“§ 443. Imagery intelligence and geospatial informa-**
2 **tion support for foreign countries**

3 “(a) APPROPRIATED FUNDS.—The Director of the
4 National Imagery and Mapping Agency may use appro-
5 priated funds available to the National Imagery and Map-
6 ping Agency to provide foreign countries with imagery in-
7 telligence and geospatial information support.

8 “(b) FUNDS OTHER THAN APPROPRIATED FUNDS.—
9 (1) Subject to paragraphs (2), (3), and (4), the Director
10 is also authorized to use funds other than appropriated
11 funds to provide foreign countries with imagery intel-
12 ligence and geospatial information support.

13 “(2) Funds other than appropriated funds may not
14 be expended, in whole or in part, by or for the benefit
15 of the National Imagery and Mapping Agency for a pur-
16 pose for which Congress had previously denied funds.

17 “(3) Proceeds from the sale of imagery intelligence
18 or geospatial information items may be used only to pur-
19 chase replacement items similar to the items that are sold.

20 “(4) Funds other than appropriated funds may not
21 be expended to acquire items or services for the principal
22 benefit of the United States.

23 “(5) The authority to use funds other than appro-
24 priated funds under this section may be exercised notwith-
25 standing provisions of law relating to the expenditure of
26 funds of the United States.

1 “(c) ACCOMMODATION PROCUREMENTS.—The au-
2 thority under this section may be exercised to conduct ac-
3 commodation procurements on behalf of foreign countries.

4 “(d) COORDINATION WITH DIRECTOR OF CENTRAL
5 INTELLIGENCE.—The Director shall coordinate with the
6 Director of Central Intelligence any action under this sec-
7 tion that involves imagery intelligence or intelligence prod-
8 ucts or involves providing support to an intelligence or se-
9 curity service of a foreign country.

10 **“§ 444. Support from Central Intelligence Agency**

11 “(a) SUPPORT AUTHORIZED.—The Director of
12 Central Intelligence may provide support in accordance
13 with this section to the Director of the National Imagery
14 and Mapping Agency. The Director of the National Im-
15 agery and Mapping Agency may accept support provided
16 under this section.

17 “(b) ADMINISTRATIVE AND CONTRACT SERVICES.—
18 (1) In furtherance of the national intelligence effort, the
19 Director of Central Intelligence may provide administra-
20 tive and contract services to the National Imagery and
21 Mapping Agency as if that agency were an organizational
22 element of the Central Intelligence Agency.

23 “(2) Services provided under paragraph (1) may in-
24 clude the services of security police. For purposes of sec-
25 tion 15 of the Central Intelligence Agency Act of 1949

1 (50 U.S.C. 403o), an installation of the National Imagery
2 and Mapping Agency provided security police services
3 under this section shall be considered an installation of
4 the Central Intelligence Agency.

5 “(3) Support provided under this subsection shall be
6 provided under terms and conditions agreed upon by the
7 Secretary of Defense and the Director of Central Intel-
8 ligence.

9 “(c) **DETAIL OF PERSONNEL.**—The Director of
10 Central Intelligence may detail Central Intelligence Agen-
11 cy personnel indefinitely to the National Imagery and
12 Mapping Agency without regard to any limitation on the
13 duration of interagency details of Federal Government
14 personnel.

15 “(d) **REIMBURSABLE OR NONREIMBURSABLE SUP-**
16 **PORT.**—Support under this section may be provided and
17 accepted on either a reimbursable basis or a nonreimburs-
18 able basis.

19 “(e) **AUTHORITY TO TRANSFER FUNDS.**—(1) The
20 Director of the National Imagery and Mapping Agency
21 may transfer funds available for the agency to the Direc-
22 tor of Central Intelligence for the Central Intelligence
23 Agency.

24 “(2) The Director of Central Intelligence—

1 “(A) may accept funds transferred under para-
2 graph (1); and

3 “(B) shall expend such funds, in accordance
4 with the Central Intelligence Agency Act of 1949
5 (50 U.S.C. 403a et seq.), to provide administrative
6 and contract services or detail personnel to the Na-
7 tional Imagery and Mapping Agency under this sec-
8 tion.

9 **“§ 445. Protection of agency identifications and orga-
10 nizational information**

11 “(a) UNAUTHORIZED USE OF AGENCY NAME, INI-
12 TIALS, OR SEAL.—(1) Except with the written permission
13 of the Secretary of Defense, no person may knowingly use,
14 in connection with any merchandise, retail product, imper-
15 sonation, solicitation, or commercial activity in a manner
16 reasonably calculated to convey the impression that such
17 use is approved, endorsed, or authorized by the Secretary
18 of Defense, any of the following:

19 “(A) The words ‘National Imagery and Map-
20 ping Agency’, the initials ‘NIMA’, or the seal of the
21 National Imagery and Mapping Agency.

22 “(B) The words ‘Defense Mapping Agency’, the
23 initials ‘DMA’, or the seal of the Defense Mapping
24 Agency.

1 “(C) Any colorable imitation of such words, ini-
2 tials, or seals.

3 “(2) Whenever it appears to the Attorney General
4 that any person is engaged or about to engage in an act
5 or practice which constitutes or will constitute conduct
6 prohibited by paragraph (1), the Attorney General may
7 initiate a civil proceeding in a district court of the United
8 States to enjoin such act or practice. Such court shall pro-
9 ceed as soon as practicable to a hearing and determination
10 of such action and may, at any time before such final de-
11 termination, enter such restraining orders or prohibitions,
12 or take such other action as is warranted, to prevent in-
13 jury to the United States or to any person or class of per-
14 sons for whose protection the action is brought.

15 “(b) PROTECTION OF ORGANIZATIONAL INFORMA-
16 TION.—Notwithstanding any other provision of law, the
17 Director of the National Imagery and Mapping Agency is
18 not required to disclose the organization of the agency,
19 any function of the agency, any information with respect
20 to the activities of the agency, or the names, titles, sala-
21 ries, or number of the persons employed by the agency.
22 This subsection does not apply to disclosures of informa-
23 tion to Congress.

1 of Defense shall, subject to subsection (c), fix the rates
2 of basic pay for positions established under subsection (a)
3 in relation to the rates of basic pay provided in subpart
4 D of part III of title 5 for positions subject to that title
5 which have corresponding levels of duties and responsibil-
6 ities. Except as otherwise provided by law, an employee
7 of the National Imagery and Mapping Agency may not
8 be paid basic pay at a rate in excess of the maximum rate
9 payable under section 5376 of title 5.

10 “(2) The Secretary of Defense may provide employees
11 in positions of the National Imagery and Mapping Agency
12 compensation (in addition to basic pay under paragraph
13 (1)) and benefits, incentives, and allowances consistent
14 with, and not in excess of the levels authorized for, com-
15 parable positions authorized by title 5.

16 “(c) PREVAILING RATES SYSTEMS.—The Secretary
17 of Defense may, consistent with section 5341 of title 5,
18 adopt such provisions of that title as provide for prevailing
19 rate systems of basic pay and may apply those provisions
20 to positions in or under which the National Imagery and
21 Mapping Agency may employ individuals described in sec-
22 tion 5342(a)(2)(A) of such title.

23 “(d) ALLOWANCES BASED ON LIVING COSTS AND
24 ENVIRONMENT FOR EMPLOYEES STATIONED OUTSIDE
25 CONTINENTAL UNITED STATES OR IN ALASKA.—(1) In

1 addition to the basic compensation payable under sub-
2 section (b), employees of the National Imagery and Map-
3 ping Agency described in paragraph (3) may be paid an
4 allowance, in accordance with regulations prescribed by
5 the Secretary of Defense, at a rate not in excess of the
6 allowance authorized to be paid under section 5941(a) of
7 title 5 for employees whose rates of basic pay are fixed
8 by statute.

9 “(2) Such allowance shall be based on—

10 “(A) living costs substantially higher than in
11 the District of Columbia;

12 “(B) conditions of environment which—

13 “(i) differ substantially from conditions of
14 environment in the continental United States;
15 and

16 “(ii) warrant an allowance as a recruit-
17 ment incentive; or

18 “(C) both of those factors.

19 “(3) This subsection applies to employees who—

20 “(A) are citizens or nationals of the United
21 States; and

22 “(B) are stationed outside the continental Unit-
23 ed States or in Alaska.

24 “(e) TERMINATION OF EMPLOYEES.—(1) Notwith-
25 standing any other provision of law, the Secretary of De-

1 fense may terminate the employment of any employee of
2 the National Imagery and Mapping Agency if the Sec-
3 retary—

4 “(A) considers such action to be in the interests
5 of the United States; and

6 “(B) determines that the procedures prescribed
7 in other provisions of law that authorize the termi-
8 nation of the employment of such employee cannot
9 be invoked in a manner consistent with the national
10 security.

11 “(2) A decision by the Secretary of Defense to termi-
12 nate the employment of an employee under this subsection
13 is final and may not be appealed or reviewed outside the
14 Department of Defense.

15 “(3) The Secretary of Defense shall promptly notify
16 the Committee on National Security and the Permanent
17 Select Committee on Intelligence of the House of Rep-
18 resentatives and the Committee on Armed Services and
19 the Select Committee on Intelligence of the Senate when-
20 ever the Secretary terminates the employment of any em-
21 ployee under the authority of this subsection.

22 “(4) Any termination of employment under this sub-
23 section shall not affect the right of the employee involved
24 to seek or accept employment with any other department
25 or agency of the United States if that employee is declared

1 eligible for such employment by the Director of the Office
2 of Personnel Management.

3 “(5) The authority of the Secretary of Defense under
4 this subsection may be delegated only to the Deputy Sec-
5 retary of Defense and the Director of the National Im-
6 agery and Mapping Agency. An action to terminate em-
7 ployment of an employee by any such officer may be ap-
8 pealed to the Secretary of Defense.

9 “(f) NATIONAL IMAGERY AND MAPPING SENIOR
10 LEVEL POSITIONS.—(1) In carrying out subsection (a)(1),
11 the Secretary may designate positions described in para-
12 graph (3) as National Imagery and Mapping Senior Level
13 positions.

14 “(2) Positions designated under this subsection shall
15 be treated as equivalent for purposes of compensation to
16 the senior level positions to which section 5376 of title
17 5 is applicable.

18 “(3) Positions that may be designated as National
19 Imagery and Mapping Senior Level positions are positions
20 in the National Imagery and Mapping Agency that (A)
21 are classified above the GS-15 level, (B) emphasize func-
22 tion expertise and advisory activity, but (C) do not have
23 the organizational or program management functions nec-
24 essary for inclusion in the National Imagery and Mapping
25 Senior Executive Service.

1 “(4) Positions referred to in paragraph (3) include
2 National Imagery and Mapping Senior Technical positions
3 and National Imagery and Mapping Senior Professional
4 positions. For purposes of this subsection National Im-
5 agery and Mapping Senior Technical positions are posi-
6 tions covered by paragraph (3) if—

7 “(A) the positions involve—

8 “(i) research and development;

9 “(ii) test and evaluation;

10 “(iii) substantive analysis, liaison, or advi-
11 sory activity focusing on engineering, physical
12 sciences, computer science, mathematics, biol-
13 ogy, chemistry, medicine, or other closely relat-
14 ed scientific and technical fields; or

15 “(iv) intelligence disciplines including pro-
16 duction, collection, and operations in close asso-
17 ciation with any of the activities described in
18 clauses (i), (ii), and (iii) or related activities; or

19 “(B) the positions emphasize staff, liaison, ana-
20 lytical, advisory, or other activity focusing on intel-
21 ligence, law, finance and accounting, program and
22 budget, human resources management, training, in-
23 formation services, logistics, security, and other ap-
24 propriate fields.

1 “(4) provide for adjusting the rates of pay at
2 the same time and to the same extent as rates of
3 basic pay for the Senior Executive Service are ad-
4 justed;

5 “(5) provide a performance appraisal system for
6 the National Imagery and Mapping Senior Executive
7 Service that conforms to the provisions of sub-
8 chapter II of chapter 43 of title 5;

9 “(6) provide for removal consistent with section
10 3592 of title 5, and removal or suspension consistent
11 with subsections (a), (b), and (c) of section 7543 of
12 title 5 (except that any hearing or appeal to which
13 a member of the National Imagery and Mapping
14 Senior Executive Service is entitled shall be held or
15 decided pursuant to procedures established by the
16 Secretary of Defense);

17 “(7) permit the payment of performance awards
18 to members of the National Imagery and Mapping
19 Senior Executive Service consistent with the provi-
20 sions applicable to performance awards under sec-
21 tion 5384 of title 5;

22 “(8) provide that members of the National Im-
23 agery and Mapping Senior Executive Service may be
24 granted sabbatical leaves consistent with the provi-
25 sions of section 3396(c) of title 5; and

1 “(9) provide for the recertification of members
2 of the National Imagery and Mapping Senior Execu-
3 tive Service consistent with the provisions of section
4 3393a of title 5.

5 “(c) *AUTHORITY*.—Except as otherwise provided in
6 subsection (b), the Secretary of Defense may—

7 “(1) make applicable to the National Imagery
8 and Mapping Senior Executive Service any of the
9 provisions of title 5 that are applicable to applicants
10 for or members of the Senior Executive Service; and

11 “(2) appoint, promote, and assign individuals to
12 positions established within the National Imagery
13 and Mapping Senior Executive Service without re-
14 gard to the provisions of title 5 governing appoint-
15 ments and other personnel actions in the competitive
16 service.

17 “(d) *AWARD OF RANK*.—The President, based on the
18 recommendations of the Secretary of Defense, may award
19 ranks to individuals who occupy positions in the National
20 Imagery and Mapping Senior Executive Service in a man-
21 ner consistent with the provisions of section 4507 of title
22 5.

23 “(e) *DETAILS AND ASSIGNMENTS*.—Notwithstanding
24 any other provisions of this section, the Secretary of De-
25 fense may detail or assign any member of the National

1 Imagery and Mapping Senior Executive Service to serve
2 in a position outside the National Imagery and Mapping
3 Agency in which the member's expertise and experience
4 may be of benefit to the National Imagery and Mapping
5 Agency or another Government agency. Any such member
6 shall not by reason of such detail or assignment lose any
7 entitlement or status associated with membership in the
8 National Imagery and Mapping Senior Executive Service.

9 **“§ 463. Management rights**

10 “(a) SCOPE.—If there is no obligation under the pro-
11 visions of chapter 71 of title 5 for the head of an agency
12 of the United States to consult or negotiate with a labor
13 organization on a particular matter by reason of that mat-
14 ter being covered by a provision of law or a Government-
15 wide regulation, the Director of the National Imagery and
16 Mapping Agency is not obligated to consult or negotiate
17 with a labor organization on that matter even if that provi-
18 sion of law or regulation is inapplicable to the National
19 Imagery and Mapping Agency.

20 “(b) BARGAINING UNITS.—The National Imagery
21 and Mapping Agency shall accord exclusive recognition to
22 a labor organization under section 7111 of title 5 only for
23 a bargaining unit that was recognized as appropriate for
24 the Defense Mapping Agency on the day before the date
25 on which employees and positions of the Defense Mapping

1 Agency in that bargaining unit became employees and po-
2 sitions of the National Imagery and Mapping Agency
3 under the National Imagery and Mapping Agency Act of
4 1996 (subtitle B of title IX of the National Defense Au-
5 thorization Act for Fiscal Year 1997).

6 “(c) TERMINATION OF BARGAINING UNIT COVERAGE
7 OF POSITION MODIFIED TO AFFECT NATIONAL SECUR-
8 RITY DIRECTLY.—(1) If the Director of the National Im-
9 agery and Mapping Agency determines that the respon-
10 sibilities of a position within a collective bargaining unit
11 should be modified to include intelligence, counterintel-
12 ligence, investigative, or security duties not previously as-
13 signed to that position and that the performance of the
14 newly assigned duties directly affects the national security
15 of the United States, then, upon such a modification of
16 the responsibilities of that position, the position shall cease
17 to be covered by the collective bargaining unit and the em-
18 ployee in that position shall cease to be entitled to rep-
19 resentation by a labor organization accorded exclusive rec-
20 ognition for that collective bargaining unit.

21 “(2) A determination described in paragraph (1) that
22 is made by the Director of the National Imagery and Map-
23 ping Agency may not be reviewed by the Federal Labor
24 Relations Authority or any court of the United States.

1 “SUBCHAPTER IV—DEFINITIONS

“Sec.

“471. Definitions.

2 **“§ 471. Definitions**

3 “In this chapter:

4 “(1) The term ‘function’ means any duty, obli-
5 gation, responsibility, privilege, activity, or program.

6 “(2)(A) The term ‘imagery’ means, except as
7 provided in subparagraph (B), a likeness or presen-
8 tation of any natural or manmade feature or related
9 object or activity and the positional data acquired at
10 the same time the likeness or representation was ac-
11 quired, including—

12 “(i) products produced by space-based na-
13 tional intelligence reconnaissance systems; and

14 “(ii) likenesses or presentations produced
15 by satellites, airborne platforms, unmanned aer-
16 ial vehicles, or other similar means.

17 “(B) The term does not include handheld or
18 clandestine photography taken by or on behalf of
19 human intelligence collection organizations.

20 “(3) The term ‘imagery intelligence’ means the
21 technical, geographic, and intelligence information
22 derived through the interpretation or analysis of im-
23 agery and collateral materials.

1 “(4) The term ‘geospatial information’ means
2 information that identifies the geographic location
3 and characteristics of natural or constructed fea-
4 tures and boundaries on the earth and includes—

5 “(A) statistical data and information de-
6 rived from, among other things, remote sensing,
7 mapping, and surveying technologies;

8 “(B) mapping, charting, and geodetic data;
9 and

10 “(C) geodetic products, as defined in sec-
11 tion 455(e) of this title.”.

12 (b) TRANSFER OF CHAPTER 167 PROVISIONS.—Sec-
13 tions 2792, 2793, 2794, 2795, 2796, and 2798 of title
14 10, United States Code, are transferred to subchapter II
15 of chapter 22 of such title, as added by subsection (a),
16 are inserted in that sequence in such subchapter following
17 the table of sections, and are redesignated in accordance
18 with the following table:

Section transferred	Section as redesignated
2792	451
2793	452
2794	453
2795	454
2796	455
2798	456.

19 (c) OVERSIGHT OF AGENCY AS A COMBAT SUPPORT
20 AGENCY.—Section 193 of title 10, United States Code,
21 is amended—

1 (1) in subsection (d)—

2 (A) by striking out the caption and insert-
3 ing in lieu thereof “REVIEW OF NATIONAL SE-
4 CURITY AGENCY AND NATIONAL IMAGERY AND
5 MAPPING AGENCY.—”;

6 (B) in paragraph (1)—

7 (i) by inserting “and the National Im-
8 agery and Mapping Agency” after “the
9 National Security Agency”; and

10 (ii) by striking out “the Agency” and
11 inserting in lieu thereof “that the agen-
12 cies”; and

13 (C) in paragraph (2), by inserting “and
14 the National Imagery and Mapping Agency”
15 after “the National Security Agency”;

16 (2) in subsection (e)—

17 (A) by striking out “DIA AND NSA” in
18 the caption and inserting in lieu thereof the fol-
19 lowing: “DIA, NSA, AND NIMA.—”; and

20 (B) by striking out “and the National Se-
21 curity Agency” and inserting in lieu thereof “,
22 the National Security Agency, and the National
23 Imagery and Mapping Agency”; and

24 (3) in subsection (f), by striking out paragraph

25 (4) and inserting in lieu thereof the following:

1 “(4) The National Imagery and Mapping Agen-
2 cy.”.

3 (d) SPECIAL PRINTING AUTHORITY FOR AGENCY.—

4 (1) Section 207(a)(2)(B) of the Legislative Branch Appro-
5 priations Act, 1993 (Public Law 102–392; 44 U.S.C. 501
6 note) is amended by inserting “National Imagery and
7 Mapping Agency,” after “Defense Intelligence Agency,”.

8 (2) Section 1336 of title 44, United States Code, is
9 amended—

10 (A) by striking out “Secretary of the Navy”
11 and inserting in lieu thereof “Director of the Na-
12 tional Imagery and Mapping Agency”; and

13 (B) by striking out “United States Naval
14 Oceanographic Office” and inserting in lieu thereof
15 “National Imagery and Mapping Agency”.

16 **SEC. 922. TRANSFERS.**

17 (a) DEPARTMENT OF DEFENSE.—The missions and
18 functions of the following elements of the Department of
19 Defense are transferred to the National Imagery and Map-
20 ping Agency:

21 (A) The Defense Mapping Agency.

22 (B) The Central Imagery Office.

23 (C) Other elements of the Department of De-
24 fense as provided in the classified annex to this Act.

1 (b) CENTRAL INTELLIGENCE AGENCY.—The mis-
2 sions and functions of the following elements of the
3 Central Intelligence Agency are transferred to the Na-
4 tional Imagery and Mapping Agency:

5 (A) The National Photographic Interpretation
6 Center.

7 (B) Other elements of the Central Intelligence
8 Agency as provided in the classified annex to this
9 Act.

10 (c) PERSONNEL AND ASSETS.—(1) Subject to para-
11 graphs (2) and (3), the personnel, assets, unobligated bal-
12 ances of appropriations and authorizations of appropria-
13 tions, and, to the extent jointly determined appropriate by
14 the Secretary of Defense and Director of Central Intel-
15 ligence, obligated balances of appropriations and author-
16 izations of appropriations employed, used, held, arising
17 from, or available in connection with the missions and
18 functions transferred under subsection (a) or (b) are
19 transferred to the National Imagery and Mapping Agency.
20 A transfer may not be made under the preceding sentence
21 for any program or function for which funds are not ap-
22 propriated to the National Imagery and Mapping Agency
23 for fiscal year 1997. Transfers of appropriations from the
24 Central Intelligence Agency under this paragraph shall be

1 made in accordance with section 1531 of title 31, United
2 States Code.

3 (2) Not earlier than two years after the effective date
4 of this subtitle, the Secretary of Defense and the Director
5 of Central Intelligence shall determine which, if any, posi-
6 tions and personnel of the Central Intelligence Agency are
7 to be transferred to the National Imagery and Mapping
8 Agency. The positions to be transferred, and the employ-
9 ees serving in such positions, shall be transferred to the
10 National Imagery and Mapping Agency under terms and
11 conditions prescribed by the Secretary of Defense and the
12 Director of Central Intelligence.

13 (3) If the National Photographic Interpretation Cen-
14 ter of the Central Intelligence Agency or any imagery-re-
15 lated activity of the Central Intelligence Agency author-
16 ized to be performed by the National Imagery and Map-
17 ping Agency is not completely transferred to the National
18 Imagery and Mapping Agency, the Secretary of Defense
19 and the Director of Central Intelligence shall—

20 (A) jointly determine which, if any, contracts,
21 leases, property, and records employed, used, held,
22 arising from, available to, or otherwise relating to
23 such Center or activity is to be transferred to the
24 National Imagery and Intelligence Agency; and

1 (B) provide by written agreement for the trans-
2 fer of such items.

3 **SEC. 923. COMPATIBILITY WITH AUTHORITY UNDER THE**
4 **NATIONAL SECURITY ACT OF 1947.**

5 (a) AGENCY FUNCTIONS.—Section 105(b) of the Na-
6 tional Security Act of 1947 (50 U.S.C. 403–5(b)) is
7 amended by striking out paragraph (2) and inserting in
8 lieu thereof the following:

9 “(2) through the National Imagery and Map-
10 ping Agency (except as otherwise directed by the
11 President or the National Security Council), with
12 appropriate representation from the intelligence
13 community, the continued operation of an effective
14 unified organization within the Department of De-
15 fense—

16 “(A) for carrying out tasking of imagery
17 collection;

18 “(B) for the coordination of imagery proc-
19 essing and exploitation activities;

20 “(C) for ensuring the dissemination of im-
21 agery in a timely manner to authorized recipi-
22 ents; and

23 “(D) notwithstanding any other provision
24 of law, for—

1 “(c) CORRECTION OF DEFICIENCIES.—The Director
2 of Central Intelligence shall develop and implement such
3 programs and policies as the Director and the Secretary
4 jointly determine necessary to review and correct defi-
5 ciencies identified in the capabilities of the National Im-
6 agery and Mapping Agency to accomplish assigned na-
7 tional missions. The Director shall consult with the Sec-
8 retary of Defense on the development and implementation
9 of such programs and policies. The Secretary shall obtain
10 the advice of the Chairman of the Joint Chiefs of Staff
11 regarding the matters on which the Director and the Sec-
12 retary are to consult under the preceding sentence.”.

13 (c) TASKING OF IMAGERY ASSETS.—Title I of such
14 Act is further amended by adding at the end the following:

15 “COLLECTION TASKING AUTHORITY

16 “SEC. 121. The Director of Central Intelligence shall
17 have authority to approve collection requirements, deter-
18 mine collection priorities, and resolve conflicts in collection
19 priorities levied on national imagery collection assets, ex-
20 cept as otherwise agreed by the Director and the Secretary
21 of Defense pursuant to the direction of the President.”.

22 (d) CLERICAL AMENDMENT.—The table of contents
23 in the first section of such Act is amended by inserting
24 after section 109 the following new items:

“Sec. 120. National mission of National Imagery and Mapping Agency.

“Sec. 121. Collection tasking authority.”.

1 **SEC. 924. OTHER PERSONNEL MANAGEMENT AUTHORITIES.**

2 (a) COMPARABLE TREATMENT WITH OTHER INTEL-
3 LIGENCE SENIOR EXECUTIVE SERVICES.—Title 5, United
4 States Code, is amended as follows:

5 (1) In section 2108(3), by inserting “the Na-
6 tional Imagery and Mapping Senior Executive Serv-
7 ice,” after “the Senior Cryptologic Executive Serv-
8 ice,” in the matter following subparagraph (F)(iii).

9 (2) In section 6304(f)(1), by—

10 (A) by striking out “or” at the end of sub-
11 paragraph (D);

12 (B) by striking out the period at the end
13 of in subparagraph (E) and inserting in lieu
14 thereof “; or”; and

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

16 “(F) the National Imagery and Mapping
17 Senior Executive Service.”; and

18 (3) In sections 8336(h)(2) and 8414(a)(2), by
19 striking out “or the Senior Cryptologic Executive
20 Service” and inserting in lieu thereof “, the Senior
21 Cryptologic Executive Service, or the National Im-
22 agery and Mapping Senior Executive Service”.

23 (b) CENTRAL IMAGERY OFFICE PERSONNEL MAN-
24 AGEMENT AUTHORITIES.—

25 (1) NONDUPLICATION OF COVERAGE BY DE-
26 FENSE INTELLIGENCE SENIOR EXECUTIVE SERV-

1 ICE.—Section 1601 of title 10, United States Code,
2 is amended—

3 (A) in subsection (a), by striking out “and
4 the Central Imagery Office”;

5 (B) in subsection (d), by striking out “or
6 the Central Imagery Office in which the mem-
7 ber’s expertise and experience may be of benefit
8 to the Defense Intelligence Agency, the Central
9 Imagery Office,” in the first sentence and in-
10 serting in lieu thereof “in which the member’s
11 expertise and experience may be of benefit to
12 the Defense Intelligence Agency”; and

13 (C) in subsection (e), by striking out “and
14 the Central Imagery Office” in the first sen-
15 tence.

16 (2) MERIT PAY.—Section 1602 of such title is
17 amended by striking out “and Central Imagery Of-
18 fice”.

19 (3) MISCELLANEOUS AUTHORITIES.—Sub-
20 section 1604 of such title is amended—

21 (A) in subsection (a)(1)—

22 (i) by striking out “and the Central
23 Imagery Office”; and

24 (ii) by striking out “and Office”;

25 (B) in subsection (b)—

1 (i) in paragraph (1), by striking out
2 “or the Central Imagery Office” in the sec-
3 ond sentence; and

4 (ii) in paragraph (2), by striking out
5 “and the Central Imagery Office”;

6 (C) in subsection (c), by striking out “or
7 the Central Imagery Office”;

8 (D) in subsection (d)(1), by striking out
9 “and the Central Imagery Office”;

10 (E) in subsection (e)—

11 (i) in paragraph (1), by striking out
12 “or the Central Imagery Office”; and

13 (ii) in paragraph (5) by striking out
14 “, the Director of the Defense Intelligence
15 Agency (with respect to employees of the
16 Defense Intelligence Agency), and the Di-
17 rector of the Central Imagery Office (with
18 respect to employees of the Central Im-
19 agery Office)” and inserting in lieu thereof
20 “and the Director of the Defense Intel-
21 ligence Agency (with respect to employees
22 of the Defense Intelligence Agency)”;

23 (F) in subsection (f)(3), by striking out
24 “and Central Imagery Office”; and

25 (G) in subsection (g)—

1 (i) by striking out “or the Central Im-
2 agery Office”; and

3 (ii) by striking out “or Office”.

4 (c) APPLICABILITY OF FEDERAL LABOR-MANAGE-
5 MENT RELATIONS SYSTEM.—Section 7103(a)(3) of title
6 5, United States Code is amended—

7 (1) by inserting “or” at the end of subpara-
8 graph (F);

9 (2) by striking out “; or” at the end of sub-
10 paragraph (G) and inserting in lieu thereof a period;
11 and

12 (3) by striking out subparagraph (H).

13 (d) APPLICABILITY OF AUTHORITY AND PROCE-
14 DURES FOR IMPOSING CERTAIN ADVERSE ACTIONS.—
15 Section 7511(b)(8) of title 5, United States Code, is
16 amended by striking out “Central Imagery Office”.

17 **SEC. 925. CREDITABLE CIVILIAN SERVICE FOR CAREER**
18 **CONDITIONAL EMPLOYEES OF THE DEFENSE**
19 **MAPPING AGENCY.**

20 In the case of an employee of the National Imagery
21 and Mapping Agency who, on the day before the effective
22 date of this subtitle, was an employee of the Defense Map-
23 ping Agency in a career-conditional status, the continuous
24 service of that employee as an employee of the National
25 Imagery and Mapping Agency on and after such date shall

1 be considered creditable service for the purpose of any de-
2 termination of the career status of the employee.

3 **SEC. 926. SAVING PROVISIONS.**

4 (a) CONTINUING EFFECT ON LEGAL DOCUMENTS.—

5 All orders, determinations, rules, regulations, permits,
6 agreements, international agreements, grants, contracts,
7 leases, certificates, licenses, registrations, privileges, and
8 other administrative actions—

9 (1) which have been issued, made, granted, or
10 allowed to become effective by the President, any
11 Federal agency or official thereof, or by a court of
12 competent jurisdiction, in connection with any of the
13 functions which are transferred under this subtitle
14 or any function that the National Imagery and Map-
15 ping Agency is authorized to perform by law, and

16 (2) which are in effect at the time this title
17 takes effect, or were final before the effective date
18 of this subtitle and are to become effective on or
19 after the effective date of this subtitle,

20 shall continue in effect according to their terms until
21 modified, terminated, superseded, set aside, or revoked in
22 accordance with law by the President, the Secretary of De-
23 fense, the Director of the National Imagery and Mapping
24 Agency or other authorized official, a court of competent
25 jurisdiction, or by operation of law.

1 (b) PROCEEDINGS NOT AFFECTED.—This subtitle
2 and the amendments made by this subtitle shall not affect
3 any proceedings, including notices of proposed rule-
4 making, or any application for any license, permit, certifi-
5 cate, or financial assistance pending before an element of
6 the Department of Defense or Central Intelligence Agency
7 at the time this subtitle takes effect, with respect to func-
8 tion of that element transferred by section 922, but such
9 proceedings and applications shall be continued. Orders
10 shall be issued in such proceedings, appeals shall be taken
11 therefrom, and payments shall be made pursuant to such
12 orders, as if this subtitle had not been enacted, and orders
13 issued in any such proceedings shall continue in effect
14 until modified, terminated, superseded, or revoked by a
15 duly authorized official, by a court of competent jurisdic-
16 tion, or by operation of law. Nothing in this section shall
17 be deemed to prohibit the discontinuance or modification
18 of any such proceeding under the same terms and condi-
19 tions and to the same extent that such proceeding could
20 have been discontinued or modified if this subtitle had not
21 been enacted.

22 (c) SEVERABILITY.—If any provision of this subtitle
23 (or any amendment made by this subtitle), or the applica-
24 tion of such provision (or amendment) to any person or
25 circumstance is held unconstitutional, the remainder of

1 this subtitle (or of the amendments made by this subtitle)
2 shall not be affected by that holding.

3 **SEC. 927. DEFINITIONS.**

4 In this part, the terms “function”, “imagery”, “im-
5 agery intelligence”, and “geospatial information” have the
6 meanings given those terms in section 461 of title 10,
7 United States Code, as added by section 921.

8 **SEC. 928. AUTHORIZATION OF APPROPRIATIONS.**

9 Funds are authorized to be appropriated for the Na-
10 tional Imagery and Mapping Agency for fiscal year 1997
11 in amounts and for purposes, and subject to the terms,
12 conditions, limitations, restrictions, and requirements,
13 that are set forth in the Classified Annex to this Act.

14 **PART II—CONFORMING AMENDMENTS AND**
15 **EFFECTIVE DATES**

16 **SEC. 931. REDESIGNATION AND REPEALS.**

17 (a) REDESIGNATION.—Chapter 23 of title 10, United
18 States Code (as redesignated by section 921(a)(1)) is
19 amended by redesignating the section in that chapter as
20 section 481.

21 (b) REPEAL OF SUPERSEDED LAW.—Chapter 167 of
22 such title, as amended by section 921(b), is repealed.

23 **SEC. 932. REFERENCES.**

24 (a) TITLE 5, UNITED STATES CODE.—Title 5, Unit-
25 ed States Code, is amended as follows:

1 (1) CENTRAL IMAGERY OFFICE.—In sections
2 2302(a)(2)(C)(ii), 3132(a)(1)(B), 4301(1) (in clause
3 (ii)), 4701(a)(1)(B), 5102(a)(1) (in clause (xi)),
4 5342(a)(1)(L), 6339(a)(1)(E), and
5 7323(b)(2)(B)(i)(XIII), by striking out “Central Im-
6 agery Office” and inserting in lieu thereof “National
7 Imagery and Mapping Agency”.

8 (2) DIRECTOR, CENTRAL IMAGERY OFFICE.—In
9 section 6339(a)(2)(E), by striking out “Central Im-
10 agery Office, the Director of the Central Imagery
11 Office” and inserting in lieu thereof “National Im-
12 agery and Mapping Agency, the Director of the Na-
13 tional Imagery and Mapping Agency”.

14 (b) TITLE 10, UNITED STATES CODE.—Title 10,
15 United States Code, is amended as follows:

16 (1) CENTRAL IMAGERY OFFICE.—In section
17 1599(f)(4), by striking out “Central Imagery Office”
18 and inserting in lieu thereof “National Imagery and
19 Mapping Agency”.

20 (2) DEFENSE MAPPING AGENCY.—In sections
21 451(1), 452, 453, 454, and 455 (in subsections (a)
22 and (b)(1)(C)), and 456, as redesignated by section
23 921(b), by striking out “Defense Mapping Agency”
24 each place it appears and inserting in lieu thereof
25 “National Imagery and Mapping Agency”.

1 (c) OTHER LAWS.—

2 (1) NATIONAL SECURITY ACT OF 1947.—Section
3 3(4)(E) of the National Security Act of 1947 (50
4 U.S.C. 401a(4)(E) is amended by striking out
5 “Central Imagery Office” and inserting in lieu
6 thereof “National Imagery and Mapping Agency”.

7 (2) ETHICS IN GOVERNMENT ACT OF 1978.—
8 Section 105(a) of the Ethics in Government Act of
9 1978 (Public Law 95–521; 5 U.S.C. App. 4) is
10 amended by striking out “Central Imagery Office”
11 and inserting in lieu thereof “National Imagery and
12 Mapping Agency”.

13 (3) EMPLOYEE POLYGRAPH PROTECTION
14 ACT.—Section 7(b)(2)(A)(i) of the Employee Poly-
15 graph Protection Act of 1988 (Public Law 100–347;
16 29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking
17 out “Central Imagery Office” and inserting in lieu
18 thereof “National Imagery and Mapping Agency”.

19 (d) CROSS REFERENCE.—Section 82 of title 14,
20 United States Code, is amended by striking out “chapter
21 167” and inserting in lieu thereof “subchapter II of chap-
22 ter 22”.

23 **SEC. 933. HEADINGS AND CLERICAL AMENDMENTS.**

24 (a) TITLE 10, UNITED STATES CODE.—

1 (1) **HEADING.**—The heading of chapter 83 of
 2 title 10, United States Code, is amended to read as
 3 follows:

4 **“CHAPTER 83—DEFENSE INTELLIGENCE**
 5 **AGENCY CIVILIAN PERSONNEL”.**

6 (2) **CLERICAL AMENDMENTS.**—(A) The table of
 7 chapters at the beginning of subtitle A of title 10,
 8 United States Code, is amended—

9 (i) by striking out the item relating to
 10 chapter 22 and inserting in lieu thereof the fol-
 11 lowing:

“22. National Imagery and Mapping Agency 441
 “23. Miscellaneous Studies and Reports 471”;

12 (ii) by striking out the item relating to
 13 chapter 83 and inserting in lieu thereof the fol-
 14 lowing:

“83. Defense Intelligence Agency Civilian Personnel 1601”;

15 and

16 (iii) by striking out the item relating to
 17 chapter 167.

18 (B) The table of chapters at the beginning of
 19 part I of such subtitle is amended by striking out
 20 the item relating to chapter 22 and inserting in lieu
 21 thereof the following:

“22. National Imagery and Mapping Agency 441
 “23. Miscellaneous Studies and Reports 471”;

1 (C) The item relating to chapter 83 in the table
 2 of chapters at the beginning of part II of such sub-
 3 title is amended to read as follows:

“83. Defense Intelligence Agency Civilian Personnel 1601”.

4 (D) The table of chapters at the beginning of
 5 part IV of such subtitle is amended by striking out
 6 the item relating to chapter 167.

7 (E) The item in the table of sections at the be-
 8 ginning of chapter 23 of title 10, United States
 9 Code (as redesignated by section 921), is amended
 10 to read as follows:

“481. Racial and ethnic issues; biennial survey; biennial report.”.

11 (b) TITLE 44, UNITED STATES CODE.—

12 (1) SECTION HEADING.—The heading of section
 13 1336 of title 44, United States Code, is amended to
 14 read as follows:

15 **“§ 1336. National Imagery and Mapping Agency: spe-
 16 cial publications”.**

17 (2) CLERICAL AMENDMENT.—The item relating
 18 to such section in the tables of sections at the begin-
 19 ning of chapter 13 of such title is amended to read
 20 as follows:

“1336. National Imagery and Mapping Agency: special publications.”.

21 **SEC. 934. EFFECTIVE DATES.**

22 (a) IN GENERAL.—Except as provided in subsection
 23 (b), this subtitle and the amendments made by this sub-

1 title shall take effect on the later of October 1, 1996, or
2 the date of the enactment of an Act appropriating funds
3 for fiscal year 1997 for the National Imagery and Map-
4 ping Agency.

5 (b) EXCEPTION.—Section 928 shall take effect on the
6 date of the enactment of this Act.

7 **TITLE X—GENERAL PROVISIONS**

8 **Subtitle A—Financial Matters**

9 **SEC. 1001. TRANSFER AUTHORITY.**

10 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

11 (1) Upon determination by the Secretary of Defense that
12 such action is necessary in the national interest, the Sec-
13 retary may transfer amounts of authorizations made avail-
14 able to the Department of Defense in this division for fis-
15 cal year 1997 between any such authorizations for that
16 fiscal year (or any subdivisions thereof). Amounts of au-
17 thorizations so transferred shall be merged with and be
18 available for the same purposes as the authorization to
19 which transferred.

20 (2) The total amount of authorizations that the Sec-
21 retary of Defense may transfer under the authority of this
22 section may not exceed \$2,000,000,000.

23 (b) LIMITATIONS.—The authority provided by this
24 section to transfer authorizations—

1 (1) may only be used to provide authority for
2 items that have a higher priority than the items
3 from which authority is transferred; and

4 (2) may not be used to provide authority for an
5 item that has been denied authorization by Con-
6 gress.

7 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
8 transfer made from one account to another under the au-
9 thority of this section shall be deemed to increase the
10 amount authorized for the account to which the amount
11 is transferred by an amount equal to the amount trans-
12 ferred.

13 (d) NOTICE TO CONGRESS.—The Secretary shall
14 promptly notify Congress of each transfer made under
15 subsection (a).

16 **SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UN-**
17 **AUTHORIZED FISCAL YEAR 1996 DEFENSE AP-**
18 **PROPRIATIONS.**

19 (a) AUTHORITY.—The amounts described in sub-
20 section (b) may be obligated and expended for programs,
21 projects, and activities of the Department of Defense in
22 accordance with fiscal year 1996 defense appropriations.

23 (b) COVERED AMOUNTS.—The amounts referred to
24 in subsection (a) are the amounts provided for programs,
25 projects, and activities of the Department of Defense in

1 fiscal year 1996 defense appropriations that are in excess
2 of the amounts provided for such programs, projects, and
3 activities in fiscal year 1996 defense authorizations.

4 (c) DEFINITIONS.—For the purposes of this section:

5 (1) FISCAL YEAR 1996 DEFENSE APPROPRIA-
6 TIONS.—The term “fiscal year 1996 defense appro-
7 priations” means amounts appropriated or otherwise
8 made available to the Department of Defense for fis-
9 cal year 1996 in the Department of Defense Appro-
10 priations Act, 1996 (Public Law 104–61).

11 (2) FISCAL YEAR 1996 DEFENSE AUTHORIZA-
12 TIONS.—The term “fiscal year 1996 defense author-
13 izations” means amounts authorized to be appro-
14 priated for the Department of Defense for fiscal
15 year 1996 in the National Defense Authorization
16 Act for Fiscal Year 1996 (Public Law 104–106).

17 **SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUP-**
18 **PLEMENTAL APPROPRIATIONS FOR FISCAL**
19 **YEAR 1996.**

20 Amounts authorized to be appropriated to the De-
21 partment of Defense for fiscal year 1996 in the National
22 Defense Authorization Act for Fiscal Year 1996 (Public
23 Law 104–106) are hereby adjusted, with respect to any
24 such authorized amount, by the amount by which appro-
25 priations pursuant to such authorization were increased

1 (by a supplemental appropriation) or decreased (by a re-
2 scission), or both, in the Omnibus Consolidated Rescis-
3 sions and Appropriations Act of 1996 (Public Law 104-
4 134).

5 **SEC. 1004. USE OF FUNDS TRANSFERRED TO THE COAST**
6 **GUARD.**

7 (a) **LIMITATION.**—Funds appropriated to the Depart-
8 ment of Defense for fiscal year 1997 that are transferred
9 to the Coast Guard may be used only for the performance
10 of national security functions of the Coast Guard in sup-
11 port of the Department of Defense.

12 (b) **CERTIFICATION REQUIRED.**—Funds described in
13 subsection (a) may not be transferred to the Coast Guard
14 until the Secretary of Defense and the Secretary of Trans-
15 portation jointly certify to Congress that the funds so
16 transferred will be used only as described in subsection
17 (a).

18 (c) **GAO AUDIT.**—The Comptroller General of the
19 United States shall—

20 (1) audit, from time to time, the use of funds
21 transferred to the Coast Guard from appropriations
22 for the Department of Defense for fiscal year 1997
23 in order to verify that the funds are being used in
24 accordance with the limitation in subsection (a); and

1 (2) notify the congressional defense committees
2 of any use of such funds that, in the judgment of
3 the Comptroller General, is a significant violation of
4 such limitation.

5 **SEC. 1005. USE OF MILITARY-TO-MILITARY CONTACTS**
6 **FUNDS FOR PROFESSIONAL MILITARY EDU-**
7 **CATION AND TRAINING.**

8 Section 168(e) of title 10, United States Code, is
9 amended by adding at the end the following:

10 “(9) Military education and training for mili-
11 tary and civilian personnel of foreign countries (in-
12 cluding transportation expenses, expenses for trans-
13 lation services, and administrative expenses to the
14 extent that the expenses are related to the providing
15 of such education and training to such personnel).”.

16 **SEC. 1006. PAYMENT OF CERTAIN EXPENSES RELATING TO**
17 **HUMANITARIAN AND CIVIC ASSISTANCE.**

18 Section 401(c) of title 10, United States Code, is
19 amended—

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

22 (2) by inserting after paragraph (1) the follow-
23 ing new paragraph (2):

1 “(2) Expenses covered by paragraph (1) include the
2 following expenses incurred in the providing of assistance
3 described in subsection (e)(5):

4 “(A) Travel, transportation, and subsistence ex-
5 penses of Department of Defense personnel provid-
6 ing the assistance.

7 “(B) The cost of any equipment, services, or
8 supplies acquired for the purpose of carrying out or
9 supporting activities described in such subsection
10 (e)(5), including any nonlethal, individual or small-
11 team landmine cleaning equipment or supplies that
12 are to be transferred or otherwise furnished to a for-
13 eign country in furtherance of the provision of as-
14 sistance under this section.

15 “(C) The cost of any equipment, services, or
16 supplies provided pursuant to subparagraph (B) may
17 not exceed \$5,000,000 each year.”.

18 **SEC. 1007. REIMBURSEMENT OF DEPARTMENT OF DE-**
19 **FENSE FOR COSTS OF DISASTER ASSISTANCE**
20 **PROVIDED OUTSIDE THE UNITED STATES.**

21 Section 404 of title 10, United States Code, is
22 amended—

23 (1) by redesignating subsection (d) as sub-
24 section (e); and

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

3 “(d) REIMBURSEMENT POLICY.—It is the sense of
4 Congress that, whenever the President directs the Sec-
5 retary of Defense to provide disaster assistance outside the
6 United States under subsection (a)—

7 “(1) the President should direct the Adminis-
8 trator of the Agency for International Development
9 to reimburse the Department of Defense for the cost
10 to the Department of Defense of the assistance pro-
11 vided; and

12 “(2) a reimbursement by the Administrator
13 should be paid out of funds available under chapter
14 9 of part I of the Foreign Assistance Act of 1961
15 for international disaster assistance for the fiscal
16 year in which the cost is incurred.”.

17 **SEC. 1008. FISHER HOUSE TRUST FUND FOR THE NAVY.**

18 (a) AUTHORITY.—Section 2221 of title 10, United
19 States Code, is amended—

20 (1) in subsection (a), by adding at the end the
21 following:

22 “(3) The Fisher House Trust Fund, Depart-
23 ment of the Navy.”;

24 (2) in subsection (c)—

1 (A) by redesignating paragraph (3) as
2 paragraph (4); and

3 (B) by inserting after paragraph (2) the
4 following new paragraph (3):

5 “(3) Amounts in the Fisher House Trust Fund, De-
6 partment of the Navy, that are attributable to earnings
7 or gains realized from investments shall be available for
8 the operation and maintenance of Fisher houses that are
9 located in proximity to medical treatment facilities of the
10 Navy.”; and

11 (3) in subsection (d)(1), by striking out “or the
12 Air Force” and inserting in lieu thereof “, the Air
13 Force, or the Navy”.

14 (b) CORPUS OF TRUST FUNDS.—The Secretary of
15 the Navy shall transfer to the Fisher House Trust Fund,
16 Department of the Navy, established by section
17 2221(a)(3) of title 10, United States Code (as added by
18 subsection (a)(1)), all amounts in the accounts for Navy
19 installations and other facilities that, as of the date of the
20 enactment of this Act, are available for operation and
21 maintenance of Fisher houses, as defined in section
22 2221(d) of such title.

23 (c) CONFORMING AMENDMENTS.—Section 1321 of
24 title 31, United States Code, is amended—

1 (1) in subsection (a), by adding at the end the
2 following:

3 “(94) Fisher House Trust Fund, Department
4 of the Navy.”; and

5 (2) in subsection (b)(2), by adding at the end
6 the following:

7 “(D) Fisher House Trust Fund, Department of
8 the Navy.”.

9 **SEC. 1009. DESIGNATION AND LIABILITY OF DISBURSING**
10 **AND CERTIFYING OFFICIALS FOR THE COAST**
11 **GUARD.**

12 (a) DISBURSING OFFICIALS.—(1) Section 3321(c) of
13 title 31, United States Code, is amended by adding at the
14 end the following:

15 “(3) The Department of Transportation (with
16 respect to public money available for expenditure by
17 the Coast Guard when it is not operating as a serv-
18 ice in the Navy).”.

19 (2)(A) Chapter 17 of title 14, United States Code,
20 is amended by adding at the end the following:

21 **“§ 673. Designation, powers, and accountability of**
22 **deputy disbursing officials**

23 “(a)(1) Subject to paragraph (3), a disbursing official
24 of the Coast Guard may designate a deputy disbursing of-
25 ficial—

1 “(A) to make payments as the agent of the dis-
2 bursing official;

3 “(B) to sign checks drawn on disbursing ac-
4 counts of the Secretary of the Treasury; and

5 “(C) to carry out other duties required under
6 law.

7 “(2) The penalties for misconduct that apply to a dis-
8 bursing official apply to a deputy disbursing official des-
9 ignated under this subsection.

10 “(3) A disbursing official may make a designation
11 under paragraph (1) only with the approval of the Sec-
12 retary of Transportation (when the Coast Guard is not
13 operating as a service in the Navy).

14 “(b)(1) If a disbursing official of the Coast Guard
15 dies, becomes disabled, or is separated from office, a dep-
16 uty disbursing official may continue the accounts and pay-
17 ments in the name of the former disbursing official until
18 the last day of the second month after the month in which
19 the death, disability, or separation occurs. The accounts
20 and payments shall be allowed, audited, and settled as pro-
21 vided by law. The Secretary of the Treasury shall honor
22 checks signed in the name of the former disbursing official
23 in the same way as if the former disbursing official had
24 continued in office.

1 “(2) The deputy disbursing official, and not the
2 former disbursing official or the estate of the former dis-
3 bursing official, is liable for the actions of the deputy dis-
4 bursing official under this subsection.

5 “(c)(1) Except as provided in paragraph (2), this sec-
6 tion does not apply to the Coast Guard when section 2773
7 of title 10 applies to the Coast Guard by reason of the
8 operation of the Coast Guard as a service in the Navy.

9 “(2) A designation of a deputy disbursing official
10 under subsection (a) that is made while the Coast Guard
11 is not operating as a service in the Navy continues in ef-
12 fect for purposes of section 2773 of title 10 while the
13 Coast Guard operates as a service in the Navy unless and
14 until the designation is terminated by the disbursing offi-
15 cial who made the designation or an official authorized
16 to approve such a designation under subsection (a)(3) of
17 such section.”.

18 (B) The table of sections at the beginning of such
19 chapter is amended by adding at the end the following:

“673. Designation, powers, and accountability of deputy disbursing officials.”.

20 (b) DESIGNATION OF MEMBERS OF THE ARMED
21 FORCES TO HAVE AUTHORITY TO CERTIFY VOUCH-
22 ERS.—Section 3325(b) of title 31, United States Code, is
23 amended by striking out “members of the armed forces
24 under the jurisdiction of the Secretary of Defense may cer-
25 tify vouchers when authorized, in writing, by the Secretary

1 to do so” and inserting in lieu thereof “members of the
2 armed forces may certify vouchers when authorized, in
3 writing, by the Secretary of Defense or, in the case of the
4 Coast Guard when it is not operating as a service in the
5 Navy, by the Secretary of Transportation”.

6 (c) CONFORMING AMENDMENTS.—(1) Section
7 1007(a) of title 37, United States Code, is amended by
8 inserting after “Secretary of Defense” the following: “(or
9 the Secretary of Transportation, in the case of an officer
10 of the Coast Guard when the Coast Guard is not operating
11 as a service in the Navy)”.

12 (2) Section 3527(b)(1) of title 31, United States
13 Code, is amended—

14 (A) in subparagraph (A)(i), by inserting after
15 “Department of Defense” the following: “(or the
16 Secretary of Transportation, in the case of a dis-
17 bursing official of the Coast Guard when the Coast
18 Guard is not operating as a service in the Navy)”;
19 and

20 (B) in subparagraph (B), by inserting after “or
21 the Secretary of the appropriate military depart-
22 ment” the following: “(or the Secretary of Transpor-
23 tation, in the case of a disbursing official of the
24 Coast Guard when the Coast Guard is not operating
25 as a service in the Navy)”.

1 **SEC. 1010. AUTHORITY TO SUSPEND OR TERMINATE COL-**
2 **LECTION ACTIONS AGAINST DECEASED MEM-**
3 **BERS OF THE COAST GUARD.**

4 Section 3711(g) of title 31, United States Code, is
5 amended—

6 (1) in paragraph (1), by striking out “or Ma-
7 rine Corps” and inserting in lieu thereof “Marine
8 Corps, or Coast Guard”;

9 (2) by redesignating paragraph (2) as para-
10 graph (3); and

11 (3) by inserting after paragraph (1) the follow-
12 ing new paragraph (2):

13 “(2) The Secretary of Transportation may suspend
14 or terminate an action by the Secretary under subsection
15 (a) to collect a claim against the estate of a person who
16 died while serving on active duty as a member of the Coast
17 Guard if the Secretary determines that, under the cir-
18 cumstances applicable with respect to the deceased person,
19 it is appropriate to do so.”.

20 **SEC. 1011. CHECK CASHING AND EXCHANGE TRANS-**
21 **ACTIONS WITH CREDIT UNIONS OUTSIDE THE**
22 **UNITED STATES.**

23 Section 3342(b) of title 31, United States Code, is
24 amended—

25 (1) by striking out “and” at the end of para-
26 graph (5);

1 (c) NEW ZEALAND.—The Secretary of the Navy may
2 transfer to the Government of New Zealand the “STAL-
3 WART” class ocean surveillance ship TENACIOUS. Such
4 transfer shall be on a sales basis under section 21 of the
5 Arms Export Control Act (22 U.S.C. 2761).

6 (d) PORTUGAL.—The Secretary of the Navy may
7 transfer to the Government of Portugal the “STAL-
8 WART” class ocean surveillance ship AUDACIOUS. Such
9 transfer shall be on a grant basis under section 516 of
10 the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; re-
11 lating to transfers of excess defense articles).

12 (e) TAIWAN.—The Secretary of the Navy may trans-
13 fer to the Taipei Economic and Cultural Representative
14 Office in the United States (which is the Taiwan instru-
15 mentality designated pursuant to section 10(a) of the Tai-
16 wan Relations Act) the following:

17 (1) The “KNOX” class frigates AYLWIN (FF
18 1081), PHARRIS (FF 1094), and VALDEZ (FF
19 1096). Such transfers shall be on a sales basis under
20 section 21 of the Arms Export Control Act (22
21 U.S.C. 2761).

22 (2) The “NEWPORT” class tank landing ship
23 NEWPORT (LST 1179). Such transfer shall be on
24 a lease basis under section 61 of the Arms Export
25 Control Act (22 U.S.C. 2796).

1 (f) THAILAND.—The Secretary of the Navy may
2 transfer to the Government of Thailand the “KNOX”
3 class frigate OUELLET (FF 1077). Such transfer shall
4 be on a sales basis under section 21 of the Arms Export
5 Control Act (22 U.S.C. 2761).

6 (g) COSTS OF TRANSFER.—Any expense of the Unit-
7 ed States in connection with a transfer authorized by this
8 section shall be charged to the recipient.

9 (h) REPAIR AND REFURBISHMENT OF VESSELS.—
10 The Secretary of the Navy shall require, to the maximum
11 extent possible, as a condition of a transfer of a vessel
12 under this section, that the country to which the vessel
13 is transferred have such repair or refurbishment of the
14 vessel as is needed, before the vessel joins the naval forces
15 of that country, performed at a shipyard located in the
16 United States, including a United States Navy shipyard.

17 (i) EXPIRATION OF AUTHORITY.—Any authority for
18 transfer granted by this section shall expire at the end
19 of the 2-year period beginning on the date of the enact-
20 ment of this Act.

21 **SEC. 1022. TRANSFER OF CERTAIN OBSOLETE TUGBOATS**
22 **OF THE NAVY.**

23 (a) REQUIREMENT TO TRANSFER VESSELS.—The
24 Secretary of the Navy shall transfer the six obsolete tug-
25 boats of the Navy specified in subsection (b) to the North-

1 east Wisconsin Railroad Transportation Commission, an
2 instrumentality of the State of Wisconsin, if the Secretary
3 determines that the tugboats are not needed for transfer,
4 donation, or other disposal under title II of the Federal
5 Property and Administrative Services Act of 1949 (40
6 U.S.C. 481 et seq.). A transfer made under the preceding
7 sentence shall be made without reimbursement to the
8 United States.

9 (b) VESSELS COVERED.—The requirement in sub-
10 section (a) applies to the six decommissioned Cherokee
11 class tugboats, listed as of the date of the enactment of
12 this Act as being surplus to the Navy, that are designated
13 as ATF-105, ATF-110, ATF-149, ATF-158, ATF-159,
14 and ATF-160.

15 (c) CONDITION RELATING TO ENVIRONMENTAL COM-
16 PLIANCE.—The Secretary shall require as a condition of
17 the transfer of a vessel under subsection (a) that use of
18 the vessel by the Commission not commence until the
19 terms of any necessary environmental compliance letter or
20 agreement with respect to that vessel have been complied
21 with.

22 (d) ADDITIONAL TERMS AND CONDITIONS.—The
23 Secretary may require such additional terms and condi-
24 tions (including a requirement that the transfer be at no
25 cost to the Government) in connection with the transfers

1 required by subsection (a) as the Secretary considers ap-
2 propriate.

3 **SEC. 1023. REPEAL OF REQUIREMENT FOR CONTINUOUS**
4 **APPLICABILITY OF CONTRACTS FOR PHASED**
5 **MAINTENANCE OF AE CLASS SHIPS.**

6 Section 1016 of the National Defense Authorization
7 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
8 425) is repealed.

9 **SEC. 1024. CONTRACT OPTIONS FOR LMSR VESSELS.**

10 (a) FINDINGS.—Congress reaffirms the findings set
11 forth in section 1013(a) of the National Defense Author-
12 ization Act for Fiscal Year 1996 (Public Law 104–106;
13 110 Stat. 422), and makes the following modifications and
14 supplemental findings:

15 (1) Since the findings set forth in section
16 1013(a) of such Act were originally formulated, the
17 Secretary of the Navy has exercised options for the
18 acquisition of two of the six additional large, me-
19 dium-speed, roll-on/roll-off (LMSR) vessels that may
20 be acquired by exercise of options provided for under
21 contracts covering the acquisition of a total of 17
22 LMSR vessels.

23 (2) Therefore, under those contracts, the Sec-
24 retary has placed orders for the acquisition of 13
25 LMSR vessels and has remaining options for the ac-

1 quisition of four more LMSR vessels, all of which
2 would be new construction vessels.

3 (3) The remaining options allow the Secretary
4 to place orders for one vessel to be constructed at
5 each of two shipyards for award before December
6 31, 1996, and December 31, 1997, respectively.

7 (b) SENSE OF CONGRESS.—Congress also reaffirms
8 its declaration of the sense of Congress, as set forth in
9 section 1013(b) of Public Law 104–106, that the Sec-
10 retary of the Navy should plan for, and budget to provide
11 for, the acquisition as soon as possible of a total of 19
12 large, medium-speed, roll-on/roll-off (LMSR) vessels (the
13 number determined to be required in the report entitled
14 “Mobility Requirements Study Bottom-Up Review Up-
15 date”, submitted by the Secretary of Defense to Congress
16 in April 1995), rather than only 17 such vessels (which
17 is the number of vessels under contract as of April 1996).

18 (c) ADDITIONAL NEW CONSTRUCTION CONTRACT
19 OPTION.—The Secretary of the Navy should negotiate
20 with each of the two shipyards holding new construction
21 contracts referred to in subsection (a)(1) (Department of
22 the Navy contracts numbered N00024–93–C–2203 and
23 N00024–93–C–2205) for an option under each such con-
24 tract for construction of one additional such LMSR vessel,
25 with such option to be available to the Secretary for exer-

1 cise not earlier than fiscal year 1998, subject to the avail-
2 ability of funds authorized and appropriated for such pur-
3 pose. Nothing in this subsection shall be construed to pre-
4 clude the Secretary of the Navy from competing the award
5 of the two options between the two shipyards holding new
6 construction contracts referred to in subsection (a)(1).

7 (d) REPORT.—The Secretary of the Navy shall sub-
8 mit to the congressional defense committees, by March 31,
9 1997, a report stating the intentions of the Secretary re-
10 garding the acquisition of options for the construction of
11 two additional LMSR vessels as described in subsection
12 (c).

13 (e) REPEAL OF SUPERSEDED PROVISION.—Section
14 1013 of the National Defense Authorization Act for Fiscal
15 Year 1996 (Public Law 104–106; 110 Stat 422) is amend-
16 ed by striking out subsection (c).

17 **SEC. 1025. SENSE OF THE SENATE CONCERNING USS LCS**
18 **102 (LSSL 102).**

19 It is the sense of the Senate that the Secretary of
20 Defense should use existing authorities in law to seek the
21 expeditious return, upon completion of service, of the
22 former USS LCS 102 (LSSL 102) from the Government
23 of Thailand in order for the ship to be transferred to the
24 United States Shipbuilding Museum in Quincy, Massachu-
25 setts.

1 **Subtitle C—Counter-Drug**
2 **Activities**

3 **SEC. 1031. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT**
4 **FOR COUNTER-DRUG ACTIVITIES OF MEXICO.**

5 (a) **AUTHORITY TO PROVIDE ADDITIONAL SUP-**
6 **PORT.**—Subject to subsections (e) and (f), the Secretary
7 of Defense may, during fiscal year 1997, provide the Gov-
8 ernment of Mexico the support described in subsection (b)
9 for the counter-drug activities of the Government of Mex-
10 ico. Such support shall be in addition to support provided
11 the Government of Mexico under any other provision of
12 law.

13 (b) **TYPES OF SUPPORT.**—The Secretary may provide
14 the following support under subsection (a):

15 (1) The transfer of spare parts and non-lethal
16 equipment and materiel, including radios, night vi-
17 sion goggles, global positioning systems, uniforms,
18 command, control, communications, and intelligence
19 (C³I) integration equipment, detection equipment,
20 and monitoring equipment.

21 (2) The maintenance and repair of equipment
22 of the Government of Mexico that is used for
23 counter-narcotics activities.

24 (c) **APPLICABILITY OF OTHER SUPPORT AUTHORI-**
25 **TIES.**—Except as otherwise provided in this section, the

1 provisions of section 1004 of the National Defense Au-
2 thorization Act for Fiscal Year 1991 (10 U.S.C. 374 note)
3 shall apply to the provision of support under this section.

4 (d) FUNDING.—Of the amounts authorized to be ap-
5 propriated for fiscal year 1997 for the Department of De-
6 fense for drug interdiction and counter-drug activities, not
7 more than \$10,000,000 shall be available in that fiscal
8 year for the provision of support under this section.

9 (e) LIMITATIONS.—(1) The Secretary may not obli-
10 gate or expend funds to provide support under this section
11 until 15 days after the date on which the Secretary sub-
12 mits to the committees referred to in paragraph (3) the
13 certification described in paragraph (2).

14 (2) The certification referred to in paragraph (1) is
15 a written certification of the following:

16 (A) That the provision of support under this
17 section will not adversely affect the military pre-
18 paredness of the United States Armed Forces.

19 (B) That the equipment and materiel provided
20 as support will be used only by officials and employ-
21 ees of the Government of Mexico who have under-
22 gone a background check by that government.

23 (C) That the Government of Mexico has cer-
24 tified to the Secretary that—

1 (i) the equipment and material provided as
2 support will be used only by the officials and
3 employees referred to in subparagraph (B);

4 (ii) none of the equipment or materiel will
5 be transferred (by sale, gift, or otherwise) to
6 any person or entity not authorized by the
7 United States to receive the equipment or mate-
8 riel; and

9 (iii) the equipment and materiel will be
10 used only for the purposes intended by the
11 United States Government.

12 (D) That the Government of Mexico has imple-
13 mented, to the satisfaction of the Secretary, a sys-
14 tem that will provide an accounting and inventory of
15 the equipment and materiel provided as support.

16 (E) That the departments, agencies, and instru-
17 mentalities of the Government of Mexico will grant
18 United States Government personnel unrestricted
19 access to any of the equipment or materiel provided
20 as support, or to any of the records relating to such
21 equipment or materiel, under terms and conditions
22 similar to the terms and conditions imposed with re-
23 spect to such access under section 505(a)(3) of the
24 Foreign Assistance Act of 1961 (22 U.S.C.
25 2314(a)(3)).

1 (F) That the Government of Mexico will provide
2 security with respect to the equipment and materiel
3 provided as support that is equivalent to the security
4 that the United States Government would provide
5 with respect to such equipment and materiel.

6 (G) That the Government of Mexico will permit
7 continuous observation and review by United States
8 Government personnel of the use of the equipment
9 and materiel provided as support under terms and
10 conditions similar to the terms and conditions im-
11 posed with respect to such observation and review
12 under section 505(a)(3) of the Foreign Assistance
13 Act of 1961 (22 U.S.C. 2314(a)(3)).

14 (3) The committees referred to in this paragraph are
15 the following:

16 (A) The Committees on Armed Services and
17 Foreign Relations of the Senate.

18 (B) The Committees on National Security and
19 International Relations of the House of Representa-
20 tives.

21 (f) PROHIBITION ON PROVISION OF CERTAIN MILI-
22 TARY EQUIPMENT.—The Secretary may not provide as
23 support under this section—

24 (1) any article of military equipment for which
25 special export controls are warranted because of the

1 substantial military utility or capability of such
2 equipment;

3 (2) any military equipment identified on the
4 United States Munitions List; or

5 (3) any of the following military equipment
6 (whether or not the equipment has been equipped,
7 re-equipped, or modified for military operations):

8 (A) Cargo aircraft bearing “C” designa-
9 tions, including aircraft with designations C-45
10 through C-125, C-131 aircraft, and aircraft
11 bearing “C” designations that use reciprocating
12 engines.

13 (B) Trainer aircraft bearing “T” designa-
14 tions, including aircraft bearing such designa-
15 tions that use reciprocating engines or turbo-
16 prop engines delivering less than 600 horse-
17 power.

18 (C) Utility aircraft bearing “U” designa-
19 tions, including UH-1 aircraft and UH/EH-60
20 aircraft and aircraft bearing such designations
21 that use reciprocating engines.

22 (D) Liaison aircraft bearing “L” designa-
23 tions.

24 (E) Observation aircraft bearing “O” des-
25 ignations, including OH-58 aircraft and air-

1 craft bearing such designations that use recip-
2 rocating engines.

3 (F) Truck, tractors, trailers, and vans, in-
4 cluding all vehicles bearing “M” designations.

5 **SEC. 1032. LIMITATION ON DEFENSE FUNDING OF THE NA-**
6 **TIONAL DRUG INTELLIGENCE CENTER.**

7 (a) **LIMITATION ON USE OF FUNDS.**—Except as pro-
8 vided in subsection (b), funds appropriated or otherwise
9 made available for the Department of Defense pursuant
10 to this or any other Act may not be obligated or expended
11 for the National Drug Intelligence Center, Johnstown,
12 Pennsylvania.

13 (b) **EXCEPTION.**—If the Attorney General operates
14 the National Drug Intelligence Center using funds avail-
15 able for the Department of Justice, the Secretary of De-
16 fense may continue to provide Department of Defense in-
17 telligence personnel to support intelligence activities at the
18 Center. The number of such personnel providing support
19 to the Center after the date of the enactment of this Act
20 may not exceed the number of the Department of Defense
21 intelligence personnel who are supporting intelligence ac-
22 tivities at the Center on the day before such date.

1 **SEC. 1033. INVESTIGATION OF THE NATIONAL DRUG INTEL-**
2 **LIGENCE CENTER.**

3 (a) INVESTIGATION REQUIRED.—The Inspector Gen-
4 eral of the Department of Defense, the Inspector General
5 of the Department of Justice, the Inspector General of
6 the Central Intelligence Agency, and the Comptroller Gen-
7 eral of the United States shall—

8 (1) jointly investigate the operations of the Na-
9 tional Drug Intelligence Center, Johnstown, Penn-
10 sylvania; and

11 (2) not later than March 31, 1997, jointly sub-
12 mit to the President pro tempore of the Senate and
13 the Speaker of the House of Representatives a re-
14 port on the results of the investigation.

15 (b) CONTENT OF REPORT.—The joint report shall
16 contain a determination regarding whether there is a sig-
17 nificant likelihood that the funding of the operation of the
18 National Drug Intelligence Center, a domestic law en-
19 forcement program, through an appropriation under the
20 control of the Director of Central Intelligence will result
21 in a violation of the National Security Act of 1947 or Ex-
22 ecutive Order 12333.

1 **Subtitle D—Matters Relating to**
2 **Foreign Countries**

3 **SEC. 1041. AGREEMENTS FOR EXCHANGE OF DEFENSE PER-**
4 **SONNEL BETWEEN THE UNITED STATES AND**
5 **FOREIGN COUNTRIES.**

6 (a) EXCHANGE AUTHORITY.—Subchapter II of chap-
7 ter 138 of title 10, United States Code, is amended by
8 adding at the end the following new section:

9 **“§ 23501. Exchange of defense personnel between the**
10 **United States and foreign countries**

11 “(a) INTERNATIONAL EXCHANGE AGREEMENTS AU-
12 THORIZED.—The Secretary of Defense is authorized to
13 enter into agreements with the governments of allies of
14 the United States and other friendly foreign countries for
15 the exchange of military and civilian personnel of the De-
16 partment of Defense and military and civilian personnel
17 of the defense ministries of such foreign governments.

18 “(b) ASSIGNMENT OF PERSONNEL.—(1) Pursuant to
19 an agreement entered into under subsection (a), personnel
20 of the defense ministry of a foreign government may be
21 assigned to positions in the Department of Defense, and
22 personnel of the Department of Defense may be assigned
23 to positions in the defense ministry of that foreign govern-
24 ment. Positions to which exchanged personnel are as-
25 signed may include positions of instructors.

1 “(2) An agreement for the exchange of personnel en-
2 gaged in research and development activities may provide
3 for assignment of Department of Defense personnel to po-
4 sitions in private industry that support the defense min-
5 istry of the host foreign government.

6 “(3) A specific position and the individual to be as-
7 signed to that position shall be acceptable to both govern-
8 ments.

9 “(c) RECIPROCITY OF PERSONNEL QUALIFICATIONS
10 REQUIRED.—Each government shall be required under an
11 agreement authorized by subsection (a) to provide person-
12 nel having qualifications, training, and skills that are es-
13 sentially equal to those of the personnel provided by the
14 other government.

15 “(d) PAYMENT OF PERSONNEL COSTS.—(1) Each
16 government shall pay the salary, per diem, cost of living,
17 travel, cost of language or other training, and other costs
18 for its own personnel in accordance with the laws and reg-
19 ulations of such government that pertain to such matters.

20 “(2) The requirement in paragraph (1) does not
21 apply to the following costs:

22 “(A) Cost of temporary duty directed by the
23 host government.

24 “(B) Costs of training programs conducted to
25 familiarize, orient, or certify exchanged personnel re-

1 garding unique aspects of the exchanged personnel's
2 assignments.

3 “(C) Costs incident to the use of host govern-
4 ment facilities in the performance of assigned duties.

5 “(e) PROHIBITED CONDITIONS.—No personnel ex-
6 changed pursuant to an agreement under this section may
7 take or be required to take an oath of allegiance to the
8 host country or to hold an official capacity in the govern-
9 ment of such country.

10 “(f) RELATIONSHIP TO OTHER AUTHORITY.—Noth-
11 ing in this section limits any authority of the secretaries
12 of the military departments to enter into an agreement
13 with the government of a foreign country to provide for
14 exchange of members of the armed forces and military
15 personnel of the foreign country except that subsections
16 (c) and (d) shall apply in the exercise of that authority.
17 The Secretary of Defense may prescribe regulations for
18 the application of such subsections in the exercise of such
19 authority.”.

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

“2350l. Exchange of defense personnel between the United States and foreign
countries.”.

1 **SEC. 1042. AUTHORITY FOR RECIPROCAL EXCHANGE OF**
2 **PERSONNEL BETWEEN THE UNITED STATES**
3 **AND FOREIGN COUNTRIES FOR FLIGHT**
4 **TRAINING.**

5 Section 544 of the Foreign Assistance Act of 1961
6 (22 U.S.C. 2347c) is amended—

7 (1) by inserting “, and for attendance of foreign
8 military personnel at flight training schools or pro-
9 grams (including test pilot schools) in the United
10 States,” after “(other than service academies)”; and

11 (2) by striking out “and comparable institu-
12 tions” and inserting in lieu thereof “ or flight train-
13 ing schools or programs, as the case may be, and
14 comparable institutions, schools, or programs”.

15 **SEC. 1043. EXTENSION OF COUNTERPROLIFERATION AU-**
16 **THORITIES.**

17 Section 1505 of the Weapons of Mass Destruction
18 Control Act of 1992 (title XV of Public Law 104–484;
19 22 U.S.C. 5859a) is amended—

20 (1) in subsection (d)(3)—

21 (A) by striking out “fiscal year 1995, or”
22 and inserting in lieu thereof “fiscal year
23 1995,”; and

24 (B) by inserting before the period at the
25 end the following: “, \$15,000,000 for fiscal year

1 1997, or \$15,000,000 for fiscal year 1998”;

2 and

3 (2) in subsection (f), by striking out “fiscal
4 year 1996” and inserting in lieu thereof “fiscal year
5 1998”.

6 **SEC. 1044. PROHIBITION ON COLLECTION AND RELEASE OF**
7 **DETAILED SATELLITE IMAGERY RELATING**
8 **TO ISRAEL AND OTHER COUNTRIES AND**
9 **AREAS.**

10 (a) COLLECTION AND DISSEMINATION.—No depart-
11 ment or agency of the Federal Government may license
12 the collection or dissemination by any non-Federal entity
13 of satellite imagery with respect to Israel, or to any other
14 country or geographic area designated by the President
15 for this purpose, unless such imagery is no more detailed
16 or precise than satellite imagery of the country or geo-
17 graphic area concerned that is routinely available from
18 commercial sources.

19 (b) DECLASSIFICATION AND RELEASE.—No depart-
20 ment or agency of the Federal Government may declassify
21 or otherwise release satellite imagery with respect to Is-
22 rael, or to any other country or geographic area designated
23 by the President for this purpose, unless such imagery is
24 no more detailed or precise than satellite imagery of the

1 country or geographic area concerned that is routinely
2 available from commercial sources.

3 **SEC. 1045. DEFENSE BURDENSARING.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The United States continues to spend bil-
7 lions of dollars to promote regional security and to
8 make preparations for regional contingencies.

9 (2) United States defense expenditures promote
10 United States national security interests; however,
11 they also significantly contribute to the defense of
12 our allies.

13 (3) In 1993, the gross domestic product of the
14 United States equaled \$6,300,000,000,000, while
15 the gross domestic product of other NATO member
16 countries totaled \$7,200,000,000,000.

17 (4) Over the course of 1993, the United States
18 spent 4.7 percent of its gross domestic product on
19 defense, while other NATO members collectively
20 spent 2.5 percent of their gross domestic product on
21 defense.

22 (5) In addition to military spending, foreign as-
23 sistance plays a vital role in the establishment and
24 maintenance of stability in other nations and in im-

1 plementing the United States national security strat-
2 egy.

3 (6) This assistance has often prevented the out-
4 break of conflicts which otherwise would have re-
5 quired costly military interventions by the United
6 States and our allies.

7 (7) From 1990–1993, the United States spent
8 \$59,000,000,000 in foreign assistance, a sum which
9 represents an amount greater than any other nation
10 in the world.

11 (8) In 1995, the United States spent over
12 \$10,000,000,000 to promote European security,
13 while European NATO nations only contributed
14 \$2,000,000,000 toward this effort.

15 (9) With a smaller gross domestic product and
16 a larger defense budget than its European NATO
17 allies, the United States shoulders an unfair share
18 of the burden of the common defense.

19 (10) Japan now pays over 75 percent of the
20 nonpersonnel costs incurred by United States mili-
21 tary forces permanently assigned there, while our
22 European allies pay for less than 25 percent of these
23 same costs. Japan signed a new Special Measures
24 Agreement this year which will increase Japan's con-
25 tribution toward the cost of stationing United States

1 troops in Japan by approximately \$30,000,000 a
2 year over the next five years.

3 (11) These increased contributions help to rec-
4 tify the imbalance in the burden shouldered by the
5 United States for the common defense.

6 (12) The relative share of the burden of the
7 common defense still falls too heavily on the United
8 States, and our allies should dedicate more of their
9 own resources to defending themselves.

10 (b) EFFORTS TO INCREASE ALLIED
11 BURDENSARING.—The President shall seek to have each
12 nation that has cooperative military relations with the
13 United States (including security agreements, basing ar-
14 rangements, or mutual participation in multinational mili-
15 tary organizations or operations) take one or more of the
16 following actions:

17 (1) Increase its financial contributions to the
18 payment of the nonpersonnel costs incurred by the
19 United States Government for stationing United
20 States military personnel in that nation, with a goal
21 of achieving the following percentages of such costs:

22 (A) By September 30, 1997, 37.5 percent.

23 (B) By September 30, 1998, 50 percent.

24 (C) By September 30, 1999, 62.5 percent.

25 (D) By September 30, 2000, 75 percent.

1 An increase in financial contributions by any nation
2 under this paragraph may include the elimination of
3 taxes, fees, or other charges levied on United States
4 military personnel, equipment, or facilities stationed
5 in that nation.

6 (2) Increase its annual budgetary outlays for
7 national defense as a percentage of its gross domes-
8 tic product by 10 percent or at least to a level com-
9 mensurate to that of the United States by Septem-
10 ber 30, 1997.

11 (3) Increase its annual budgetary outlays for
12 foreign assistance (to promote democratization, eco-
13 nomic stabilization, transparency arrangements, de-
14 fense economic conversion, respect for the rule of
15 law, and internationally recognized human rights) by
16 10 percent or at least to a level commensurate to
17 that of the United States by September 30, 1997.

18 (4) Increase the amount of military assets (in-
19 cluding personnel, equipment, logistics, support and
20 other resources) that it contributes, or would be pre-
21 pared to contribute, to multinational military activi-
22 ties worldwide.

23 (c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNIT-
24 ED STATES ALLIES.—In seeking the actions described in
25 subsection (b) with respect to any nation, or in response

1 to a failure by any nation to undertake one or more of
2 such actions, the President may take any of the following
3 measures:

4 (1) Reduce the end strength level of members
5 of the Armed Forces assigned to permanent duty
6 ashore in that nation.

7 (2) Impose on that nation taxes, fees, or other
8 charges similar to those that such nation imposes on
9 United States forces stationed in that nation.

10 (3) Reduce (through rescission, impoundment,
11 or other appropriate procedures as authorized by
12 law) the amount the United States contributes to
13 the NATO Civil Budget, Military Budget, or Secu-
14 rity Investment Program.

15 (4) Suspend, modify, or terminate any bilateral
16 security agreement the United States has with that
17 nation.

18 (5) Reduce (through rescission, impoundment
19 or other appropriate procedures as authorized by
20 law) any United States bilateral assistance appro-
21 priated for that nation.

22 (6) Take any other action the President deter-
23 mines to be appropriate as authorized by law.

24 (d) REPORT ON PROGRESS IN INCREASING ALLIED
25 BURDENSARING.—Not later than March 1, 1997, the

1 Secretary of Defense shall submit to Congress a report
2 on—

3 (1) steps taken by other nations to complete the
4 actions described in subsection (b);

5 (2) all measures taken by the President, includ-
6 ing those authorized in subsection (c), to achieve the
7 actions described in subsection (b); and

8 (3) the budgetary savings to the United States
9 that are expected to accrue as a result of the steps
10 described under paragraph (1).

11 (e) REPORT ON NATIONAL SECURITY BASES FOR
12 FORWARD DEPLOYMENT AND BURDENSARING RELA-
13 TIONSHIPS.—(1) In order to ensure the best allocation of
14 budgetary resources, the President shall undertake a re-
15 view of the status of elements of the United States Armed
16 Forces that are permanently stationed outside the United
17 States. The review shall include an assessment of the fol-
18 lowing:

19 (A) The alliance requirements that are to be
20 found in agreements between the United States and
21 other countries.

22 (B) The national security interests that support
23 permanently stationing elements of the United
24 States Armed Forces outside the United States.

1 (C) The stationing costs associated with the
2 forward deployment of elements of the United States
3 Armed Forces.

4 (D) The alternatives available to forward de-
5 ployment (such as material prepositioning, enhanced
6 airlift and sealift, or joint training operations) to
7 meet such alliance requirements or national security
8 interests, with such alternatives identified and de-
9 scribed in detail.

10 (E) The costs and force structure configura-
11 tions associated with such alternatives to forward
12 deployment.

13 (F) The financial contributions that allies of
14 the United States make to common defense efforts
15 (to promote democratization, economic stabilization,
16 transparency arrangements, defense economic con-
17 version, respect for the rule of law, and internation-
18 ally recognized human rights).

19 (G) The contributions that allies of the United
20 States make to meeting the stationing costs associ-
21 ated with the forward deployment of elements of the
22 United States Armed Forces.

23 (H) The annual expenditures of the United
24 States and its allies on national defense, and the rel-

1 (3) The acquisition of sensitive commodities
2 and technologies by those countries and end users
3 whose actions or policies run counter to United
4 States national security or foreign policy interests
5 may enhance the military capabilities of those coun-
6 tries, particularly their ability to design, develop,
7 test, produce, stockpile, use, and deliver nuclear,
8 chemical, and biological weapons, missile delivery
9 systems, and other significant military capabilities.
10 This enhancement threatens the security of the
11 United States and its allies. The availability to coun-
12 tries and end users of items that contribute to mili-
13 tary capabilities or the proliferation of weapons of
14 mass destruction is a fundamental concern of the
15 United States and should be eliminated through de-
16 terrence, negotiations, and other appropriate means
17 whenever possible.

18 (4) The national security of the United States
19 depends not only on wise foreign policies and a
20 strong defense, but also a vibrant national economy.
21 To be truly effective, export controls should be ap-
22 plied uniformly by all suppliers.

23 (5) On November 5, 1995, President William J.
24 Clinton extended Executive Order No. 12938 re-
25 garding “Weapons of Mass Destruction”, and “de-

1 clared a national emergency with respect to the un-
2 usual and extraordinary threat to the national secu-
3 rity, foreign policy, and economy of the United
4 States posed by the proliferation of nuclear, biologi-
5 cal, and chemical weapons and the means of deliver-
6 ing such weapons”.

7 (6) A successor regime to COCOM (the Coordi-
8 nating Commission on Multilateral Controls) has not
9 been established. Currently, each nation is determin-
10 ing independently which dual-use military items, if
11 any, will be controlled for export.

12 (7) The United States should play a leading
13 role in promoting transparency and responsibility
14 with regard to the transfers of sensitive dual-use
15 goods and technologies.

16 (b) SENSE OF SENATE.—It is the sense of the Senate
17 that—

18 (1) establishing an international export control
19 regime, empowered to control exports of dual-use
20 technology, is critically important and should become
21 a top priority for the United States; and

22 (2) the United States should strongly encourage
23 its allies and friends to—

24 (A) adopt a commodity control list which
25 governs the same or similar items as are con-

1 trolled by the United States Commodity Control
2 list;

3 (B) strengthen enforcement activities; and

4 (C) explore the use of unilateral export
5 controls where the possibility exists that an ex-
6 port could contribute to proliferation.

7 **SEC. 1047. REPORT ON NATO ENLARGEMENT.**

8 (a) REPORT.—Not later than December 1, 1996, the
9 President shall transmit a report on NATO enlargement
10 to the Committee on Armed Services and the Committee
11 on Foreign Relations of the Senate and the Committee
12 on National Security and the Committee on International
13 Relations of the House of Representatives. The report
14 shall contain a comprehensive discussion of the following:

15 (1) Geopolitical and financial costs and benefits,
16 including financial savings, associated with—

17 (A) enlargement of NATO;

18 (B) further delays in the process of NATO
19 enlargement; and

20 (C) a failure to enlarge NATO.

21 (2) Additional NATO and United States mili-
22 tary expenditures requested by prospective NATO
23 members to facilitate their admission into NATO.

24 (3) Modifications necessary in NATO's military
25 strategy and force structure required by the inclu-

1 sion of new members and steps necessary to inte-
2 grate new members, including the role of nuclear
3 and conventional capabilities, reinforcement, force
4 deployments, prepositioning of equipment, mobility,
5 and headquarter locations.

6 (4) The relationship between NATO enlarge-
7 ment and transatlantic stability and security.

8 (5) The state of military preparedness and
9 interoperability of Central and Eastern European
10 nations as it relates to the responsibilities of NATO
11 membership and additional security costs or benefits
12 that may accrue to the United States from NATO
13 enlargement.

14 (6) The state of democracy and free market de-
15 velopment as it affects the preparedness of Central
16 and Eastern European nations for the responsibil-
17 ities of NATO membership, including civilian control
18 of the military, the rule of law, human rights, and
19 parliamentary oversight.

20 (7) The state of relations between prospective
21 NATO members and their neighbors, steps taken by
22 prospective members to reduce tensions, and mecha-
23 nisms for the peaceful resolution of border disputes.

1 (8) The commitment of prospective NATO
2 members to the principles of the North Atlantic
3 Treaty and the security of the North Atlantic area.

4 (9) The effect of NATO enlargement on the po-
5 litical, economic, and security conditions of Euro-
6 pean Partnership for Peace nations not among the
7 first new NATO members.

8 (10) The relationship between NATO enlarge-
9 ment and EU enlargement and the costs and bene-
10 fits of both.

11 (11) The relationship between NATO enlarge-
12 ment and treaties relevant to United States and Eu-
13 ropean security, such as the Conventional Armed
14 Forces in Europe Treaty.

15 (12) The anticipated impact both of NATO en-
16 largement and further delays of NATO enlargement
17 on Russian foreign and defense policies and the
18 costs and benefits of a security relationship between
19 NATO and Russia.

20 (b) INDEPENDENT ASSESSMENT.—Not later than 15
21 days after enactment of this Act, the Majority Leader of
22 the Senate and the Speaker of the House of Representa-
23 tives shall appoint a chairman and two other Members and
24 the Minority Leaders of the Senate and House of Rep-
25 resentatives shall appoint two Members to serve on a bi-

1 partisan review group of nongovernmental experts to con-
2 duct an independent assessment of NATO enlargement,
3 including a comprehensive review of the issues in sub-
4 section (a) (1) through (12) above. The report of the re-
5 view group shall be completed no later than December 1,
6 1996. The Secretary of Defense shall furnish the review
7 group administrative and support services requested by
8 the review group. The expenses of the review group shall
9 be paid out of funds available for the payment of similar
10 expenses incurred by the Department of Defense.

11 (c) INTERPRETATION.—Nothing in this section
12 should be interpreted or construed to affect the implemen-
13 tation of the NATO Participation Act of 1994, as amend-
14 ed (Public Law 103–447), or any other program or activ-
15 ity which facilitates or assists prospective NATO mem-
16 bers.

17 **Subtitle E—Miscellaneous** 18 **Reporting Requirements**

19 **SEC. 1051. ANNUAL REPORT ON EMERGING OPERATIONAL** 20 **CONCEPTS.**

21 (a) REPORT REQUIRED.—Not later than March 1 of
22 each year, the Chairman of the Joint Chiefs of Staff shall
23 submit to the Committee on Armed Services of the Senate
24 and the Committee on National Security of the House of
25 Representatives a report on emerging operational con-

1 cepts. The report shall contain a description, for the year
2 preceding the year in which submitted, of the following:

3 (1) The process undertaken in each of the
4 Army, Navy, Air Force, and Marine Corps to define
5 and develop doctrine, operational concepts, organiza-
6 tional concepts, and acquisition strategies based
7 on—

8 (A) the potential of emerging technologies
9 for significantly improving the operational effec-
10 tiveness of that armed force;

11 (B) changes in the international order that
12 may necessitate changes in the operational ca-
13 pabilities of that armed force;

14 (C) emerging capabilities of potential ad-
15 versary states; and

16 (D) changes in defense budget projections
17 that put existing acquisition programs of the
18 service at risk.

19 (2) The manner in which the process under-
20 taken in each of the Army, Navy, Air Force, and
21 Marine Corps is harmonized with a joint vision and
22 with the similar processes of the other armed forces
23 to ensure that there is a sufficient consideration of
24 the development of joint doctrine, operational con-
25 cepts, and acquisition strategies.

1 gram of the Department of Defense supports the develop-
2 ment of the future joint warfighting capabilities identified
3 as priority requirements for the Armed Forces.

4 (b) FIRST PLAN.—The first plan shall be submitted
5 not later than March 1, 1997.

6 **SEC. 1053. REPORT ON MILITARY READINESS REQUIRE-**
7 **MENTS OF THE ARMED FORCES.**

8 (a) REQUIREMENT.—Not later than January 31,
9 1997, the Chairman of the Joint Chiefs of Staff shall sub-
10 mit to the congressional defense committees a report on
11 the military readiness requirements of the active and re-
12 serve components of the Armed Forces (including combat
13 units, combat support units, and combat service support
14 units) prepared by the officers referred to in subsection
15 (b). The report shall assess such requirements under a
16 tiered readiness and response system that categorizes a
17 given unit according to the likelihood that it will be re-
18 quired to respond to a military conflict and the time in
19 which it will be required to respond.

20 (b) OFFICERS.—The report required by subsection
21 (a) shall be prepared jointly by the Chief of Staff of the
22 Army, the Chief of Naval Operations, the Chief of Staff
23 of the Air Force, the Commandant of the Marine Corps,
24 and the Commander of the Special Operations Command.

1 (c) ASSESSMENT SCENARIO.—The report shall assess
2 readiness requirements in a scenario based on the follow-
3 ing assumptions:

4 (1) The conflict is in a generic theater of oper-
5 ations located anywhere in the world and does not
6 exceed the notional limits for a major regional con-
7 tingency.

8 (2) The forces available for deployment include
9 the forces described in the Bottom Up Review force
10 structure, including all planned force enhancements.

11 (3) Assistance is not available from allies.

12 (d) ASSESSMENT ELEMENTS.—The report shall iden-
13 tify by unit type, and assess the readiness requirements
14 of, all active and reserve component units. Each such unit
15 shall be categorized within one of the following classifica-
16 tions:

17 (1) Forward-deployed and crisis response
18 forces, or “Tier I” forces, that possess limited inter-
19 nal sustainment capability and do not require imme-
20 diate access to regional air bases or ports or over-
21 flight rights, including the following:

22 (A) Force units that are routinely deployed
23 forward at sea or on land outside the United
24 States.

1 (B) Combat-ready crises response forces
2 that are capable of mobilizing and deploying
3 within 10 days after receipt of orders.

4 (C) Forces that are supported by
5 prepositioning equipment afloat or are capable
6 of being inserted into a theater upon the cap-
7 ture of a port or airfield by forcible entry
8 forces.

9 (2) Combat-ready follow-on forces, or “Tier II”
10 forces, that can be mobilized and deployed to a thea-
11 ter within approximately 60 days after receipt of or-
12 ders.

13 (3) Combat-ready conflict resolution forces, or
14 “Tier III” forces, that can be mobilized and de-
15 ployed to a theater within approximately 180 days
16 after receipt of orders.

17 (4) All other active and reserve component force
18 units which are not categorized within a classifica-
19 tion described in paragraph (1), (2), or (3).

20 (e) FORM OF REPORT.—The report under this sec-
21 tion shall be submitted in unclassified form but may con-
22 tain a classified annex.

1 **SEC. 1054. ANNUAL REPORT OF RESERVE FORCES POLICY**
2 **BOARD.**

3 Section 113(e) of title 10, United States Code, is
4 amended—

5 (1) by striking out paragraph (3);

6 (2) by redesignating paragraphs (1), (2), and
7 (4) as subparagraphs (A), (B), and (C), respectively;

8 (3) by inserting “(1)” after “(c)”;

9 (4) by inserting “and” at the end of subpara-
10 graph (B), as redesignated by paragraph (2); and

11 (5) by adding at the end the following:

12 “(2) At the same time that the Secretary submits the
13 annual report under paragraph (1), the Secretary shall
14 transmit to the President and Congress a separate report
15 from the Reserve Forces Policy Board on the reserve pro-
16 grams of the Department of Defense and on any other
17 matters that the Reserve Forces Policy Board considers
18 appropriate to include in the report.”.

19 **SEC. 1055. INFORMATION ON PROPOSED FUNDING FOR THE**
20 **GUARD AND RESERVE COMPONENTS IN FU-**
21 **TURE-YEARS DEFENSE PROGRAMS.**

22 (a) REQUIREMENT.—The Secretary of Defense shall
23 specify in each future-years defense program submitted to
24 Congress after the date of the enactment of this Act the
25 estimated expenditures and proposed appropriations for

1 the procurement of equipment and for military construc-
2 tion for each of the Guard and Reserve components.

3 (b) DEFINITION.—For purposes of this section, the
4 term “Guard and Reserve components” means the follow-
5 ing:

6 (1) The Army Reserve.

7 (2) The Army National Guard of the United
8 States.

9 (3) The Naval Reserve.

10 (4) The Marine Corps Reserve.

11 (5) The Air Force Reserve.

12 (6) The Air National Guard of the United
13 States.

14 **SEC. 1056. REPORT ON FACILITIES USED FOR TESTING**
15 **LAUNCH VEHICLE ENGINES.**

16 (a) REPORT REQUIRED.—Not later than 30 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense, in consultation with the Administrator of the
19 National Aeronautics and Space Administration, shall
20 submit to Congress a report on the facilities used for test-
21 ing launch vehicle engines.

22 (b) CONTENT OF REPORT.—The report shall contain
23 an analysis of the duplication between Air Force and Na-
24 tional Aeronautics and Space Administration hydrogen

1 rocket test facilities and the potential benefits of further
2 coordinating activities at such facilities.

3 **Subtitle F—Other Matters**

4 **SEC. 1061. UNIFORM CODE OF MILITARY JUSTICE AMEND-** 5 **MENTS.**

6 (a) TECHNICAL AMENDMENT REGARDING FORFEIT-
7 URES DURING CONFINEMENT ADJUDGED BY A COURT-
8 MARTIAL.—(1) Section 858b(a)(1) of title 10, United
9 States Code (article 58b(a)(1) of the Uniform Code of
10 Military Justice), is amended—

11 (A) in the first sentence, by inserting “(if ad-
12 judged by a general court-martial)” after “all pay
13 and”; and

14 (B) in the third sentence, by striking out “two-
15 thirds of all pay and allowances” and inserting in
16 lieu thereof “two-thirds of all pay”.

17 (2) The amendments made by paragraph (1) shall
18 take effect as of April 1, 1996, and shall apply to any
19 case in which a sentence is adjudged by a court-martial
20 on or after that date.

21 (b) EXCEPTED SERVICE APPOINTMENTS TO CERTAIN
22 NONATTORNEY POSITIONS OF THE UNITED STATES
23 COURT OF APPEALS FOR THE ARMED FORCES.—(1)
24 Subsection (c) of section 943 of title 10, United States
25 Code (article 143(c) of the Uniform Code of Military Jus-

1 tice) is amended in paragraph (1), by inserting after the
2 first sentence the following: “A position of employment
3 under the Court that is provided primarily for the service
4 of one judge of the court, reports directly to the judge,
5 and is a position of a confidential character is excepted
6 from the competitive service.”.

7 (2) The caption for such subsection is amended by
8 striking out “ATTORNEY” in the subsection caption and
9 inserting in lieu thereof “CERTAIN”.

10 (c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM
11 OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF
12 APPEALS FOR THE ARMED FORCES.—(1) Subsection
13 (d)(2) of section 1301 of the National Defense Authoriza-
14 tion Act for Fiscal Years 1990 and 1991 (Public Law
15 101–189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended
16 by striking out “to the judges who are first appointed to
17 the two new positions of the court created as of October
18 1, 1990—” and all that follows and inserting in lieu there-
19 of “to the judge who is first appointed to one of the two
20 new positions of the court created as of October 1, 1990,
21 as designated by the President at the time of appointment,
22 the anniversary referred to in subparagraph (A) of that
23 paragraph shall be treated as being the seventh anniver-
24 sary and the number of years referred to in subparagraph
25 (B) of that paragraph shall be treated as being seven.”.

1 (2) Subsection (e)(1) of such section is amended by
2 striking out “each judge” and inserting in lieu thereof “a
3 judge”.

4 **SEC. 1062. LIMITATION ON RETIREMENT OR DISMANTLE-**
5 **MENT OF STRATEGIC NUCLEAR DELIVERY**
6 **SYSTEMS.**

7 (a) **FUNDING LIMITATION.**—Funds available to the
8 Department of Defense may not be obligated or expended
9 during fiscal year 1997 for retiring or dismantling, or for
10 preparing to retire or dismantle, any of the following stra-
11 tegic nuclear delivery systems:

- 12 (1) B-52H bomber aircraft.
13 (2) Trident ballistic missile submarines.
14 (3) Minuteman III intercontinental ballistic
15 missiles.
16 (4) Peacekeeper intercontinental ballistic mis-
17 siles.

18 (b) **WAIVER AUTHORITY.**—If the START II Treaty
19 enters into force during fiscal year 1997, the Secretary
20 of Defense may waive the application of the limitation
21 under paragraphs (2), (3), and (4) of subsection (a) to
22 Trident ballistic missile submarines, Minuteman III inter-
23 continental ballistic missiles, and Peacekeeper interconti-
24 nental ballistic missiles, respectively, to the extent that the

1 Secretary determines necessary in order to implement the
2 treaty.

3 (c) START II TREATY DEFINED.—In this section,
4 the term “START II Treaty” means the Treaty Between
5 the United States of America and the Russian Federation
6 on Further Reduction and Limitation of Strategic Offen-
7 sive Arms, signed at Moscow on January 3, 1993, includ-
8 ing the following protocols and memorandum of under-
9 standing, all such documents being integral parts of and
10 collectively referred to as the “START II Treaty” (con-
11 tained in Treaty Document 103–1):

12 (1) The Protocol on Procedures Governing
13 Elimination of Heavy ICBMs and on Procedures
14 Governing Conversion of Silo Launchers of Heavy
15 ICBMs Relating to the Treaty Between the United
16 States of America and the Russian Federation on
17 Further Reduction and Limitation of Strategic Of-
18 fensive Arms (also known as the “Elimination and
19 Conversion Protocol”).

20 (2) The Protocol on Exhibitions and Inspec-
21 tions of Heavy Bombers Relating to the Treaty Be-
22 tween the United States and the Russian Federation
23 on Further Reduction and Limitation of Strategic
24 Offensive Arms (also known as the “Exhibitions and
25 Inspections Protocol”).

1 (b) DEFENSE DISTRIBUTION CENTER, ANNISTON.—
2 The Corporation for the Promotion of Rifle Practice and
3 Firearms Safety Act (title XVI of Public Law 104–106;
4 110 Stat. 515; 36 U.S.C. 5501 et seq.) is amended by
5 striking out “Anniston Army Depot” each place it appears
6 in the following provisions and inserting in lieu thereof
7 “Defense Distribution Depot, Anniston”:

8 (1) Section 1615(a)(3) (36 U.S.C. 5505(a)(3)).

9 (2) Section 1616(b) (36 U.S.C. 5506(b)).

10 (3) Section 1619(a)(1) (36 U.S.C. 5509(a)(1)).

11 **SEC. 1064. AUTHORITY OF CERTAIN MEMBERS OF THE**
12 **ARMED FORCES TO PERFORM NOTARIAL OR**
13 **CONSULAR ACTS.**

14 Section 1044a(b) of title 10, United States Code, is
15 amended—

16 (1) in paragraph (1), by striking out “on active
17 duty or performing inactive-duty for training” and
18 inserting in lieu thereof “of the armed forces, includ-
19 ing members of reserve components who are judge
20 advocates (whether or not in a duty status)”;

21 (2) in paragraph (3), by striking out “adjutants
22 on active duty or performing inactive-duty training”
23 and inserting in lieu thereof “adjutants, including
24 members of reserve components acting as such an
25 adjutant (whether or not in a duty status)”; and

1 (C) in paragraph (2)—

2 (i) in the matter preceding subpara-
3 graph (A), by inserting “or member of a
4 uniformed service” after “reimburse the
5 employee”;

6 (ii) in subparagraph (A), by striking
7 out “commissioned officers of the National
8 Oceanic and Atmospheric Administration”
9 and inserting in lieu thereof “a member of
10 a uniformed service”; and

11 (iii) in subparagraph (B), by striking
12 out “commissioned officers of the National
13 Oceanic and Atmospheric Administration”
14 and inserting in lieu thereof “a member of
15 a uniformed service”; and

16 (2) by adding at the end the following:

17 “(d) In the exercise of authority under subsection (a)
18 with respect to an employee of an agency, the head of the
19 agency shall comply with regulations prescribed under sec-
20 tion 4118(a)(8) of this title.

21 “(e) For the purposes of this section, the term ‘agen-
22 cy’ includes a military department.”.

1 **SEC. 1066. THIRD-PARTY LIABILITY TO UNITED STATES FOR**
2 **TORTIOUS INFLICTION OF INJURY OR DIS-**
3 **EASE ON MEMBERS OF THE UNIFORMED**
4 **SERVICES.**

5 (a) RECOVERY OF PAY AND ALLOWANCES.—Section
6 1 of Public Law 87–693 (42 U.S.C. 2651) is amended—

7 (1) in the first sentence of subsection (a)—

8 (A) by inserting “or pay for” after “re-
9 quired by law to furnish”; and

10 (B) by striking out “or to be furnished”
11 each place that phrase appears and inserting in
12 lieu thereof “, to be furnished, paid for, or to
13 be paid for”;

14 (2) by redesignating subsections (b) and (c) as
15 subsections (d) and (e), respectively;

16 (3) by inserting after subsection (a), the follow-
17 ing new subsections:

18 “(b) If a member of the uniformed services is injured,
19 or contracts a disease, under circumstances creating a tort
20 liability upon a third person (other than or in addition
21 to the United States and except employers of seamen re-
22 ferred to in subsection (a)) for damages for such injury
23 or disease and the member is unable to perform the mem-
24 ber’s regular military duties as a result of the injury or
25 disease, the United States shall have a right (independent
26 of the rights of the member) to recover from the third

1 person or an insurer of the third person, or both, the
2 amount equal to the total amount of the pay that accrues
3 and is to accrue to the member for the period for which
4 the member is unable to perform such duties as a result
5 of the injury or disease and is not assigned to perform
6 other military duties.

7 “(c)(1) If, pursuant to the laws of a State that are
8 applicable in a case of a member of the uniformed services
9 who is injured or contracts a disease as a result of tortious
10 conduct of a third person, there is in effect for such a
11 case (as a substitute or alternative for compensation for
12 damages through tort liability) a system of compensation
13 or reimbursement for expenses of hospital, medical, sur-
14 gical, or dental care and treatment or for lost pay pursu-
15 ant to a policy of insurance, contract, medical or hospital
16 service agreement, or similar arrangement, the United
17 States shall be deemed to be a third-party beneficiary of
18 such a policy, contract, agreement, or arrangement.

19 “(2) For the purposes of paragraph (1)—

20 “(A) the expenses incurred or to be incurred by
21 the United States for care and treatment for an in-
22 jured or diseased member as described in subsection
23 (a) shall be deemed to have been incurred by the
24 member;

1 “(B) the cost to the United States of the pay
2 of the member as described in subsection (b) shall
3 be deemed to have been pay lost by the member as
4 a result of the injury or disease; and

5 “(C) the United States shall be subrogated to
6 any right or claim that the injured or diseased mem-
7 ber or the member’s guardian, personal representa-
8 tive, estate, dependents, or survivors have under a
9 policy, contract, agreement, or arrangement referred
10 to in paragraph (1) to the extent of the reasonable
11 value of the care and treatment and the total
12 amount of the pay deemed lost under subparagraph
13 (B).”;

14 (4) in subsection (d), as redesignated by para-
15 graph (2), by inserting “or paid for” after “treat-
16 ment is furnished”; and

17 (5) by adding at the end the following:

18 “(f)(1) Any amounts recovered under this section for
19 medical care and related services furnished by a military
20 medical treatment facility or similar military activity shall
21 be credited to the appropriation or appropriations support-
22 ing the operation of that facility or activity, as determined
23 under regulations prescribed by the Secretary of Defense.

24 “(2) Any amounts recovered under this section for
25 the cost to the United States of pay of an injured or dis-

1 eased member of the uniformed services shall be credited
2 to the appropriation that supports the operation of the
3 command, activity, or other unit to which the member was
4 assigned at the time of the injury or illness, as determined
5 under regulations prescribed by the Secretary concerned.

6 “(g) For the purposes of this section:

7 “(A) The term ‘uniformed services’ has the
8 meaning given such term in section 1072(1) of title
9 10, United States Code.

10 “(B) The term ‘tortious conduct’ includes any
11 tortious omission.

12 “(C) The term ‘pay’, with respect to a member
13 of the uniformed services, means basic pay, special
14 pay, and incentive pay that the member is author-
15 ized to receive under title 37, United States Code,
16 or any other law providing pay for service in the uni-
17 formed services.

18 “(D) The term ‘Secretary concerned’ means—

19 “(i) the Secretary of Defense, with respect
20 to the Army, the Navy, the Air Force, the Ma-
21 rine Corps, and the Coast Guard (when it is op-
22 erating as a service in the Navy);

23 “(ii) the Secretary of Transportation, with
24 respect to the Coast Guard when it is not oper-
25 ating as a service in the Navy;

1 “(iii) the Secretary of Health and Human
2 Services, with respect to the Commissioned
3 Corps of the Public Health Service; and

4 “(iv) the Secretary of Commerce, with re-
5 spect to the Commissioned Corps of the Na-
6 tional Oceanic and Atmospheric Administra-
7 tion.”.

8 (b) CONFORMING AMENDMENTS.—Section 1 of Pub-
9 lic Law 87–693 (42 U.S.C. 2651) is amended—

10 (1) in the first sentence of subsection (a)—

11 (A) by inserting “(independent of the
12 rights of the injured or diseased person)” after
13 “a right to recover”; and

14 (B) by inserting “, or that person’s in-
15 surer,” after “from said third person”;

16 (2) in subsection (d), as redesignated by sub-
17 section (a)(2)—

18 (A) by striking out “such right,” and in-
19 serting in lieu thereof “a right under sub-
20 sections (a), (b), and (c)”; and

21 (B) by inserting “, or the insurance carrier
22 or other entity responsible for the payment or
23 reimbursement of medical expenses or lost
24 pay,” after “the third person who is liable for

1 the injury or disease” each place that it ap-
2 pears.

3 (c) APPLICABILITY.—The authority to collect pursu-
4 ant to the amendments made by this section shall apply
5 to expenses described in the first section of Public Law
6 87–693 (as amended by this section) that are incurred,
7 or are to be incurred, by the United States on or after
8 the date of the enactment of this Act, whether the event
9 from which the claim arises occurred before, on, or after
10 that date.

11 **SEC. 1067. DISPLAY OF STATE FLAGS AT INSTALLATIONS**
12 **AND FACILITIES OF THE DEPARTMENT OF**
13 **DEFENSE.**

14 (a) IN GENERAL.—Except as provided in subsection
15 (b) and notwithstanding any other provision of law, no
16 funds appropriated or otherwise made available to the De-
17 partment of Defense may be used to adopt or enforce any
18 rule or other prohibition that discriminates against the
19 display of the official flag of a particular State, territory,
20 or possession of the United States at an official ceremony
21 at any installation or other facility of the Department of
22 Defense at which the official flags of the other States, ter-
23 ritories, or possessions of the United States are being dis-
24 played.

1 (b) POSITION AND MANNER OF DISPLAY.—The dis-
2 play of an official flag referred to in subsection (a) at an
3 installation or other facility of the Department shall be
4 governed by the provisions of section 3 of the Joint Reso-
5 lution of June 22, 1942 (56 Stat. 378, chapter 435; 36
6 U.S.C. 175), and any modification of such provisions
7 under section 8 of that Joint Resolution (36 U.S.C. 178).

8 **SEC. 1068. GEORGE C. MARSHALL EUROPEAN CENTER FOR**
9 **STRATEGIC SECURITY STUDIES.**

10 (a) AUTHORITY TO ACCEPT FUNDS, MATERIALS,
11 AND SERVICES.—(1) The Secretary of Defense may, on
12 behalf of the George C. Marshall European Center for
13 Strategic Security Studies, accept gifts or donations of
14 funds, materials (including research materials), property,
15 and services (including lecture services and faculty serv-
16 ices) from foreign governments, foundations and other
17 charitable organizations in foreign countries, and individ-
18 uals in foreign countries in order to defray the costs of
19 the operation of the Center.

20 (2) Funds received by the Secretary under paragraph
21 (1) shall be credited to appropriations available for the
22 Department of Defense for the George C. Marshall Euro-
23 pean Center for Strategic Security Studies. Funds so cred-
24 ited shall be merged with the appropriations to which cred-
25 ited and shall be available for the Center for the same

1 purposes and same period as the appropriations with
2 which merged.

3 (b) PARTICIPATION OF FOREIGN NATIONS OTHER-
4 WISE PROHIBITED.—(1) The Secretary may permit rep-
5 resentatives of a foreign government to participate in a
6 program of the George C. Marshall European Center for
7 Strategic Security Studies, notwithstanding any other pro-
8 vision of law that would otherwise prevent representatives
9 of that foreign government from participating in the pro-
10 gram. Before doing so, the Secretary shall determine, in
11 consultation with the Secretary of State, that the partici-
12 pation of representatives of that foreign government in the
13 program is in the national interest of the United States.

14 (2) Not later than January 31 of each year, the Sec-
15 retary of Defense shall, with the assistance of the Director
16 of the Center, submit to Congress a report setting forth
17 the foreign governments permitted to participate in pro-
18 grams of the Center during the preceding year under the
19 authority provided in paragraph (1).

20 (c) WAIVER OF CERTAIN REQUIREMENTS FOR
21 BOARD OF VISITORS.—(1) The Secretary may waive the
22 application of any financial disclosure requirement im-
23 posed by law to a foreign member of the Board of Visitors
24 of the Center if that requirement would otherwise apply
25 to the member solely by reason of the service as a member

1 of the Board. The authority under the preceding sentence
2 applies only in the case of a foreign member who serves
3 on the Board without compensation.

4 (2) Notwithstanding any other provision of law, a
5 member of the Board of Visitors may not be required to
6 register as an agent of a foreign government solely by rea-
7 son of service as a member of the Board.

8 **SEC. 1069. AUTHORITY TO AWARD TO CIVILIAN PARTICI-**
9 **PANTS IN THE DEFENSE OF PEARL HARBOR**
10 **THE CONGRESSIONAL MEDAL PREVIOUSLY**
11 **AUTHORIZED ONLY FOR MILITARY PARTICI-**
12 **PANTS IN THE DEFENSE OF PEARL HARBOR.**

13 (a) **AUTHORITY.**—The Speaker of the House of Rep-
14 resentatives and the President pro tempore of the Senate
15 are authorized jointly to present, on behalf of Congress,
16 a bronze medal provided for under section 1492 of the
17 National Defense Authorization Act for Fiscal Year 1991
18 (104 Stat. 1721) to any person who meets the eligibility
19 requirements set forth in subsection (d) of that section
20 other than the requirement for membership in the Armed
21 Forces, as certified under subsection (e) of that section
22 or under subsection (b) of this section.

23 (b) **CERTIFICATION.**—The Secretary of Defense shall,
24 not later than 12 months after the date of the enactment
25 of this Act, certify to the Speaker of the House of Rep-

1 representatives and the President pro tempore of the Senate
2 the names of persons who are eligible for award of the
3 medal under this Act and have not previously been cer-
4 tified under section 1492(e) of the National Defense Au-
5 thorization Act for Fiscal Year 1991.

6 (c) APPLICATIONS.—Subsections (d)(2) and (f) of
7 section 1492 of the National Defense Authorization Act
8 for Fiscal Year 1991 shall apply in the administration of
9 this Act.

10 (d) ADDITIONAL STRIKING AUTHORITY.—The Sec-
11 retary of the Treasury shall strike such additional medals
12 as may be necessary for presentation under the authority
13 of subsection (a).

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated such sum as may be nec-
16 essary to carry out this section.

17 (f) RETROACTIVE EFFECTIVE DATE.—The authority
18 under subsection (a) shall be effective as of November 5,
19 1990.

20 **SEC. 1070. MICHAEL O'CALLAGHAN FEDERAL HOSPITAL,**
21 **LAS VEGAS, NEVADA.**

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

24 (1) Michael O'Callaghan, former Governor of
25 the State of Nevada, served in three branches of the

1 Armed Forces of the United States, namely, the
2 Army, the Air Force, and the Marine Corps.

3 (2) At 16 years of age, Michael O'Callaghan en-
4 listed in the United States Marine Corps to serve
5 during the end of World War II.

6 (3) During the Korean conflict, Michael
7 O'Callaghan served successively in the Air Force and
8 the Army and, during such service, suffered wounds
9 in combat that necessitated the amputation of his
10 left leg.

11 (4) Michael O'Callaghan was awarded the Sil-
12 ver Star, the Bronze Star with Valor Device, and the
13 Purple Heart for his military service.

14 (5) In 1963, Michael O'Callaghan became the
15 first director of the Health and Welfare Department
16 of the State of Nevada.

17 (6) In 1970, Michael O'Callaghan became Gov-
18 ernor of the State of Nevada and served in that po-
19 sition through 1978, making him one of only five
20 two-term governors in the history of the State of Ne-
21 vada.

22 (7) In 1982, Michael O'Callaghan received the
23 Air Force Exceptional Service Award.

24 (8) It is appropriate to name the Nellis Federal
25 Hospital, Las Vegas, Nevada, a hospital operated

1 jointly by the Department of Defense, through Nellis
2 Air Force Base, and the Department of Veterans
3 Affairs, through the Las Vegas Veterans Affairs
4 Outpatient Clinic, after Michael O’Callaghan, a man
5 who (A) has served his country with honor in three
6 branches of the Armed Forces, (B) as a disabled
7 veteran knows personally the tragic sacrifices that
8 are so often made in the service of his country in the
9 Armed Forces, and (C) has spent his entire career
10 working to improve the lives of all Nevadans.

11 (b) DESIGNATION OF MICHAEL O’CALLAGHAN FED-
12 ERAL HOSPITAL.—The Nellis Federal Hospital, a Federal
13 building located at 4700 North Las Vegas Boulevard, Las
14 Vegas, Nevada, is designated as the “Michael O’Callaghan
15 Federal Hospital”.

16 (c) REFERENCES.—Any reference in a law, map, reg-
17 ulation, document, paper, or other record of the United
18 States to the Federal building referred to in subsection
19 (b) shall be deemed to be a reference to the “Michael
20 O’Callaghan Federal Hospital”.

21 **SEC. 1071. NAMING OF BUILDING AT THE UNIFORMED**
22 **SERVICES UNIVERSITY OF THE HEALTH**
23 **SCIENCES.**

24 It is the sense of the Senate that the Secretary of
25 Defense should name Building A at the Uniformed Serv-

1 ices University of the Health Sciences as the “David Pack-
2 ard Building”.

3 **SEC. 1072. SENSE OF THE SENATE REGARDING THE UNITED**
4 **STATES–JAPAN SEMICONDUCTOR TRADE**
5 **AGREEMENT.**

6 (a) FINDINGS.—The Senate makes the following
7 findings:

8 (1) The United States and Japan share a long
9 and important bilateral relationship which serves as
10 an anchor of peace and stability in the Asia Pacific
11 region, an alliance which was reaffirmed at the re-
12 cent summit meeting between President Clinton and
13 Prime Minister Hashimoto in Tokyo.

14 (2) The Japanese economy has experienced dif-
15 ficulty over the past few years, demonstrating that
16 it is no longer possible for Japan, the world’s second
17 largest economy, to use exports as the sole engine of
18 economic growth, but that the Government of Japan
19 must promote deregulation of its domestic economy
20 in order to increase economic growth.

21 (3) Deregulation of the Japanese economy re-
22 quires government attention to the removal of bar-
23 riers to imports of manufactured goods.

24 (4) The United States–Japan Semiconductor
25 Trade Agreement has begun the process of deregula-

1 tion in the semiconductor sector and is opening the
2 Japanese market to competitive foreign products.

3 (5) The United States-Japan Semiconductor
4 Trade Agreement has put in place both government-
5 to-government and industry-to-industry mechanisms
6 which have played a vital role in allowing coopera-
7 tion to replace conflict in this important high tech-
8 nology sector.

9 (6) The mechanisms include joint calculation of
10 foreign market share, deterrence of dumping, and
11 promotion of industrial cooperation in the design of
12 foreign semiconductor devices.

13 (7) Because of these actions under the United
14 States-Japan Semiconductor Trade Agreement, the
15 United States and Japan today enjoy trade in semi-
16 conductors which is mutually beneficial, harmonious,
17 and free from the friction that once characterized
18 the semiconductor industry.

19 (8) Because of structural barriers in Japan, a
20 gap still remains between the share of the world
21 market for semiconductor products outside Japan
22 that the United States and other foreign semi-
23 conductor sources are able to capture through com-
24 petitiveness and the share of the Japanese semi-
25 conductor market that the United States and those

1 other sources are able to capture through competi-
2 tiveness, and that gap is consistent across the full
3 range of semiconductor products as well as a full
4 range of end-use applications.

5 (9) The competitiveness and health of the Unit-
6 ed States semiconductor industry is of critical im-
7 portance to the overall economic well-being and high
8 technology defense capabilities of the United States.

9 (10) The economic interests of both the United
10 States and Japan are best served by well function-
11 ing, open markets, deterrence of dumping, and con-
12 tinuing good cooperative relationships in all sectors,
13 including semiconductors.

14 (11) A strong and healthy and military and po-
15 litical alliance between the United States and Japan
16 requires continuation of the industrial and economic
17 cooperation promoted by the United States-Japan
18 Semiconductor Trade Agreement.

19 (12) President Clinton has called on the Gov-
20 ernment of Japan to agree to a continuation of a
21 United States-Japan Semiconductor Trade Agree-
22 ment beyond the current agreement's expiration on
23 July 31, 1996.

24 (13) The Government of Japan has opposed
25 any continuation of a government-to-government

1 agreement to promote cooperation in United States-
2 Japan semiconductor trade.

3 (b) SENSE OF SENATE.—It is the sense of the Senate
4 that—

5 (1) it is regrettable that the Government of
6 Japan has refused to consider continuation of a gov-
7 ernment-to-government agreement to ensure that co-
8 operation continues in the semiconductor sector be-
9 yond the expiration of the Semiconductor Trade
10 Agreement on July 31, 1996; and

11 (2) the President should take all necessary and
12 appropriate actions to ensure the continuation of a
13 government-to-government United States-Japan
14 Semiconductor Trade Agreement before the current
15 agreement expires on that date.

16 (c) DEFINITION.—As used in this section, the term
17 “United States-Japan Semiconductor Trade Agreement”
18 refers to the agreement between the United States and
19 Japan concerning trade in semiconductor products, with
20 arrangement, done by exchange of letters at Washington
21 on June 11, 1991.

22 **SEC. 1073. FOOD DONATION PILOT PROGRAM AT THE SERV-**
23 **ICE ACADEMIES.**

24 (a) PROGRAM AUTHORIZED.—The Secretaries of the
25 military departments and the Secretary of Transportation

1 may each carry out a food donation pilot program at the
2 service academy under the jurisdiction of the Secretary.

3 (b) DONATIONS AND COLLECTIONS OF FOOD AND
4 GROCERY PRODUCTS.—Under the pilot program, the Sec-
5 retary concerned may donate to, and permit others to col-
6 lect for, a nonprofit organization any food or grocery prod-
7 uct that—

8 (1) is—

9 (A) an apparently wholesome food;

10 (B) an apparently fit grocery product; or

11 (C) a food or grocery product that is do-
12 nated in accordance with section 402(e) of the
13 National and Community Service Act of 1990
14 (42 U.S.C. 12672(e));

15 (2) is owned by the United States;

16 (3) is located at a service academy under the
17 jurisdiction of the Secretary; and

18 (4) is excess to the requirements of the acad-
19 emy.

20 (c) PROGRAM COMMENCEMENT.—The Secretary con-
21 cerned shall commence carrying out the pilot program, if
22 at all, during fiscal year 1997.

23 (d) APPLICABILITY OF GOOD SAMARITAN FOOD DO-
24 NATION ACT.—Section 402 of the National and Commu-
25 nity Service Act of 1990 (42 U.S.C. 12672) shall apply

1 to donations and collections of food and grocery products
2 under the pilot program without regard to section 403 of
3 such Act (42 U.S.C. 12673).

4 (e) REPORTS.—(1) Each Secretary that carries out
5 a pilot program at a service academy under this section
6 shall submit to Congress an interim report and a final re-
7 port on the pilot program.

8 (2) The Secretary concerned shall submit the interim
9 report not later than one year after the date on which the
10 Secretary commences the pilot program at a service acad-
11 emy.

12 (3) The Secretary concerned shall submit the final
13 report not later than 90 days after the Secretary com-
14 pletes the pilot program at a service academy.

15 (4) Each report shall include the following:

16 (A) A description of the conduct of the pilot
17 program.

18 (B) A discussion of the experience under the
19 pilot program.

20 (C) An evaluation of the extent to which section
21 402 of the National and Community Service Act of
22 1990 (42 U.S.C. 12672) has been effective in pro-
23 tecting the United States and others from liabilities
24 associated with actions taken under the pilot pro-
25 gram.

1 (D) Any recommendations for legislation to fa-
2 cilitate donations or collections of excess food and
3 grocery products of the United States or others for
4 nonprofit organizations.

5 (f) DEFINITIONS.—In this section:

6 (1) The term “service academy” means each of
7 the following:

8 (A) The United States Military Academy.

9 (B) The United States Naval Academy.

10 (C) The United States Air Force Academy.

11 (D) The United States Coast Guard Acad-
12 emy.

13 (2) The term “Secretary concerned” means the
14 following:

15 (A) The Secretary of the Army, with re-
16 spect to the United States Military Academy.

17 (B) The Secretary of the Navy, with re-
18 spect to the United States Naval Academy.

19 (C) The Secretary of the Air Force, with
20 respect to the United States Air Force Acad-
21 emy.

22 (D) The Secretary of Transportation, with
23 respect to the United States Coast Guard Acad-
24 emy.

1 **SEC. 1075. IMPROVEMENTS TO NATIONAL SECURITY EDU-**
2 **CATION PROGRAM.**

3 (a) REPEAL OF TEMPORARY REQUIREMENT RELAT-
4 ING TO EMPLOYMENT.—Title VII of the Department of
5 Defense Appropriations Act, 1996 (Public Law 104–61;
6 109 Stat. 650), is amended under the heading “NATIONAL
7 SECURITY EDUCATION TRUST FUND” by striking out the
8 proviso.

9 (b) GENERAL PROGRAM REQUIREMENTS.—Sub-
10 section (a)(1) of section 802 of the David L. Boren Na-
11 tional Security Education Act of 1991 (title VIII of Public
12 Law 102–183; 50 U.S.C. 1902) is amended—

13 (1) by striking out subparagraph (A) and in-
14 serting in lieu thereof the following new subpara-
15 graph (A):

16 “(A) awarding scholarships to undergradu-
17 ate students who—

18 “(i) are United States citizens in
19 order to enable such students to study, for
20 at least one academic semester or equiva-
21 lent term, in foreign countries that are
22 critical countries (as determined under sec-
23 tion 803(d)(4)(A) of this title) in those
24 languages and study areas where defi-
25 ciencies exist (as identified in the assess-

1 ments undertaken pursuant to section
2 806(d) of this title); and

3 “(ii) pursuant to subsection (b)(2)(A)
4 of this section, enter into an agreement to
5 work for, and make their language skills
6 available to, an agency or office of the
7 Federal Government or work in the field of
8 higher education in the area of study for
9 which the scholarship was awarded;”;

10 (2) in subparagraph (B)—

11 (A) in clause (i), by inserting “relating to
12 the national security interests of the United
13 States” after “international fields”; and

14 (B) in clause (ii)—

15 (i) by striking out “subsection (b)(2)”
16 and inserting in lieu thereof “subsection
17 (b)(2)(B)”; and

18 (ii) by striking out “work for an agen-
19 cy or office of the Federal Government or
20 in” and inserting in lieu thereof “work for,
21 and make their language skills available to,
22 an agency or office of the Federal Govern-
23 ment or work in”.

24 (c) SERVICE AGREEMENT.—Subsection (b) of that
25 section is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking out “, or of scholarships” and all that fol-
3 lows through “12 months or more,” and inserting in
4 lieu thereof “or any scholarship”.

5 (2) by striking out paragraph (2) and inserting
6 in lieu thereof the following new paragraph (2):

7 “(2) will—

8 “(A) not later than eight years after such
9 recipient’s completion of the study for which
10 scholarship assistance was provided under the
11 program, and in accordance with regulations is-
12 sued by the Secretary—

13 “(i) work in an agency or office of the
14 Federal Government having national secu-
15 rity responsibilities (as determined by the
16 Secretary in consultation with the National
17 Security Education Board) and make
18 available such recipient’s foreign language
19 skills to an agency or office of the Federal
20 Government approved by the Secretary (in
21 consultation with the Board), upon the re-
22 quest of the agency or office, for a period
23 specified by the Secretary, which period
24 shall be no longer than the period for

1 which scholarship assistance was provided;
2 or

3 “(ii) if the recipient demonstrates to
4 the Secretary (in accordance with such
5 regulations) that no position in an agency
6 or office of the Federal Government having
7 national security responsibilities is avail-
8 able, work in the field of higher education
9 in a discipline relating to the foreign coun-
10 try, foreign language, area study, or inter-
11 national field of study for which the schol-
12 arship was awarded, for a period specified
13 by the Secretary, which period shall be de-
14 termined in accordance with clause (i); or

15 “(B) upon completion of such recipient’s
16 education under the program, and in accord-
17 ance with such regulations—

18 “(i) work in an agency or office of the
19 Federal Government having national secu-
20 rity responsibilities (as so determined) and
21 make available such recipient’s foreign lan-
22 guage skills to an agency or office of the
23 Federal Government approved by the Sec-
24 retary (in consultation with the Board),
25 upon the request of the agency or office,

1 for a period specified by the Secretary,
2 which period shall be not less than one and
3 not more than three times the period for
4 which the fellowship assistance was pro-
5 vided; or

6 “(ii) if the recipient demonstrates to
7 the Secretary (in accordance with such
8 regulations) that no position in an agency
9 or office of the Federal Government having
10 national security responsibilities is avail-
11 able upon the completion of the degree,
12 work in the field of higher education in a
13 discipline relating to the foreign country,
14 foreign language, area study, or inter-
15 national field of study for which the fellow-
16 ship was awarded, for a period specified by
17 the Secretary, which period shall be estab-
18 lished in accordance with clause (i); and”.

19 (d) EVALUATION OF PROGRESS IN LANGUAGE

20 SKILLS.—Such section 802 is further amended by—

21 (1) redesignating subsections (c), (d), and (e)
22 as subsections (d), (e), and (f), respectively; and

23 (2) by inserting after subsection (b) the follow-
24 ing new subsection (c):

1 “(c) EVALUATION OF PROGRESS IN LANGUAGE
2 SKILLS.—The Secretary shall, through the National Secu-
3 rity Education Program office, administer a test of the
4 foreign language skills of each recipient of a scholarship
5 or fellowship under this title before the commencement of
6 the study or education for which the scholarship or fellow-
7 ship is awarded and after the completion of such study
8 or education. The purpose of the tests is to evaluate the
9 progress made by recipients of scholarships and fellow-
10 ships in developing foreign language skills as a result of
11 assistance under this title.”.

12 (e) FUNCTIONS OF THE NATIONAL SECURITY EDU-
13 CATION BOARD.—Section 803(d) of that Act (50 U.S.C.
14 1903(d)) is amended—

15 (1) in paragraph (1), by inserting “, including
16 an order of priority in such awards that favors indi-
17 viduals expressing an interest in national security is-
18 sues or pursuing a career in an agency or office of
19 the Federal Government having national security re-
20 sponsibilities” before the period;

21 (2) in paragraph (4)—

22 (A) in the matter preceding subparagraph
23 (A), by striking out “Make recommendations”
24 and inserting in lieu thereof “After taking into
25 account the annual analyses of trends in lan-

1 guage, international, and area studies under
2 section 806(b)(1), make recommendations”;

3 (B) in subparagraph (A), by inserting
4 “and countries which are of importance to the
5 national security interests of the United States”
6 after “are studying”; and

7 (C) in subparagraph (B), by inserting “re-
8 lating to the national security interests of the
9 United States” after “of this title”;

10 (3) by redesignating paragraph (5) as para-
11 graph (7); and

12 (4) by inserting after paragraph (4) the follow-
13 ing new paragraphs:

14 “(5) Encourage applications for fellowships
15 under this title from graduate students having an
16 educational background in disciplines relating to
17 science or technology.

18 “(6) Provide the Secretary on an on-going basis
19 with a list of scholarship recipients and fellowship
20 recipients who are available to work for, or make
21 their language skills available to, an agency or office
22 of the Federal Government having national security
23 responsibilities.”.

24 (f) REPORT ON PROGRAM.—(1) Not later than six
25 months after the date of the enactment of this Act, the

1 Secretary of Defense shall submit to Congress a report
2 assessing the improvements to the program established
3 under the David L. Boren National Security Education
4 Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C.
5 1901 et seq.) that result from the amendments made by
6 this section.

7 (2) The report shall also include an assessment of
8 the contribution of the program, as so improved, in meet-
9 ing the national security objectives of the United States.

10 **SEC. 1076. REIMBURSEMENT FOR EXCESSIVE COMPENSA-**
11 **TION OF CONTRACTOR PERSONNEL PROHIB-**
12 **ITED.**

13 (a) **ARMED SERVICES PROCUREMENTS.**—Section
14 2324(e)(1) of title 10, United States Code, is amended
15 by adding at the end the following:

16 “(P) Costs of compensation (including bo-
17 nuses and other incentives) paid with respect to
18 the services (including termination of services)
19 of any one individual to the extent that the
20 total amount of the compensation paid in a fis-
21 cal year exceeds \$200,000.”.

22 (b) **CIVILIAN AGENCY PROCUREMENTS.**—Section
23 306(e)(1) of the Federal Property and Administrative
24 Services Act of 1949 (41 U.S.C. 256(e)(1)) is amended
25 by adding at the end the following:

1 “(P) Costs of compensation (including bo-
2 nuses and other incentives) paid with respect to
3 the services (including termination of services)
4 of any one individual to the extent that the
5 total amount of the compensation paid in a fis-
6 cal year exceeds \$200,000.”.

7 **SEC. 1077. SENSE OF THE SENATE ON DEPARTMENT OF DE-**
8 **FENSE SHARING OF EXPERIENCES UNDER**
9 **MILITARY YOUTH PROGRAMS.**

10 (a) FINDINGS.—The Senate makes the following
11 findings:

12 (1) Programs of the Department of Defense for
13 youth who are dependents of members of the Armed
14 Forces have not received the same level of attention
15 and resources as have child care programs of the
16 Department since the passage of the Military Child
17 Care Act of 1989 (title XV of Public Law 101–189;
18 10 U.S.C. 113 note).

19 (2) Older children deserve as much attention to
20 their developmental needs as do younger children.

21 (3) The Department has started to direct more
22 attention to programs for youths who are depend-
23 ents of members of the Armed Forces by funding
24 the implementation of 20 model community pro-
25 grams to address the needs of such youths.

1 (4) The lessons learned from such programs
2 could apply to civilian youth programs as well.

3 (b) SENSE OF SENATE.—It is the sense of the Senate
4 that—

5 (1) the Department of Defense, Federal, State,
6 and local agencies, and businesses and communities
7 involved in conducting youth programs could benefit
8 from the development of partnerships to foster an
9 exchange of ideas, information, and materials relat-
10 ing to such programs and to encourage closer rela-
11 tionships between military installations and the com-
12 munities that support them;

13 (2) such partnerships could benefit all families
14 by helping the providers of services for youths ex-
15 change ideas about innovative ways to address bar-
16 riers to the effective provision of such services; and

17 (3) there are many ways that such partnerships
18 could be developed, including—

19 (A) cooperation between the Department
20 and Federal and State educational agencies in
21 exploring the use of public school facilities for
22 child care programs and youth programs that
23 are mutually beneficial to the Department and
24 civilian communities and complement programs

1 of the Department carried out at its facilities;
2 and

3 (B) improving youth programs that enable
4 adolescents to relate to new peer groups when
5 families of members of the Armed Forces are
6 relocated.

7 (c) REPORT.—Not later than June 30, 1997, the Sec-
8 retary of Defense shall submit to Congress a report on
9 the status of any initiatives undertaken this section, in-
10 cluding recommendations for additional ways to improve
11 the youth programs of the Department of Defense and to
12 improve such programs so as to benefit communities in
13 the vicinity of military installations.

14 **SEC. 1078. SENSE OF THE SENATE ON DEPARTMENT OF DE-**
15 **FENSE SHARING OF EXPERIENCES WITH**
16 **MILITARY CHILD CARE.**

17 (a) FINDINGS.—The Senate makes the following
18 findings:

19 (1) The Department of Defense should be con-
20 gratulated on the successful implementation of the
21 Military Child Care Act of 1989 (title XV of Public
22 Law 101–189; 10 U.S.C. 113 note).

23 (2) The actions taken by the Department as a
24 result of that Act have dramatically improved the
25 availability, affordability, quality, and consistency of

1 the child care services provided to members of the
2 Armed Forces.

3 (3) Child care is important to the readiness of
4 members of the Armed Forces because single par-
5 ents and couples in military service must have access
6 to affordable child care of good quality if they are
7 to perform their jobs and respond effectively to long
8 work hours or deployments.

9 (4) Child care is important to the retention of
10 members of the Armed Forces in military service be-
11 cause the dissatisfaction of the families of such
12 members with military life is a primary reason for
13 the departure of such members from military serv-
14 ice.

15 (b) SENSE OF SENATE.—It is the sense of the Senate
16 that—

17 (1) the civilian and military child care commu-
18 nities, Federal, State, and local agencies, and busi-
19 nesses and communities involved in the provision of
20 child care services could benefit from the develop-
21 ment of partnerships to foster an exchange of ideas,
22 information, and materials relating to their experi-
23 ences with the provision of such services and to en-
24 courage closer relationships between military instal-
25 lations and the communities that support them;

1 (2) such partnerships would be beneficial to all
2 families by helping providers of child care services
3 exchange ideas about innovative ways to address
4 barriers to the effective provision of such services;
5 and

6 (3) there are many ways that these partner-
7 ships can be developed, including—

8 (A) cooperation between the directors and
9 curriculum specialists of military child develop-
10 ment centers and civilian child development
11 centers in assisting such centers in the accredi-
12 tation process;

13 (B) use of family support staff to conduct
14 parent and family workshops for new parents
15 and parents with young children in family hous-
16 ing on military installations and in communities
17 in the vicinity of such installations;

18 (C) internships in Department of Defense
19 child care programs for civilian child care pro-
20 viders to broaden the base of good-quality child
21 care services in communities in the vicinity of
22 military installations; and

23 (D) attendance by civilian child care pro-
24 viders at Department child-care training classes
25 on a space-available basis.

1 (c) REPORT.—Not later than June 30, 1997, the Sec-
2 retary of Defense shall submit to Congress a report on
3 the status of any initiatives undertaken this section, in-
4 cluding recommendations for additional ways to improve
5 the child care programs of the Department of Defense and
6 to improve such programs so as to benefit civilian child
7 care providers in communities in the vicinity of military
8 installations.

9 **SEC. 1079. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC**
10 **OFFENSES ON MILITARY INSTALLATIONS.**

11 Section 4 of the Act of June 1, 1948 (40 U.S.C.
12 318c) is amended to read as follows:

13 “SEC. 4. (a) Except as provided in subsection (b),
14 whoever shall violate any rule or regulation promulgated
15 pursuant to section 2 of this Act may be fined not more
16 than \$50 or imprisoned for not more than thirty days,
17 or both.

18 “(b) Whoever shall violate any rule or regulation for
19 the control of vehicular or pedestrian traffic on military
20 installations that is promulgated by the Secretary of De-
21 fense, or the designee of the Secretary, under the author-
22 ity delegated pursuant to section 2 of this Act may be
23 fined an amount not to exceed the amount of a fine for
24 a like or similar offense under the criminal or civil law
25 of the State, territory, possession, or district where the

1 military installation is located, or imprisoned for not more
2 than thirty days, or both.”.

3 **SEC. 1080. PHARMACEUTICAL INDUSTRY SPECIAL EQUITY.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Pharmaceutical Industry Special Equity Act of 1996”.

6 (b) **APPROVAL OF GENERIC DRUGS.**—

7 (1) **IN GENERAL.**—With respect to any patent,
8 the term of which is modified under section
9 154(c)(1) of title 35, United States Code, as amend-
10 ed by the Uruguay Round Agreements Act (Public
11 Law 103–465; 108 Stat. 4983), the remedies of sec-
12 tion 271(e)(4) of title 35, United States Code, shall
13 not apply if—

14 (A) such patent is the subject of a certifi-
15 cation described under—

16 (i) section 505 (b)(2)(A)(iv) or
17 (j)(2)(A)(vii)(IV) of the Federal Food,
18 Drug, and Cosmetic Act (21 U.S.C. 355
19 (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV)); or

20 (ii) section 512(n)(1)(H)(iv) of such
21 Act (21 U.S.C. 360b(n)(1)(H)(iv));

22 (B) on or after the date of enactment of
23 this section, such a certification is made in an
24 application that was filed under section 505 or
25 512 of the Federal Food, Drug, and Cosmetic

1 Act and accepted for filing by the Food and
2 Drug Administration prior to June 8, 1995;
3 and

4 (C) a final order, from which no appeal is
5 pending or may be made, has been entered in
6 an action brought under chapter 28 or 29 of
7 title 35, United States Code—

8 (i) finding that the person who sub-
9 mitted such certification made a substan-
10 tial investment of the type described under
11 section 154(c)(2) of title 35, United States
12 Code, as amended by the Uruguay Round
13 Agreements Act; and

14 (ii) establishing the amount of equi-
15 table remuneration of the type described
16 under section 154(c)(3) of title 35, United
17 States Code, as amended by the Uruguay
18 Round Agreements Act, that is required to
19 be paid by the person who submitted such
20 certification to the patentee for the prod-
21 uct that is the subject of the certification.

22 (2) DETERMINATION OF SUBSTANTIAL INVEST-
23 MENT.—In determining whether a substantial in-
24 vestment has been made in accordance with this sec-
25 tion, the court shall find that—

1 (A) a complete application submitted under
2 section 505 or 512 of the Federal Food, Drug,
3 and Cosmetic Act was found by the Secretary
4 of Health and Human Services on or before
5 June 8, 1995 to be sufficiently complete to per-
6 mit substantive review; and

7 (B) the total sum of the investment made
8 by the person submitting such an application—

9 (i) is specifically related to the re-
10 search, development, manufacture, sale,
11 marketing, or other activities undertaken
12 in connection with, the product covered by
13 such an application; and

14 (ii) does not solely consist of that per-
15 son's expenditures related to the develop-
16 ment and submission of the information
17 contained in such an application.

18 (3) EFFECTIVE DATE OF APPROVAL OF APPLI-
19 CATION.—In no event shall the Food and Drug Ad-
20 ministration make the approval of an application
21 under sections 505 or 512 of the Federal Food,
22 Drug, and Cosmetic Act, which is subject to the pro-
23 visions of this section, effective prior to the entry of
24 the order described in paragraph (1)(C).

1 (4) APPLICABILITY.—The provisions of this
2 subsection shall not apply to any patent the term of
3 which, inclusive of any restoration period provided
4 under section 156 of title 35, United States Code,
5 would have expired on or after June 8, 1998, under
6 the law in effect on the date before December 8,
7 1994.

8 (c) APPLICATION OF CERTAIN BENEFITS AND TERM
9 EXTENSIONS TO ALL PATENTS IN FORCE ON A CERTAIN
10 DATE.—For the purposes of this section and the provi-
11 sions of title 35, United States Code, all patents in force
12 on June 8, 1995, including those in force by reason of
13 section 156 of title 35, United States Code, are entitled
14 to the full benefit of the Uruguay Round Agreements Act
15 of 1994 and any extension granted before such date under
16 section 156 of title 35, United States Code.

17 (d) EXTENSION OF PATENTS RELATING TO NON-
18 STEROIDAL ANTI-INFLAMMATORY DRUGS.—

19 (1) IN GENERAL.—Notwithstanding section 154
20 of title 35, United States Code, the term of patent
21 shall be extended for any patent which encompasses
22 within its scope of composition of matter known as
23 a nonsteroidal anti-inflammatory drug if—

1 (A) during the regulatory review of the
2 drug by the Food and Drug Administration the
3 patentee—

4 (i) filed a new drug application in
5 1982 under section 505 of the Federal
6 Food, Drug and Cosmetic Act (21 U.S.C.
7 355); and

8 (ii) awaited approval by the Food and
9 Drug Administration for at least 96
10 months; and

11 (B) such new drug application was ap-
12 proved in 1991.

13 (2) TERM.—The term of any patent described
14 in paragraph (1) shall be extended from its current
15 expiration date for a period of 2 years.

16 (3) NOTIFICATION.—No later than 90 days
17 after the date of enactment of this section, the pat-
18 entee of any patent described in paragraph (1) shall
19 notify the Commissioner of Patents and Trademarks
20 of the number of any patent extended under such
21 paragraph. On receipt of such notice, the Commis-
22 sioner shall confirm such extension by placing a no-
23 tice thereof in the official file of such patent and
24 publishing an appropriate notice of such extension in

1 the Official Gazette of the Patent and Trademark
2 Office.

3 (e) EXPEDITED PROCEDURES FOR CIVIL ACTIONS.—

4 (1) APPLICATION.—(A) This subsection applies
5 to any civil action in a court of the United States
6 brought to determine the rights of the parties under
7 this section, including any determination made
8 under subsection (b).

9 (B) For purposes of this subsection the term
10 “civil action” refers to a civil action described under
11 subparagraph (A).

12 (2) SUPERSEDING PROVISIONS.—Procedures
13 adopted under this subsection shall supersede any
14 provision of title 28, United States Code, the Fed-
15 eral Rules of Civil Procedure, or the Federal Rules
16 of Appellate Procedure to the extent of any incon-
17 sistency.

18 (3) PROCEDURES IN DISTRICT COURT.—No
19 later than 60 days after the date of the enactment
20 of this Act, each district court of the United States
21 shall adopt procedures to—

22 (A) provide for priority in consideration of
23 civil actions on an expedited basis, including
24 consideration of determinations relating to sub-

1 stantial investment, equitable remuneration,
2 and equitable compensation;

3 (B) provide that—

4 (i) no later than 10 days after a party
5 files an answer to a complaint filed in a
6 civil action the court shall order that all
7 discovery (including a hearing on any dis-
8 covery motions) shall be completed no later
9 than 60 days after the date on which the
10 court enters the order; and

11 (ii) the court may grant a single ex-
12 tension of the 60-day period referred to
13 under clause (i) for an additional period of
14 no more than 30 days upon a showing of
15 good cause;

16 (C) require any dispositive motion in a civil
17 action to be filed no later than 30 days after
18 completion of discovery;

19 (D) require that—

20 (i) if a dispositive motion is filed in a
21 civil action, the court shall rule on such a
22 motion no later than 30 days after the
23 date on which the motion is filed;

1 (ii) the court shall begin the trial of a
2 civil action no later than 60 days after the
3 later of—

4 (I) the date on which discovery is
5 completed in accordance with sub-
6 paragraph (B); or

7 (II) the last day of the 30-day
8 period referred to under clause (i), if
9 a dispositive motion is filed;

10 (E) require that if a person does not hold
11 the patent which is the subject of a civil action
12 and is the prevailing party in the civil action,
13 the court shall order the nonprevailing party to
14 pay damages to the prevailing party;

15 (F) the damages payable to such persons
16 shall include—

17 (i) the costs resulting from the delay
18 caused by the civil action; and

19 (ii) lost profits from such delay; and

20 (G) provide that the prevailing party in a
21 civil action shall be entitled to recover reason-
22 able attorney's fees and court costs.

23 (4) PROCEDURES IN FEDERAL CIRCUIT
24 COURT.—No later than 60 days after the date of the
25 enactment of this Act, the United States Court of

1 Appeals for the Federal Circuit shall adopt proce-
2 dures to provide for expedited considerations of civil
3 actions brought under this Act.

4 **SEC. 1081. CLARIFICATION OF NATIONAL SECURITY SYS-**
5 **TEMS TO WHICH THE INFORMATION TECH-**
6 **NOLOGY MANAGEMENT REFORM ACT OF 1996**
7 **APPLIES.**

8 Section 5142(b) of the Information Technology Man-
9 agement Reform Act of 1996 (division E of Public Law
10 104–106; 110 Stat. 689; 40 U.S.C. 1452(b)) is amend-
11 ed—

12 (1) by striking out “(b) LIMITATION.—” and
13 inserting in lieu thereof “(b) LIMITATIONS.—(1)”;
14 and

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

16 “(2) Notwithstanding any other provision of this sec-
17 tion or any other provision of law, for the purposes of this
18 subtitle, a system that, in function, operation, or use, in-
19 volves the storage, processing, or forwarding of classified
20 information and is protected at all times by procedures
21 established for the handling of classified information shall
22 be considered as a national security system under the defi-
23 nition in subsection (a) only if the function, operation, or
24 use of the system—

1 “(A) involves activities described in paragraph
2 (1), (2), or (3) of subsection (a);

3 “(B) involves equipment described in paragraph
4 (4) of subsection (a); or

5 “(C) is critical to an objective described in
6 paragraph (5) of subsection (a) and is not excluded
7 by paragraph (1) of this subsection.”.

8 **SEC. 1082. SALE OF CHEMICALS USED TO MANUFACTURE**
9 **CONTROLLED SUBSTANCES BY FEDERAL DE-**
10 **PARTMENTS OR AGENCIES.**

11 A Federal department or agency may not sell from
12 the stocks of the department or agency any chemical
13 which, as determined by the Administrator of the Drug
14 Enforcement Agency, could be used in the manufacture
15 of a controlled substance as defined in section 102 of the
16 Controlled Substances Act (21 U.S.C. 802) unless the Ad-
17 ministrator certifies in writing to the head of the depart-
18 ment or agency that there is no reasonable cause to believe
19 that the sale of the chemical would result in the illegal
20 manufacture of a controlled substance.

21 **SEC. 1083. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT.**

22 (a) STATUS OF EXCESS AIRCRAFT.—Operational
23 support airlift aircraft excess to the requirements of the
24 Department of Defense shall be placed in an inactive sta-
25 tus and stored at Davis-Monthan Air Force Base, Arizona,

1 pending the completion of any study or analysis of the
2 costs and benefits of disposing of or operating such air-
3 craft that precedes a decision to dispose of or continue
4 to operate such aircraft.

5 (b) OPERATIONAL SUPPORT AIRLIFT AIRCRAFT DE-
6 FINED.—In this section, the term “operational support
7 airlift aircraft” has the meaning given such term in sec-
8 tion 1086(f) of the National Defense Authorization Act
9 for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
10 458).

11 **SEC. 1084. SENSE OF SENATE REGARDING BOSNIA AND**
12 **HERZEGOVINA.**

13 It is the sense of the Senate that, notwithstanding
14 any other provision of law, in order to maximize the
15 amount of equipment provided to the Government of
16 Bosnia and Herzegovina under the authority contained in
17 section 540 of the Foreign Operations Act of 1996 (Public
18 Law 104–107), the price of the transferred equipment
19 shall not exceed the lowest level at which the same or simi-
20 lar equipment has been transferred to any other country
21 under any other United States Government program.

1 **SEC. 1085. STRENGTHENING CERTAIN SANCTIONS AGAINST**
2 **NUCLEAR PROLIFERATION ACTIVITIES.**

3 (a) IN GENERAL.—Section 2(b)(4) of the Export-Im-
4 port Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amend-
5 ed—

6 (1) by inserting after “any country has willfully
7 aided or abetted” the following: “, or any person has
8 knowingly aided or abetted,”;

9 (2) by striking “or countries” and inserting “,
10 countries, person, or persons”;

11 (3) by inserting after “United States exports to
12 such country” the following: “or, in the case of any
13 such person, give approval to guarantee, insure, or
14 extend credit, or participate in the extension of cred-
15 it in support of, exports to or by any such person
16 for a 12-month period,”;

17 (4) by inserting “(A)” immediately after “(4)”;

18 (5) by inserting after “United States exports to
19 such country” the second place it appears the follow-
20 ing: “, except as provided in subparagraph (B),”;
21 and

22 (6) by adding at the end the following:

23 “(B) In the case of any country or person aiding or
24 abetting a non-nuclear-weapon state as described in sub-
25 paragraph (A), the prohibition on financing by the Bank
26 contained in the second sentence of that subparagraph

1 shall not apply to the country or person, as the case may
2 be, if the President determines and certifies in writing to
3 the Congress that—

4 “(i) reliable information indicates that the
5 country or person with respect to which the deter-
6 mination is made has ceased to aid or abet any non-
7 nuclear-weapon state to acquire any nuclear explo-
8 sive device or to acquire unsafeguarded special nu-
9 clear material; and

10 “(ii) the President has received reliable assur-
11 ances from the country or person that such country
12 or person will not, in the future, aid or abet any
13 non-nuclear-weapon state in its efforts to acquire
14 any nuclear explosive device or any unsafeguarded
15 special nuclear material.

16 “(C) For purposes of subparagraphs (A) and (B)—

17 “(i) the term ‘country’ has the meaning given
18 to ‘foreign state’ in section 1603(a) of title 28, Unit-
19 ed States Code;

20 “(ii) the term ‘knowingly’ is used within the
21 meaning of the term ‘knowing’ in section 104 of the
22 Foreign Corrupt Practices Act; and

23 “(iii) the term ‘person’ means a natural person
24 as well as a corporation, business association, part-
25 nership, society, trust, any other nongovernmental

1 entity, organization, or group, and any governmental
2 entity operating as a business enterprise, and any
3 successor of any such entity.”.

4 (b) EFFECTIVE DATE.—(1) The amendments made
5 by paragraphs (1) through (5) of subsection (a) shall
6 apply to persons, and the amendment made by subsection
7 (a)(6), shall apply to countries and persons, aiding or
8 abetting non-nuclear weapon states on or after June 29,
9 1994.

10 (2) Nothing in this section or the amendments made
11 by this section shall apply to obligations undertaken pur-
12 suant to guarantees, insurance, and the extension of cred-
13 its (and participation in the extension of credits) made be-
14 fore the date of enactment of this Act.

15 **SEC. 1086. TECHNICAL AMENDMENT.**

16 Paragraph (3) of section 8003(a) of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C.
18 7703(a)) is amended—

19 (1) by striking “2000 and such number equals
20 or exceeds 15” and inserting “1000 or such number
21 equals or exceeds 10”; and

22 (2) by inserting “, except that notwithstanding
23 any other provision of this title the Secretary shall
24 not make a payment computed under this paragraph
25 for a child described in subparagraph (F) or (G) of

1 paragraph (1) who is associated with Federal prop-
2 erty used for Department of Defense activities un-
3 less funds for such payment are made available to
4 the Secretary from funds available to the Secretary
5 of Defense” before the period.

6 **SEC. 1087. FACILITY FOR MILITARY DEPENDENT CHILDREN**
7 **WITH DISABILITIES, LACKLAND AIR FORCE**
8 **BASE, TEXAS.**

9 (a) FUNDING.—Of the amounts authorized to be ap-
10 propriated by this Act for the Department of the Air
11 Force, \$2,000,000 may be available for the construction
12 at Lackland Air Force Base, Texas, of a facility (and sup-
13 porting infrastructure) to provide comprehensive care and
14 rehabilitation services to children with disabilities who are
15 dependents of members of the Armed Forces.

16 (b) TRANSFER OF FUNDS.—Subject to subsection
17 (c), the Secretary of the Air Force may grant the funds
18 available under subsection (a) to the Children’s Associa-
19 tion for Maximum Potential (CAMP) for use by the asso-
20 ciation to defray the costs of designing and constructing
21 the facility referred to in subsection (a).

22 (c) LEASE OF FACILITY.—(1) The Secretary may not
23 make a grant of funds under subsection (b) until the Sec-
24 retary and the association enter into an agreement under

1 which the Secretary leases to the association the facility
2 to be constructed using the funds.

3 (2)(A) The term of the lease under paragraph (1)
4 may not be less than 25 years.

5 (B) As consideration for the lease of the facility, the
6 association shall assume responsibility for the operation
7 and maintenance of the facility, including the costs of such
8 operation and maintenance.

9 (3) The Secretary may require such additional terms
10 and conditions in connection with the lease as the Sec-
11 retary considers appropriate to protect the interests of the
12 United States.

13 **SEC. 1088. PROHIBITION ON THE DISTRIBUTION OF INFOR-**
14 **MATION RELATING TO EXPLOSIVE MATE-**
15 **RIALS FOR A CRIMINAL PURPOSE.**

16 (a) UNLAWFUL CONDUCT.—Section 842 of title 18,
17 United States Code, is amended by adding at the end the
18 following new subsection:

19 “(1) It shall be unlawful for any person to teach or
20 demonstrate the making of explosive materials, or to dis-
21 tribute by any means information pertaining to, in whole
22 or in part, the manufacture of explosive materials, if the
23 person intends or knows, that such explosive materials or
24 information will be used for, or in furtherance of, an activ-

1 ity that constitutes a Federal criminal offense or a crimi-
2 nal purpose affecting interstate commerce.”.

3 (b) PENALTY.—Section 844(a) of title 18, United
4 States Code, is amended—

5 (1) by striking “(a) Any person” and inserting
6 “(a)(1) Any person”; and

7 (2) by adding at the end the following:

8 “(2) Any person who violates subsection (1) of section
9 842 of this chapter shall be fined under this title, impris-
10 oned not more than 20 years, or both.”.

11 **SEC. 1089. EXEMPTION FOR SAVINGS INSTITUTIONS SERV-**
12 **ING MILITARY PERSONNEL.**

13 Section 10(m)(3)(F) of the Home Owners’ Loan Act
14 (12 U.S.C. 1467a(m)(3)(F)) is amended to read as fol-
15 lows:

16 “(F) EXEMPTION FOR SPECIALIZED SAV-
17 INGS ASSOCIATIONS SERVING CERTAIN MILI-
18 TARY PERSONNEL.—Subparagraph (A) does not
19 apply to a savings association subsidiary of a
20 savings and loan holding company if not less
21 than 90 percent of the customers of the savings
22 and loan holding company and the subsidiaries
23 and affiliates of such company are active or
24 former officers in the United States military
25 services or the widows, widowers, divorced

1 spouses, or current or former dependents of
2 such officers.”.

3 **Subtitle G—Review of Armed**
4 **Forces Force Structures**

5 **SEC. 1091. SHORT TITLE.**

6 This subtitle may be cited as the “Armed Forces
7 Force Structures Review Act of 1996”.

8 **SEC. 1092. FINDINGS.**

9 Congress makes the following findings:

10 (1) Since the collapse of the Soviet Union in
11 1991, the United States has conducted two substan-
12 tial assessments of the force structure of the Armed
13 Forces necessary to meet United States defense re-
14 quirements.

15 (2) The assessment by the Bush Administration
16 (known as the “Base Force” assessment) and the
17 assessment by the Clinton Administration (known as
18 the “Bottom-Up Review”) were intended to reassess
19 the force structure of the Armed Forces in light of
20 the changing realities of the post-Cold War world.

21 (3) Both assessments served an important pur-
22 pose in focusing attention on the need to reevaluate
23 the military posture of the United States, but the
24 pace of global change necessitates a new, com-
25 prehensive assessment of the defense strategy of the

1 United States and the force structure of the Armed
2 Forces required to meet the threats to the United
3 States in the 21st century.

4 (4) The Bottom-Up Review has been criticized
5 on several points, including—

6 (A) the assumptions underlying the strat-
7 egy of planning to fight and win two nearly si-
8 multaneous major regional conflicts;

9 (B) the force levels recommended to carry
10 out that strategy; and

11 (C) the funding proposed for such rec-
12 ommended force levels.

13 (5) In response to the recommendations of the
14 Commission on Roles and Missions of the Armed
15 Forces, the Secretary of Defense endorsed the con-
16 cept of conducting a quadrennial review of the de-
17 fense program at the beginning of each newly elected
18 Presidential administration, and the Secretary in-
19 tends to complete the first such review in 1997.

20 (6) The review is to involve a comprehensive ex-
21 amination of defense strategy, the force structure of
22 the active, guard, and reserve components, force
23 modernization plans, infrastructure, and other ele-
24 ments of the defense program and policies in order
25 to determine and express the defense strategy of the

1 United States and to establish a revised defense pro-
2 gram through the year 2005.

3 (7) In order to ensure that the force structure
4 of the Armed Forces is adequate to meet the chal-
5 lenges to the national security interests of the Unit-
6 ed States in the 21st century, to assist the Secretary
7 of Defense in conducting the review referred to in
8 paragraph (5), and to assess the appropriate force
9 structure of the Armed Forces through the year
10 2010 and beyond (if practicable), it is important to
11 provide for the conduct of an independent, non-par-
12 tisan review of the force structure that is more com-
13 prehensive than prior assessments of the force struc-
14 ture, extends beyond the quadrennial defense review,
15 and explores innovative and forward-thinking ways
16 of meeting such challenges.

17 **SEC. 1093. QUADRENNIAL DEFENSE REVIEW.**

18 (a) REQUIREMENT IN 1997.—The Secretary of De-
19 fense, in consultation with the Chairman of the Joint
20 Chiefs of Staff, shall complete in 1997 a review of the
21 defense program of the United States intended to satisfy
22 the requirements for a Quadrennial Defense Review as
23 identified in the recommendations of the Commission on
24 Roles and Missions of the Armed Forces. The review shall
25 include a comprehensive examination of the defense strat-

1 egy, force structure, force modernization plans, infrastruc-
2 ture, and other elements of the defense program and poli-
3 cies with a view toward determining and expressing the
4 defense strategy of the United States and establishing a
5 revised defense program through the year 2005.

6 (b) INVOLVEMENT OF NATIONAL DEFENSE
7 PANEL.—(1) The Secretary shall apprise the National De-
8 fense Panel established under section 1084, on an on-
9 going basis, of the work undertaken in the conduct of the
10 review.

11 (2) Not later than March 14, 1997, the Chairman
12 of the National Defense Panel shall submit to the Sec-
13 retary the Panel's assessment of work undertaken in the
14 conduct of the review as of that date and shall include
15 in the assessment the recommendations of the Panel for
16 improvements to the review, including recommendations
17 for additional matters to be covered in the review.

18 (c) ASSESSMENTS OF REVIEW.—Upon completion of
19 the review, the Chairman of the Joint Chiefs of Staff and
20 the Chairman of the National Defense Panel shall each
21 prepare and submit to the Secretary such chairman's as-
22 sessment of the review in time for the inclusion of the as-
23 sessment in its entirety in the report under subsection (d).

24 (d) REPORT.—Not later than May 15, 1997, the Sec-
25 retary shall submit to the Committee on Armed Services

1 of the Senate and the Committee on National Security of
2 the House of Representatives a comprehensive report on
3 the review. The report shall include the following:

4 (1) The results of the review, including a com-
5 prehensive discussion of the defense strategy of the
6 United States and the force structure best suited to
7 implement the strategy.

8 (2) The threats examined for purposes of the
9 review and the scenarios developed in the examina-
10 tion of such threats.

11 (3) The assumptions used in the review, includ-
12 ing assumptions relating to the cooperation of allies
13 and mission-sharing, levels of acceptable risk, warn-
14 ing times, and intensity and duration of conflict.

15 (4) The effect on the force structure of prepara-
16 tions for and participation in peace operations and
17 military operations other than war.

18 (5) The effect on the force structure of the uti-
19 lization by the Armed Forces of technologies antici-
20 pated to be available by the year 2005, including
21 precision guided munitions, stealth, night vision,
22 digitization, and communications, and the changes
23 in doctrine and operational concepts that would re-
24 sult from the utilization of such technologies.

1 (6) The manpower and sustainment policies re-
2 quired under the defense strategy to support engage-
3 ment in conflicts lasting more than 120 days.

4 (7) The anticipated roles and missions of the
5 reserve components in the defense strategy and the
6 strength, capabilities, and equipment necessary to
7 assure that the reserve components can capably dis-
8 charge such roles and missions.

9 (8) The appropriate ratio of combat forces to
10 support forces (commonly referred to as the “tooth-
11 to-tail” ratio) under the defense strategy, including,
12 in particular, the appropriate number and size of
13 headquarter units and Defense Agencies for that
14 purpose.

15 (9) The air-lift and sea-lift capabilities required
16 to support the defense strategy.

17 (10) The forward presence, pre-positioning, and
18 other anticipatory deployments necessary under the
19 defense strategy for conflict deterrence and adequate
20 military response to anticipated conflicts.

21 (11) The extent to which resources must be
22 shifted among two or more theaters under the de-
23 fense strategy in the event of conflict in such thea-
24 ters.

1 (12) The advisability of revisions to the Unified
2 Command Plan as a result of the defense strategy.

3 **SEC. 1094. NATIONAL DEFENSE PANEL.**

4 (a) ESTABLISHMENT.—Not later than December 1,
5 1996, the Secretary of Defense shall establish a non-par-
6 tisan, independent panel to be known as the National De-
7 fense Panel (in this section referred to as the “Panel”).
8 The Panel shall have the duties set forth in this section.

9 (b) MEMBERSHIP.—The Panel shall be composed of
10 a chairman and eight other individuals appointed by the
11 Secretary, in consultation with the Chairman and ranking
12 member of the Committee on Armed Services of the Sen-
13 ate and the Chairman and ranking member of the Com-
14 mittee on National Security of the House of Representa-
15 tives, from among individuals in the private sector who
16 are recognized experts in matters relating to the national
17 security of the United States.

18 (c) DUTIES.—The Panel shall—

19 (1) conduct and submit to the Secretary the as-
20 sessment of the review under section 1083 that is re-
21 quired by subsection (b)(2) of that section;

22 (2) conduct and submit to the Secretary the
23 comprehensive assessment of the review that is re-
24 quired by subsection (c) of that section upon comple-
25 tion of the review; and

1 (3) conduct the assessment of alternative force
2 structures for the Armed Forces required under sub-
3 section (d).

4 (d) ALTERNATIVE FORCE STRUCTURE ASSESS-
5 MENT.—(1) The Panel shall submit to the Secretary an
6 independent assessment of a variety of possible force
7 structures of the Armed Forces through the year 2010
8 and beyond, including the force structure identified in the
9 report on the review under section 1083(d). The purpose
10 of the assessment is to develop proposals for an “above
11 the line” force structure of the Armed Forces and to pro-
12 vide the Secretary and Congress recommendations regard-
13 ing the optimal force structure to meet anticipated threats
14 to the national security of the United States through the
15 time covered by the assessment.

16 (2) In conducting the assessment, the Panel shall ex-
17 amine a variety of potential threats (including near-term
18 threats and long-term threats) to the national security in-
19 terests of the United States, including the following:

20 (A) Conventional threats across a spectrum of
21 conflicts.

22 (B) The proliferation of weapons of mass de-
23 struction and the means of delivering such weapons,
24 and the illicit transfer of technology relating to such
25 weapons.

1 (C) The vulnerability of United States tech-
2 nology to non-traditional threats, including informa-
3 tion warfare.

4 (D) Domestic and international terrorism.

5 (E) The emergence of a major challenger hav-
6 ing military capabilities similar to those of the Unit-
7 ed States.

8 (F) Any other significant threat, or combination
9 of threats, identified by the Panel.

10 (3) For purposes of the assessment, the Panel shall
11 develop a variety of scenarios requiring a military response
12 by the Armed Forces, including the following:

13 (A) Scenarios developed in light of the threats
14 examined under paragraph (2).

15 (B) Scenarios developed in light of a continuum
16 of conflicts ranging from a conflict of lesser mag-
17 nitude than the conflict described in the Bottom-Up
18 Review to a conflict of greater magnitude than the
19 conflict so described.

20 (4) As part of the assessment, the Panel shall also—

21 (A) develop recommendations regarding a vari-
22 ety of force structures for the Armed Forces that
23 permit the forward deployment of sufficient land-
24 and sea-based forces to provide an effective deter-
25 rent to conflict and to permit a military response by

1 the United States to the scenarios developed under
2 paragraph (3);

3 (B) to the extent practicable, estimate the fund-
4 ing required by fiscal year, in constant fiscal year
5 1997 dollars, to organize, equip, and support the
6 forces contemplated under the force structures as-
7 sessed in the assessment; and

8 (C) comment on each of the matters also to be
9 included by the Secretary in the report required by
10 section 1083(d).

11 (e) REPORT.—(1) Not later than December 1, 1997,
12 the Panel shall submit to the Secretary a report setting
13 forth the activities, findings and recommendations of the
14 Panel under subsection (d), including any recommenda-
15 tions for legislation that the Panel considers appropriate.

16 (2) Not later than December 15, 1997, the Secretary
17 shall, after consultation with the Chairman of the Joint
18 Chiefs of Staff, submit to the committees referred to in
19 subsection (b)(1) a copy of the report under paragraph
20 (1), together with the Secretary's comments on the report.

21 (f) INFORMATION FROM FEDERAL AGENCIES.—The
22 Panel may secure directly from the Department of De-
23 fense and any of its components and from any other Fed-
24 eral department and agency such information as the Panel
25 considers necessary to carry out its duties under this sec-

1 tion. The head of the department or agency concerned
2 shall ensure that information requested by the Panel
3 under this subsection is promptly provided.

4 (g) PERSONNEL MATTERS.—(1) Each member of the
5 Panel shall be compensated at a rate equal to the daily
6 equivalent of the annual rate of basic pay prescribed for
7 level IV of the Executive Schedule under section 5315 of
8 title 5, United States Code, for each day (including travel
9 time) during which such member is engaged in the per-
10 formance of the duties of the Panel.

11 (2) The members of the Panel shall be allowed travel
12 expenses, including per diem in lieu of subsistence, at
13 rates authorized for employees of agencies under sub-
14 chapter I of chapter 57 of title 5, United States Code,
15 while away from their homes or regular places of business
16 in the performance of services for the Panel.

17 (3)(A) The chairman of the Panel may, without re-
18 gard to the civil service laws and regulations, appoint and
19 terminate an executive director, and a staff of not more
20 than four additional individuals, if the Panel determines
21 that an executive director and staff are necessary in order
22 for the Panel to perform its duties effectively. The employ-
23 ment of an executive director shall be subject to confirma-
24 tion by the Panel.

1 (B) The chairman may fix the compensation of the
2 executive director without regard to the provisions of
3 chapter 51 and subchapter III of chapter 53 of title 5,
4 United States Code, relating to classification of positions
5 and General Schedule pay rates, except that the rate of
6 pay for the executive director may not exceed the rate pay-
7 able for level V of the Executive Schedule under section
8 5316 of such title.

9 (4) Any Federal Government employee may be de-
10 tailed to the Panel without reimbursement, and such detail
11 shall be without interruption or loss of civil service status
12 or privilege. The Secretary shall ensure that sufficient per-
13 sonnel are detailed to the Panel to enable the Panel to
14 carry out its duties effectively.

15 (5) To the maximum extent practicable, the members
16 and employees of the Panel shall travel on military air-
17 craft, military ships, military vehicles, or other military
18 conveyances when travel is necessary in the performance
19 of a duty of the Panel, except that no such aircraft, ship,
20 vehicle, or other conveyance may be scheduled primarily
21 for the transportation of any such member or employee
22 when the cost of commercial transportation is less expen-
23 sive.

24 (h) ADMINISTRATIVE PROVISIONS.—(1) The Panel
25 may use the United States mails and obtain printing and

1 binding services in the same manner and under the same
2 conditions as other departments and agencies of the Fed-
3 eral Government.

4 (2) The Secretary shall furnish the Panel any admin-
5 istrative and support services requested by the Panel.

6 (3) The Panel may accept, use, and dispose of gifts
7 or donations of services or property.

8 (i) **PAYMENT OF PANEL EXPENSES.**—The compensa-
9 tion, travel expenses, and per diem allowances of members
10 and employees of the Panel shall be paid out of funds
11 available to the Department of Defense for the payment
12 of compensation, travel allowances, and per diem allow-
13 ances, respectively, of civilian employees of the Depart-
14 ment. The other expenses of the Panel shall be paid out
15 of funds available to the Department for the payment of
16 similar expenses incurred by the Department.

17 (j) **TERMINATION.**—The Panel shall terminate 30
18 days after the date on which the Panel submits its report
19 to the Secretary under subsection (e).

20 **SEC. 1095. POSTPONEMENT OF DEADLINES.**

21 In the event that the election of President of the
22 United States in 1996 results in a change in administra-
23 tions, each deadline set forth in this subtitle shall be post-
24 poned by 3 months.

1 **SEC. 1096. DEFINITIONS.**

2 In this subtitle:

3 (1) The term “‘above the line’ force structure
4 of the Armed Forces” means a force structure (in-
5 cluding numbers, strengths, and composition and
6 major items of equipment) for the Armed Forces at
7 the following unit levels:

8 (A) In the case of the Army, the division.

9 (B) In the case of the Navy, the battle
10 group.

11 (C) In the case of the Air Force, the wing.

12 (D) In the case of the Marine Corps, the
13 expeditionary force.

14 (E) In the case of special operations forces
15 of the Army, Navy, or Air Force, the major op-
16 erating unit.

17 (F) In the case of the strategic forces, the
18 ballistic missile submarine fleet, the heavy
19 bomber force, and the intercontinental ballistic
20 missile force.

21 (2) The term “Commission on Roles and Mis-
22 sions of the Armed Forces” means the Commission
23 on Roles and Missions of the Armed Forces estab-
24 lished by subtitle E of title IX of the National De-
25 fense Authorization Act for Fiscal Year 1994 (Pub-

1 lic Law 103–160; 107 Stat. 1738; 10 U.S.C. 111
2 note).

3 (3) The term “military operation other than
4 war” means any operation other than war that re-
5 quires the utilization of the military capabilities of
6 the Armed Forces, including peace operations, hu-
7 manitarian assistance operations and activities,
8 counter-terrorism operations and activities, disaster
9 relief activities, and counter-drug operations and ac-
10 tivities.

11 (4) The term “peace operations” means mili-
12 tary operations in support of diplomatic efforts to
13 reach long-term political settlements of conflicts and
14 includes peacekeeping operations and peace enforce-
15 ment operations.

16 **TITLE XI—DEPARTMENT OF**
17 **DEFENSE CIVILIAN PERSONNEL**

18 **Subtitle A—Personnel**
19 **Management, Pay, and Allowances**

20 **SEC. 1101. SCOPE OF REQUIREMENT FOR CONVERSION OF**
21 **MILITARY POSITIONS TO CIVILIAN POSI-**
22 **TIONS.**

23 Section 1032(a) of the National Defense Authoriza-
24 tion Act for Fiscal Year 1996 (Public Law 104–106; 110
25 Stat. 429; 10 U.S.C. 129a note) is amended—

1 (1) by striking out the text of paragraph (1)
2 and inserting in lieu thereof the following: “By Sep-
3 tember 30, 1996, the Secretary of Defense shall con-
4 vert at least 3,000 military positions to civilian posi-
5 tions.”;

6 (2) by striking out paragraph (2); and

7 (3) by redesignating paragraph (3) as para-
8 graph (2).

9 **SEC. 1102. RETENTION OF CIVILIAN EMPLOYEE POSITIONS**

10 **AT MILITARY TRAINING BASES TRANS-**
11 **FERRED TO NATIONAL GUARD.**

12 (a) **MILITARY TRAINING INSTALLATIONS AF-**
13 **FECTED.**—This section applies with respect to each mili-
14 tary training installation that—

15 (1) was approved for closure in 1995 under the
16 Defense Base Closure and Realignment Act of 1990
17 (part A of title XXIX of Public Law 101–510; 10
18 U.S.C. 2687 note);

19 (2) is scheduled for transfer to National Guard
20 operation and control; and

21 (3) will continue to be used, after such transfer,
22 to provide training support to active and reserve
23 components of the Armed Forces.

24 (b) **RETENTION OF EMPLOYEE POSITIONS.**—In the
25 case of a military training installation described in sub-

1 section (a), the Secretary of Defense may retain civilian
2 employee positions of the Department of Defense at the
3 installation after transfer to the National Guard of a State
4 in order to facilitate active and reserve component training
5 at the installation. The Secretary, in consultation with the
6 Adjutant General of the National Guard of that State,
7 shall determine the extent to which positions at that in-
8 stallation are to be retained as positions in the Depart-
9 ment of Defense.

10 (c) MAXIMUM NUMBER OF POSITIONS RETAINED.—

11 The maximum number of civilian employee positions re-
12 tained at an installation under this section shall not exceed
13 20 percent of the Federal civilian workforce employed at
14 the installation as of September 8, 1995.

15 (d) REMOVAL OF POSITION.—The decision to retain

16 civilian employee positions at an installation under this
17 section shall cease to apply to a position so retained on
18 the date on which the Secretary certifies to Congress that
19 it is no longer necessary to retain the position in order
20 to ensure that effective support is provided at the installa-
21 tion for active and reserve component training.

1 **SEC. 1103. CLARIFICATION OF LIMITATION ON FURNISHING**
2 **CLOTHING OR PAYING A UNIFORM ALLOW-**
3 **ANCE TO ENLISTED NATIONAL GUARD TECH-**
4 **NICIANS.**

5 Section 418(c) of title 37, United States Code, is
6 amended by striking out “for which a uniform allowance
7 is paid under section 415 or 416 of this title” and insert-
8 ing in lieu thereof “for which clothing is furnished or a
9 uniform allowance is paid under this section”.

10 **SEC. 1104. TRAVEL EXPENSES AND HEALTH CARE FOR CI-**
11 **VILIAN EMPLOYEES OF THE DEPARTMENT OF**
12 **DEFENSE ABROAD.**

13 (a) IN GENERAL.—Chapter 81 of title 10, United
14 States Code, is amended by adding at the end the follow-
15 ing new section:

16 **“§ 1599b. Employees abroad: travel expenses; health**
17 **care**

18 “(a) IN GENERAL.—The Secretary of Defense may
19 provide civilian employees, and members of their families,
20 abroad with benefits that are comparable to certain bene-
21 fits that are provided by the Secretary of State to mem-
22 bers of the Foreign Service and their families abroad as
23 described in subsections (b) and (c). The Secretary may
24 designate the employees and members of families who are
25 eligible to receive the benefits.

1 “(b) TRAVEL AND RELATED EXPENSES.—The Sec-
2 retary of Defense may pay travel expenses and related ex-
3 penses for purposes and in amounts that are comparable
4 to the purposes for which, and the amounts in which, trav-
5 el and related expenses are paid by the Secretary of State
6 under section 901 of the Foreign Service Act of 1980 (22
7 U.S.C. 4081).

8 “(c) HEALTH CARE PROGRAM.—The Secretary of
9 Defense may establish a health care program that is com-
10 parable to the health care program established by the Sec-
11 retary of State under section 904 of that Act (22 U.S.C.
12 4084).

13 “(d) ASSISTANCE.—The Secretary of Defense may
14 enter into agreements with the heads of other departments
15 and agencies of the Federal Government in order to facili-
16 tate the payment of expenses authorized by subsection (b)
17 and to carry out a health care program authorized by sub-
18 section (c).

19 “(e) ABROAD DEFINED.—In this section, the term
20 ‘abroad’ means outside—

21 “(1) the United States; and

22 “(2) the territories and possessions of the Unit-
23 ed States.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter is amended by inserting

1 after the item relating to section 1599a the following new
2 item:

“1599b. Employees abroad: travel expenses; health care.”.

3 **SEC. 1105. TRAVEL, TRANSPORTATION, AND RELOCATION**
4 **ALLOWANCES FOR CERTAIN FORMER NON-**
5 **APPROPRIATED FUND EMPLOYEES.**

6 (a) IN GENERAL.—(1) Subchapter II of chapter 57
7 of title 5, United States Code, is amended by adding at
8 the end the following new section:

9 **“§ 5736. Travel, transportation, and relocation ex-**
10 **penses of certain nonappropriated fund**
11 **employees**

12 “An employee of a nonappropriated fund instrumen-
13 tality of the Department of Defense or the Coast Guard
14 described in section 2105(e) of this title who moves, with-
15 out a break in service of more than 3 days, to a position
16 in the Department of Defense or the Coast Guard, respec-
17 tively, may be authorized travel, transportation, and relo-
18 cation expenses and allowances under the same conditions
19 and to the same extent authorized by this subchapter for
20 transferred employees.”.

21 (2) The table of sections at the beginning of chapter
22 57 of such title is amended by inserting after the item
23 relating to section 5735 the following new item:

“5736. Travel, transportation, and relocation expenses of certain nonappro-
priated fund employees.”.

1 (b) APPLICABILITY.—Section 5736 of title 5, United
2 States Code (as added by subsection (a)(1)), shall apply
3 to moves between positions as described in such section
4 that are effective on or after October 1, 1996.

5 **SEC. 1106. EMPLOYMENT AND SALARY PRACTICES APPLI-**
6 **CABLE TO DEPARTMENT OF DEFENSE OVER-**
7 **SEAS TEACHERS.**

8 (a) EXPANSION OF SCOPE OF EDUCATORS COV-
9 ERED.—Section 2 of the Defense Department Overseas
10 Teachers Pay and Personnel Practices Act (20 U.S.C.
11 901) is amended—

12 (1) in subparagraph (A) of paragraph (1), by
13 inserting “, or are performed by an individual who
14 carried out certain teaching activities identified in
15 regulations prescribed by the Secretary of Defense”
16 after “Defense,”; and

17 (2) by striking out subparagraph (C) of para-
18 graph (2) and inserting in lieu thereof the following:

19 “(C) who is employed in a teaching posi-
20 tion described in paragraph (1).”.

21 (b) TRANSFER OF RESPONSIBILITY FOR EMPLOY-
22 MENT AND SALARY PRACTICES.—Section 5 of such Act
23 (20 U.S.C. 903) is amended—

24 (1) in subsection (a)—

1 (A) by striking out “secretary of each mili-
2 tary department in the Department of Defense”
3 and inserting in lieu thereof “Secretary of De-
4 fense”; and

5 (B) by striking out “his military depart-
6 ment” and inserting in lieu thereof “the De-
7 partment of Defense”;

8 (2) in subsection (b)—

9 (A) in the matter preceding paragraph (1),
10 by striking out “secretary of each military de-
11 partment—” and inserting in lieu thereof “Sec-
12 retary of Defense—”; and

13 (B) in paragraph (1), by striking out “his
14 military department,” and inserting in lieu
15 thereof “the Department of Defense”;

16 (3) in subsection (c)—

17 (A) by striking out “Secretary of each
18 military department” and inserting in lieu
19 thereof “Secretary of Defense”; and

20 (B) by striking out “his military depart-
21 ment” and inserting in lieu thereof “the De-
22 partment of Defense”; and

23 (4) in subsection (d), by striking out “Secretary
24 of each military department” and inserting in lieu
25 thereof “Secretary of Defense”.

1 **SEC. 1107. EMPLOYMENT AND COMPENSATION OF CIVILIAN**
2 **FACULTY MEMBERS AT CERTAIN DEPART-**
3 **MENT OF DEFENSE SCHOOLS.**

4 (a) FACULTIES.—Section 1595(c) of title 10, United
5 States Code, is amended by inserting after paragraph (3)
6 the following new paragraph (4):

7 “(4) The English Language Center of the De-
8 fense Language Institute.

9 “(5) The Asia-Pacific Center for Security Stud-
10 ies.”.

11 (b) CERTAIN ADMINISTRATORS.—Such section 1595
12 is amended by adding at the end the following:

13 “(f) APPLICATION TO DIRECTOR AND DEPUTY DI-
14 RECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUD-
15 IES.—In the case of the Asia-Pacific Center for Security
16 Studies, this section also applies with respect to the Direc-
17 tor and the Deputy Director.”.

18 **SEC. 1108. REIMBURSEMENT OF DEPARTMENT OF DEFENSE**
19 **DOMESTIC DEPENDENT SCHOOL BOARD**
20 **MEMBERS FOR CERTAIN EXPENSES.**

21 Section 2164(d) of title 10, United States Code, is
22 amended by adding at the end the following:

23 “(7) The Secretary may provide for reimbursement
24 of a school board member for expenses incurred by the
25 member for travel, transportation, program fees, and ac-
26 tivity fees that the Secretary determines are reasonable

1 **SEC. 1111. LIQUIDATION OF RESTORED ANNUAL LEAVE**
2 **THAT REMAINS UNUSED UPON TRANSFER OF**
3 **EMPLOYEE FROM INSTALLATION BEING**
4 **CLOSED OR REALIGNED.**

5 (a) LUMP-SUM PAYMENT REQUIRED.—Section 5551
6 of title 5, United States Code, is amended by adding at
7 the end the following new subsection:

8 “(c)(1) Annual leave that is restored to an employee
9 of the Department of Defense under section 6304(d) of
10 this title by reason of the operation of paragraph (3) of
11 such section and remains unused upon the transfer of the
12 employee to a position described in paragraph (2) shall
13 be liquidated by payment of a lump-sum for such leave
14 to the employee upon the transfer.

15 “(2) A position referred to in paragraph (1) is a posi-
16 tion in a department or agency of the Federal Government
17 outside the Department of Defense or a Department of
18 Defense position that is not located at a Department of
19 Defense installation being closed or realigned as described
20 in section 6304(d)(3) of this title.”.

21 (b) APPLICABILITY.—Subsection (c) of section 5551
22 of title 5, United States Code (as added by subsection (a)),
23 shall apply with respect to transfers described in such sub-
24 section (c) that take effect on or after the date of the en-
25 actment of this Act.

1 **SEC. 1112. WAIVER OF REQUIREMENT FOR REPAYMENT OF**
2 **VOLUNTARY SEPARATION INCENTIVE PAY BY**
3 **FORMER DEPARTMENT OF DEFENSE EM-**
4 **PLOYEES REEMPLOYED BY THE GOVERN-**
5 **MENT WITHOUT PAY.**

6 Section 5597(g) of title 5, United States Code, is
7 amended by adding at the end the following new para-
8 graph:

9 “(5) If the employment is without compensation, the
10 appointing official may waive the repayment.”.

11 **SEC. 1113. FEDERAL HOLIDAY OBSERVANCE RULES FOR**
12 **DEPARTMENT OF DEFENSE EMPLOYEES.**

13 (a) HOLIDAYS OCCURRING ON NONWORKDAYS.—
14 Section 6103(b) of title 5, United States Code, is amended
15 by inserting after paragraph (2) the following new para-
16 graph:

17 “(3) In the case of a full-time employee of the
18 Department of Defense, the following rules apply:

19 “(A) When a legal public holiday occurs on
20 a Sunday that is not a regular weekly workday
21 for an employee, the employee’s next workday is
22 the legal public holiday for the employee.

23 “(B) When a legal public holiday occurs on
24 a regular weekly nonworkday that is adminis-
25 tratively scheduled for an employee instead of

1 Sunday, the employee's next workday is the
2 legal public holiday for the employee.

3 “(C) When a legal public holiday occurs on
4 an employee's regular weekly nonworkday im-
5 mediately following a regular weekly nonwork-
6 day that is administratively scheduled for the
7 employee instead of Sunday, the employee's
8 next workday is the legal public holiday for the
9 employee.

10 “(D) When a legal public holiday occurs on
11 an employee's regular weekly nonworkday that
12 is not a nonworkday referred to in subpara-
13 graph (A), (B), or (C), the employee's preced-
14 ing workday is the legal public holiday for the
15 employee.

16 “(E) The Secretary concerned (as defined
17 in section 101(a) of title 10) may schedule a
18 legal public holiday for an employee to be on a
19 different day than the one that would otherwise
20 apply for the employee under subparagraph (A),
21 (B), (C), or (D).

22 “(F) If a legal public holiday for an em-
23 ployee would be different under paragraph (1)
24 or (2) than the day determined under this para-
25 graph, the legal public holiday for the employee

1 shall be the day that is determined under this
2 paragraph.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
4 Section 6103(b) of such title, as amended by subsection
5 (a), is further amended—

6 (1) in paragraph (1), by striking out “legal
7 public holiday for—” and all that follows through
8 the period and inserting in lieu thereof “legal public
9 holiday for employees whose basic workweek is Mon-
10 day through Friday.”; and

11 (2) in the matter following paragraph (3), by
12 striking out “This subsection, except subparagraph
13 (B) of paragraph (1),” and inserting in lieu thereof
14 “Paragraphs (1) and (2)”.

15 **SEC. 1114. REVISION OF CERTAIN TRAVEL MANAGEMENT**
16 **AUTHORITIES.**

17 (a) **REPEAL OF REQUIREMENTS RELATING TO FIRE-**
18 **SAFE ACCOMMODATIONS.**—(1) Section 5707 of title 5,
19 United States Code, is amended by striking out subsection
20 (d).

21 (2) Subsection (b) of section 5 of the Hotel and Motel
22 Fire Safety Act of 1990 (Public Law 101–391; 104 Stat.
23 751; 5 U.S.C. 5707 note) is repealed.

24 (b) **REPEAL OF PROHIBITION ON PAYMENT OF**
25 **LODGING EXPENSES OF DEPARTMENT OF DEFENSE EM-**

1 (2) The Secretary of Defense shall select the installa-
2 tions to be covered by a pilot program under this section.

3 (b) ELIGIBLE TRANSFERRED EMPLOYEES.—(1) A
4 person is a transferred employee eligible for benefits under
5 this section if the person is a former employee of the De-
6 partment of Defense (other than a temporary employee)
7 who—

8 (A) while employed by the Department of De-
9 fense in a function recommended to be privatized as
10 part of the closure and realignment of military in-
11 stallations pursuant to section 2903(e) of the De-
12 fense Base Closure and Realignment Act of 1990
13 (title XXIX of Public Law 101–510; 10 U.S.C. 2687
14 note) and while covered under the Civil Service Re-
15 tirement System, separated from Federal service
16 after being notified that the employee would be sepa-
17 rated in a reduction-in-force resulting from conver-
18 sion from performance of a function by Department
19 of Defense employees at that military installation to
20 performance of that function by a defense contractor
21 at that installation or in the vicinity of that installa-
22 tion;

23 (B) is employed by the defense contractor with-
24 in 60 days following such separation to perform sub-

1 stantially the same function performed before the
2 separation;

3 (C) remains employed by the defense contractor
4 (or a successor defense contractor) or subcontractor
5 of the defense contractor (or successor defense con-
6 tractor) until attaining early deferred retirement age
7 (unless the employment is sooner involuntarily ter-
8 minated for reasons other than performance or con-
9 duct of the employee);

10 (D) at the time separated from Federal service,
11 was not eligible for an immediate annuity under the
12 Civil Service Retirement System; and

13 (E) does not withdraw retirement contributions
14 under section 8342 of title 5, United States Code.

15 (2) A person who, under paragraph (1), would other-
16 wise be eligible for an early deferred annuity under this
17 section shall not be eligible for such benefits if the person
18 received separation pay or severance pay due to a separa-
19 tion described in subparagraph (A) of that paragraph un-
20 less the person repays the full amount of such pay with
21 interest (computed at a rate determined appropriate by
22 the Director of the Office of Personnel Management) to
23 the Department of Defense before attaining early deferred
24 retirement age.

1 (c) RETIREMENT BENEFITS OF TRANSFERRED EM-
2 PLOYEES.—In the case of a transferred employee covered
3 by a pilot program under this section, payment of a de-
4 ferred annuity for which the transferred employee is eligi-
5 ble under section 8338(a) of title 5, United States Code,
6 shall commence on the first day of the first month that
7 begins after the date on which the transferred employee
8 attains early deferred retirement age, notwithstanding the
9 age requirement under that section.

10 (d) COMPUTATION OF AVERAGE PAY.—(1)(A) This
11 paragraph applies to a transferred employee who was em-
12 ployed in a position classified under the General Schedule
13 immediately before the employee's covered separation from
14 Federal service.

15 (B) Subject to subparagraph (C), for purposes of
16 computing the deferred annuity for a transferred employee
17 referred to in subparagraph (A), the average pay of the
18 transferred employee, computed under section 8331(4) of
19 title 5, United States Code, as of the date of the employ-
20 ee's covered separation from Federal service, shall be ad-
21 justed at the same time and by the same percentage that
22 rates of basic pay are increased under section 5303 of
23 such title during the period beginning on that date and
24 ending on the date on which the transferred employee at-
25 tains early deferred retirement age.

1 (C) The average pay of a transferred employee, as
2 adjusted under subparagraph (B), may not exceed the
3 amount to which an annuity of the transferred employee
4 could be increased under section 8340 of title 5, United
5 States Code, in accordance with the limitation in sub-
6 section (g)(1) of such section (relating to maximum pay,
7 final pay, or average pay).

8 (2)(A) This paragraph applies to a transferred em-
9 ployee who was a prevailing rate employee (as defined
10 under section 5342(2) of title 5, United States Code) im-
11 mediately before the employee's covered separation from
12 Federal service.

13 (B) For purposes of computing the deferred annuity
14 for a transferred employee referred to in subparagraph
15 (A), the average pay of the transferred employee, com-
16 puted under section 8331(4) of title 5, United States
17 Code, as of the date of the employee's covered separation
18 from Federal service, shall be adjusted at the same time
19 and by the same percentage that pay rates for positions
20 that are in the same area as, and are comparable to, the
21 last position the transferred employee held as a prevailing
22 rate employee, are increased under section 5343(a) of such
23 title during the period beginning on that date and ending
24 on the date on which the transferred employee attains
25 early deferred retirement age.

1 (e) PAYMENT OF UNFUNDED LIABILITY.—(1) The
2 military department concerned shall be liable for that por-
3 tion of any estimated increase in the unfunded liability
4 of the Civil Service Retirement and Disability Fund estab-
5 lished under section 8348 of title 5, United States Code,
6 which is attributable to any benefits payable from such
7 Fund to a transferred employee, and any survivor of a
8 transferred employee, when the increase results from—

9 (A) an increase in the average pay of the trans-
10 ferred employee under subsection (d) upon which
11 such benefits are computed; and

12 (B) the commencement of an early deferred an-
13 nuity in accordance with this section before the at-
14 tainment of 62 years of age by the transferred em-
15 ployee.

16 (2) The estimated increase in the unfunded liability
17 for each department referred to in paragraph (1), shall
18 be determined by the Director of the Office of Personnel
19 Management. In making the determination, the Director
20 shall consider any savings to the Fund as a result of the
21 program established under this section. The Secretary of
22 the military department concerned shall pay the amount
23 so determined to the Director in 10 equal annual install-
24 ments with interest computed at the rate used in the most
25 recent valuation of the Civil Service Retirement System,

1 with the first payment thereof due at the end of the fiscal
2 year in which an increase in average pay under subsection
3 (d) becomes effective.

4 (f) CONTRACTOR SERVICE NOT CREDITABLE.—Serv-
5 ice performed by a transferred employee for a defense con-
6 tractor after the employee's covered separation from Fed-
7 eral service is not creditable service for purposes of sub-
8 chapter III of chapter 83 of title 5, United States Code.

9 (g) RECEIPT OF BENEFITS WHILE EMPLOYED BY A
10 DEFENSE CONTRACTOR.—A transferred employee may
11 commence receipt of an early deferred annuity in accord-
12 ance with this section while continuing to work for a de-
13 fense contractor.

14 (h) LUMP-SUM CREDIT PAYMENT.—If a transferred
15 employee dies before attaining early deferred retirement
16 age, such employee shall be treated as a former employee
17 who dies not retired for purposes of payment of the lump-
18 sum credit under section 8342(d) of title 5, United States
19 Code.

20 (i) CONTINUED FEDERAL HEALTH BENEFITS COV-
21 ERAGE.—Notwithstanding section 5905a(e)(1)(A) of title
22 5, United States Code, the continued coverage of a trans-
23 ferred employee for health benefits under chapter 89 of
24 such title by reason of the application of section 8905a
25 of such title to such employee shall terminate 90 days

1 after the date of the employee's covered separation from
2 Federal employment. For the purposes of the preceding
3 sentence, a person who, except for subsection (b)(2),
4 would be a transferred employee shall be considered a
5 transferred employee.

6 (j) REPORT BY GAO.—The Comptroller General of
7 the United States shall conduct a study of each pilot pro-
8 gram, if any, established under this section and submit
9 a report on the pilot program to Congress not later than
10 two years after the date on which the program is estab-
11 lished. The report shall contain the following:

12 (1) A review and evaluation of the program, in-
13 cluding—

14 (A) an evaluation of the success of the pri-
15 vatization outcomes of the program;

16 (B) a comparison and evaluation of such
17 privatization outcomes with the privatization
18 outcomes with respect to facilities at other mili-
19 tary installations closed or realigned under the
20 base closure laws;

21 (C) an evaluation of the impact of the pro-
22 gram on the Federal workforce and whether the
23 program results in the maintenance of a skilled
24 workforce for defense contractors at an accept-

1 able cost to the military department concerned;
2 and

3 (D) an assessment of the extent to which
4 the pilot program is a cost-effective means of
5 facilitating privatization of the performance of
6 Federal activities.

7 (2) Recommendations relating to the expansion
8 of the program to other installations and employees.

9 (3) Any other recommendation relating to the
10 program.

11 (k) IMPLEMENTING REGULATIONS.—Not later than
12 30 days after the Secretary of Defense notifies the Direc-
13 tor of the Office of Personnel Management of a decision
14 to establish a pilot program under this section, the Direc-
15 tor shall prescribe regulations to carry out the provisions
16 of this section with respect to that pilot program. Before
17 prescribing the regulations, the Director shall consult with
18 the Secretary.

19 (l) DEFINITIONS.—In this section:

20 (1) The term “transferred employee” means a
21 person who, pursuant to subsection (b), is eligible
22 for benefits under this section.

23 (2) The term “covered separation from Federal
24 service” means a separation from Federal service as
25 described under subsection (b)(1)(A).

1 (3) The term “Civil Service Retirement Sys-
2 tem” means the retirement system under subchapter
3 III of chapter 83 of title 5, United States Code.

4 (4) The term “defense contractor” means any
5 entity that—

6 (A) contracts with the Department of De-
7 fense to perform a function previously per-
8 formed by Department of Defense employees;

9 (B) performs that function at the same in-
10 stallation at which such function was previously
11 performed by Department of Defense employees
12 or in the vicinity of that installation; and

13 (C) is the employer of one or more trans-
14 ferred employees.

15 (5) The term “early deferred retirement age”
16 means the first age at which a transferred employee
17 would have been eligible for immediate retirement
18 under subsection (a) or (b) of section 8336 of title
19 5, United States Code, if such transferred employee
20 had remained an employee within the meaning of
21 section 8331(1) of such title continuously until at-
22 taining such age.

23 (6) The term “severance pay” means severance
24 pay payable under section 5595 of title 5, United
25 States Code.

1 title 10, United States Code, before the date of the enact-
2 ment of this Act.

3 **Subtitle C—Defense Intelligence**
4 **Personnel**

5 **SEC. 1131. SHORT TITLE.**

6 This subtitle may be cited as the “Department of De-
7 fense Civilian Intelligence Personnel Reform Act of 1996”.

8 **SEC. 1132. CIVILIAN INTELLIGENCE PERSONNEL**
9 **MANAGEMENT.**

10 Section 1590 of title 10, United States Code, is
11 amended to read as follows:

12 **“§ 1590. Management of civilian intelligence**
13 **personnel of the Department of Defense**

14 **“(a) GENERAL PERSONNEL MANAGEMENT AUTHOR-**
15 **ITY.—**The Secretary of Defense may, without regard to
16 the provisions of any other law relating to the appoint-
17 ment, number, classification, or compensation of
18 employees—

19 **“(1) establish—**

20 **“(A) as positions in the excepted service,**
21 **such defense intelligence component positions**
22 **(including Intelligence Senior Level positions)**
23 **as the Secretary determines necessary to carry**
24 **out the intelligence functions of the defense in-**
25 **telligence components, but not to exceed in**

1 number the number of the defense intelligence
2 component positions established as of January
3 1, 1996; and

4 “(B) such Intelligence Senior Executive
5 Service positions as the Secretary determines
6 necessary to carry out functions referred to in
7 subparagraph (B);

8 “(2) appoint individuals to such positions (after
9 taking into consideration the availability of pref-
10 erence eligibles for appointment to such positions);
11 and

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

14 “(b) BASIC PAY.—(1)(A) Subject to subparagraph
15 (B) and paragraph (2), the Secretary of Defense shall fix
16 the rates of basic pay for positions established under sub-
17 section (a) in relation to the rates of basic pay provided
18 in subpart D of part III of title 5 for positions subject
19 to that subpart which have corresponding levels of duties
20 and responsibilities.

21 “(B) Except as otherwise provided by law, no rate
22 of basic pay fixed under subparagraph (A) for a position
23 established under subsection (a) may exceed—

1 “(i) in the case of an Intelligence Senior Execu-
2 tive Service position, the maximum rate provided in
3 section 5382 of title 5;

4 “(ii) in the case of an Intelligence Senior Level
5 position, the maximum rate provided in section 5382
6 of title 5; and

7 “(iii) in the case of any other defense intel-
8 ligence component position, the maximum rate pro-
9 vided in section 5306(e) of title 5.

10 “(2) The Secretary of Defense may, consistent with
11 section 5341 of title 5, adopt such provisions of that title
12 as provide for prevailing rate systems of basic pay and
13 may apply those provisions to positions for civilian employ-
14 ees in or under which the Department of Defense may
15 employ individuals described by section 5342(a)(2)(A) of
16 such title.

17 “(c) ADDITIONAL COMPENSATION, INCENTIVES, AND
18 ALLOWANCES.—(1) Employees in defense intelligence
19 component positions may be paid additional compensation,
20 including benefits, incentives, and allowances, in accord-
21 ance with this subsection if, and to the extent, authorized
22 in regulations prescribed by the Secretary of Defense.

23 “(2) Additional compensation under this subsection
24 shall be consistent with, and not in excess of the levels
25 authorized for, comparable positions authorized by title 5.

1 “(3)(A) Employees in defense intelligence component
2 positions, if citizens or nationals of the United States, may
3 be paid an allowance while stationed outside the continen-
4 tal United States or in Alaska.

5 “(B) Subject to subparagraph (C), allowances under
6 subparagraph (A) shall be based on—

7 “(i) living costs substantially higher than in the
8 District of Columbia;

9 “(ii) conditions of environment which differ
10 substantially from conditions of environment in the
11 continental United States and warrant an allowance
12 as a recruitment incentive; or

13 “(iii) both of the factors described in clauses (i)
14 and (ii).

15 “(C) An allowance under subparagraph (A) may not
16 exceed an allowance authorized to be paid by section
17 5941(a) of title 5 for employees whose rates of basic pay
18 are fixed by statute.

19 “(d) INTELLIGENCE SENIOR EXECUTIVE SERVICE.—
20 (1) The Secretary of Defense may establish an Intelligence
21 Senior Executive Service for defense intelligence compo-
22 nent positions established pursuant to subsection (a) that
23 are equivalent to Senior Executive Service positions.

24 “(2) The Secretary of Defense shall prescribe regula-
25 tions for the Intelligence Senior Executive Service which

1 are consistent with the requirements set forth in sections
2 3131, 3132(a)(2), 3396(c), 3592, 3595(a), 5384, and
3 6304 of title 5, subsections (a), (b), and (c) of section
4 7543 of such title (except that any hearing or appeal to
5 which a member of the Intelligence Senior Executive Serv-
6 ice is entitled shall be held or decided pursuant to the reg-
7 ulations), and subchapter II of chapter 43 of such title.
8 To the extent that the Secretary determines it practicable
9 to apply to members of, or applicants for, the Intelligence
10 Senior Executive Service other provisions of title 5 that
11 apply to members of, or applicants for, the Senior Execu-
12 tive Service, the Secretary shall also prescribe regulations
13 to implement those sections with respect to the Intel-
14 ligence Senior Executive Service.

15 “(e) AWARD OF RANK TO MEMBERS OF THE INTEL-
16 LIGENCE SENIOR EXECUTIVE SERVICE.—The President,
17 based on the recommendations of the Secretary of De-
18 fense, may award a rank referred to in section 4507 of
19 title 5 to members of the Intelligence Senior Executive
20 Service whose positions may be established pursuant to
21 this section. The awarding of such rank shall be made in
22 a manner consistent with the provisions of that section.

23 “(f) INTELLIGENCE SENIOR LEVEL POSITIONS.—
24 The Secretary of Defense may, in accordance with regula-
25 tions prescribed by the Secretary, designate as an Intel-

1 ligence Senior Level position any defense intelligence com-
2 ponent position that, as determined by the Secretary—

3 “(1) is classifiable above grade GS-15 of the
4 General Schedule;

5 “(2) does not satisfy functional or program
6 management criteria for being designated an Intel-
7 ligence Senior Executive Service position; and

8 “(3) has no more than minimal supervisory re-
9 sponsibilities.

10 “(g) TIME LIMITED APPOINTMENTS.—(1) The Sec-
11 retary of Defense may, in regulations, authorize appoint-
12 ing officials to make time limited appointments to defense
13 intelligence component positions specified in the
14 regulations.

15 “(2) The Secretary of Defense shall review each time
16 limited appointment in a defense intelligence component
17 position at the end of the first year of the period of the
18 appointment and determine whether the appointment
19 should be continued for the remainder of the period. The
20 continuation of a time limited appointment after the first
21 year shall be subject to the approval of the Secretary.

22 “(3) An employee serving in a defense intelligence
23 component position pursuant to a time limited appoint-
24 ment is not eligible for a permanent appointment to an
25 Intelligence Senior Executive Service position (including

1 a position in which serving) unless selected for the perma-
2 nent appointment on a competitive basis.

3 “(4) In this subsection, the term ‘time limited ap-
4 pointment’ means an appointment (subject to the condi-
5 tion in paragraph (2)) for a period not to exceed two
6 years.

7 “(h) TERMINATION OF CIVILIAN INTELLIGENCE
8 EMPLOYEES.—(1) Notwithstanding any other provision of
9 law, the Secretary of Defense may terminate the employ-
10 ment of any employee in a defense intelligence component
11 position if the Secretary—

12 “(A) considers such action to be in the interests
13 of the United States; and

14 “(B) determines that the procedures prescribed
15 in other provisions of law that authorize the termi-
16 nation of the employment of such employee cannot
17 be invoked in a manner consistent with the national
18 security.

19 “(2) A decision by the Secretary of Defense to termi-
20 nate the employment of an employee under this subsection
21 is final and may not be appealed or reviewed outside the
22 Department of Defense.

23 “(3) The Secretary of Defense shall promptly notify
24 the Committee on National Security and the Permanent
25 Select Committee on Intelligence of the House of Rep-

1 representatives and the Committee on Armed Services and
2 the Select Committee on Intelligence of the Senate when-
3 ever the Secretary terminates the employment of any em-
4 ployee under the authority of this subsection.

5 “(4) Any termination of employment under this sub-
6 section shall not affect the right of the employee involved
7 to seek or accept employment with any other department
8 or agency of the United States if that employee is declared
9 eligible for such employment by the Director of the Office
10 of Personnel Management.

11 “(5) The authority of the Secretary of Defense under
12 this subsection may be delegated only to the Deputy Sec-
13 retary of Defense and the head of a defense intelligence
14 component (with respect to employees of that component).
15 An action to terminate employment of such an employee
16 by any such official may be appealed to the Secretary of
17 Defense.

18 “(i) REDUCTIONS AND OTHER ADJUSTMENTS IN
19 FORCE.—(1) The Secretary of Defense, in consultation
20 with the Director of the Office of Personnel Management,
21 shall prescribe regulations for the separation of employees
22 in defense intelligence component positions, including
23 members of the Intelligence Senior Executive Service and
24 employees in Intelligence Senior Level positions, in a re-
25 duction in force or other adjustment in force. The regula-

1 tions shall apply to such a reduction in force or other ad-
2 justment in force notwithstanding sections 3501(b) and
3 3502 of title 5.

4 “(2) The regulations shall give effect to—

5 “(A) tenure of employment;

6 “(B) military preference, subject to sections
7 3501(a)(3) and 3502(b) of title 5;

8 “(C) the veteran’s preference under section
9 3502(b) of title 5;

10 “(D) performance; and

11 “(E) length of service computed in accordance
12 with the second sentence of section 3502(a) of
13 title 5.

14 “(2) The regulations relating to removal from the In-
15 telligence Senior Executive Service in a reduction in force
16 or other adjustment in force shall be consistent with sec-
17 tion 3595(a) of title 5.

18 “(3)(A) The regulations shall provide a right of ap-
19 peal regarding a personnel action under the regulations.
20 The appeal shall be determined within the Department of
21 Defense. An appeal determined at the highest level pro-
22 vided in the regulations shall be final and not subject to
23 review outside the Department of Defense. A personnel
24 action covered by the regulations is not subject to any

1 other provision of law that provides appellate rights or
2 procedures.

3 “(B) Notwithstanding subparagraph (A), a pref-
4 erence eligible referred to in section 7511(a)(1)(B) of title
5 5 may appeal to the Merit Systems Protection Board any
6 personnel action taken under the regulations. Section
7 7701 of title 5 shall apply to any such appeal.

8 “(j) APPLICABILITY OF MERIT SYSTEM PRIN-
9 CIPLES.—Section 2301 of title 5 shall apply to the exercise
10 of authority under this section.

11 “(k) COLLECTIVE BARGAINING AGREEMENTS.—
12 Nothing in this section may be construed to impair the
13 continued effectiveness of a collective bargaining agree-
14 ment with respect to an agency or office that is a successor
15 to an agency or office covered by the agreement before
16 the succession.

17 “(l) NOTIFICATION OF CONGRESS.—At least 60 days
18 before the effective date of regulations prescribed to carry
19 out this section, the Secretary of Defense shall submit the
20 regulations to the Committee on National Security and the
21 Permanent Select Committee on Intelligence of the House
22 of Representatives and the Committee on Armed Services
23 and the Select Committee on Intelligence of the Senate.

24 “(m) DEFINITIONS.—In this section:

1 “(1) The term ‘defense intelligence component
2 position’ means a position of civilian employment as
3 an intelligence officer or employee of a defense intel-
4 ligence component.

5 “(2) The term ‘defense intelligence component’
6 means each of the following components of the
7 Department of Defense:

8 “(A) The National Security Agency.

9 “(B) The Defense Intelligence Agency.

10 “(C) The Central Imagery Office.

11 “(D) Any component of a military depart-
12 ment that performs intelligence functions and is
13 designated as a defense intelligence component
14 by the Secretary of Defense.

15 “(E) Any other component of the Depart-
16 ment of Defense that performs intelligence
17 functions and is designated as a defense intel-
18 ligence component by the Secretary of Defense.

19 “(F) Any successor to a component listed
20 in, or designated pursuant to, this paragraph.

21 “(3) The term ‘Intelligence Senior Level posi-
22 tion’ means a defense intelligence component posi-
23 tion designated as an Intelligence Senior Level posi-
24 tion pursuant to subsection (f).

1 “(4) The term ‘excepted service’ has the mean-
2 ing given such term in section 2103 of title 5.

3 “(5) The term ‘preference eligible’ has the
4 meaning given such term in section 2108(3) of
5 title 5.

6 “(6) The term ‘Senior Executive Service posi-
7 tion’ has the meaning given such term in section
8 3132(a)(2) of title 5.

9 “(7) The term ‘collective bargaining agreement’
10 has the meaning given such term in section 7103(8)
11 of title 5.”.

12 **SEC. 1133. REPEALS.**

13 (a) **DEFENSE INTELLIGENCE SENIOR EXECUTIVE**
14 **SERVICE.**—Sections 1601, 1603, and 1604 of title 10,
15 United States Code, are repealed.

16 (b) **NATIONAL SECURITY AGENCY PERSONNEL MAN-**
17 **AGEMENT AUTHORITIES.**—(1) Sections 2 and 4 of the
18 National Security Agency Act of 1959 (50 U.S.C. 402
19 note) are repealed.

20 (2) Section 303 of the Internal Security Act of 1950
21 (50 U.S.C. 833) is repealed.

22 **SEC. 1134. CLERICAL AMENDMENTS.**

23 (a) **AMENDED SECTION HEADING.**—The item relat-
24 ing to section 1590 in the table of sections at the begin-

1 ning of chapter 81 of title 10, United States Code, is
 2 amended to read as follows:

“1590. Management of civilian intelligence personnel of the Department of
 Defense.”.

3 (b) **REPEALED SECTIONS.**—The table of sections at
 4 the beginning of chapter 83 of title 10, United States
 5 Code, is amended by striking out the items relating to sec-
 6 tions 1601, 1603, and 1604.

7 **TITLE XII—FEDERAL CHARTER**
 8 **FOR THE FLEET RESERVE AS-**
 9 **SOCIATION**

10 **SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHAR-**
 11 **TER.**

12 The Fleet Reserve Association, a nonprofit corpora-
 13 tion organized under the laws of the State of Delaware,
 14 is recognized as such and granted a Federal charter.

15 **SEC. 1202. POWERS.**

16 The Fleet Reserve Association (in this title referred
 17 to as the “association”) shall have only those powers
 18 granted to it through its bylaws and articles of incorpora-
 19 tion filed in the State in which it is incorporated and sub-
 20 ject to the laws of such State.

21 **SEC. 1203. PURPOSES.**

22 The purposes of the association are those provided
 23 in its bylaws and articles of incorporation and shall include
 24 the following:

1 (1) Upholding and defending the Constitution
2 of the United States.

3 (2) Aiding and maintaining an adequate naval
4 defense for the United States.

5 (3) Assisting the recruitment of the best per-
6 sonnel available for the United States Navy, United
7 States Marine Corps, and United States Coast
8 Guard.

9 (4) Providing for the welfare of the personnel
10 who serve in the United States Navy, United States
11 Marine Corps, and United States Coast Guard.

12 (5) Continuing to serve loyally the United
13 States Navy, United States Marine Corps, and Unit-
14 ed States Coast Guard.

15 (6) Preserving the spirit of shipmanship by pro-
16 viding assistance to shipmates and their families.

17 (7) Instilling love of the United States and the
18 flag and promoting soundness of mind and body in
19 the youth of the United States.

20 **SEC. 1204. SERVICE OF PROCESS.**

21 With respect to service of process, the association
22 shall comply with the laws of the State in which it is incor-
23 porated and those States in which it carries on its activi-
24 ties in furtherance of its corporate purposes.

1 **SEC. 1205. MEMBERSHIP.**

2 Except as provided in section 1208(g), eligibility for
3 membership in the association and the rights and privi-
4 leges of members shall be as provided in the bylaws and
5 articles of incorporation of the association.

6 **SEC. 1206. BOARD OF DIRECTORS.**

7 Except as provided in section 1208(g), the composi-
8 tion of the board of directors of the association and the
9 responsibilities of the board shall be as provided in the
10 bylaws and articles of incorporation of the association and
11 in conformity with the laws of the State in which it is
12 incorporated.

13 **SEC. 1207. OFFICERS.**

14 Except as provided in section 1208(g), the positions
15 of officers of the association and the election of members
16 to such officers shall be as provided in the bylaws and
17 articles of incorporation of the association and in conform-
18 ity with the laws of the State in which it is incorporated.

19 **SEC. 1208. RESTRICTIONS.**

20 (a) **INCOME AND COMPENSATION.**—No part of the in-
21 come or assets of the association may inure to the benefit
22 of any member, officer, or director of the association or
23 be distributed to any such individual during the life of this
24 charter. Nothing in this subsection may be construed to
25 prevent the payment of reasonable compensation to the
26 officers and employees of the association or reimburse-

1 ment for actual and necessary expenses in amounts ap-
2 proved by the board of directors.

3 (b) LOANS.—The association may not make any loan
4 to any member, officer, director, or employee of the asso-
5 ciation.

6 (c) ISSUANCE OF STOCK AND PAYMENT OF DIVI-
7 DENDS.—The association may not issue any shares of
8 stock or declare or pay any dividend.

9 (d) FEDERAL APPROVAL.—The association may not
10 claim the approval of the Congress or the authorization
11 of the Federal Government for any of its activities by vir-
12 tue of this title.

13 (e) CORPORATE STATUS.—The association shall
14 maintain its status as a corporation organized and incor-
15 porated under the laws of the State of Delaware.

16 (f) CORPORATE FUNCTION.—The association shall
17 function as an educational, patriotic, civic, historical, and
18 research organization under the laws of the State in which
19 it is incorporated.

20 (g) NONDISCRIMINATION.—In establishing the condi-
21 tions of membership in the association and in determining
22 the requirements for serving on the board of directors or
23 as an officer of the association, the association may not
24 discriminate on the basis of race, color, religion, sex, hand-
25 icap, age, or national origin.

1 **SEC. 1209. LIABILITY.**

2 The association shall be liable for the acts of its offi-
3 cers, directors, employees, and agents whenever such indi-
4 viduals act within the scope of their authority.

5 **SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND**
6 **RECORDS.**

7 (a) **BOOKS AND RECORDS OF ACCOUNT.**—The asso-
8 ciation shall keep correct and complete books and records
9 of account and minutes of any proceeding of the associa-
10 tion involving any of its members, the board of directors,
11 or any committee having authority under the board of di-
12 rectors.

13 (b) **NAMES AND ADDRESSES OF MEMBERS.**—The as-
14 sociation shall keep at its principal office a record of the
15 names and addresses of all members having the right to
16 vote in any proceeding of the association.

17 (c) **RIGHT TO INSPECT BOOKS AND RECORDS.**—All
18 books and records of the association may be inspected by
19 any member having the right to vote in any proceeding
20 of the association, or by any agent or attorney of such
21 member, for any proper purpose at any reasonable time.

22 (d) **APPLICATION OF STATE LAW.**—This section may
23 not be construed to contravene any applicable State law.

24 **SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.**

25 The first section of the Act entitled “An Act to pro-
26 vide for audit of accounts of private corporations estab-

1 lished under Federal law”, approved August 30, 1964 (36
2 U.S.C. 1101), is amended by adding at the end the follow-
3 ing:

4 “(77) Fleet Reserve Association.”.

5 **SEC. 1212. ANNUAL REPORT.**

6 The association shall annually submit to Congress a
7 report concerning the activities of the association during
8 the preceding fiscal year. The annual report shall be sub-
9 mitted on the same date as the report of the audit required
10 by reason of the amendment made in section 1211. The
11 annual report shall not be printed as a public document.

12 **SEC. 1213. RESERVATION OF RIGHT TO AMEND OR REPEAL**
13 **CHARTER.**

14 The right to alter, amend, or repeal this title is ex-
15 pressly reserved to Congress.

16 **SEC. 1214. TAX-EXEMPT STATUS.**

17 The association shall maintain its status as an orga-
18 nization exempt from taxation as provided in the Internal
19 Revenue Code of 1986.

20 **SEC. 1215. TERMINATION.**

21 The charter granted in this title shall expire if the
22 association fails to comply with any of the provisions of
23 this title.

1 **SEC. 1216. DEFINITION.**

2 For purposes of this title, the term “State” means
3 any of the several States, the District of Columbia, the
4 Commonwealth of Puerto Rico, the Commonwealth of the
5 Northern Mariana Islands, the United States Virgin Is-
6 lands, Guam, American Samoa, the Republic of the Mar-
7 shall Islands, the Federated States Of Micronesia, the Re-
8 public of Palau, and any other territory or possession of
9 the United States.

10 **TITLE XIII—DEFENSE AGAINST**
11 **WEAPONS OF MASS DESTRUC-**
12 **TION**

13 **SEC. 1301. SHORT TITLE.**

14 This title may be cited as the “Defense Against
15 Weapons of Mass Destruction Act of 1996”.

16 **SEC. 1302. FINDINGS.**

17 Congress makes the following findings:

18 (1) Weapons of mass destruction and related
19 materials and technologies are increasingly available
20 from worldwide sources. Technical information relat-
21 ing to such weapons is readily available on the
22 Internet, and raw materials for chemical, biological,
23 and radiological weapons are widely available for le-
24 gitimate commercial purposes.

1 (2) The former Soviet Union produced and
2 maintained a vast array of nuclear, biological, and
3 chemical weapons of mass destruction.

4 (3) Many of the states of the former Soviet
5 Union retain the facilities, materials, and tech-
6 nologies capable of producing additional quantities
7 of weapons of mass destruction.

8 (4) The disintegration of the former Soviet
9 Union was accompanied by disruptions of command
10 and control systems, deficiencies in accountability
11 for weapons, weapons-related materials and tech-
12 nologies, economic hardships, and significant gaps in
13 border control among the states of the former Soviet
14 Union. The problems of organized crime and corrup-
15 tion in the states of the former Soviet Union in-
16 crease the potential for proliferation of nuclear, radi-
17 ological, biological, and chemical weapons and relat-
18 ed materials.

19 (5) The conditions described in paragraph (4)
20 have substantially increased the ability of potentially
21 hostile nations, terrorist groups, and individuals to
22 acquire weapons of mass destruction and related
23 materials and technologies from within the states of
24 the former Soviet Union and from unemployed sci-
25 entists who worked on those programs.

1 (6) As a result of such conditions, the capability
2 of potentially hostile nations and terrorist groups to
3 acquire nuclear, radiological, biological, and chemical
4 weapons is greater than any time in history.

5 (7) The President has identified North Korea,
6 Iraq, Iran, and Libya as hostile states which already
7 possess some weapons of mass destruction and are
8 developing others.

9 (8) The acquisition or the development and use
10 of weapons of mass destruction is well within the ca-
11 pability of many extremist and terrorist movements,
12 acting independently or as proxies for foreign states.

13 (9) Foreign states can transfer weapons to or
14 otherwise aid extremist and terrorist movements in-
15 directly and with plausible deniability.

16 (10) Terrorist groups have already conducted
17 chemical attacks against civilian targets in the Unit-
18 ed States and Japan, and a radiological attack in
19 Russia.

20 (11) The potential for the national security of
21 the United States to be threatened by nuclear, radio-
22 logical, chemical, or biological terrorism must be
23 taken as seriously as the risk of an attack by long-
24 range ballistic missiles carrying nuclear weapons.

1 (12) There is a significant and growing threat
2 of attack by weapons of mass destruction on targets
3 that are not military targets in the usual sense of
4 the term.

5 (13) Concomitantly, the threat posed to the citi-
6 zens of the United States by nuclear, radiological,
7 biological, and chemical weapons delivered by uncon-
8 ventional means is significant and growing.

9 (14) Mass terror may result from terrorist inci-
10 dents involving nuclear, radiological, biological, or
11 chemical materials, even if such materials are not
12 configured as military weapons.

13 (15) Facilities required for production of radio-
14 logical, biological, and chemical weapons are much
15 smaller and harder to detect than nuclear weapons
16 facilities, and biological, and chemical weapons can
17 be deployed by alternative delivery means that are
18 much harder to detect than long-range ballistic mis-
19 siles.

20 (16) Such delivery systems have no assignment
21 of responsibility, unlike ballistic missiles, for which
22 a launch location would be unambiguously known.

23 (17) Covert or unconventional means of delivery
24 of nuclear, radiological, biological, and chemical
25 weapons, which might be preferable to foreign states

1 and nonstate organizations, include cargo ships, pas-
2 senger aircraft, commercial and private vehicles and
3 vessels, and commercial cargo shipments routed
4 through multiple destinations.

5 (18) Traditional arms control efforts assume
6 large state efforts with detectable manufacturing
7 programs and weapons production programs, but are
8 ineffective in monitoring and controlling smaller,
9 though potentially more dangerous, unconventional
10 proliferation efforts.

11 (19) Conventional counterproliferation efforts
12 would do little to detect or prevent the rapid devel-
13 opment of a capability to suddenly manufacture sev-
14 eral hundred chemical or biological weapons with
15 nothing but commercial supplies and equipment.

16 (20) The United States lacks adequate planning
17 and countermeasures to address the threat of nu-
18 clear, radiological, biological, and chemical terrorism.

19 (21) The Department of Energy has established
20 a Nuclear Emergency Response Team which is avail-
21 able in case of nuclear or radiological emergencies,
22 but no comparable units exist to deal with emer-
23 gencies involving biological, or chemical weapons or
24 related materials.

1 (22) State and local emergency response per-
2 sonnel are not adequately prepared or trained for in-
3 cidents involving nuclear, radiological, biological, or
4 chemical materials.

5 (23) Exercises of the Federal, State, and local
6 response to nuclear, radiological, biological, or chem-
7 ical terrorism have revealed serious deficiencies in
8 preparedness and severe problems of coordination.

9 (24) The development of, and allocation of re-
10 sponsibilities for, effective countermeasures to nu-
11 clear, radiological, biological, or chemical terrorism
12 in the United States requires well-coordinated par-
13 ticipation of many Federal agencies, and careful
14 planning by the Federal Government and State and
15 local governments.

16 (25) Training and exercises can significantly
17 improve the preparedness of State and local emer-
18 gency response personnel for emergencies involving
19 nuclear, radiological, biological, or chemical weapons
20 or related materials.

21 (26) Sharing of the expertise and capabilities of
22 the Department of Defense, which traditionally has
23 provided assistance to Federal, State, and local offi-
24 cials in neutralizing, dismantling, and disposing of
25 explosive ordnance, as well as radiological, biological,

1 and chemical materials, can be a vital contribution
2 to the development and deployment of counter-
3 measures against nuclear, biological, and chemical
4 weapons of mass destruction.

5 (27) The United States lacks effective policy co-
6 ordination regarding the threat posed by the pro-
7 liferation of weapons of mass destruction.

8 **SEC. 1303. DEFINITIONS.**

9 In this title:

10 (1) The term “weapon of mass destruction”
11 means any weapon or device that is intended, or has
12 the capability, to cause death or serious bodily injury
13 to a significant number of people through the re-
14 lease, dissemination, or impact of—

15 (A) toxic or poisonous chemicals or their
16 precursors;

17 (B) a disease organism; or

18 (C) radiation or radioactivity.

19 (2) The term “independent states of the former
20 Soviet Union” has the meaning given the term in
21 section 3 of the FREEDOM Support Act (22 U.S.C.
22 5801).

23 (3) The term “highly enriched uranium” means
24 uranium enriched to 20 percent or more in the iso-
25 tope U-235.

1 **Subtitle A—Domestic Preparedness**

2 **SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.**

3 (a) PROGRAM REQUIRED.—(1) The Secretary of De-
4 fense shall carry out a program to provide civilian person-
5 nel of Federal, State, and local agencies with training and
6 expert advice regarding emergency responses to a use or
7 threatened use of a weapon of mass destruction or related
8 materials.

9 (2) The President may designate the head of an agen-
10 cy other than the Department of Defense to assume the
11 responsibility for carrying out the program on or after Oc-
12 tober 1, 1999, and relieve the Secretary of Defense of that
13 responsibility upon the assumption of the responsibility by
14 the designated official.

15 (3) Hereafter in this section, the official responsible
16 for carrying out the program is referred to as the “lead
17 official”.

18 (b) COORDINATION.—In carrying out the program,
19 the lead official shall coordinate with each of the following
20 officials who is not serving as the lead official:

21 (1) The Director of the Federal Emergency
22 Management Agency.

23 (2) The Secretary of Energy.

24 (3) The Secretary of Defense.

1 (4) The heads of any other Federal, State, and
2 local government agencies that have an expertise or
3 responsibilities relevant to emergency responses de-
4 scribed in subsection (a)(1).

5 (c) ELIGIBLE PARTICIPANTS.—The civilian personnel
6 eligible to receive assistance under the program are civil-
7 ian personnel of Federal, State, and local agencies who
8 have emergency preparedness responsibilities.

9 (d) INVOLVEMENT OF OTHER FEDERAL AGEN-
10 CIES.—(1) The lead official may use personnel and capa-
11 bilities of Federal agencies outside the agency of the lead
12 official to provide training and expert advice under the
13 program.

14 (2)(A) Personnel used under paragraph (1) shall be
15 personnel who have special skills relevant to the particular
16 assistance that the personnel are to provide.

17 (B) Capabilities used under paragraph (1) shall be
18 capabilities that are especially relevant to the particular
19 assistance for which the capabilities are used.

20 (e) AVAILABLE ASSISTANCE.—Assistance available
21 under this program shall include the following:

22 (1) Training in the use, operation, and mainte-
23 nance of equipment for—

24 (A) detecting a chemical or biological agent
25 or nuclear radiation;

1 (B) monitoring the presence of such an
2 agent or radiation;

3 (C) protecting emergency personnel and
4 the public; and

5 (D) decontamination.

6 (2) Establishment of a designated telephonic
7 link (commonly referred to as a “hot line”) to a des-
8 ignated source of relevant data and expert advice for
9 the use of State or local officials responding to emer-
10 gencies involving a weapon of mass destruction or
11 related materials.

12 (3) Use of the National Guard and other re-
13 serve components for purposes authorized under this
14 section that are specified by the lead official (with
15 the concurrence of the Secretary of Defense if the
16 Secretary is not the lead official).

17 (4) Loan of appropriate equipment.

18 (f) LIMITATIONS ON DEPARTMENT OF DEFENSE AS-
19 SISTANCE TO LAW ENFORCEMENT AGENCIES.—Assist-
20 ance provided by the Department of Defense to law en-
21 forcement agencies under this section shall be provided
22 under the authority of, and subject to the restrictions pro-
23 vided in, chapter 18 of title 10, United States Code.

24 (g) ADMINISTRATION OF DEPARTMENT OF DEFENSE
25 ASSISTANCE.—The Secretary of Defense shall designate

1 an official within the Department of Defense to serve as
2 the executive agent of the Secretary for the coordination
3 of the provision of Department of Defense assistance
4 under this section.

5 (h) FUNDING.—(1) Of the total amount authorized
6 to be appropriated under section 301, \$35,000,000 is
7 available for the program required under this section.

8 (2) Of the amount available for the program pursu-
9 ant to paragraph (1), \$10,500,000 is available for use by
10 the Secretary of Defense to assist the Surgeon General
11 of the United States in the establishment of metropolitan
12 emergency medical response teams (commonly referred to
13 as “Metropolitan Medical Strike Force Teams”) to provide
14 medical services that are necessary or potentially nec-
15 essary by reason of a use or threatened use of a weapon
16 of mass destruction.

17 (3) The amount available for the program under
18 paragraph (1) is in addition to any other amounts author-
19 ized to be appropriated for the program under section 301.

20 **SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMER-**
21 **GENCY RESPONSE.**

22 (a) DEPARTMENT OF DEFENSE.—The Secretary of
23 Defense shall designate an official within the Department
24 of Defense as the executive agent for—

1 (1) the coordination of Department of Defense
2 assistance to Federal, State, and local officials in re-
3 sponding to threats involving biological or chemical
4 weapons or related materials or technologies, includ-
5 ing assistance in identifying, neutralizing, disman-
6 tling, and disposing of biological and chemical weap-
7 ons and related materials and technologies; and

8 (2) the coordination of Department of Defense
9 assistance to the Department of Energy in carrying
10 out that department's responsibilities under sub-
11 section (b).

12 (b) DEPARTMENT OF ENERGY.—The Secretary of
13 Energy shall designate an official within the Department
14 of Energy as the executive agent for—

15 (1) the coordination of Department of Energy
16 assistance to Federal, State, and local officials in re-
17 sponding to threats involving nuclear weapons or re-
18 lated materials or technologies, including assistance
19 in identifying, neutralizing, dismantling, and dispos-
20 ing of nuclear weapons and related materials and
21 technologies; and

22 (2) the coordination of Department of Energy
23 assistance to the Department of Defense in carrying
24 out that department's responsibilities under sub-
25 section (a).

1 (c) FUNDING.—(1)(A) Of the total amount author-
2 ized to be appropriated under section 301, \$15,000,000
3 is available for providing assistance described in sub-
4 section (a).

5 (B) The amount available under subparagraph (A)
6 for providing assistance described in subsection (a) is in
7 addition to any other amounts authorized to be appro-
8 priated under section 301 for that purpose.

9 (2)(A) Of the total amount authorized to be appro-
10 priated under title XXXI, \$15,000,000 is available for
11 providing assistance described in subsection (b).

12 (B) The amount available under subparagraph (A)
13 for providing assistance is in addition to any other
14 amounts authorized to be appropriated under title XXXI
15 for that purpose.

16 **SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW EN-**
17 **FORCEMENT OFFICIALS IN EMERGENCY SIT-**
18 **UATIONS INVOLVING BIOLOGICAL OR CHEMI-**
19 **CAL WEAPONS.**

20 (a) ASSISTANCE AUTHORIZED.—(1) The chapter 18
21 of title 10, United States Code, is amended by adding at
22 the end the following:

1 **“§ 382. Emergency situations involving chemical or**
2 **biological weapons of mass destruction**

3 “(a) IN GENERAL.—The Secretary of Defense, upon
4 the request of the Attorney General, may provide assist-
5 ance in support of Department of Justice activities relat-
6 ing to the enforcement of section 175 or 2332c of title
7 18 during an emergency situation involving a biological
8 or chemical weapon of mass destruction. Department of
9 Defense resources, including personnel of the Department
10 of Defense, may be used to provide such assistance if—

11 “(1) the Secretary of Defense and the Attorney
12 General jointly determine that an emergency situa-
13 tion exists; and

14 “(2) the Secretary of Defense determines that
15 the provision of such assistance will not adversely af-
16 fect the military preparedness of the United States.

17 “(b) EMERGENCY SITUATIONS COVERED.—As used
18 in this section, the term ‘emergency situation involving a
19 biological or chemical weapon of mass destruction’ means
20 a circumstance involving a biological or chemical weapon
21 of mass destruction—

22 “(1) that poses a serious threat to the interests
23 of the United States; and

24 “(2) in which—

25 “(A) civilian expertise and capabilities are
26 not readily available to provide the required as-

1 sistance to counter the threat immediately
2 posed by the weapon involved;

3 “(B) special capabilities and expertise of
4 the Department of Defense are necessary and
5 critical to counter the threat posed by the weap-
6 on involved; and

7 “(C) enforcement of section 175 or 2332c
8 of title 18 would be seriously impaired if the
9 Department of Defense assistance were not pro-
10 vided.

11 “(c) FORMS OF ASSISTANCE.—The assistance re-
12 ferred to in subsection (a) includes the operation of equip-
13 ment (including equipment made available under section
14 372 of this title) to monitor, contain, disable, or dispose
15 of the weapon involved or elements of the weapon.

16 “(d) REGULATIONS.—(1) The Secretary of Defense
17 and the Attorney General shall jointly issue regulations
18 concerning the types of assistance that may be provided
19 under this section. Such regulations shall also describe the
20 actions that Department of Defense personnel may take
21 in circumstances incident to the provision of assistance
22 under this section.

23 “(2)(A) Except as provided in subparagraph (B), the
24 regulations may not authorize the following actions:

25 “(i) Arrest.

1 “(ii) Any direct participation in conducting a
2 search for or seizure of evidence related to a viola-
3 tion of section 175 or 2332c of title 18.

4 “(iii) Any direct participation in the collection
5 of intelligence for law enforcement purposes.

6 “(B) The regulations may authorize an action de-
7 scribed in subparagraph (A) to be taken under the follow-
8 ing conditions:

9 “(i) The action is considered necessary for the
10 immediate protection of human life, and civilian law
11 enforcement officials are not capable of taking the
12 action.

13 “(ii) The action is otherwise authorized under
14 subsection (c) or under otherwise applicable law.

15 “(e) REIMBURSEMENTS.—The Secretary of Defense
16 shall require reimbursement as a condition for providing
17 assistance under this section to the extent required under
18 section 377 of this title.

19 “(f) DELEGATIONS OF AUTHORITY.—(1) Except to
20 the extent otherwise provided by the Secretary of Defense,
21 the Deputy Secretary of Defense may exercise the author-
22 ity of the Secretary of Defense under this section. The
23 Secretary of Defense may delegate the Secretary’s author-
24 ity under this section only to an Under Secretary of De-
25 fense or an Assistant Secretary of Defense and only if the

1 Under Secretary or Assistant Secretary to whom delegated
2 has been designated by the Secretary to act for, and to
3 exercise the general powers of, the Secretary.

4 “(2) Except to the extent otherwise provided by the
5 Attorney General, the Deputy Attorney General may exer-
6 cise the authority of the Attorney General under this sec-
7 tion. The Attorney General may delegate that authority
8 only to the Associate Attorney General or an Assistant At-
9 torney General and only if the Associate Attorney General
10 or Assistant Attorney General to whom delegated has been
11 designated by the Attorney General to act for, and to exer-
12 cise the general powers of, the Attorney General.

13 “(g) RELATIONSHIP TO OTHER AUTHORITY.—Noth-
14 ing in this section shall be construed to restrict any execu-
15 tive branch authority regarding use of members of the
16 armed forces or equipment of the Department of Defense
17 that was in effect before the date of the enactment of the
18 National Defense Authorization Act for Fiscal Year
19 1997.”.

20 (2) The table of sections at the beginning of such
21 chapter is amended by adding at the end the following:

“382. Emergency situations involving chemical or biological weapons of mass de-
struction.”.

22 (b) CONFORMING AMENDMENT TO CONDITION FOR
23 PROVIDING EQUIPMENT AND FACILITIES.—Section
24 372(b)(1) of title 10, United States Code, is amended by

1 adding at the end the following: “The requirement for a
2 determination that an item is not reasonably available
3 from another source does not apply to assistance provided
4 under section 382 of this title pursuant to a request of
5 the Attorney General for the assistance.”.

6 (c) CONFORMING AMENDMENTS RELATING TO AU-
7 THORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10
8 of title 18, United States Code, is amended by inserting
9 after section 175 the following:

10 **“§ 175a. Requests for military assistance to enforce**
11 **prohibition in certain emergencies**

12 “The Attorney General may request the Secretary of
13 Defense to provide assistance under section 382 of title
14 10 in support of Department of Justice activities relating
15 to the enforcement of section 175 of this title in an emer-
16 gency situation involving a biological weapon of mass de-
17 struction. The authority to make such a request may be
18 exercised by another official of the Department of Justice
19 in accordance with section 382(f)(2) of title 10.”.

20 (B) The table of sections at the beginning of such
21 chapter is amended by inserting after the item relating
22 to section 175 the following:

“175a. Requests for military assistance to enforce prohibition in certain emer-
gencies.”.

1 (1) actions to increase civilian law enforcement
2 expertise to counter such a threat; and

3 (2) actions to improve coordination between ci-
4 vilian law enforcement officials and other civilian
5 sources of expertise, within and outside the Federal
6 Government, to counter such a threat.

7 (e) REPORTS.—The President shall submit to Con-
8 gress the following reports:

9 (1) Not later than 90 days after the date of the
10 enactment of this Act, a report describing the re-
11 spective policy functions and operational roles of
12 Federal agencies in countering the threat posed by
13 the use or potential use of biological and chemical
14 weapons of mass destruction within the United
15 States.

16 (2) Not later than one year after such date, a
17 report describing—

18 (A) the actions planned to be taken to
19 carry out subsection (d); and

20 (B) the costs of such actions.

21 (3) Not later than three years after such date,
22 a report updating the information provided in the
23 reports submitted pursuant to paragraphs (1) and
24 (2), including the measures taken pursuant to sub-
25 section (d).

1 **SEC. 1314. TESTING OF PREPAREDNESS FOR EMERGENCIES**
2 **INVOLVING NUCLEAR, RADIOLOGICAL, CHEM-**
3 **ICAL, AND BIOLOGICAL WEAPONS.**

4 (a) EMERGENCIES INVOLVING CHEMICAL OR BIO-
5 LOGICAL WEAPONS.—(1) The Secretary of Defense shall
6 develop and carry out a program for testing and improving
7 the responses of Federal, State, and local agencies to
8 emergencies involving biological weapons and related ma-
9 terials and emergencies involving chemical weapons and
10 related materials.

11 (2) The program shall include exercises to be carried
12 out during each of five successive fiscal years beginning
13 with fiscal year 1997.

14 (3) In developing and carrying out the program, the
15 Secretary shall coordinate with the Director of the Federal
16 Bureau of Investigation, the Director of the Federal
17 Emergency Management Agency, the Secretary of Energy,
18 and the heads of any other Federal, State, and local gov-
19 ernment agencies that have an expertise or responsibilities
20 relevant to emergencies described in paragraph (1).

21 (b) EMERGENCIES INVOLVING NUCLEAR AND RADIO-
22 LOGICAL WEAPONS.—(1) The Secretary of Energy shall
23 develop and carry out a program for testing and improving
24 the responses of Federal, State, and local agencies to
25 emergencies involving nuclear and radiological weapons
26 and related materials.

1 (2) The program shall include exercises to be carried
2 out during each of five successive fiscal years beginning
3 with fiscal year 1997.

4 (3) In developing and carrying out the program, the
5 Secretary shall coordinate with the Director of the Federal
6 Bureau of Investigation, the Director of the Federal
7 Emergency Management Agency, the Secretary of De-
8 fense, and the heads of any other Federal, State, and local
9 government agencies that have an expertise or responsibil-
10 ities relevant to emergencies described in paragraph (1).

11 (c) ANNUAL REVISIONS OF PROGRAMS.—The official
12 responsible for carrying out a program developed under
13 subsection (a) or (b) shall revise the program not later
14 than June 1 in each fiscal year covered by the program.
15 The revisions shall include adjustments that the official
16 determines necessary or appropriate on the basis of the
17 lessons learned from the exercise or exercises carried out
18 under the program in the fiscal year, including lessons
19 learned regarding coordination problems and equipment
20 deficiencies.

21 (d) OPTION TO TRANSFER RESPONSIBILITY.—(1)
22 The President may designate the head of an agency out-
23 side the Department of Defense to assume the responsibil-
24 ity for carrying out the program developed under sub-
25 section (a) beginning on or after October 1, 1999, and

1 relieve the Secretary of Defense of that responsibility upon
2 the assumption of the responsibility by the designated offi-
3 cial.

4 (2) The President may designate the head of an agen-
5 cy outside the Department of Energy to assume the re-
6 sponsibility for carrying out the program developed under
7 subsection (b) beginning on or after October 1, 1999, and
8 relieve the Secretary of Energy of that responsibility upon
9 the assumption of the responsibility by the designated offi-
10 cial.

11 (e) FUNDING.—(1) Of the total amount authorized
12 to be appropriated under section 301, \$15,000,000 is
13 available for the development and execution of the pro-
14 grams required by this section, including the participation
15 of State and local agencies in exercises carried out under
16 the programs.

17 (2) The amount available under paragraph (1) for the
18 development and execution of programs referred to in that
19 paragraph is in addition to any other amounts authorized
20 to be appropriated under section 301 for such purposes.

1 **Subtitle B—Interdiction of Weap-**
2 **ons of Mass Destruction and Re-**
3 **lated Materials**

4 **SEC. 1321. UNITED STATES BORDER SECURITY.**

5 (a) **PROCUREMENT OF DETECTION EQUIPMENT.**—

6 (1) Of the amount authorized to be appropriated by sec-
7 tion 301, \$15,000,000 is available for the procurement
8 of—

9 (A) equipment capable of detecting the move-
10 ment of weapons of mass destruction and related
11 materials into the United States;

12 (B) equipment capable of interdicting the move-
13 ment of weapons of mass destruction and related
14 materials into the United States; and

15 (C) materials and technologies related to use of
16 equipment described in subparagraph (A) or (B).

17 (2) The amount available under paragraph (1) for the
18 procurement of items referred to in that paragraph is in
19 addition to any other amounts authorized to be appro-
20 priated under section 301 for such purpose.

21 (b) **AVAILABILITY OF EQUIPMENT TO COMMISSIONER**
22 **OF CUSTOMS.**—To the extent authorized under chapter 18
23 of title 10, United States Code, the Secretary of Defense
24 may make equipment of the Department of Defense de-
25 scribed in subsection (a), and related materials and tech-

1 nologies, available to the Commissioner of Customs for use
2 in detecting and interdicting the movement of weapons of
3 mass destruction into the United States.

4 **SEC. 1322. NONPROLIFERATION AND COUNTER-**

5 **PROLIFERATION RESEARCH AND DEVELOPMENT.**

6 (a) **ACTIVITIES AUTHORIZED.**—The Secretary of De-
7 fense and the Secretary of Energy are each authorized to
8 carry out research on and development of technical means
9 for detecting the presence, transportation, production, and
10 use of weapons of mass destruction and technologies and
11 materials that are precursors of weapons of mass destruc-
12 tion.

13 (b) **FUNDING.**—(1)(A) There is authorized to be ap-
14 propriated for the Department of Defense for fiscal year
15 1997, \$10,000,000 for research and development carried
16 out by the Secretary of Defense pursuant to subsection
17 (a).

18 (B) The amount authorized to be appropriated for
19 research and development under subparagraph (A) is in
20 addition any other amounts that are authorized to be ap-
21 propriated under this Act for such research and develop-
22 ment, including funds authorized to be appropriated for
23 research and development relating to nonproliferation of
24 weapons of mass destruction.

1 (2)(A) Of the total amount authorized to be appro-
2 priated under title XXXI, \$19,000,000 is available for re-
3 search and development carried out by the Secretary of
4 Energy pursuant to subsection (a).

5 (B) The amount available under subparagraph (B)
6 is in addition to any other amount authorized to be appro-
7 priated under title XXXI for such research and develop-
8 ment.

9 **SEC. 1323. INTERNATIONAL EMERGENCY ECONOMIC POW-**
10 **ERS ACT.**

11 Section 203 of the International Emergency Eco-
12 nomic Powers Act (50 U.S.C. 1702) is amended—

13 (1) in subsection (a)(1)(B), by striking out “im-
14 portation or exportation of,” and inserting in lieu
15 thereof “importation, exportation, or attempted im-
16 portation or exportation of,”; and

17 (2) in subsection (b)(3), by striking out “impor-
18 tation from any country, or the exportation” and in-
19 serting in lieu thereof “importation or attempted im-
20 portation from any country, or the exportation or at-
21 tempted exportation”.

22 **SEC. 1324. CRIMINAL PENALTIES.**

23 It is the sense of Congress that—

24 (1) the sentencing guidelines prescribed by the
25 United States Sentencing Commission for the of-

1 offenses of importation, attempted importation, expor-
2 tation, and attempted exportation of nuclear, biologi-
3 cal, and chemical weapons materials constitute inad-
4 equate punishment for such offenses; and

5 (2) Congress urges the United States Sentenc-
6 ing Commission to revise the relevant sentencing
7 guidelines to provide for increased penalties for of-
8 fenses relating to importation, attempted importa-
9 tion, exportation, and attempted exportation of nu-
10 clear, biological, or chemical weapons or related ma-
11 terials or technologies under—

12 (A) section 11 of the Export Administra-
13 tion Act of 1979 (50 U.S.C. App. 2410);

14 (B) sections 38 and 40 the Arms Export
15 Control Act (22 U.S.C. 2778 and 2780);

16 (C) the International Emergency Economic
17 Powers Act (50 U.S.C. 1701 et seq.); and

18 (D) section 309(c) of the Nuclear Non-
19 Proliferation Act of 1978 (22 U.S.C. 2156a(c)).

20 **SEC. 1325. INTERNATIONAL BORDER SECURITY.**

21 (a) **SECRETARY OF DEFENSE RESPONSIBILITY.**—

22 The Secretary of Defense, in consultation and cooperation
23 with the Commissioner of Customs, shall carry out pro-
24 grams for assisting customs officials and border guard of-
25 ficials in the independent states of the former Soviet

1 Union, the Baltic states, and other countries of Eastern
2 Europe in preventing unauthorized transfer and transpor-
3 tation of nuclear, biological, and chemical weapons and re-
4 lated materials. Training, expert advice, maintenance of
5 equipment, loan of equipment, and audits may be provided
6 under or in connection with the programs.

7 (b) FUNDING.—(1) Of the total amount authorized
8 to be appropriated by section 301, \$15,000,000 is avail-
9 able for carrying out the programs referred to in sub-
10 section (a).

11 (2) The amount available under paragraph (1) for
12 programs referred to in that paragraph is in addition to
13 any other amounts authorized to be appropriated under
14 section 301 for such programs.

15 **Subtitle C—Control and Disposi-**
16 **tion of Weapons of Mass De-**
17 **struction and Related Materials**
18 **Threatening the United States**

19 **SEC. 1331. PROTECTION AND CONTROL OF MATERIALS**
20 **CONSTITUTING A THREAT TO THE UNITED**
21 **STATES.**

22 (a) DEPARTMENT OF ENERGY PROGRAM.—Subject
23 to subsection (c)(1), the Secretary of Energy may, under
24 materials protection, control, and accounting assistance of
25 the Department of Energy, provide assistance for securing

1 from theft or other unauthorized disposition nuclear mate-
2 rials that are not so secured and are located at any site
3 within the former Soviet Union where effective controls
4 for securing such materials are not in place.

5 (b) DEPARTMENT OF DEFENSE PROGRAM.—Subject
6 to subsection (c)(2), the Secretary of Defense may provide
7 materials protection, control, and accounting assistance
8 under the Cooperative Threat Reduction Programs of the
9 Department of Defense for securing from theft or other
10 unauthorized disposition, or for destroying, nuclear, radio-
11 logical, biological, or chemical weapons (or related mate-
12 rials) that are not so secure and are located at any site
13 within the former Soviet Union where effective controls
14 for securing such weapons are not in place.

15 (c) FUNDING.—(1)(A) Of the total amount author-
16 ized to be appropriated under title XXXI, \$15,000,000 is
17 available for materials protection, control, and accounting
18 assistance of the Department of Energy for providing as-
19 sistance under subsection (a).

20 (B) The amount available under subparagraph (A)
21 is in addition to any other funds that are authorized to
22 be appropriated under title XXXI for materials protection,
23 control, and accounting assistance of the Department of
24 Energy.

1 (2)(A) Of the total amount authorized to be appro-
2 priated under section 301, \$10,000,000 is available for the
3 Cooperative Threat Reduction Programs of the Depart-
4 ment of Defense for providing materials protection, con-
5 trol, and accounting assistance under subsection (b).

6 (B) The amount available under subparagraph (A)
7 is in addition to any other funds that are authorized to
8 be appropriated by section 301 for materials protection,
9 control, and accounting assistance of the Department of
10 Defense.

11 **SEC. 1332. VERIFICATION OF DISMANTLEMENT AND CON-**
12 **VERSION OF WEAPONS AND MATERIALS.**

13 (a) **FUNDING FOR COOPERATIVE ACTIVITIES FOR**
14 **DEVELOPMENT OF TECHNOLOGIES.**—Of the total amount
15 authorized to be appropriated under title XXXI,
16 \$10,000,000 is available for continuing and expediting co-
17 operative activities with the Government of Russia to de-
18 velop and deploy—

19 (1) technologies for improving verification of
20 nuclear warhead dismantlement;

21 (2) technologies for converting plutonium from
22 weapons into forms that—

23 (A) are better suited for long-term storage
24 than are the forms from which converted;

25 (B) facilitate verification; and

1 (C) are suitable for nonweapons use; and

2 (3) technologies that promote openness in Rus-
3 sian production, storage, use, and final and interim
4 disposition of weapon-usable fissile material, includ-
5 ing at tritium/isotope production reactors, uranium
6 enrichment plants, chemical separation plants, and
7 fabrication facilities associated with naval and civil
8 research reactors.

9 (b) WEAPONS-USABLE FISSILE MATERIALS TO BE
10 COVERED BY COOPERATIVE THREAT REDUCTION PRO-
11 GRAMS ON ELIMINATION OR TRANSPORTATION OF NU-
12 CLEAR WEAPONS.—Section 1201(b)(1) of the National
13 Defense Authorization Act for Fiscal Year 1996 (Public
14 Law 104–106; 110 Stat. 469; 22 U.S.C. 5955 note) is
15 amended by inserting “, fissile material suitable for use
16 in nuclear weapons,” after “other weapons”.

17 **SEC. 1333. ELIMINATION OF PLUTONIUM PRODUCTION.**

18 (a) REPLACEMENT PROGRAM.—The Secretary of De-
19 fense, in consultation with the Secretary of Energy, shall
20 develop a cooperative program with the Government of
21 Russia to eliminate the production of weapons grade plu-
22 tonium by modifying or replacing the reactor cores at
23 Tomsk–7 and Krasnoyarsk–26 with reactor cores that are
24 less suitable for the production of weapons-grade pluto-
25 nium.

1 (b) PROGRAM REQUIREMENTS.—(1) The program
2 shall be designed to achieve completion of the modifica-
3 tions or replacements of the reactor cores within three
4 years after the modification or replacement activities
5 under the program are begun.

6 (2) The plan for the program shall—

7 (A) specify—

8 (i) successive steps for the modification or
9 replacement of the reactor cores; and

10 (ii) clearly defined milestones to be
11 achieved; and

12 (B) include estimates of the costs of the pro-
13 gram.

14 (c) SUBMISSION OF PROGRAM PLAN TO CON-
15 GRESS.—Not later than 180 days after the date of the
16 enactment of this Act, the Secretary of Defense shall sub-
17 mit to Congress—

18 (1) a plan for the program under subsection

19 (a);

20 (2) an estimate of the United States funding
21 that is necessary for carrying out the activities
22 under the program for each fiscal year covered by
23 the program; and

24 (3) a comparison of the benefits of the program
25 with the benefits of other nonproliferation programs.

1 (d) FUNDING FOR INITIAL PHASE.—(1) Of the total
2 amount authorized to be appropriated by section 301
3 other than for Cooperative Threat Reduction programs,
4 \$16,000,000 is available for the initial phase of the pro-
5 gram under subsection (a).

6 (2) The amount available for the initial phase of the
7 reactor modification or replacement program under para-
8 graph (1) is in addition to amounts authorized to be ap-
9 propriated for Cooperative Threat Reduction programs
10 under section 301(20).

11 **SEC. 1334. INDUSTRIAL PARTNERSHIP PROGRAMS TO DE-**
12 **MILITARIZE WEAPONS OF MASS DESTRUC-**
13 **TION PRODUCTION FACILITIES.**

14 (a) DEPARTMENT OF ENERGY PROGRAM.—The Sec-
15 retary of Energy shall expand the Industrial Partnership
16 Program of the Department of Energy to include coverage
17 of all of the independent states of the former Soviet Union.

18 (b) DEPARTMENT OF DEFENSE PROGRAM.—The
19 Secretary of Defense shall establish a program to support
20 the dismantlement or conversion of the biological and
21 chemical weapons facilities in the independent states of
22 the former Soviet Union to uses for nondefense purposes.
23 The Secretary may carry out such program in conjunction
24 with, or separately from, the organization designated as
25 the Defense Enterprise Fund (formerly designated as the

1 “Demilitarization Enterprise Fund” under section 1204
2 of the National Defense Authorization Act for Fiscal Year
3 1994 (Public Law 103–160; 22 U.S.C. 5953)).

4 (c) FUNDING FOR DEPARTMENT OF DEFENSE PRO-
5 GRAM.—(1)(A) Of the total amount authorized to be ap-
6 propriated under section 301, \$15,000,000 is available for
7 the program under subsection (b).

8 (B) The amount available under subparagraph (A)
9 for the industrial partnership program of the Department
10 of Defense established pursuant to subsection (b) is in ad-
11 dition to the amount authorized to be appropriated for Co-
12 operative Threat Reduction programs under section 301.

13 (2) It is the sense of Congress that the Secretary of
14 Defense should transfer to the Defense Enterprise Fund,
15 \$20,000,000 out of the funds appropriated for Coopera-
16 tive Threat Reduction programs for fiscal years before fis-
17 cal year 1997 that remain available for obligation.

18 **SEC. 1335. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY**

19 **AND SECURITY OF NUCLEAR MATERIALS.**

20 (a) PROGRAM EXPANSION AUTHORIZED.—The Sec-
21 retary of Energy is authorized to expand the Lab-to-Lab
22 program of the Department of Energy to improve the safe-
23 ty and security of nuclear materials in the independent
24 states of the former Soviet Union where the Lab-to-Lab

1 program is not being carried out on the date of the enact-
2 ment of this Act.

3 (b) FUNDING.—(1) Of the total amount authorized
4 to be appropriated under title XXXI, \$20,000,000 is avail-
5 able for expanding the Lab-to-Lab program as authorized
6 under subsection (a).

7 (2) The amount available under paragraph (1) is in
8 addition to any other amount otherwise available for the
9 Lab-to-Lab program.

10 **SEC. 1336. COOPERATIVE ACTIVITIES ON SECURITY OF**
11 **HIGHLY ENRICHED URANIUM USED FOR PRO-**
12 **PULSION OF RUSSIAN SHIPS.**

13 (a) RESPONSIBLE UNITED STATES OFFICIAL.—The
14 Secretary of Energy shall be responsible for carrying out
15 United States cooperative activities with the Government
16 of the Russian Federation on improving the security of
17 highly enriched uranium that is used for propulsion of
18 Russian military and civilian ships.

19 (b) PLAN REQUIRED.—(1) The Secretary shall de-
20 velop and periodically update a plan for the cooperative
21 activities referred to in subsection (a).

22 (2) The Secretary shall coordinate the development
23 and updating of the plan with the Secretary of Defense.
24 The Secretary of Defense shall involve the Joint Chiefs
25 of Staff in the coordination.

1 (c) FUNDING.—(1) Of the total amount authorized
2 to be appropriated by title XXXI, \$6,000,000 is available
3 for materials protection, control, and accounting program
4 of the Department of Energy for the cooperative activities
5 referred to in subsection (a).

6 (2) The amount available for the Department of En-
7 ergy for materials protection, control, and accounting pro-
8 gram under paragraph (1) is in addition to other amounts
9 authorized to be appropriated by title XXXI for such pro-
10 gram.

11 **SEC. 1337. MILITARY-TO-MILITARY RELATIONS.**

12 (a) FUNDING.—Of the total amount authorized to be
13 appropriated under section 301, \$2,000,000 is available
14 for expanding military-to-military programs of the United
15 States that focus on countering the threats of proliferation
16 of weapons of mass destruction so as to include the secu-
17 rity forces of independent states of the former Soviet
18 Union, particularly states in the Caucasus region and
19 Central Asia.

20 (b) RELATIONSHIP TO OTHER FUNDING AUTHOR-
21 ITY.—The amount available for expanding military-to-
22 military programs under subsection (a) is in addition to
23 the amount authorized to be appropriated for Cooperative
24 Threat Reduction programs under section 301.

1 **SEC. 1338. TRANSFER AUTHORITY.**

2 (a) SECRETARY OF DEFENSE.—(1) To the extent
3 provided in appropriations Acts, the Secretary of Defense
4 may transfer amounts appropriated pursuant to this sub-
5 title for the Department of Defense for programs and au-
6 thorities under this subtitle to appropriations available for
7 programs authorized under subtitle A.

8 (2) Amounts so transferred shall be merged with the
9 appropriations to which transferred and shall be available
10 for the programs for which the amounts are transferred.

11 (3) The transfer authority under paragraph (1) is in
12 addition to any other transfer authority provided by this
13 Act.

14 (b) SECRETARY OF ENERGY.—(1) To the extent pro-
15 vided in appropriations Acts, the Secretary of Energy may
16 transfer amounts appropriated pursuant to this subtitle
17 for the Department of Energy for programs and authori-
18 ties under this subtitle to appropriations available for pro-
19 grams authorized under subtitle A.

20 (2) Amounts so transferred shall be merged with the
21 appropriations to which transferred and shall be available
22 for the programs for which the amounts are transferred.

23 (3) The transfer authority under paragraph (1) is in
24 addition to any other transfer authority provided by this
25 Act.

1 **Subtitle D—Coordination of Policy**
2 **and Countermeasures Against**
3 **Proliferation of Weapons of**
4 **Mass Destruction**

5 **SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERA-**
6 **TION.**

7 (a) DESIGNATION OF POSITION.—The President
8 shall designate an individual to serve in the Executive Of-
9 fice of the President as the National Coordinator for Non-
10 proliferation Matters.

11 (b) DUTIES.—The Coordinator shall have the follow-
12 ing responsibilities:

13 (1) To be the principal adviser to the President
14 on nonproliferation of weapons of mass destruction,
15 including issues related to terrorism, arms control,
16 and international organized crime.

17 (2) To chair the Committee on Nonproliferation
18 established under section 1342.

19 (3) To take such actions as are necessary to en-
20 sure that there is appropriate emphasis in, coopera-
21 tion on, and coordination of, nonproliferation re-
22 search efforts of the United States, including activi-
23 ties of Federal agencies as well as activities of con-
24 tractors funded by the Federal Government.

1 (c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS
2 OF NATIONAL SECURITY COUNCIL.—(1) The senior direc-
3 tors of the National Security Council report to the Coordi-
4 nator regarding the following matters:

5 (A) Nonproliferation of weapons of mass de-
6 struction and related issues.

7 (B) Management of crises involving use or
8 threatened use of weapons of mass destruction, and
9 on management of the consequences of the use or
10 threatened use of such a weapon.

11 (C) Terrorism, arms control, and organized
12 crime issues that relate to the threat of proliferation
13 of weapons of mass destruction.

14 (2) Nothing in paragraph (1) shall be construed to
15 affect the reporting relationship between a senior director
16 and the Assistant to the President for National Security
17 Affairs or any other supervisor regarding matters other
18 than matters described in paragraph (1).

19 (d) ALLOCATION OF FUNDS.—Of the total amount
20 authorized to be appropriated under section 201,
21 \$2,000,000 is available for carrying out research referred
22 to in subsection (b)(3). Such amount is in addition to any
23 other amounts authorized to be appropriated under sec-
24 tion 201 for such purpose.

1 **SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON**
2 **NONPROLIFERATION.**

3 (a) **ESTABLISHMENT.**—The Committee on Non-
4 proliferation (in this section referred to as the “Commit-
5 tee”) is established as a committee of the National Secu-
6 rity Council.

7 (b) **MEMBERSHIP.**—(1) The Committee shall be com-
8 posed of the following:

9 (A) The Secretary of State.

10 (B) The Secretary of Defense.

11 (C) The Director of Central Intelligence.

12 (D) The Attorney General.

13 (E) The Secretary of Energy.

14 (F) The Administrator of the Federal Emer-
15 gency Management Agency.

16 (G) The Secretary of the Treasury.

17 (H) The Secretary of Commerce.

18 (I) Such other members as the President may
19 designate.

20 (2) The National Coordinator for Nonproliferation
21 Matters shall chair the Committee on Nonproliferation.

22 (c) **RESPONSIBILITIES.**—The Committee has the fol-
23 lowing responsibilities:

24 (1) To review and coordinate Federal programs,
25 policies, and directives relating to the proliferation of
26 weapons of mass destruction and related materials

1 and technologies, including matters relating to ter-
2 rorism and international organized crime.

3 (2) To make recommendations to the President
4 regarding the following:

5 (A) Integrated national policies for coun-
6 tering the threats posed by weapons of mass de-
7 struction.

8 (B) Options for integrating Federal agency
9 budgets for countering such threats.

10 (C) Means to ensure that the Federal,
11 State, and local governments have adequate ca-
12 pabilities to manage crises involving nuclear, ra-
13 diological, biological, or chemical weapons or re-
14 lated materials or technologies, and to manage
15 the consequences of a use of such a weapon or
16 related materials or technologies, and that use
17 of those capabilities is coordinated.

18 (D) Means to ensure appropriate coopera-
19 tion on, and coordination of, the following:

20 (i) Preventing the smuggling of weap-
21 ons of mass destruction and related mate-
22 rials and technologies.

23 (ii) Promoting domestic and inter-
24 national law enforcement efforts against
25 proliferation-related efforts.

1 (iii) Countering the involvement of or-
2 ganized crime groups in proliferation-relat-
3 ed activities.

4 (iv) Safeguarding weapons of mass
5 destruction materials and related tech-
6 nologies.

7 (v) Improving coordination and co-
8 operation among intelligence activities, law
9 enforcement, and the Departments of De-
10 fense, State, Commerce, and Energy in
11 support of nonproliferation and
12 counterproliferation efforts.

13 (vi) Ensuring the continuation of ef-
14 fective export controls over materials and
15 technologies that can contribute to the ac-
16 quisition of weapons of mass destruction.

17 (vii) Reducing proliferation of weap-
18 ons of mass destruction and related mate-
19 rials and technologies.

20 **SEC. 1343. COMPREHENSIVE PREPAREDNESS PROGRAM.**

21 (a) PROGRAM REQUIRED.—The President, acting
22 through the Committee on Nonproliferation established
23 under section 1342, shall develop a comprehensive pro-
24 gram for carrying out this title.

1 (b) CONTENT OF PROGRAM.—The program set forth
2 in the report shall include specific plans as follows:

3 (1) Plans for countering proliferation of weap-
4 ons of mass destruction and related materials and
5 technologies.

6 (2) Plans for training and equipping Federal,
7 State, and local officials for managing a crisis in-
8 volving a use or threatened use of a weapon of mass
9 destruction, including the consequences of the use of
10 such a weapon.

11 (3) Plans for providing for regular sharing of
12 information among intelligence, law enforcement,
13 and customs agencies.

14 (4) Plans for training and equipping law en-
15 forcement units, customs services, and border secu-
16 rity personnel to counter the smuggling of weapons
17 of mass destruction and related materials and tech-
18 nologies.

19 (5) Plans for establishing appropriate centers
20 for analyzing seized nuclear, radiological, biological,
21 and chemical weapons, and related materials and
22 technologies.

23 (6) Plans for establishing in the United States
24 appropriate legal controls and authorities relating to
25 the exporting of nuclear, radiological, biological, and

1 chemical weapons, and related materials and tech-
2 nologies.

3 (7) Plans for encouraging and assisting govern-
4 ments of foreign countries to implement and enforce
5 laws that set forth appropriate penalties for offenses
6 regarding the smuggling of weapons of mass de-
7 struction and related materials and technologies.

8 (8) Plans for building the confidence of the
9 United States and Russia in each other's controls
10 over United States and Russian nuclear weapons
11 and fissile materials, including plans for verifying
12 the dismantlement of nuclear weapons.

13 (9) Plans for reducing United States and Rus-
14 sian stockpiles of excess plutonium, reflecting—

15 (A) consideration of the desirability and
16 feasibility of a United States-Russian agree-
17 ment governing fissile material disposition and
18 the specific technologies and approaches to be
19 used for disposition of excess plutonium; and

20 (B) an assessment of the options for Unit-
21 ed States cooperation with Russia in the dis-
22 position of Russian plutonium.

23 (10) Plans for studying the merits and costs of
24 establishing a global network of means for detecting
25 and responding to terroristic or other criminal use of

1 biological agents against people or other forms of life
2 in the United States or any foreign country.

3 (c) REPORT.—(1) At the same time that the Presi-
4 dent submits the budget for fiscal year 1998 to Congress
5 pursuant to section 1105(a) of title 31, United States
6 Code, the President shall submit to Congress a report that
7 sets forth the comprehensive program developed under
8 subsection (a).

9 (2) The report shall include the following:

10 (A) The specific plans for the program that are
11 required under subsection (b).

12 (B) Estimates of the funds necessary for carry-
13 ing out such plans in fiscal year 1998.

14 (3) The report shall be in an unclassified form. If
15 there is a classified version of the report, the President
16 shall submit the classified version at the same time.

17 **SEC. 1344. TERMINATION.**

18 After September 30, 1999, the President—

19 (1) is not required to maintain a National Coor-
20 dinator for Nonproliferation Matters under section
21 1341; and

22 (2) may terminate the Committee on Non-
23 proliferation established under section 1342.

1 **Subtitle E—Miscellaneous**

2 **SEC. 1351. CONTRACTING POLICY.**

3 It is the sense of Congress that the Secretary of De-
4 fense, the Secretary of Energy, the Secretary of the Treas-
5 ury, and the Secretary of State—

6 (1) in the administration of funds available to
7 such officials in accordance with this title, should (to
8 the extent possible under law) contract directly with
9 suppliers in independent states of the former Soviet
10 Union to facilitate the purchase of goods and serv-
11 ices necessary to carry out effectively the programs
12 and authorities provided or referred to in subtitle C;
13 and

14 (2) to do so should seek means, consistent with
15 law, to utilize innovative contracting approaches to
16 avoid delay and increase the effectiveness of such
17 programs and of the exercise of such authorities.

18 **SEC. 1352. TRANSFERS OF ALLOCATIONS AMONG COOPERA-**
19 **TIVE THREAT REDUCTION PROGRAMS.**

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

22 (1) The various Cooperative Threat Reduction
23 programs are being carried out at different rates in
24 the various countries covered by such programs.

1 (2) It is necessary to authorize transfers of
2 funding allocations among the various programs in
3 order to maximize the effectiveness of United States
4 efforts under such programs.

5 (b) TRANSFERS AUTHORIZED.—Funds appropriated
6 for the purposes set forth in subsection (a) of section 1202
7 of the National Defense Authorization Act for Fiscal Year
8 1996 (Public Law 104–106; 110 Stat. 409) may be used
9 for any such purpose without regard to the allocation set
10 forth in that section and without regard to subsection (b)
11 of such section.

12 **SEC. 1353. ADDITIONAL CERTIFICATIONS.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the Cooperative Threat Reduction programs
16 and other United States programs that are derived
17 from programs established under the Former Soviet
18 Union Demilitarization Act of 1992 (title XIV of
19 Public Law 102–484; 22 U.S.C. 2901 et seq.)
20 should be expanded by offering assistance under
21 those programs to other independent states of the
22 former Soviet Union in addition to Russia, Ukraine,
23 Kazakstan, and Belarus; and

24 (2) the President should offer assistance to ad-
25 ditional independent states of the former Soviet

1 Union in each case in which the participation of
2 such states would benefit national security interests
3 of the United States by improving border controls
4 and safeguards over materials and technology associ-
5 ated with weapons of mass destruction.

6 (b) EXTENSION OF COVERAGE.—Assistance under
7 programs referred to in subsection (a) may, notwithstand-
8 ing any other provision of law, be extended to include an
9 independent state of the former Soviet Union if the Presi-
10 dent certifies to Congress that it is in the national inter-
11 ests of the United States to extend the assistance to that
12 state.

13 **SEC. 1354. PURCHASE OF LOW-ENRICHED URANIUM DE-**
14 **RIVED FROM RUSSIAN HIGHLY ENRICHED**
15 **URANIUM.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the allies of the United States and other nations
18 should participate in efforts to ensure that stockpiles of
19 weapons-grade nuclear material are reduced.

20 (b) ACTIONS BY THE SECRETARY OF STATE.—Con-
21 gress urges the Secretary of State to encourage, in con-
22 sultation with the Secretary of Energy, other countries to
23 purchase low-enriched uranium that is derived from highly
24 enriched uranium extracted from Russian nuclear weap-
25 ons.

1 **SEC. 1355. PURCHASE, PACKAGING, AND TRANSPORTATION**
2 **OF FISSILE MATERIALS AT RISK OF THEFT.**

3 It is the sense of Congress that—

4 (1) the Secretary of Defense, the Secretary of
5 Energy, the Secretary of the Treasury, and the Sec-
6 retary of State should purchase, package, and trans-
7 port to secure locations weapons-grade nuclear mate-
8 rials from a stockpile of such materials if such offi-
9 cials determine that—

10 (A) there is a significant risk of theft of
11 such materials; and

12 (B) there is no reasonable and economi-
13 cally feasible alternative for securing such mate-
14 rials; and

15 (2) if it is necessary to do so in order to secure
16 the materials, the materials should be imported into
17 the United States, subject to the laws and regula-
18 tions that are applicable to the importation of such
19 materials into the United States.

20 **SEC. 1356. REDUCTIONS IN AUTHORIZATION OF APPRO-**
21 **PRIATIONS.**

22 (a) NAVY RDT&E.—(1) The total amount authorized
23 to be appropriated under section 201(2) is reduced by
24 \$150,000,000.

25 (2) The reduction in paragraph (1) shall be applied
26 to reduce by \$150,000,000 the amount authorized to be

1 appropriated under section 201(2) for the Distributed
2 Surveillance System.

3 (b) OPERATIONS AND MAINTENANCE, DEFENSE-
4 WIDE.—The total amount authorized to be appropriated
5 under section 301(5) is reduced by \$85,000,000.

6 **TITLE XIV—FEDERAL EMPLOYEE**
7 **TRAVEL REFORM**

8 **SEC. 1401. SHORT TITLE.**

9 This title may be cited as the “Travel Reform and
10 Savings Act of 1996”.

11 **Subtitle A—Relocation Benefits**

12 **SEC. 1411. MODIFICATION OF ALLOWANCE FOR SEEKING**
13 **PERMANENT RESIDENCE QUARTERS.**

14 Section 5724a of title 5, United States Code, is
15 amended to read as follows:

16 **“§ 5724a. Relocation expenses of employees trans-**
17 **ferred or reemployed**

18 “(a) An agency shall pay to or on behalf of an em-
19 ployee who transfers in the interest of the Government,
20 a per diem allowance or the actual subsistence expenses,
21 or a combination thereof, of the immediate family of the
22 employee for en route travel of the immediate family be-
23 tween the employee’s old and new official stations.

1 “(b)(1) An agency may pay to or on behalf of an em-
2 ployee who transfers in the interest of the Government be-
3 tween official stations located within the United States—

4 “(A) the expenses of transportation, and either
5 a per diem allowance or the actual subsistence ex-
6 penses, or a combination thereof, of the employee
7 and the employee’s spouse for travel to seek perma-
8 nent residence quarters at a new official station; or

9 “(B) the expenses of transportation, and an
10 amount for subsistence expenses in lieu of a per
11 diem allowance or the actual subsistence expenses or
12 a combination thereof, authorized in subparagraph
13 (A) of this paragraph.

14 “(2) Expenses authorized under this subsection may
15 be allowed only for one round trip in connection with each
16 change of station of the employee.”.

17 **SEC. 1412. MODIFICATION OF TEMPORARY QUARTERS SUB-**
18 **SISTENCE EXPENSES ALLOWANCE.**

19 Section 5724a of title 5, United States Code, is fur-
20 ther amended by adding at the end the following new sub-
21 section:

22 “(c)(1) An agency may pay to or on behalf of an em-
23 ployee who transfers in the interest of the Government—

24 “(A) actual subsistence expenses of the em-
25 ployee and the employee’s immediate family for a pe-

1 riod of up to 60 days while occupying temporary
2 quarters when the new official station is located
3 within the United States as defined in subsection (d)
4 of this section; or

5 “(B) an amount for subsistence expenses in-
6 stead of the actual subsistence expenses authorized
7 in subparagraph (A) of this paragraph.

8 “(2) The period authorized in paragraph (1) of this
9 subsection for payment of expenses for residence in tem-
10 porary quarters may be extended up to an additional 60
11 days if the head of the agency concerned or the designee
12 of such head of the agency determines that there are com-
13 pelling reasons for the continued occupancy of temporary
14 quarters.

15 “(3) The regulations implementing paragraph (1)(A)
16 shall prescribe daily rates and amounts for subsistence ex-
17 penses per individual.”.

18 **SEC. 1413. MODIFICATION OF RESIDENCE TRANSACTION**

19 **EXPENSES ALLOWANCE.**

20 (a) **EXPENSES OF SALE.**—Section 5724a of title 5,
21 United States Code, is further amended by adding at the
22 end the following new subsection:

23 “(d)(1) An agency shall pay to or on behalf of an
24 employee who transfers in the interest of the Government,
25 expenses of the sale of the residence (or the settlement

1 of an unexpired lease) of the employee at the old official
2 station and purchase of a residence at the new official sta-
3 tion that are required to be paid by the employee, when
4 the old and new official stations are located within the
5 United States.

6 “(2) An agency shall pay to or on behalf of an em-
7 ployee who transfers in the interest of the Government
8 from a post of duty located outside the United States to
9 an official station within the United States (other than
10 the official station within the United States from which
11 the employee was transferred when assigned to the foreign
12 tour of duty)—

13 “(A) expenses required to be paid by the em-
14 ployee of the sale of the residence (or the settlement
15 of an unexpired lease) of the employee at the old of-
16 ficial station from which the employee was trans-
17 ferred when the employee was assigned to the post
18 of duty located outside the United States; and

19 “(B) expenses required to be paid by the em-
20 ployee of the purchase of a residence at the new offi-
21 cial station within the United States.

22 “(3) Reimbursement of expenses under paragraph (2)
23 of this subsection shall not be allowed for any sale (or set-
24 tlement of an unexpired lease) or purchase transaction
25 that occurs prior to official notification that the employ-

1 ee's return to the United States would be to an official
2 station other than the official station from which the em-
3 ployee was transferred when assigned to the post of duty
4 outside the United States.

5 “(4) Reimbursement for brokerage fees on the sale
6 of the residence and other expenses under this subsection
7 may not exceed those customarily charged in the locality
8 where the residence is located.

9 “(5) Reimbursement may not be made under this
10 subsection for losses incurred by the employee on the sale
11 of the residence.

12 “(6) This subsection applies regardless of whether
13 title to the residence or the unexpired lease is—

14 “(A) in the name of the employee alone;

15 “(B) in the joint names of the employee and a
16 member of the employee's immediate family; or

17 “(C) in the name of a member of the employ-
18 ee's immediate family alone.

19 “(7)(A) In connection with the sale of the residence
20 at the old official station, reimbursement under this sub-
21 section shall not exceed 10 percent of the sale price.

22 “(B) In connection with the purchase of a residence
23 at the new official station, reimbursement under this sub-
24 section shall not exceed 5 percent of the purchase price.

1 (A) by redesignating paragraph (8) as
2 paragraph (9); and

3 (B) by inserting after paragraph (7) the
4 following new paragraph:

5 “(8) An agency may pay to or on behalf of an em-
6 ployee who transfers in the interest of the Government,
7 expenses of property management services when the agen-
8 cy determines that such transfer is advantageous and cost-
9 effective to the Government, instead of expenses under
10 paragraph (2) or (3) of this subsection, for sale of the
11 employee’s residence.”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(e) An agency may pay to or on behalf of an em-
15 ployee who transfers in the interest of the Government,
16 the expenses of property management services when the
17 employee transfers to a post of duty outside the United
18 States as defined in subsection (d) of this section. Such
19 payment shall terminate upon return of the employee to
20 an official station within the United States as defined in
21 subsection (d) of this section.”.

1 **SEC. 1415. AUTHORITY TO TRANSPORT A PRIVATELY**
2 **OWNED MOTOR VEHICLE WITHIN THE CON-**
3 **TINENTAL UNITED STATES.**

4 (a) **IN GENERAL.**—Section 5727 of title 5, United
5 States Code, is amended—

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

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

10 “(c) Under regulations prescribed under section
11 5737, the privately owned motor vehicle or vehicles of an
12 employee, including a new appointee or a student trainee
13 for whom travel and transportation expenses are author-
14 ized under section 5723, may be transported at Govern-
15 ment expense to a new official station of the employee
16 when the agency determines that such transport is advan-
17 tageous and cost-effective to the Government.”; and

18 (3) in subsection (e) (as so redesignated), by
19 striking “subsection (b) of this section” and by in-
20 serting “subsection (b) or (c) of this section”.

21 (b) **AVAILABILITY OF APPROPRIATIONS.**—(1) Section
22 5722(a) of title 5, United States Code, is amended—

23 (A) by striking “and” at the end of paragraph
24 (1);

25 (B) by striking the period at the end of para-
26 graph (2) and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(3) the expenses of transporting a privately
3 owned motor vehicle to the extent authorized under
4 section 5727(c).”.

5 (2) Section 5723(a) of title 5, United States Code,
6 is amended—

7 (A) by striking “and” at the end of paragraph
8 (1);

9 (B) by inserting “and” after the semicolon at
10 the end of paragraph (2); and

11 (C) by adding at the end the following:

12 “(3) the expenses of transporting a privately
13 owned motor vehicle to the extent authorized under
14 section 5727(c);”.

15 **SEC. 1416. AUTHORITY TO PAY LIMITED RELOCATION AL-**
16 **LOWANCES TO AN EMPLOYEE WHO IS PER-**
17 **FORMING AN EXTENDED ASSIGNMENT.**

18 (a) IN GENERAL.—Subchapter II of chapter 57 of
19 title 5, United States Code, is amended by adding at the
20 end the following new section:

21 **“§ 5736. Relocation expenses of an employee who is**
22 **performing an extended assignment**

23 “(a) Under regulations prescribed under section
24 5737, an agency may pay to or on behalf of an employee
25 assigned from the employee’s official station to a duty sta-

1 tion for a period of no less than 6 months and no greater
2 than 30 months, the following expenses in lieu of payment
3 of expenses authorized under subchapter I of this chapter:

4 “(1) Travel expenses to and from the assign-
5 ment location in accordance with section 5724.

6 “(2) Transportation expenses of the immediate
7 family and household goods and personal effects to
8 and from the assignment location in accordance with
9 section 5724.

10 “(3) A per diem allowance for the employee’s
11 immediate family to and from the assignment loca-
12 tion in accordance with section 5724a(a).

13 “(4) Travel and transportation expenses of the
14 employee and spouse to seek residence quarters at
15 the assignment location in accordance with section
16 5724a(b).

17 “(5) Subsistence expenses of the employee and
18 the employee’s immediate family while occupying
19 temporary quarters upon commencement and termi-
20 nation of the assignment in accordance with section
21 5724a(c).

22 “(6) An amount, in accordance with section
23 5724a(g), to be used by the employee for miscellane-
24 ous expenses.

1 “(7) The expenses of transporting a privately
2 owned motor vehicle or vehicles to the assignment lo-
3 cation in accordance with section 5727.

4 “(8) An allowance as authorized under section
5 5724b of this title for Federal, State, and local in-
6 come taxes incurred on reimbursement of expenses
7 paid under this section or on services provided in
8 kind under this section.

9 “(9) Expenses of nontemporary storage of
10 household goods and personal effects as defined in
11 section 5726(a). The weight of the household goods
12 and personal effects stored under this subsection, to-
13 gether with the weight of property transported under
14 section 5724(a), may not exceed the total maximum
15 weight which could be transported in accordance
16 with section 5724(a).

17 “(10) Expenses of property management serv-
18 ices.

19 “(b) An agency shall not make payment under this
20 section to or on behalf of the employee for expenses in-
21 curred after termination of the temporary assignment.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for chapter 57 of title 5, United States Code, is amended
24 by inserting after the item relating to section 5735 the
25 following new item:

“5736. Relocation expenses of an employee who is performing an extended assignment.”.

1 **SEC. 1417. AUTHORITY TO PAY A HOME MARKETING INCEN-**
2 **TIVE.**

3 (a) IN GENERAL.—Subchapter IV of chapter 57 of
4 title 5, United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 5756. Home marketing incentive payment**

7 “(a) Under such regulations as the Administrator of
8 General Services may prescribe, an agency may pay to an
9 employee who transfers in the interest of the Government
10 an amount, not to exceed a maximum payment amount
11 established by the Administrator in consultation with the
12 Director of the Office of Management and Budget, to en-
13 courage the employee to aggressively market the employ-
14 ee’s residence at the old official station when—

15 “(1) the residence is entered into a program es-
16 tablished under a contract in accordance with sec-
17 tion 5724e of this chapter, to arrange for the pur-
18 chase of the residence;

19 “(2) the employee finds a buyer who completes
20 the purchase of the residence through the program;
21 and

22 “(3) the sale of the residence to the individual
23 results in a reduced cost to the Government.

1 “(b) For fiscal years 1997 and 1998, the Adminis-
2 trator shall establish a maximum payment amount of 5
3 percent of the sales price of the residence.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 57 of title 5, United States Code, is amended
6 by inserting at the end the following:

“5756. Home marketing incentive payment.”.

7 **SEC. 1418. CONFORMING AMENDMENTS.**

8 (a) AMENDMENTS TO TITLE 5, UNITED STATES
9 CODE.—(1) Section 5724a of title 5, United States Code,
10 is further amended by adding at the end the following new
11 subsections:

12 “(g)(1) Subject to paragraph (2), an employee who
13 is reimbursed under subsections (a) through (f) of this
14 section or section 5724(a) of this title is entitled to an
15 amount for miscellaneous expenses—

16 “(A) not to exceed 2 weeks’ basic pay, if such
17 employee has an immediate family; or

18 “(B) not to exceed 1 week’s basic pay, if such
19 employee does not have an immediate family.

20 “(2) Amounts paid under paragraph (1) may not ex-
21 ceed amounts determined at the maximum rate payable
22 for a position at GS–13 of the General Schedule.

23 “(h) A former employee separated by reason of reduc-
24 tion in force or transfer of function who within 1 year
25 after the separation is reemployed by a nontemporary ap-

1 pointment at a different geographical location from that
2 where the separation occurred, may be allowed and paid
3 the expenses authorized by sections 5724, 5725, 5726(b),
4 and 5727 of this title, and may receive the benefits author-
5 ized by subsections (a) through (g) of this section, in the
6 same manner as though such employee had been trans-
7 ferred in the interest of the Government without a break
8 in service to the location of reemployment from the loca-
9 tion where separated.

10 “(i) Payments for subsistence expenses, including
11 amounts in lieu of per diem or actual subsistence expenses
12 or a combination thereof, authorized under this section
13 shall not exceed the maximum payment allowed under reg-
14 ulations which implement section 5702 of this title.

15 “(j) Subsections (a), (b), and (c) shall be imple-
16 mented under regulations issued under section 5737.”.

17 (2) Section 3375 of title 5, United States Code, is
18 amended—

19 (A) in subsection (a)(3), by striking “section
20 5724a(a)(1) of this title” and inserting “section
21 5724a(a) of this title”;

22 (B) in subsection (a)(4), by striking “section
23 5724a(a)(3) of this title” and inserting “section
24 5724a(c) of this title”; and

1 (C) in subsection (a)(5), by striking “section
2 5724a(b) of this title” and inserting “section
3 5724a(g) of this title”.

4 (3) Section 5724(e) of title 5, United States Code,
5 is amended by striking “section 5724a(a), (b) of this title”
6 and inserting “section 5724a(a) through (g) of this title”.

7 (b) MISCELLANEOUS.—(1) Section 707 of title 38,
8 United States Code, is amended—

9 (A) in subsection (a)(6), by striking “Section
10 5724a(a)(3)” and inserting “Section 5724a(c)”; and

11 (B) in subsection (a)(7), by striking “Section
12 5724a(a)(4)” and inserting “section 5724a(d)”.

13 (2) Section 501 of the Public Health Service Act (42
14 U.S.C. 290aa) is amended—

15 (A) in subsection (g)(2)(A), by striking
16 “5724a(a)(1)” and inserting “5724a(a)”; and

17 (B) in subsection (g)(2)(A), by striking
18 “5724a(a)(3)” and inserting “5724a(c)”.

19 (3) Section 925 of the Public Health Service Act (42
20 U.S.C. 299c–4) is amended—

21 (A) in subsection (f)(2)(A), by striking
22 “5724a(a)(1)” and inserting “5724a(a)”; and

23 (B) in subsection (f)(2)(A), by striking
24 “5724a(a)(3)” and inserting “5724a(c)”.

1 **Subtitle B—Miscellaneous**
2 **Provisions**

3 **SEC. 1431. REPEAL OF THE LONG-DISTANCE TELEPHONE**
4 **CALL CERTIFICATION REQUIREMENT.**

5 Section 1348 of title 31, United States Code, is
6 amended—

7 (1) by striking the last sentence of subsection

8 (a)(2);

9 (2) by striking subsection (b); and

10 (3) by redesignating subsections (c) and (d) as
11 subsections (b) and (c), respectively.

12 **SEC. 1432. TRANSFER OF AUTHORITY TO ISSUE REGULA-**
13 **TIONS.**

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

17 **“§ 5737. Regulations**

18 “(a)(1) Except as specifically provided in this sub-
19 chapter, the Administrator of General Services shall pre-
20 scribe regulations necessary for the administration of this
21 subchapter.

22 “(2) Notwithstanding any limitation of this sub-
23 chapter, in promulgating regulations under paragraph (1)
24 of this subsection, the Administrator of General Services
25 shall include a provision authorizing the head of an agency

1 or his designee to waive any limitation of this subchapter
2 or in any implementing regulation for any employee relo-
3 cating to or from a remote or isolated location who would
4 otherwise suffer hardship.

5 “(b) The Administrator of General Services shall pre-
6 scribe regulations necessary for the implementation of sec-
7 tion 5724b of this subchapter in consultation with the Sec-
8 retary of the Treasury.

9 “(c) The Secretary of Defense shall prescribe regula-
10 tions necessary for the implementation of section 5735 of
11 this subchapter.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 57 of title 5, United States Code, is further
14 amended by inserting after the item relating to section
15 5736 the following new item:

“5737. Regulations.”.

16 (c) CONFORMING AMENDMENTS.—(1) Section 5722
17 of title 5, United States Code, is amended by striking
18 “Under such regulations as the President may prescribe”,
19 and inserting “Under regulations prescribed under section
20 5737 of this title”.

21 (2) Section 5723 of title 5, United States Code, is
22 amended by striking “Under such regulations as the
23 President may prescribe”, and inserting “Under regula-
24 tions prescribed under section 5737 of this title”.

1 (3) Section 5724 of title 5, United States Code, is
2 amended—

3 (A) in subsections (a) through (c), by striking
4 “Under such regulations as the President may pre-
5 scribe” each place it appears and inserting “Under
6 regulations prescribed under section 5737 of this
7 title”;

8 (B) in subsections (c) and (e), by striking
9 “under regulations prescribed by the President” and
10 inserting “under regulations prescribed under sec-
11 tion 5737 of this title”; and

12 (C) in subsection (f), by striking “under the
13 regulations of the President” and inserting “under
14 regulations prescribed under section 5737 of this
15 title”.

16 (4) Section 5724b of title 5, United States Code, is
17 amended by striking “Under such regulations as the
18 President may prescribe” and inserting “Under regula-
19 tions prescribed under section 5737 of this title”.

20 (5) Section 5726 of title 5, United States Code, is
21 amended—

22 (A) in subsection (a), by striking “as the Presi-
23 dent may by regulation authorize” and inserting “as
24 authorized under regulations prescribed under sec-
25 tion 5737 of this title”; and

1 (B) in subsections (b) and (c), by striking
2 “Under such regulations as the President may pre-
3 scribe” each place it appears and inserting “under
4 regulations prescribed under section 5737 of this
5 title”.

6 (6) Section 5727(b) of title 5, United States Code,
7 is amended by striking “Under such regulations as the
8 President may prescribe” and inserting “Under regula-
9 tions prescribed under section 5737 of this title”.

10 (7) Section 5728 of title 5, United States Code, is
11 amended in subsections (a), (b), and (c)(1), by striking
12 “Under such regulations as the President may prescribe”
13 each place it appears and inserting “Under regulations
14 prescribed under section 5737 of this title”.

15 (8) Section 5729 of title 5, United States Code, is
16 amended in subsections (a) and (b), by striking “Under
17 such regulations as the President may prescribe” each
18 place it appears and inserting “Under regulations pre-
19 scribed under section 5737 of this title”.

20 (9) Section 5731 of title 5, United States Code, is
21 amended by striking “in accordance with regulations pre-
22 scribed by the President” and inserting “in accordance
23 with regulations prescribed under section 5737 of this
24 title”.

1 **SEC. 1433. REPORT ON ASSESSMENT OF COST SAVINGS.**

2 No later than 1 year after the effective date of the
3 final regulations issued under section 1434(b), the Gen-
4 eral Accounting Office shall submit a report to the Com-
5 mittee on Governmental Affairs of the Senate and the
6 Committee on Government Reform and Oversight of the
7 House of Representatives on an assessment of the cost
8 savings to Federal travel administration resulting from
9 statutory and regulatory changes under this Act.

10 **SEC. 1434. EFFECTIVE DATE; ISSUANCE OF REGULATIONS.**

11 (a) **EFFECTIVE DATE.**—The amendments made by
12 this title shall take effect upon the expiration of the 180-
13 day period beginning on the date of the enactment of this
14 Act.

15 (b) **REGULATIONS.**—The Administrator of General
16 Services shall issue final regulations implementing the
17 amendments made by this title by not later than the expi-
18 ration of the period referred to in subsection (a).

19 **DIVISION B—MILITARY CON-**
20 **STRUCTION AUTHORIZA-**
21 **TIONS**

22 **SEC. 2001. SHORT TITLE.**

23 This division may be cited as the “Military Construc-
24 tion Authorization Act for Fiscal Year 1997”.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Total
Alabama	Fort Rucker	\$3,250,000
California	Camp Roberts	\$5,500,000
	Naval Weapons Station, Concord	\$27,000,000
Colorado	Fort Carson	\$13,000,000
District of Columbia	Fort McNair	\$6,900,000
Georgia	Fort Benning	\$53,400,000
	Fort McPherson	\$3,500,000
	Fort Stewart	\$6,000,000
Hawaii	Schofield Barracks	\$16,500,000
Kansas	Fort Riley	\$29,350,000
Kentucky	Fort Campbell	\$67,600,000
	Fort Knox	\$13,000,000
Louisiana	Fort Polk	\$4,800,000
New Mexico	White Sands Missile Range	\$10,000,000
New York	Fort Drum	\$6,500,000
Texas	Fort Hood	\$40,900,000
	Fort Sam Houston	\$3,100,000
Virginia	Fort Eustis	\$3,550,000
Washington	Fort Lewis	\$54,600,000
CONUS Classified	Classified Locations	\$4,600,000
	Total:	\$373,050,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construc-

1 tion projects for the locations outside the United States,
 2 and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Total
Germany	Spinellii Barracks, Mannheim	\$8,100,000
	Taylor Barracks, Mannheim	\$9,300,000
Italy	Camp Ederle	\$3,100,000
Korea	Camp Casey	\$16,000,000
	Camp Red Cloud	\$14,000,000
Overseas Classified	Classified Locations	\$64,000,000
Worldwide	Host Nation Support	\$20,000,000
	Total:	\$134,500,000

3 **SEC. 2102. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using
 5 amounts appropriated pursuant to the authorization of ap-
 6 propriations in section 2104(a)(5)(A), the Secretary of the
 7 Army may construct or acquire family housing units (in-
 8 cluding land acquisition) at the installations, for the pur-
 9 poses, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Total
Hawaii	Schofield Barracks	54 Units	\$10,000,000
North Carolina	Fort Bragg	88 Units	\$9,800,000
Texas	Fort Hood	140 Units	\$18,500,000
		Total:	\$38,300,000

10 (b) PLANNING AND DESIGN.—Using amounts appro-
 11 priated pursuant to the authorization of appropriations in
 12 section 2104(a)(5)(A), the Secretary of the Army may
 13 carry out architectural and engineering services and con-
 14 struction design activities with respect to the construction
 15 or improvement of family housing units in an amount not
 16 to exceed \$4,083,000.

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in sections 2104(a)(5)(A),
6 the Secretary of the Army may improve existing military
7 family housing units in an amount not to exceed
8 \$109,750,000.

9 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 1996, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Army in the total amount of \$1,910,897,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2101(a),
17 \$373,050,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2101(b),
20 \$134,500,000.

21 (3) For unspecified minor military construction
22 projects authorized by section 2805 of title 10, Unit-
23 ed States Code, \$7,000,000.

24 (4) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$31,748,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$152,133,000.

5 (B) For support of military family housing
6 (including the functions described in section
7 2833 of title 10, United States Code),
8 \$1,212,466,000.

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
10 PROJECTS.—Notwithstanding the cost variations author-
11 ized by section 2853 of title 10, United States Code, and
12 any other cost variation authorized by law, the total cost
13 of all projects carried out under section 2101 of this Act
14 may not exceed the total amount authorized to be appro-
15 priated under paragraphs (1) and (2) of subsection (a).

16 **SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE**
17 **HISTORIC DISTRICT AT THE FOREST GLEN**
18 **ANNEX OF WALTER REED MEDICAL CENTER,**
19 **MARYLAND.**

20 Not later than 30 days after the date of the enact-
21 ment of this Act, the Secretary of the Army shall submit
22 to the congressional defense committees a comprehensive
23 plan for basic repairs and stabilization measures through-
24 out the historic district at the Forest Glen Annex of Wal-

1 ter Reed Army Medical Center, Maryland, together with
 2 funding options for the implementation of the plan.

3 **TITLE XXII—NAVY**

4 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 5 **ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2205(a)(1), the Secretary of the Navy may
 9 acquire real property and carry out military construction
 10 projects for the installations and locations inside the Unit-
 11 ed States, and in the amounts, set forth in the following
 12 table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo	\$3,920,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms.	\$4,020,000
	Marine Corps Air Station, Camp Pendleton.	\$6,240,000
	Marine Corps Base, Camp Pendleton	\$51,630,000
	Marine Corps Recruit Depot, San Diego	\$8,150,000
	Naval Air Station, North Island	\$76,872,000
	Naval Facility, San Clemente Island	\$17,000,000
	Naval Station, San Diego	\$7,050,000
	Naval Command Control & Ocean Surveillance Center, San Diego.	\$1,960,000
Connecticut	Naval Submarine Base, New London	\$13,830,000
District of Columbia	Naval District, Commandant, Washington.	\$19,300,000
Florida	Naval Air Station, Key West	\$2,250,000
Hawaii	Naval Station, Pearl Harbor	\$19,600,000
	Naval Submarine Base, Pearl Harbor	\$35,890,000
Idaho	Naval Surface Warfare Center, Bayview	\$7,150,000
Illinois	Naval Training Center, Great Lakes	\$22,900,000
Maryland	Naval Air Warfare Center, Patuxent River.	\$1,270,000
	United States Naval Academy	\$10,480,000
Mississippi	Naval Station, Pascagoula	\$4,990,000
	Stennis Space Center	\$7,960,000
Nevada	Naval Air Station, Fallon	\$20,600,000
North Carolina	Marine Corps Air Station, Cherry Point	\$1,630,000
	Marine Corps Air Station, New River	\$17,040,000
	Marine Corps Base, Camp LeJeune	\$20,750,000
Rhode Island	Naval Undersea Warfare Center	\$8,900,000
South Carolina	Marine Corps Recruit Depot, Parris Island.	\$2,550,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Texas	Naval Station, Ingleside	\$16,850,000
	Naval Air Station, Kingsville	\$1,810,000
Virginia	Armed Forces Staff College, Norfolk	\$12,900,000
	Marine Corps Combat Development Command, Quantico.	\$14,570,000
	Naval Station, Norfolk	\$47,920,000
	Naval Surface Warfare Center, Dahlgren	\$8,030,000
Washington	Naval Station, Everett	\$25,740,000
	Total:	\$521,752,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2205(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the follow-
7 ing table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit, Bahrain	\$5,980,000
Greece	Naval Support Activity, Souda Bay	\$7,050,000
Italy	Naval Air Station, Sigonella	\$15,700,000
	Naval Support Activity, Naples	\$8,620,000
Puerto Rico	Naval Station, Roosevelt Roads	\$23,600,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan.	\$4,700,000
	Total:	\$65,650,000

8 **SEC. 2202. FAMILY HOUSING.**

9 (a) CONSTRUCTION AND ACQUISITION.—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2205(a)(6)(A), the Secretary of the
12 Navy may construct or acquire family housing units (in-
13 cluding land acquisition) at the installations, for the pur-
14 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma.	Community Center.	\$709,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms.	Community Center.	\$1,982,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms.	Housing Office	\$956,000
	Marine Corps Base, Camp Pendleton.	128 Units	\$19,483,000
	Naval Air Station, Lemoore.	276 Units	\$39,837,000
	Navy Public Works Center, San Diego.	366 Units	\$48,719,000
	Hawaii	Marine Corps Air Station, Kaneohe Bay.	54 Units
Navy Public Works Center, Pearl Harbor.		264 Units	\$52,586,000
Maryland	Naval Air Warfare Center, Patuxent River.	Community Center.	\$1,233,000
North Carolina	Marine Corps Base, Camp LeJeune.	Community Center.	\$845,000
Virginia	AEGIS Combat Systems Center, Wallops Island.	20 Units	\$2,975,000
	Naval Security Group Activity, Northwest.	Community Center.	\$741,000
Washington	Naval Station, Everett	100 Units	\$15,015,000
	Naval Submarine Base, Bangor.	Housing Office	\$934,000
Total:			\$197,691,000

1 (b) **PLANNING AND DESIGN.**—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2205(a)(6)(A), the Secretary of the Navy may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$23,142,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2205(a)(6)(A),
6 the Secretary of the Navy may improve existing military
7 family housing units in an amount not to exceed
8 \$189,383,000.

9 **SEC. 2204. DEFENSE ACCESS ROADS.**

10 Using amounts appropriated pursuant to the author-
11 ization of appropriations in section 2205(a)(5), the Sec-
12 retary of the Navy may make advances to the Secretary
13 of Transportation for the construction of defense access
14 roads under section 210 of title 23, United States Code,
15 at various locations in the amount of \$300,000.

16 **SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

17 (a) IN GENERAL.—Funds are hereby authorized to
18 be appropriated for fiscal years beginning after September
19 30, 1996, for military construction, land acquisition, and
20 military family housing functions of the Department of the
21 Navy in the total amount of \$2,054,793,000 as follows:

22 (1) For military construction projects inside the
23 United States authorized by section 2201(a),
24 \$515,952,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2201(b),
3 \$65,650,000.

4 (3) For unspecified minor construction projects
5 authorized by section 2805 of title 10, United States
6 Code, \$7,115,000.

7 (4) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$47,519,000.

10 (5) For advances to the Secretary of Transpor-
11 tation for construction of defense access roads under
12 section 210 of title 23, United States Code,
13 \$300,000.

14 (6) For military family housing functions:

15 (A) For construction and acquisition, plan-
16 ning and design, and improvement of military
17 family housing and facilities, \$410,216,000.

18 (B) For support of military housing (in-
19 cluding functions described in section 2833 of
20 title 10, United States Code), \$1,014,241,000.

21 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
22 PROJECTS.—Notwithstanding the cost variations author-
23 ized by section 2853 of title 10, United States Code, and
24 any other cost variation authorized by law, the total cost
25 of all projects carried out under section 2201 of this Act

1 may not exceed the total amount authorized to be appro-
 2 priated under paragraphs (1) and (2) of subsection (a).

3 (c) ADJUSTMENT.—The total amount authorized to
 4 be appropriated pursuant to paragraphs (1) through (6)
 5 of subsection (a) is the sum of the amounts authorized
 6 to be appropriated in such paragraphs, reduced by
 7 \$12,000,000, which represents the combination of project
 8 savings resulting from favorable bids, reduced overhead
 9 costs, and cancellations due to force structure changes.

10 **TITLE XXIII—AIR FORCE**

11 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**

12 **LAND ACQUISITION PROJECTS.**

13 (a) INSIDE THE UNITED STATES.—Using amounts
 14 appropriated pursuant to the authorization of appropria-
 15 tions in section 2304(a)(1), the Secretary of the Air Force
 16 may acquire real property and carry out military construc-
 17 tion projects for the installations and locations inside the
 18 United States, and in the amounts, set forth in the follow-
 19 ing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$7,875,000
Alaska	Eielson Air Force Base	\$3,900,000
	Elmendorf Air Force Base	\$21,530,000
	King Salmon Air Force Base	\$5,700,000
Arizona	Davis–Monthan Air Force Base	\$9,920,000
Arkansas	Little Rock Air Force Base	\$18,105,000
California	Beale Air Force Base	\$14,425,000
	Edwards Air Force Base	\$20,080,000
	Travis Air Force Base	\$14,980,000
	Vandenberg Air Force Base	\$3,290,000
Colorado	Buckley Air National Guard Base ...	\$17,960,000
	Falcon Air Force Station	\$2,095,000
	Peterson Air Force Base	\$20,720,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	United States Air Force Academy ...	\$12,165,000
Delaware	Dover Air Force Base	\$19,980,000
Florida	Eglin Air Force Base	\$4,590,000
	Eglin Auxiliary Field 9	\$6,825,000
	Patrick Air Force Base	\$10,495,000
	Tyndall Air Force Base	\$3,600,000
Georgia	Moody Air Force Base	\$3,350,000
	Robins Air Force Base	\$25,045,000
Idaho	Mountain Home Air Force Base	\$15,945,000
Kansas	McConnell Air Force Base	\$25,830,000
Louisiana	Barksdale Air Force Base	\$4,890,000
Maryland	Andrews Air Force Base	\$8,140,000
Mississippi	Keesler Air Force Base	\$14,465,000
Montana	Malmstrom Air Force Base	\$6,300,000
Nevada	Indian Springs Air Force Auxiliary Air Field.	\$4,690,000
	Nellis Air Force Base	\$14,700,000
New Jersey	McGuire Air Force Base	\$8,080,000
New Mexico	Cannon Air Force Base	\$7,100,000
	Kirtland Air Force Base	\$16,300,000
North Carolina	Pope Air Force Base	\$5,915,000
	Seymour Johnson Air Force Base ...	\$11,280,000
North Dakota	Grand Forks Air Force Base	\$12,470,000
	Minot Air Force Base	\$3,940,000
Ohio	Wright–Patterson Air Force Base ...	\$7,400,000
Oklahoma	Tinker Air Force Base	\$9,880,000
South Carolina	Charleston Air Force Base	\$43,110,000
	Shaw Air Force Base	\$14,465,000
South Dakota	Ellsworth Air Force Base	\$4,150,000
Tennessee	Arnold Engineering Development Center.	\$6,781,000
Texas	Dyess Air Force Base	\$5,895,000
	Kelly Air Force Base	\$3,250,000
	Lackland Air Force Base	\$9,413,000
	Sheppard Air Force Base	\$9,400,000
Utah	Hill Air Force Base	\$3,690,000
Virginia	Langley Air Force Base	\$8,005,000
Washington	Fairchild Air Force Base	\$18,155,000
	McChord Air Force Base	\$57,065,000
	Total:	\$607,334,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the follow-
7 ing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	\$5,370,000
	Spangdahlem Air Base	\$1,890,000
Italy	Aviano Air Base	\$10,066,000
Korea	Osan Air Base	\$9,780,000
Turkey	Incirlik Air Base	\$7,160,000
United Kingdom	Croughton Royal Air Force Base	\$1,740,000
	Lakenheath Royal Air Force Base	\$17,525,000
	Mildenhall Royal Air Force Base	\$6,195,000
Overseas Classified	Classified Locations	\$18,395,000
	Total:	\$78,115,000

1 SEC. 2302. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2304(a)(5)(A), the Secretary of the
5 Air Force may construct or acquire family housing units
6 (including land acquisition) at the installations, for the
7 purposes, and in the amounts set forth in the following
8 table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alaska	Eielson Air Force Base	72 units	\$21,127,000
		Fire Station	\$2,950,000
California	Beale Air Force Base Travis Air Force Base Vandenberg Air Force Base.	56 units	\$8,893,000
		70 units	\$8,631,000
		112 units	\$20,891,000
District of Columbia	Bolling Air Force Base	40 units	\$5,000,000
Florida	Eglin Auxiliary Field 9 MacDill Air Force Base Patrick Air Force Base	1 unit	\$249,000
		56 units	\$8,822,000
		Housing Main- tenance Fa- cility.	\$853,000
		Housing Sup- port & Stor- age Facility.	\$756,000
Louisiana	Barksdale Air Force Base.	Housing Office	\$821,000
		80 units	\$9,570,000
Massachusetts	Hanscom Air Force Base.	32 units	\$5,100,000
Missouri	Whiteman Air Force Base.	68 units	\$9,600,000
Montana	Malmstrom Air Force Base.	20 units	\$5,242,000
New Mexico	Kirtland Air Force Base.	87 units	\$11,850,000

Air Force: Family Housing—Continued

State	Installation	Purpose	Amount
North Dakota	Grand Forks Air Force Base.	66 units	\$7,784,000
	Minot Air Force Base	46 units	\$8,740,000
Texas	Lackland Air Force Base.	50 units	\$6,500,000
		Housing Office	\$450,000
		Housing Maintenance Facility.	\$350,000
Washington	McChord Air Force Base.	40 units	\$5,659,000
United Kingdom	Lakenheath Royal Air Force Base.	Family Housing, Phase I.	\$8,300,000
		Total:	\$158,138,000

1 (b) **PLANNING AND DESIGN.**—Using amounts appropriate pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$12,350,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

10 Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$94,550,000.

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
2 **FORCE.**

3 (a) IN GENERAL.—Funds are hereby authorized to
4 be appropriated for fiscal years beginning after September
5 30, 1996, for military construction, land acquisition, and
6 military family housing functions of the Department of the
7 Air Force in the total amount of \$1,844,786,000 as fol-
8 lows:

9 (1) For military construction projects inside the
10 United States authorized by section 2301(a),
11 \$607,334,000.

12 (2) For military construction projects outside
13 the United States authorized by section 2301(b),
14 \$78,115,000.

15 (3) For unspecified minor construction projects
16 authorized by section 2805 of title 10, United States
17 Code, \$11,328,000.

18 (4) For architectural and engineering services
19 and construction design under section 2807 of title
20 10, United States Code, \$53,497,000.

21 (5) For military housing functions:

22 (A) For construction and acquisition, plan-
23 ning and design, and improvement of military
24 family housing and facilities, \$265,038,000.

25 (B) For support of military family housing
26 (including the functions described in section

1 2833 of title 10, United States Code),
 2 \$829,474,000.

3 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 4 PROJECTS.—Notwithstanding the cost variations author-
 5 ized by section 2853 of title 10, United States Code, and
 6 any other cost variation authorized by law, the total cost
 7 of all projects carried out under section 2301 of this Act
 8 may not exceed the total amount authorized to be appro-
 9 priated under paragraphs (1) and (2) of subsection (a).

10 **TITLE XXIV—DEFENSE**
 11 **AGENCIES**

12 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 (a) INSIDE THE UNITED STATES.—Using amounts
 15 appropriated pursuant to the authorization of appropria-
 16 tions in section 2406(a)(1), the Secretary of Defense may
 17 acquire real property and carry out military construction
 18 projects for the installations and locations inside the Unit-
 19 ed States, and in the amounts, set forth in the following
 20 table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Agents and Muni- tions Destruction.	Pueblo Army Depot, Colorado	\$179,000,000
Defense Finance & Account- ing Service.	Norton Air Force Base, California	\$13,800,000
	Naval Training Center, Orlando, Florida	\$2,600,000
	Rock Island Arsenal, Illinois	\$14,400,000
	Loring Air Force Base, Maine	\$6,900,000
	Offutt Air Force Base, Nebraska	\$7,000,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Defense Intelligence Agency.	Griffiss Air Force Base, New York	\$10,200,000
	Gentile Air Force Station, Ohio	\$11,400,000
	Charleston, South Carolina	\$6,200,000
Defense Logistics Agency.	Bolling Air Force Base, District of Columbia	\$6,790,000
	National Ground Intelligence Center, Charlottesville, Virginia	\$2,400,000
	Elmendorf Air Force Base, Alaska	\$21,000,000
Defense Medical Facility Office.	Defense Distribution, San Diego, California	\$15,700,000
	Naval Air Facility, El Centro, California	\$5,700,000
	Travis Air Force Base, California	\$15,200,000
	McConnell Air Force Base, Kansas	\$2,200,000
	Barksdale Air Force Base, Louisiana	\$4,300,000
	Andrews Air Force Base, Maryland	\$12,100,000
	Naval Air Station, Fallon, Nevada	\$2,100,000
	Defense Construction Supply Center, Columbus, Ohio	\$600,000
	Altus Air Force Base, Oklahoma	\$3,200,000
	Shaw Air Force Base, South Carolina	\$2,900,000
	Naval Air Station, Oceana, Virginia	\$1,500,000
	Maxwell Air Force Base, Alabama ...	\$25,000,000
	Marine Corps Base, Camp Pendleton, California	\$3,300,000
	Naval Air Station, Lemoore, California	\$38,000,000
	Naval Air Station, Key West, Florida	\$15,200,000
	Andrews Air Force Base, Maryland	\$15,500,000
	Fort Bragg, North Carolina	\$11,400,000
Charleston Air Force Base, South Carolina	\$1,300,000	
Fort Bliss, Texas	\$6,600,000	
Fort Hood, Texas	\$1,950,000	
Naval Air Station, Norfolk, Virginia	\$1,250,000	
Special Operations Command.	Naval Amphibious Base, Coronado, California	\$7,700,000
	Naval Station, Ford Island, Pearl Harbor, Hawaii	\$12,800,000
	Fort Campbell, Kentucky	\$4,200,000
	Fort Bragg, North Carolina	\$14,000,000
	Total:	\$505,390,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2406(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction

1 projects for the installations and locations outside the
 2 United States, and in the amounts, set forth in the follow-
 3 ing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.	Naval Air Station, Sigonella, Italy ...	\$6,100,000
	Moron Air Base, Spain	\$12,958,000
Defense Medical Facility Of- fice.	Administrative Support Unit, Bah- rain, Bahrain	\$4,600,000
	Total:	\$23,658,000

4 **SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.**

5 Using amounts appropriated pursuant to the author-
 6 ization of appropriation in section 2406(a)(15)(A), the
 7 Secretary of Defense may carry out architectural and en-
 8 gineering services and construction design activities with
 9 respect to the construction or improvement of military
 10 family housing units in an amount not to exceed
 11 \$500,000.

12 **SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 13 **UNITS.**

14 Subject to section 2825 of title 10, United States
 15 Code, and using amounts appropriated pursuant to the
 16 authorization of appropriation in section 2406(a)(15)(A),
 17 the Secretary of Defense may improve existing military
 18 family housing units in an amount not to exceed
 19 \$3,871,000.

1 **SEC. 2404. MILITARY HOUSING IMPROVEMENT PROGRAM.**

2 (a) AVAILABILITY OF FUNDS FOR CREDIT TO FAM-
3 ILY HOUSING IMPROVEMENT FUND.—The amount au-
4 thorized to be appropriated pursuant to section
5 2406(a)(15)(C) shall be available for crediting to the De-
6 partment of Defense Family Housing Improvement Fund
7 established by section 2883(a)(1) of title 10, United
8 States Code.

9 (b) AVAILABILITY OF FUNDS FOR CREDIT TO UNAC-
10 COMPANIED HOUSING IMPROVEMENT FUND.—The
11 amount authorized to be appropriated pursuant to section
12 2406(a)(14) shall be available for crediting to the Depart-
13 ment of Defense Military Unaccompanied Housing Im-
14 provement Fund established by section 2883(a)(2) of title
15 10, United States Code.

16 (c) USE OF FUNDS.—The Secretary of Defense may
17 use funds credited to the Department of Defense Family
18 Housing Improvement Fund under subsection (a) to carry
19 out any activities authorized by subchapter IV of chapter
20 169 of such title with respect to military family housing
21 and may use funds credited to the Department of Defense
22 Military Unaccompanied Housing Improvement Fund
23 under subsection (b) to carry out any activities authorized
24 by that subchapter with respect to military unaccompanied
25 housing.

1 **SEC. 2405. ENERGY CONSERVATION PROJECTS.**

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2406(a)(12), the Sec-
4 retary of Defense may carry out energy conservation
5 projects under section 2865 of title 10, United States
6 Code.

7 **SEC. 2406. AUTHORIZATION OF APPROPRIATIONS, DE-**
8 **FENSE AGENCIES.**

9 (a) IN GENERAL.—Funds are hereby authorized to
10 be appropriated for fiscal years beginning after September
11 30, 1996, for military construction, land acquisition, and
12 military family housing functions of the Department of
13 Defense (other than the military departments), in the total
14 amount of \$3,399,166,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2401(a),
17 \$340,287,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2401(b),
20 \$23,658,000.

21 (3) For military construction projects at Naval
22 Hospital, Portsmouth, Virginia, hospital replace-
23 ment, authorized by section 2401(a) of the Military
24 Construction Authorization Act for Fiscal Years
25 1990 and 1991 (division B of Public Law 101–189;
26 103 Stat. 1640), \$24,000,000.

1 (4) For military construction projects at Walter
2 Reed Army Institute of Research, Maryland, hospital
3 replacement, authorized by section 2401(a) of the
4 Military Construction Authorization Act for Fiscal
5 Year 1993 (division B of Public Law 102-484; 106
6 Stat. 2599), \$92,000,000.

7 (5) For military construction projects at Fort
8 Bragg, North Carolina, hospital replacement, au-
9 thorized by section 2401(a) of the Military Construc-
10 tion Authorization Act for Fiscal Year 1993 (106
11 Stat. 2599), \$89,000,000.

12 (6) For military construction projects at Pine
13 Bluff Arsenal, Arkansas, authorized by section
14 2401(a) of the Military Construction Authorization
15 Act for Fiscal Year 1995 (division B of the Public
16 Law 103-337; 108 Stat. 3040), \$46,000,000.

17 (7) For military construction projects at
18 Umatilla Army Depot, Oregon, authorized by section
19 2401(a) of the Military Construction Authorization
20 Act for Fiscal Year 1995 (108 Stat. 3040),
21 \$64,000,000.

22 (8) For military construction projects at De-
23 fense Finance and Accounting Service, Columbus,
24 Ohio, authorized by section 2401(a) of the Military
25 Construction Authorization Act of Fiscal Year 1996

1 (division B of Public Law 104–106; 110 Stat. 535),
2 \$20,822,000.

3 (9) For contingency construction projects of the
4 Secretary of Defense under section 2804 of title 10,
5 United States Code, \$9,500,000.

6 (10) For unspecified minor construction
7 projects under section 2805 of title 10, United
8 States Code, \$21,874,000.

9 (11) For architectural and engineering services
10 and construction design under section 2807 of title
11 10, United States Code, \$14,239,000.

12 (12) For energy conservation projects under
13 section 2865 of title 10, United States Code,
14 \$47,765,000.

15 (13) For base closure and realignment activities
16 as authorized by the Defense Base Closure and Re-
17 alignment Act of 1990 (part A of title XXIX of
18 Public Law 101–510; 10 U.S.C. 2687 note),
19 \$2,507,476,000.

20 (14) For credit to the Department of Defense
21 Military Unaccompanied Housing Improvement
22 Fund as authorized by section 2404(b) of this Act,
23 \$5,000,000.

24 (15) For military family housing functions:

1 (A) For improvement and planning of mili-
2 tary family housing and facilities, \$4,371,000.

3 (B) For support of military housing (in-
4 cluding functions described in section 2833 of
5 title 10, United States Code), \$30,963,000, of
6 which not more than \$25,637,000 may be obli-
7 gated or expended for the leasing of military
8 family housing units worldwide.

9 (C) For credit to the Department of De-
10 fense Family Housing Improvement Fund as
11 authorized by section 2404(a) of this Act,
12 \$20,000,000.

13 (D) For the Homeowners Assistance Pro-
14 gram as authorized by section 2832 of title 10,
15 United States Code, \$36,181,000, to remain
16 available until expended.

17 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
18 PROJECTS.—Notwithstanding the cost variation author-
19 ized by section 2853 of title 10, United States Code, and
20 any other cost variations authorized by law, the total cost
21 of all projects carried out under section 2401 of this Act
22 may not exceed—

23 (1) the total amount authorized to be appro-
24 priated under paragraphs (1) and (2) of subsection
25 (a);

1 (2) \$161,503,000 (the balance of the amount
2 authorized under section 2401(a) of this Act for the
3 construction of a chemical demilitarization facility at
4 Pueblo Army Depot, Colorado); and

5 (3) \$1,600,000 (the balance of the amount au-
6 thorized under section 2401(a) of this Act for the
7 construction of a replacement facility for the medical
8 and dental clinic, Key West Naval Air Station, Flor-
9 ida).

10 **TITLE XXV—NORTH ATLANTIC**
11 **TREATY ORGANIZATION SE-**
12 **CURITY INVESTMENT PRO-**
13 **GRAM**

14 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
15 **ACQUISITION PROJECTS.**

16 The Secretary of Defense may make contributions for
17 the North Atlantic Treaty Organization Security Invest-
18 ment program as provided in section 2806 of title 10,
19 United States Code, in an amount not to exceed the sum
20 of the amount authorized to be appropriated for this pur-
21 pose in section 2502 and the amount collected from the
22 North Atlantic Treaty Organization as a result of con-
23 struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for
3 fiscal years beginning after September 30, 1996, for con-
4 tributions by the Secretary of Defense under section 2806
5 of title 10, United States Code, for the share of the United
6 States of the cost of projects for the North Atlantic Treaty
7 Security Investment program as authorized by section
8 2501, in the amount of \$172,000,000.

9 **SEC. 2503. REDESIGNATION OF NORTH ATLANTIC TREATY**
10 **ORGANIZATION INFRASTRUCTURE PRO-**
11 **GRAM.**

12 (a) REDESIGNATION.—Subsection (b) of section 2806
13 of title 10, United States Code, is amended by striking
14 out “North Atlantic Treaty Organization Infrastructure
15 program” and inserting in lieu thereof “North Atlantic
16 Treaty Organization Security Investment program”.

17 (b) REFERENCES.—Any reference to the North At-
18 lantic Treaty Organization Infrastructure program in any
19 Federal law, Executive order, regulation, delegation of au-
20 thority, or document of or pertaining to the Department
21 of Defense shall be deemed to refer to the North Atlantic
22 Treaty Organization Security Investment program.

23 (c) CLERICAL AMENDMENTS.—(1) The section head-
24 ing of such section is amended to read as follows:

1 **“§ 2806. Contributions for North Atlantic Treaty Or-**
 2 **ganizations Security Investment”.**

3 (2) The table of sections at the beginning of sub-
 4 chapter I of chapter 169 of title 10, United States Code,
 5 is amended by striking out the item relating to section
 6 2806 and inserting in lieu thereof the following:

“2806. Contributions for North Atlantic Treaty Organizations Security Invest-
 ment.”.

7 (d) CONFORMING AMENDMENTS.—(1) Section
 8 2861(b)(3) of title 10, United States Code, is amended
 9 by striking out “North Atlantic Treaty Organization In-
 10 frastructure program” and inserting in lieu thereof
 11 “North Atlantic Treaty Organization Security Investment
 12 program”.

13 (2) Section 21(h)(1)(B) of the Arms Export Control
 14 Act (22 U.S.C. 2761(h)(1)(B)) is amended by striking out
 15 “North Atlantic Treaty Organization Infrastructure Pro-
 16 gram” and inserting in lieu thereof “North Atlantic Trea-
 17 ty Organization Security Investment program”.

18 **TITLE XXVI—GUARD AND**
 19 **RESERVE FORCES FACILITIES**

20 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 21 **TION AND LAND ACQUISITION PROJECTS.**

22 There are authorized to be appropriated for fiscal
 23 years beginning after September 30, 1996, for the costs
 24 of acquisition, architectural and engineering services, and

1 construction of facilities for the Guard and Reserve
2 Forces, and for contributions therefor, under chapter
3 1803 of title 10, United States Code (including the cost
4 of acquisition of land for those facilities), the following
5 amounts:

6 (1) For the Department of the Army—

7 (A) for the Army National Guard of the
8 United States, \$94,528,000: Notwithstanding
9 any other provision of this Act, none of the
10 funds authorized for construction, phase I, of a
11 combined support maintenance shop at Camp
12 Guernsey, Wyoming may be obligated until the
13 Secretary of Defense certifies to Congress that
14 the project is in the future years defense plan;
15 and

16 (B) for the Army Reserve, \$59,174,000.

17 (2) For the Department of the Navy, for the
18 Naval and Marine Corps Reserve, \$32,743,000.

19 (3) For the Department of the Air Force—

20 (A) for the Air National Guard of the
21 United States, \$209,884,000; and

22 (B) for the Air Force Reserve,
23 \$54,770,000.

1 **SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVE-**
2 **MENT OF RESERVE CENTERS IN THE STATE**
3 **OF WASHINGTON.**

4 (a) FUNDING.—Notwithstanding any other provision
5 of law, of the funds appropriated under the heading
6 “MILITARY CONSTRUCTION, NAVAL RESERVE” in the
7 Military Construction Appropriations Act, 1995 (Public
8 Law 103–307; 108 Stat. 1661), that are available for the
9 construction of a Naval Reserve center in Seattle, Wash-
10 ington—

11 (1) \$5,200,000 shall be available for the con-
12 struction of an Army Reserve Center at Fort
13 Lawton, Washington, of which \$700,000 may be
14 used for program and design activities relating to
15 such construction;

16 (2) \$4,200,000 shall be available for the con-
17 struction of an addition to the Naval Reserve Center
18 in Tacoma, Washington;

19 (3) \$500,000 shall be available for unspecified
20 minor construction at Naval Reserve facilities in the
21 State of Washington; and

22 (4) \$500,000 shall be available for planning
23 and design activities with respect to improvements
24 at Naval Reserve facilities in the State of Washing-
25 ton.

1 (b) MODIFICATION OF LAND CONVEYANCE AUTHOR-
 2 ITY.—Paragraph (2) of section 127(d) of the Military
 3 Construction Appropriations Act, 1995 (Public Law 103–
 4 337; 108 Stat. 1666), is amended to read as follows:

5 “(2) Before commencing construction of a facility to
 6 be the replacement facility for the Naval Reserve Center
 7 under paragraph (1), the Secretary shall comply with the
 8 requirements of the National Environmental Policy Act
 9 (42 U.S.C. 4321 et seq.) with respect to such facility.”.

10 **TITLE XXVII—EXPIRATION AND**
 11 **EXTENSION OF AUTHORIZA-**
 12 **TIONS**

13 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
 14 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 15 **LAW.**

16 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
 17 YEARS.—Except as provided in subsection (b), all author-
 18 izations contained in titles XXI through XXVI for military
 19 construction projects, land acquisition, family housing
 20 projects and facilities, and contributions to the North At-
 21 lantic Treaty Organization Security Investment program
 22 (and authorizations of appropriations therefor) shall ex-
 23 pire on the later of—

24 (1) October 1, 1999; or

1 until October 1, 1997, or the date of the enactment of
 2 an Act authorizing funds for military construction for fis-
 3 cal year 1998, whichever is later.

4 (b) TABLES.—The tables referred to in subsection (a)
 5 are as follows:

Army: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
New Jersey	Picatinny Arsenal	Advance War-head Development Facility.	\$4,400,000
North Carolina	Fort Bragg	Land Acquisition.	\$15,000,000
Wisconsin	Fort McCoy	Family Housing Construction (16 units).	\$2,950,000

Navy: Extension of 1994 Project Authorizations

State or Location	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base.	Sewage Facility	\$7,930,000
Connecticut	New London Naval Submarine Base.	Hazardous Waste Transfer Facility.	\$1,450,000
New Jersey	Earle Naval Weapons Station.	Explosives Holding Yard.	\$1,290,000
Virginia	Oceana Naval Air Station.	Jet Engine Test Cell Replacement.	\$5,300,000
Various Locations	Various Locations	Land Acquisition Inside the United States.	\$540,000
Various Locations	Various Locations	Land Acquisition Outside the United States.	\$800,000

Air Force: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Upgrade Water Treatment Plant.	\$3,750,000
	Elmendorf Air Force Base.	Corrosion Control Facility.	\$5,975,000
California	Beale Air Force Base	Educational Center.	\$3,150,000

Air Force: Extension of 1994 Project Authorizations—Continued

State	Installation or Location	Project	Amount
Florida	Tyndall Air Force Base	Base Supply Logistics Center.	\$2,600,000
Mississippi	Keesler Air Force Base	Upgrade Student Dormitory.	\$4,500,000
North Carolina	Pope Air Force Base ...	Add To and Alter Dormitories.	\$4,300,000
Virginia	Langley Air Force Base	Fire Station	\$3,850,000

Army National Guard: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Birmingham	Aviation Support Facility.	\$4,907,000
Arizona	Marana	Organization Maintenance Shop.	\$553,000
	Marana	Dormitory/Dining Facility.	\$2,919,000
California	Fresno	Organization Maintenance Shop Modification.	\$905,000
	Van Nuys	Armory Addition.	\$6,518,000
New Mexico	White Sands Missile Range.	Organization Maintenance Shop.	\$2,940,000
	White Sands Missile Range.	Tactical Site	\$1,995,000
	White Sands Missile Range.	Mobilization and Training Equipment Site.	\$3,570,000
Pennsylvania	Indiantown Gap	State Military Building.	\$9,200,000
	Johnstown	Armory Addition/Flight Facility.	\$5,004,000
	Johnstown	Armory	\$3,000,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1993 PROJECTS.**

3 (a) EXTENSIONS.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 1993 (division B of Public Law 102–484; 106 Stat.
6 2602), authorizations for the projects set forth in the ta-

bles in subsection (b), as provided in section 2101, 2301,
 or 2601 of that Act and extended by section 2702 of the
 Military Construction Authorization Act for Fiscal Year
 1996 (division B of Public Law 104–106; 110 Stat. 541),
 shall remain in effect until October 1, 1997, or the date
 of the enactment of an Act authorizing funds for military
 construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a)
 are as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitariza- tion Support Facility.	\$15,000,000

Air Force: Extension of 1993 Project Authorization

Country	Installation or location	Project	Amount
Portugal	Lajes Field	Water Wells	\$950,000

Army National Guard: Extension of 1993 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Tuscaloosa	Armory	\$2,273,000
	Union Springs	Armory	\$813,000

**SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN
 FISCAL YEAR 1992 PROJECTS.**

(a) EXTENSIONS.—Notwithstanding section 2701 of
 the Military Construction Authorization Act for Fiscal
 Year 1992 (division B of Public Law 102–190; 105 Stat.
 1535), authorizations for the projects set forth in the table
 in subsection (b), as provided in section 2101 of that Act

1 and extended by section 2702(a) of the Military Construc-
 2 tion Authorization Act for Fiscal Year 1995 (division B
 3 of Public Law 103–337; 108 Stat. 3047) and section
 4 2703(a) of the Military Construction Authorization Act
 5 for Fiscal Year 1996 (division B of Public Law 104–106;
 6 110 Stat. 543), shall remain in effect until October 1,
 7 1997, or the date of the enactment of an Act authorizing
 8 funds for military construction for fiscal year 1998, which-
 9 ever is later.

10 (b) TABLE.—The table referred to in subsection (a)
 11 is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitariza- tion Support Facility.	\$3,600,000
	Umatilla Army Depot	Ammunition Demilitariza- tion Utilities.	\$7,500,000

12 **SEC. 2705. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
 13 **PROJECTS.**

14 (a) PROHIBITION.—Notwithstanding any other provi-
 15 sion of this Act, no funds authorized to be appropriated
 16 by this Act may be obligated or expended for the military
 17 construction project listed under subsection (b) until the
 18 Secretary of Defense certifies to Congress that the project
 19 is included in the current future-years defense program.

1 (b) COVERED PROJECT.—Subsection (a) applies to
2 the following military construction project:

3 (1) Phase II, Construction, Consolidated Edu-
4 cation Center, Fort Campbell, Kentucky.

5 (2) Phase III, Construction, Western Kentucky
6 Training Site.

7 **SEC. 2706. EFFECTIVE DATE.**

8 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
9 shall take effect on the later of—

10 (1) October 1, 1996; or

11 (2) the date of the enactment of this Act.

12 **TITLE XXVIII—GENERAL**
13 **PROVISIONS**

14 **Subtitle A—Military Construction**
15 **Program and Military Family**
16 **Housing Changes**

17 **SEC. 2801. INCREASE IN CERTAIN THRESHOLDS FOR UN-**
18 **SPECIFIED MINOR CONSTRUCTION**
19 **PROJECTS.**

20 (a) O&M FUNDING FOR PROJECTS.—Section
21 2805(c)(1)(B) of title 10, United States Code, is amended
22 by striking out “\$300,000” and inserting in lieu thereof
23 “\$500,000”.

24 (b) O&M FUNDING FOR RESERVE COMPONENT FA-
25 CILITIES.—Subsection (b) of section 18233a of such title

1 is amended by striking out “\$300,000” and inserting in
2 lieu thereof “\$500,000”.

3 (c) NOTIFICATION FOR EXPENDITURES AND CON-
4 TRIBUTIONS FOR RESERVE COMPONENT FACILITIES.—
5 Subsection (a)(1) of such section 18233a is amended by
6 striking out “\$400,000” and inserting in lieu thereof
7 “\$1,500,000”.

8 **SEC. 2802. CLARIFICATION OF AUTHORITY TO IMPROVE**
9 **MILITARY FAMILY HOUSING.**

10 (a) EXCLUSION OF MINOR MAINTENANCE AND RE-
11 PAIR.—Subsection (a)(2) of section 2825 of title 10, Unit-
12 ed States Code, is amended by inserting “(other than day-
13 to-day maintenance or repair work)” after “work”.

14 (b) APPLICABILITY OF LIMITATION ON FUNDS FOR
15 IMPROVEMENTS.—Subsection (b)(2) of such section is
16 amended—

17 (1) by striking out “the cost of repairs” and all
18 that follows through “in connection with” and in-
19 serting in lieu thereof “of the unit or units con-
20 cerned the cost of maintenance or repairs under-
21 taken in connection with the improvement of the
22 unit or units and any cost (other than the cost of
23 activities undertaken beyond a distance of five feet
24 from the unit or units) in connection with”; and

25 (2) by inserting “, drives,” after “roads”.

1 **SEC. 2803. AUTHORITY TO GRANT EASEMENTS FOR RIGHTS-**
2 **OF-WAY.**

3 (a) EASEMENTS FOR ELECTRIC POLES AND LINES
4 AND FOR COMMUNICATIONS LINES AND FACILITIES.—
5 Section 2668(a) of title 10, United States Code, is amend-
6 ed—

7 (1) by striking out “and” at the end of para-
8 graph (9);

9 (2) by redesignating paragraph (10) as para-
10 graph (13); and

11 (3) by inserting after paragraph (9) the follow-
12 ing new paragraphs:

13 “(10) poles and lines for the transmission or
14 distribution of electric power;

15 “(11) poles and lines for the transmission or
16 distribution of communications signals (including
17 telephone and telegraph signals);

18 “(12) structures and facilities for the trans-
19 mission, reception, and relay of such signals; and”.

20 (b) CONFORMING AMENDMENTS.—Such section is
21 further amended—

22 (1) in paragraph (3), by striking out “, tele-
23 phone lines, and telegraph lines,”; and

24 (2) in paragraph (13), as redesignated by sub-
25 section (a)(2), by striking out “or by the Act of
26 March 4, 1911 (43 U.S.C. 961)”.

1 **Subtitle B—Defense Base Closure**
2 **and Realignment**

3 **SEC. 2811. RESTORATION OF AUTHORITY UNDER 1988 BASE**
4 **CLOSURE LAW TO TRANSFER PROPERTY AND**
5 **FACILITIES TO OTHER ENTITIES IN THE DE-**
6 **PARTMENT OF DEFENSE.**

7 (a) RESTORATION OF AUTHORITY.—Section
8 204(b)(2) of the Defense Authorization Amendments and
9 Base Closure and Realignment Act (Public Law 100–526;
10 10 U.S.C. 2687 note) is amended—

11 (1) by redesignating subparagraphs (D) and
12 (E) as subparagraphs (E) and (F), respectively; and

13 (2) by inserting after subparagraph (C) the fol-
14 lowing new subparagraph (D):

15 “(D) The Secretary may transfer real property or fa-
16 cilities located at a military installation to be closed or
17 realigned under this title, with or without reimbursement,
18 to a military department or other entity (including a non-
19 appropriated fund instrumentality) within the Department
20 of Defense or the Coast Guard.”.

21 (b) RATIFICATION OF TRANSFERS—Any transfer by
22 the Secretary of Defense of real property or facilities at
23 a military installation closed or realigned under title II
24 of the Defense Authorization Amendments and Base Clo-
25 sure and Realignment Act (Public Law 100–526; 10

1 U.S.C. 2687 note) to a military department or other entity
 2 of the Department of Defense or the Coast Guard during
 3 the period beginning on November 30, 1993, and ending
 4 on the date of the enactment of this Act is hereby ratified.

5 **SEC. 2812. AGREEMENTS FOR SERVICES AT INSTALLATIONS**
 6 **AFTER CLOSURE.**

7 (a) 1988 LAW.—Section 204(b)(8)(A) of the Defense
 8 Authorization Amendments and Base Closure and Re-
 9 alignment Act (Public Law 100–526; 10 U.S.C. 2687
 10 note) is amended by inserting “, or at facilities not yet
 11 transferred or otherwise disposed of in the case of installa-
 12 tions closed under this title,” after “under this title”.

13 (b) 1990 LAW.—Section 2905(b)(8)(A) of the De-
 14 fense Base Closure and Realignment Act of 1990 (part
 15 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
 16 note) is amended by inserting “, or at facilities not yet
 17 transferred or otherwise disposed of in the case of installa-
 18 tions closed under this part,” after “under this part”.

19 **Subtitle C—Land Conveyances**

20 **SEC. 2821. TRANSFER OF LANDS, ARLINGTON NATIONAL**
 21 **CEMETERY, ARLINGTON, VIRGINIA.**

22 (a) REQUIREMENT FOR SECRETARY OF INTERIOR TO
 23 TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to
 24 paragraph (2), the Secretary of the Interior shall transfer
 25 to the Secretary of the Army administrative jurisdiction

1 over the following lands located in section 29 of the Na-
2 tional Park System at Arlington National Cemetery, Vir-
3 ginia:

4 (A) The lands known as the Arlington National
5 Cemetery Interment Zone.

6 (B) All lands in the Robert E. Lee Memorial
7 Preservation Zone, other than those lands in the
8 Preservation Zone that the Secretary of the Interior
9 determines must be retained because of the histori-
10 cal significance of such lands or for the maintenance
11 of nearby lands or facilities.

12 (2)(A) The Secretary of the Interior may not make
13 the transfer referred to in paragraph (1)(B) until 60 days
14 after the date on which the Secretary submits to the Com-
15 mittee on Armed Services of the Senate and the Commit-
16 tee on National Security of the House of Representa-
17 tives—

18 (i) a summary of the document entitled “Cul-
19 tural Landscape and Archaeological Study, Section
20 29, Arlington House, The Robert E. Lee Memorial”;

21 (ii) a summary of any environmental analysis
22 required with respect to the transfer under the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.); and

1 (iii) the proposal of the Secretary and the Sec-
2 retary of the Army setting forth the lands to be
3 transferred and the general manner in which the
4 Secretary of the Army will develop such lands after
5 transfer.

6 (B) The Secretary of the Interior shall submit the
7 information required under subparagraph (A) not later
8 than October 31, 1997.

9 (3) The transfer of lands under paragraph (1) shall
10 be carried out in accordance with the Interagency Agree-
11 ment Between the Department of the Interior, the Na-
12 tional Park Service, and the Department of the Army,
13 Dated February 22, 1995.

14 (4) The exact acreage and legal descriptions of the
15 lands to be transferred under paragraph (1) shall be deter-
16 mined by surveys satisfactory to the Secretary of the Inte-
17 rior and the Secretary of the Army.

18 (b) REQUIREMENT FOR ADDITIONAL TRANSFERS.—

19 (1) The Secretary of the Interior shall transfer to the Sec-
20 retary of the Army administrative jurisdiction over a par-
21 cel of land, including any improvements thereon, consist-
22 ing of approximately 2.43 acres, located in the Memorial
23 Drive entrance area to Arlington National Cemetery.

24 (2)(A) The Secretary of the Army shall transfer to
25 the Secretary of the Interior administrative jurisdiction

1 over a parcel of land, including any improvements thereon,
2 consisting of approximately 0.17 acres, located at Arling-
3 ton National Cemetery, and known as the Old Administra-
4 tive Building site. The site is part of the original reserva-
5 tion of Arlington National Cemetery.

6 (B) In connection with the transfer under subpara-
7 graph (A), the Secretary of the Army shall grant to the
8 Secretary of the Interior a perpetual right of ingress and
9 egress to the parcel transferred under that subparagraph.

10 (3) The exact acreage and legal descriptions of the
11 lands to be transferred pursuant to this subsection shall
12 be determined by surveys satisfactory to the Secretary of
13 the Interior and the Secretary of the Army. The costs of
14 such surveys shall be borne by the Secretary of the Army.

15 **SEC. 2822. LAND TRANSFER, POTOMAC ANNEX, DISTRICT**
16 **OF COLUMBIA.**

17 (a) **TRANSFER REQUIRED.**—Subject to subsection
18 (b), the Secretary of the Navy shall transfer, without con-
19 sideration other than the reimbursement provided for in
20 subsection (d), to the United States Institute of Peace (in
21 this section referred to as the “Institute”) administrative
22 jurisdiction over a parcel of real property, including any
23 improvements thereon, consisting of approximately 3
24 acres, at the northwest corner of Twenty-third Street and

1 Constitution Avenue, Northwest, District of Columbia, the
2 site of the Potomac Annex.

3 (b) CONDITION.—The Secretary may not make the
4 transfer specified in subsection (a) unless the Institute
5 agrees to provide the Navy a number of parking spaces
6 at or in the vicinity of the headquarters to be constructed
7 on the parcel transferred equal to the number of parking
8 spaces available to the Navy on the parcel as of the date
9 of the transfer.

10 (c) REQUIREMENT RELATING TO TRANSFER.—The
11 transfer specified in subsection (a) may not occur until
12 the Institute obtains all permits, approvals, and site plan
13 reviews required by law with respect to the construction
14 on the parcel of a headquarters for operations of the Insti-
15 tute.

16 (d) COSTS.—The Institute shall reimburse the Sec-
17 retary for the costs incurred by the Secretary in carrying
18 out the transfer specified in subsection (a).

19 (e) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the property to be transferred
21 under subsection (a) shall be determined by a survey that
22 is satisfactory to the Secretary. The cost of the survey
23 shall be borne by the Institute.

1 **SEC. 2823. LAND CONVEYANCE, ARMY RESERVE CENTER,**
2 **MONTPELIER, VERMONT.**

3 (a) CONVEYANCE AUTHORIZED.—Subject to sub-
4 section (b), the Secretary of the Army may convey, with-
5 out consideration, to the City of Montpelier, Vermont (in
6 this section referred to as the “City”), all right, title, and
7 interest of the United States in and to a parcel of real
8 property, including improvements thereon, consisting of
9 approximately 4.3 acres and located on Route 2 in Mont-
10 pelier, Vermont, the site of the Army Reserve Center,
11 Montpelier, Vermont.

12 (b) REQUIREMENT FOR FEDERAL SCREENING OF
13 PROPERTY.—The Secretary may not carry out the convey-
14 ance of property authorized by subsection (a) unless the
15 Secretary determines that no department or agency of the
16 Federal Government will accept the transfer of the prop-
17 erty.

18 (c) CONDITION.—The conveyance authorized under
19 subsection (a) shall be subject to the condition that the
20 City agree to lease to the Civil Air Patrol, at no rental
21 charge to the Civil Air Patrol, the portion of the real prop-
22 erty and improvements located on the parcel to be con-
23 veyed that the Civil Air Patrol leases from the Secretary
24 as of the date of the enactment of this Act.

25 (d) DESCRIPTION OF PROPERTY.—The exact acreage
26 and legal description of the real property to be conveyed

1 under subsection (a) shall be determined by a survey satis-
2 factory to the Secretary. The cost of the survey shall be
3 borne by the City.

4 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
5 Secretary may require such additional terms and condi-
6 tions in connection with the conveyance under this section
7 as the Secretary considers appropriate to protect the inter-
8 ests of the United States.

9 **SEC. 2824. LAND CONVEYANCE, FORMER NAVAL RESERVE**
10 **FACILITY, LEWES, DELAWARE.**

11 (a) **CONVEYANCE AUTHORIZED.**—Subject to sub-
12 section (b), the Secretary of the Navy may convey, without
13 consideration, to the State of Delaware (in this section re-
14 ferred to as the “State”), all right, title, and interest of
15 the United States in and to a parcel of real property, in-
16 cluding any improvements thereon, consisting of approxi-
17 mately 16.8 acres at the site of the former Naval Reserve
18 Facility, Lewes, Delaware.

19 (b) **REQUIREMENT FOR FEDERAL SCREENING OF**
20 **PROPERTY.**—The Secretary may not carry out the convey-
21 ance of property authorized by subsection (a) unless the
22 Secretary determines that no department or agency of the
23 Federal Government will accept the transfer of the prop-
24 erty.

1 (c) **CONDITION OF CONVEYANCE.**—The conveyance
2 under subsection (a) shall be subject to the condition that
3 the State use the real property conveyed under that sub-
4 section in perpetuity solely for public park or recreational
5 purposes.

6 (d) **REVERSION.**—If the Secretary of the Interior de-
7 termines at any time that the real property conveyed pur-
8 suant to this section is not being used for a purpose speci-
9 fied in subsection (b), all right, title, and interest in and
10 to such real property, including any improvements there-
11 on, shall revert to the United States and the United States
12 shall have the right of immediate entry thereon.

13 (e) **DESCRIPTION OF PROPERTY.**—The exact acreage
14 and legal description of the real property to be conveyed
15 pursuant to this section shall be determined by a survey
16 satisfactory to the Secretary of the Navy. The cost of such
17 survey shall be borne by the State.

18 (f) **ADDITIONAL TERMS AND CONDITIONS.**—The Sec-
19 retary of the Navy may require such additional terms and
20 conditions in connection with the conveyance under this
21 section as the Secretary considers appropriate to protect
22 the interests of the United States.

1 **SEC. 2825. LAND CONVEYANCE, RADAR BOMB SCORING**
2 **SITE, BELLE FOURCHE, SOUTH DAKOTA.**

3 (a) CONVEYANCE AUTHORIZED.—Subject to sub-
4 section (b), the Secretary of the Air Force may convey,
5 without consideration, to the Belle Fourche School Dis-
6 trict, Belle Fourche, South Dakota (in this section re-
7 ferred to as the “District”), all right, title, and interest
8 of the United States in and to a parcel of real property,
9 together with any improvements thereon, consisting of ap-
10 proximately 37 acres located in Belle Fourche, South Da-
11 kota, which has served as the location of a support com-
12 plex and housing facilities for Detachment 21 of the 554th
13 Range Squadron, an Air Force radar bomb scoring site.
14 The conveyance may not include any portion of the radar
15 bomb scoring site located in the State of Wyoming.

16 (b) REQUIREMENT FOR FEDERAL SCREENING OF
17 PROPERTY.—The Secretary may not carry out the convey-
18 ance of property authorized by subsection (a) unless the
19 Secretary determines that no department or agency of the
20 Federal Government will accept the transfer of the prop-
21 erty.

22 (c) CONDITION OF CONVEYANCE.—The conveyance
23 authorized under subsection (a) shall be subject to the
24 condition that the District—

1 ed States in and to the primate research complex at
2 Holloman Air Force Base, New Mexico. The conveyance
3 shall include the colony of chimpanzees owned by the Air
4 Force that are housed at or managed from the primate
5 research complex. The conveyance may not include the
6 real property on which the primate research complex is
7 located.

8 (b) COMPETITIVE PROCEDURES REQUIRED.—The
9 Secretary shall use competitive procedures in selecting the
10 person or entity to which to make the conveyance author-
11 ized by subsection (a).

12 (c) STANDARDS TO BE USED IN SOLICITATION OF
13 BIDS.—The Secretary shall develop standards for the care
14 and use of the primate research complex, and of chim-
15 panzees, to be used in soliciting bids for the conveyance
16 authorized by subsection (a). The Secretary shall develop
17 such standards in consultation with the Secretary of Agri-
18 culture and the Director of the National Institutes of
19 Health.

20 (d) CONDITIONS OF CONVEYANCE.—The conveyance
21 authorized by subsection (a) shall be subject to the
22 followings conditions:

23 (1) That the recipient of the primate research
24 complex—

1 (A) utilize any chimpanzees included in the
2 conveyance only for scientific research or medi-
3 cal research purposes; or

4 (B) retire and provide adequate care for
5 such chimpanzees.

6 (2) That the recipient of the primate research
7 complex assume from the Secretary any leases at the
8 primate research complex that are in effect at the
9 time of the conveyance.

10 (e) DESCRIPTION OF COMPLEX.—The exact legal de-
11 scription of the primate research complex to be conveyed
12 under subsection (a) shall be determined by a survey or
13 other means satisfactory to the Secretary. The cost of any
14 survey or other services performed at the direction of the
15 Secretary under the authority in the preceding sentence
16 shall be borne by the recipient of the primate research
17 complex.

18 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
19 retary may require such additional terms and conditions
20 in connection with the conveyance under subsection (a) as
21 the Secretary considers appropriate to protect the inter-
22 ests of the United States.

1 **SEC. 2827. DEMONSTRATION PROJECT FOR INSTALLATION**
2 **AND OPERATION OF ELECTRIC POWER DIS-**
3 **TRIBUTION SYSTEM AT YOUNGSTOWN AIR**
4 **RESERVE STATION, OHIO.**

5 (a) **AUTHORITY.**—The Secretary of the Air Force
6 may carry out a demonstration project to assess the fea-
7 sibility and advisability of permitting private entities to
8 install, operate, and maintain electric power distribution
9 systems at military installations. The Secretary shall carry
10 out the demonstration project through an agreement
11 under subsection (b).

12 (b) **AGREEMENT.**—(1) In order to carry out the dem-
13 onstration project, the Secretary shall enter into an agree-
14 ment with an electric utility or other company in the
15 Youngstown, Ohio, area under which the utility or com-
16 pany, as the case may be, installs, operates, and maintains
17 (in a manner satisfactory to the Secretary and the utility
18 or company) an electric power distribution system at
19 Youngstown Air Reserve Station, Ohio.

20 (2) The Secretary may not enter into an agreement
21 under this subsection until—

22 (A) the Secretary submits to the congressional
23 defense committees a report on the agreement to be
24 entered into, including the costs to be incurred by
25 the United States under the agreement; and

1 (B) a period of 21 days has elapsed from the
2 date of the receipt of the report by the committees.

3 (c) LICENSES AND EASEMENTS.—In order to facili-
4 tate the installation, operation, and maintenance of the
5 electric power distribution system under the agreement
6 under subsection (b), the Secretary may grant the utility
7 or company with which the Secretary enters into the
8 agreement such licenses, easements, and rights-of-way as
9 the Secretary and the utility or company, as the case may
10 be, jointly determine necessary for such purposes.

11 (d) OWNERSHIP OF SYSTEM.—The agreement be-
12 tween the Secretary and the utility or company under sub-
13 section (b) may provide that the utility or company, as
14 the case may be, shall own the electric power distribution
15 system installed under the agreement.

16 (e) RATES.—The rates charged by the utility or com-
17 pany for providing and distributing electric power at
18 Youngstown Air Reserve Station through the electric
19 power distribution system installed under the agreement
20 under subsection (b) may not include the costs, including
21 the amortization of any costs, incurred by the utility or
22 company, as the case may be, in installing the system.

23 (f) REPORTS.—Not later than February 1, 1997, and
24 February 1 of each year following a year in which the Sec-
25 retary carries out the demonstration project under this

1 section, the Secretary shall submit to the congressional de-
2 fense committees a report on the project. The report shall
3 include the Secretary's current assessment of the project
4 and the recommendations, if any, of the Secretary of ex-
5 tending the authority with respect to the project to other
6 facilities and installations of the Department of Defense.

7 (g) FUNDING.—In order to pay the costs of the Unit-
8 ed States under the agreement under subsection (b), the
9 Secretary may use funds authorized to be appropriated by
10 section 2601(3)(B) of the Military Construction Author-
11 ization Act for Fiscal Year 1996 (division B of Public Law
12 104–106; 110 Stat. 540) for the purpose of rebuilding the
13 electric power distribution system at the Youngstown Air
14 Reserve Station that were appropriated for that purpose
15 by the Military Construction Appropriations Act, 1996
16 (Public Law 104–32; 109 Stat. 283) and that remain
17 available for obligation for that purpose as of the date of
18 the enactment of this Act.

19 (h) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions in the agreement under subsection (b) as the Sec-
22 retary considers appropriate to protect the interests of the
23 United States.

1 **SEC. 2828. TRANSFER OF JURISDICTION AND LAND CON-**
2 **VEYANCE, FORT SILL, OKLAHOMA.**

3 (a) **TRANSFER OF LAND FOR NATIONAL CEME-**
4 **TERY.—**

5 (1) **TRANSFER AUTHORIZED.—**The Secretary of
6 the Army may transfer, without reimbursement, to
7 the administrative jurisdiction of the Secretary of
8 Veterans Affairs a parcel of real property (including
9 any improvements thereon) consisting of approxi-
10 mately 400 acres and comprising a portion of Fort
11 Sill, Oklahoma.

12 (2) **USE OF LAND.—**The Secretary of Veterans
13 Affairs shall use the real property transferred under
14 paragraph (1) as a national cemetery under chapter
15 24 of title 38, United States Code.

16 (3) **RETURN OF UNUSED LAND.—**If the Sec-
17 retary of Veterans Affairs determines that any por-
18 tion of the real property transferred under para-
19 graph (1) is not needed for use as a national ceme-
20 tery, the Secretary of Veterans Affairs shall return
21 such portion to the administrative jurisdiction of the
22 Secretary of the Army.

23 (b) **LEGAL DESCRIPTION.—**The exact acreage and
24 legal description of the real property to be transferred or
25 conveyed under this section shall be determined by surveys
26 that are satisfactory to the Secretary of the Army. The

1 cost of such surveys shall be borne by the recipient of the
2 real property.

3 **SEC. 2829. RENOVATION OF THE PENTAGON RESERVATION.**

4 The Secretary of Defense shall take such action as
5 is necessary to reduce the total cost of the renovation of
6 the Pentagon Reservation to not more than
7 \$1,118,000,000.

8 **SEC. 2830. LAND CONVEYANCE, WILLIAM LANGER JEWEL**
9 **BEARING PLANT, ROLLA, NORTH DAKOTA.**

10 (a) **AUTHORITY TO CONVEY.**—The Administrator of
11 General Services may convey, without consideration, to the
12 Job Development Authority of the City of Rolla, North
13 Dakota (in this section referred to as the “Authority”),
14 all right, title, and interest of the United States in and
15 to a parcel of real property, with improvements thereon
16 and all associated personal property, consisting of approxi-
17 mately 9.77 acres and comprising the William Langer
18 Jewel Bearing Plant in Rolla, North Dakota.

19 (b) **CONDITION OF CONVEYANCE.**—The conveyance
20 authorized under subsection (a) shall be subject to the
21 condition that the Authority—

22 (1) use the real and personal property and im-
23 provements conveyed under that subsection for eco-
24 nomic development relating to the jewel bearing
25 plant;

1 (2) enter into an agreement with an appro-
2 priate public or private entity or person to lease
3 such property and improvements to that entity or
4 person for such economic development; or

5 (3) enter into an agreement with an appro-
6 priate public or private entity or person to sell such
7 property and improvements to that entity or person
8 for such economic development.

9 (c) PREFERENCE FOR DOMESTIC DISPOSAL OF
10 JEWEL BEARINGS.—(1) In offering to enter into agree-
11 ments pursuant to any provision of law for the disposal
12 of jewel bearings from the National Defense Stockpile, the
13 President shall give a right of first refusal on all such of-
14 fers to the Authority or to the appropriate public or pri-
15 vate entity or person with which the Authority enters into
16 an agreement under subsection (b).

17 (2) For the purposes of this section, the term “Na-
18 tional Defense Stockpile” means the stockpile provided for
19 in section 4 of the Strategic and Critical Materials Stock
20 Piling Act (50 U.S.C. 98(c)).

21 (d) AVAILABILITY OF FUNDS FOR MAINTENANCE
22 AND CONVEYANCE OF PLANT.—Notwithstanding any
23 other provision of law, funds available in fiscal year 1995
24 for the maintenance of the William Langer Jewel Bearing
25 Plant in Public Law 103–335 shall be available for the

1 maintenance of that plant in fiscal year 1996, pending
2 conveyance, and for the conveyance of that plant under
3 this section.

4 (e) DESCRIPTION OF PROPERTY.—The exact acreage
5 and legal description of the property conveyed under this
6 section shall be determined by a survey satisfactory to the
7 Administrator. The cost of the survey shall be borne by
8 the Administrator.

9 (f) ADDITIONAL TERMS AND CONDITIONS.—The Ad-
10 ministrator may require such additional terms and condi-
11 tions in connection with the conveyance under this section
12 as the Administrator determines appropriate to protect
13 the interests of the United States.

14 **SEC. 2831. REAFFIRMATION OF LAND CONVEYANCES, FORT**
15 **SHERIDAN, ILLINOIS.**

16 As soon as practicable after the date of the enactment
17 of this Act, the Secretary of the Army shall complete the
18 land conveyances involving Fort Sheridan, Illinois, re-
19 quired or authorized under section 125 of the Military
20 Construction Appropriations Act, 1996 (Public Law 104-
21 32; 109 Stat. 290).

1 **SEC. 2832. LAND CONVEYANCE, CRAFTS BROTHERS RE-**
2 **SERVE TRAINING CENTER, MANCHESTER,**
3 **NEW HAMPSHIRE.**

4 (a) CONVEYANCE AUTHORIZED.—The Secretary of
5 the Army may convey, without consideration, to Saint
6 Anselm College, Manchester, New Hampshire, all right,
7 title, and interest of the United States in and to a parcel
8 of real property, including improvements thereon, consist-
9 ing of approximately 3.5 acres and located on Rockland
10 Avenue in Manchester, New Hampshire, the site of the
11 Crafts Brothers Reserve Training Center.

12 (b) REQUIREMENT RELATING TO CONVEYANCE.—
13 The Secretary may not make the conveyance authorized
14 by subsection (a) until the Army Reserve units currently
15 housed at the Crafts Brothers Reserve Training Center
16 are relocated to the Joint Service Reserve Center to be
17 constructed at the Manchester Airport, New Hampshire.

18 (c) REQUIREMENT FOR FEDERAL SCREENING OF
19 PROPERTY.—The Secretary may not carry out the convey-
20 ance of property authorized by subsection (a) unless the
21 Secretary determines that no department or agency of the
22 Federal Government will accept the transfer of the prop-
23 erty.

24 (d) DESCRIPTION OF PROPERTY.—The exact acreage
25 and legal description of the real property to be conveyed

1 under subsection (a) shall be determined by a survey satis-
2 factory to the Secretary.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
4 Secretary may require such additional terms and condi-
5 tions in connection with the conveyance under this section
6 as the Secretary considers appropriate to protect the inter-
7 ests of the United States.

8 **SEC. 2833. LAND TRANSFER, VERNON RANGER DISTRICT,**
9 **KISATCHIE NATIONAL FOREST, LOUISIANA.**

10 (a) **TRANSFER PURSUANT TO ADMINISTRATIVE**
11 **AGREEMENT.**—(1) Not later than six months after the
12 date of the enactment of this Act, the Secretary of the
13 Army and the Secretary of Agriculture shall enter into an
14 agreement providing for the transfer to the Secretary of
15 the Army of administrative jurisdiction over such portion
16 of land currently owned by the United States within the
17 Vernon Ranger District of the Kisatchie National Forest,
18 Louisiana, as the Secretary of the Army and the Secretary
19 of Agriculture jointly determine appropriate for military
20 training activities in connection with Fort Polk, Louisiana.
21 The agreement shall allocate responsibility for land man-
22 agement and conservation activities with respect to the
23 property transferred between the Secretary of the Army
24 and the Secretary of Agriculture.

1 (2) The Secretary of the Army and the Secretary of
2 Agriculture may jointly extend the deadline for entering
3 into an agreement under paragraph (1). The deadline may
4 be extended by not more than six months.

5 (b) ALTERNATIVE TRANSFER REQUIREMENT.—If
6 the Secretary of the Army and the Secretary of Agri-
7 culture fail to enter into the agreement referred to para-
8 graph (1) of subsection (a) within the time provided for
9 in that subsection, the Secretary of Agriculture shall, at
10 the end of such time, transfer to the Secretary of the
11 Army administrative jurisdiction over property consisting
12 of approximately 84,825 acres of land currently owned by
13 the United States and located in the Vernon Ranger Dis-
14 trict of the Kisatchie National Forest, Louisiana, as gen-
15 erally depicted on the map entitled “Fort Polk Military
16 Installation map”, dated June 1995.

17 (c) LIMITATION ON ACQUISITION OF PRIVATE PROP-
18 erty.—The Secretary of the Army may acquire privately-
19 owned land within the property transferred under this sec-
20 tion only with the consent of the owner of the land.

21 (d) USE OF PROPERTY.—(1) Subject to paragraph
22 (2), the Secretary of the Army shall use the property
23 transferred under this section for military maneuvers,
24 training and weapons firing, and other military activities
25 in connection with Fort Polk, Louisiana.

1 (2) The Secretary may not permit the firing of live
2 ammunition on or over any portion of the property unless
3 the firing of such ammunition on or over such portion is
4 permitted as of the date of the enactment of this Act.

5 (e) MAP AND LEGAL DESCRIPTION.—(1) As soon as
6 practicable after the date of the transfer of property under
7 this section, the Secretary of Agriculture shall—

8 (A) publish in the Federal Register a notice
9 containing the legal description of the property
10 transferred; and

11 (B) file a map and the legal description of the
12 property with the Committee on Energy and Natural
13 Resources, the Committee on Agriculture, Nutrition,
14 and Forestry, and the Committee on Armed Services
15 of the Senate and the Committee on Resources, the
16 Committee on Agriculture, and the Committee on
17 National Security of the House of Representatives.

18 (2) The maps and legal descriptions prepared under
19 paragraph (1) shall have the same force and effect as if
20 included in this subsection, except that the Secretary of
21 Agriculture may correct clerical and typographical errors
22 in the maps and legal descriptions.

23 (3) As soon as practicable after the date of the enact-
24 ment of this Act, copies of the maps and legal descriptions

1 prepared under paragraph (1) shall be available for public
2 inspection in the following offices:

3 (A) The Office of the Secretary of Agriculture.

4 (B) Such offices of the United States Forest
5 Service as the Secretary of Agriculture shall des-
6 ignate.

7 (C) The Office of the Commander of Fort Polk,
8 Louisiana.

9 (D) The appropriate office in the Vernon Par-
10 ish Court House, Louisiana.

11 (f) MANAGEMENT OF PROPERTY.—(1) If the transfer
12 of property under this section occurs under subsection (a),
13 the Secretary of the Army and the Secretary of Agri-
14 culture shall manage the property in accordance with the
15 agreement entered into under that subsection.

16 (2)(A) If the transfer of property under this section
17 occurs under subsection (b), the Secretary of the Army
18 and the Secretary of Agriculture shall manage the prop-
19 erty in accordance with the management plan under sub-
20 paragraph (B) and the memorandum of understanding
21 under subparagraph (C).

22 (B)(i) For purposes of managing the property under
23 this paragraph, the Secretary of the Army shall, with the
24 concurrence of the Secretary of Agriculture, develop a plan
25 for the management of the property not later than two

1 years after the transfer of the property. The Secretary of
2 the Army shall provide for a period of public comment in
3 developing the plan in order to ensure that the concerns
4 of local citizens are taken into account in the development
5 of the plan. The Secretary of the Army may utilize the
6 property pending the completion of the plan.

7 (ii) The Secretary of the Army shall develop and im-
8 plement the plan in compliance with applicable Federal
9 law, including the provisions of the National Environ-
10 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

11 (iii) The plan shall provide for the management of
12 the natural, cultural, and other resources of the property,
13 including grazing, the management of wildlife and wildlife
14 habitat, recreational uses (including hunting and fishing),
15 and non-public uses of non-Federal lands within the prop-
16 erty.

17 (C)(i) For purposes of managing the property under
18 this paragraph, the Secretary of the Army and the Sec-
19 retary of Agriculture shall enter into a memorandum of
20 understanding in order to provide for—

21 (I) the implementation of the management plan
22 developed under subparagraph (B); and

23 (II) the management by the Secretary of Agri-
24 culture of such areas of the property as the Sec-

1 pal Airport Authority (in this section referred to as the
2 “Authority”) all right, title, and interest of the United
3 States in and to a parcel of real property, together with
4 improvements thereon, at Air Force Plant No. 85, Colum-
5 bus, Ohio, consisting of approximately 240 acres that con-
6 tains the land and buildings referred to as the “airport
7 parcel” in the correspondence from the General Services
8 Administration to the Authority dated April 30, 1996, and
9 is located adjacent to the Port Columbus International
10 Airport.

11 (2) If the Secretary does not have administrative ju-
12 risdiction over the parcel on the date of the enactment
13 of this Act, the conveyance shall be made by the Federal
14 official who has administrative jurisdiction over the parcel
15 as of that date.

16 (b) REQUIREMENT FOR FEDERAL SCREENING.—The
17 Federal official may not carry out the conveyance of prop-
18 erty authorized in subsection (a) unless the Federal offi-
19 cial determines, in consultation with the Administrator of
20 General Services, that no department or agency of the
21 Federal Government will accept the transfer of the prop-
22 erty.

23 (c) CONDITION OF CONVEYANCE.—The conveyance
24 required under subsection (a) shall be subject to the condi-

1 tion that the Authority use the conveyed property for pub-
2 lic airport purposes.

3 (d) REVERSION.—If the Federal official making the
4 conveyance under subsection (a) determines that any por-
5 tion of the conveyed property is not being utilized in ac-
6 cordance with subsection (c), all right, title, and interest
7 in and to such portion shall revert to the United States
8 and the United States shall have immediate right of entry
9 thereon.

10 (e) DESCRIPTION OF PROPERTY.—The exact acreage
11 and legal description of the real property to be conveyed
12 under subsection (a) shall be determined by a survey satis-
13 factory to the Federal official making the conveyance. The
14 cost of the survey shall be borne by the Authority.

15 (f) ADDITIONAL TERMS AND CONDITIONS.—The
16 Federal official making the conveyance of property under
17 subsection (a) may require such additional terms and con-
18 ditions in connection with the conveyance as such official
19 considers appropriate to protect the interests of the Unit-
20 ed States.

21 **SEC. 2835. LAND CONVEYANCE, PINE BLUFF ARSENAL, AR-**
22 **KANSAS.**

23 (a) CONVEYANCE AUTHORIZED.—The Secretary of
24 the Army may convey, without consideration, to the Eco-
25 nomic Development Alliance of Jefferson County, Arkan-

1 sas (in this section referred to as the “Alliance”), all right,
2 title, and interest of the United States in and to a parcel
3 of real property, together with any improvements thereon,
4 consisting of approximately 1,500 acres and comprising
5 a portion of the Pine Bluff Arsenal, Arkansas.

6 (b) REQUIREMENTS RELATING TO CONVEYANCE.—

7 The Secretary may not carry out the conveyance of prop-
8 erty authorized under subsection (a) until—

9 (1) the completion by the Secretary of any envi-
10 ronmental restoration and remediation that is re-
11 quired with the respect to the property under appli-
12 cable law;

13 (2) the Secretary secures all permits required
14 under law applicable regarding the conduct of the
15 proposed chemical demilitarization mission at the ar-
16 senal; and

17 (3) the Secretary of Defense submits to the
18 Committee on Armed Services of the Senate and the
19 Committee on National Security of the House of
20 Representatives a certification that the conveyance
21 will not adversely affect the ability of the Depart-
22 ment of Defense to conduct that chemical demili-
23 tarization mission.

1 (c) CONDITIONS OF CONVEYANCE.—The conveyance
2 authorized under subsection (a) shall be subject to the fol-
3 lowing conditions:

4 (1) That the Alliance agree not to carry out any
5 activities on the property to be conveyed that inter-
6 fere with the construction, operation, and decommis-
7 sioning of the chemical demilitarization facility to be
8 constructed at Pine Bluff Arsenal. If the Alliance
9 fails to comply with its agreement in paragraph (1)
10 the property conveyed under this section, all rights,
11 title, and interest in and to the property shall revert
12 to the United States and the United States shall
13 have immediate rights of entry thereon.

14 (2) That the property be used during the 25-
15 year period beginning on the date of the conveyance
16 only as the site of the facility known as the
17 “Bioplex”, and for activities related thereto.

18 (d) COSTS OF CONVEYANCE.—The Alliance shall be
19 responsible for any costs of the Army associated with the
20 conveyance of property under this section, including ad-
21 ministrative costs, the costs of an environmental baseline
22 survey with respect to the property, and the cost of any
23 protection services required by the Secretary in order to
24 secure operations of the chemical demilitarization facility
25 from activities on the property after the conveyance.

1 (e) REVERSIONARY INTERESTS.—If the Secretary de-
2 termines at any time during the 25-year period referred
3 to in subsection (c)(2) that the property conveyed under
4 this section is not being used in accordance with that sub-
5 section, all right, title, and interest in and to the property
6 shall revert to the United States and the United States
7 shall have immediate right of entry thereon.

8 (f) SALE OF PROPERTY BY ALLIANCE.—If at any
9 time during the 25-year period referred to in subsection
10 (c)(2) the Alliance sells all or a portion of the property
11 conveyed under this section, the Alliance shall pay the
12 United States an amount equal to the lesser of—

13 (1) the amount of the sale of the property sold;

14 or

15 (2) the fair market value of the property sold
16 at the time of the sale, excluding the value of any
17 improvements to the property sold that have been
18 made by the Alliance.

19 (g) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the property conveyed under this
21 section shall be determined by a survey satisfactory to the
22 Secretary. The cost of the survey shall be borne by the
23 Alliance.

24 (h) ADDITIONAL TERMS AND CONDITIONS.—The
25 Secretary may require such additional terms and condi-

1 tions in connection with conveyance under this section as
2 the Secretary considers appropriate to protect the inter-
3 ests of the United States.

4 **SEC. 2836. MODIFICATION OF BOUNDARIES OF WHITE**
5 **SANDS NATIONAL MONUMENT AND WHITE**
6 **SANDS MISSILE RANGE.**

7 (a) **PURPOSE.**—The purpose of this section is to ef-
8 fect an exchange between the Secretary of the Interior and
9 the Secretary of the Army of administrative jurisdiction
10 over the lands described in subsection (c) in order to facili-
11 tate administration of the White Sands National Monu-
12 ment and the White Sands Missile Range.

13 (b) **DEFINITIONS.**—In this section:

14 (1) **MISSILE RANGE.**—The term “missile
15 range” means the White Sands Missile Range, New
16 Mexico, administered by the Secretary of the Army.

17 (2) **MONUMENT.**—The term “monument”
18 means the White Sands National Monument, New
19 Mexico, established by Proclamation No. 2025 (16
20 U.S.C. 431 note) and administered by the Secretary
21 of the Interior.

22 (c) **EXCHANGE OF JURISDICTION.**—The lands ex-
23 changed under this Act are the lands generally depicted
24 on the map entitled “White Sands National Monument,

1 Boundary Proposal”, numbered 142/80,061 and dated
2 January 1994, comprising—

3 (1) approximately 2,524 acres of land within
4 the monument that is under the jurisdiction of the
5 Secretary of the Army, which are transferred to the
6 Secretary of the Interior;

7 (2) approximately 5,758 acres of land within
8 the missile range abutting the monument, which are
9 transferred to the Secretary of the Interior; and

10 (3) approximately 4,277 acres of land within
11 the monument abutting the missile range, which are
12 transferred to the Secretary of the Army.

13 (d) BOUNDARY MODIFICATION.—The boundary of
14 the monument is modified to include the land transferred
15 to the Secretary of the Interior and exclude the land trans-
16 ferred to the Secretary of the Army by subsection (c). The
17 boundary of the missile range is modified accordingly.

18 (e) ADMINISTRATION.—

19 (1) MONUMENT.—The Secretary of the Interior
20 shall administer the lands transferred to the Sec-
21 retary of the Interior by subsection (c) in accordance
22 with laws (including regulations) applicable to the
23 monument.

24 (2) MISSILE RANGE.—The Secretary of the
25 Army shall administer the lands transferred to the

1 Secretary of the Army by subsection (c) as part of
2 the missile range.

3 (3) AIRSPACE.—The Secretary of the Army
4 shall maintain control of the airspace above the
5 lands transferred to the Secretary of the Army by
6 subsection (c) as part of the missile range.

7 (f) PUBLIC AVAILABILITY OF MAP.—The Secretary
8 of the Interior and the Secretary of the Army shall pre-
9 pare, and the Secretary of the Interior shall keep on file
10 for public inspection in the headquarters of the monu-
11 ment, a map showing the boundary of the monument as
12 modified by this Act.

13 (g) WAIVER OF LIMITATION UNDER PRIOR LAW.—
14 Notwithstanding section 303(b)(1) of the National Parks
15 and Recreation Act of 1978 (92 Stat. 3476), land or an
16 interest in land that was deleted from the monument by
17 section 301(19) of the Act (92 Stat. 3475) may be ex-
18 changed for land owned by the State of New Mexico within
19 the boundaries of any unit of the National Park System
20 in the State of New Mexico, may be transferred to the
21 jurisdiction of any other Federal agency without monetary
22 consideration, or may be administered as public land, as
23 the Secretary considers appropriate.

24 **SEC. 2837. BANDELIER NATIONAL MONUMENT.**

25 (a) FINDINGS AND PURPOSE.—

1 (1) FINDINGS.—Congress finds that—

2 (A) under the provisions of a special use
3 permit, sewage lagoons for Bandelier National
4 Monument, established by Proclamation No.
5 1322 (16 U.S.C. 431 note) (referred to in this
6 section as the “monument”) are located on land
7 administered by the Secretary of Energy that is
8 adjacent to the monument; and

9 (B) modification of the boundary of the
10 monument to include the land on which the
11 sewage lagoons are situated—

12 (i) would facilitate administration of
13 both the monument and the adjacent land
14 that would remain under the administra-
15 tive jurisdiction of the Secretary of En-
16 ergy; and

17 (ii) can be accomplished at no cost.

18 (2) PURPOSE.—The purpose of this section is
19 to modify the boundary between the monument and
20 adjacent Department of Energy land to facilitate
21 management of the monument and Department of
22 Energy land.

23 (b) BOUNDARY MODIFICATION.—

24 (1) TRANSFER OF ADMINISTRATIVE JURISDIC-
25 TION.—There is transferred from the Secretary of

1 Energy to the Secretary of the Interior administra-
2 tive jurisdiction over the land comprising approxi-
3 mately 4.47 acres depicted on the map entitled
4 “Boundary Map, Bandelier National Monument”,
5 No. 315/80,051, dated March 1995.

6 (2) BOUNDARY MODIFICATION.—The boundary
7 of the monument is modified to include the land
8 transferred by paragraph (1).

9 (3) PUBLIC AVAILABILITY OF MAP.—The map
10 described in paragraph (1) shall be on file and avail-
11 able for public inspection in the Lands Office at the
12 Southwest System Support Office of the National
13 Park Service, Santa Fe, New Mexico, and in the Su-
14 perintendent’s Office of Bandelier National Monu-
15 ment.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**
8 **Subtitle A—National Security**
9 **Programs Authorizations**

10 **SEC. 3101. WEAPONS ACTIVITIES.**

11 (a) STOCKPILE STEWARDSHIP.—Funds are hereby
12 authorized to be appropriated to the Department of En-
13 ergy for fiscal year 1997 for stockpile stewardship in car-
14 rying out weapons activities necessary for national secu-
15 rity programs in the amount of \$1,636,767,000, to be allo-
16 cated as follows:

17 (1) For core stockpile stewardship,
18 \$1,200,907,000, to be allocated as follows:

19 (A) For operation and maintenance,
20 \$1,112,570,000.

21 (B) For plant projects (including mainte-
22 nance, restoration, planning, construction, ac-
23 quisition, modification of facilities, and the con-
24 tinuation of projects authorized in prior years,

1 and land acquisition related thereto),
2 \$88,337,000, to be allocated as follows:

3 Project 96–D–102, stockpile steward-
4 ship facilities revitalization, Phase VI, var-
5 ious locations, \$19,250,000.

6 Project 96–D–103, ATLAS, Los Ala-
7 mos National Laboratory, Los Alamos,
8 New Mexico, \$15,100,000.

9 Project 96–D–104, processing and en-
10 vironmental technology laboratory
11 (PETL), Sandia National Laboratories,
12 Albuquerque, New Mexico, \$14,100,000.

13 Project 96–D–105, contained firing
14 facility addition, Lawrence Livermore Na-
15 tional Laboratory, Livermore, California,
16 \$17,100,000.

17 Project 95–D–102, Chemical and
18 Metallurgy Research Building upgrades
19 project, Los Alamos National Laboratory,
20 Los Alamos, New Mexico, \$15,000,000.

21 Project 94–D–102, nuclear weapons
22 research, development, and testing facili-
23 ties revitalization, Phase V, various loca-
24 tions, \$7,787,000.

1 (2) For inertial fusion, \$366,460,000, to be al-
2 located as follows:

3 (A) For operation and maintenance,
4 \$234,560,000.

5 (B) For the following plant project (includ-
6 ing maintenance, restoration, planning, con-
7 struction, acquisition, and modification of facili-
8 ties, and land acquisition related thereto):

9 Project 96-D-111, national ignition
10 facility, location to be determined,
11 \$131,900,000.

12 (3) For technology transfer and education,
13 \$69,400,000.

14 (b) STOCKPILE MANAGEMENT.—Funds are hereby
15 authorized to be appropriated to the Department of En-
16 ergy for fiscal year 1997 for stockpile management in car-
17 rying out weapons activities necessary for national secu-
18 rity programs in the amount of \$1,988,831,000, to be allo-
19 cated as follows:

20 (1) For operation and maintenance,
21 \$1,894,470,000.

22 (2) For plant projects (including maintenance,
23 restoration, planning, construction, acquisition,
24 modification of facilities, and the continuation of
25 projects authorized in prior years, and land acquisi-

1 tion related thereto), \$94,361,000, to be allocated as
2 follows:

3 Project 97–D–121, consolidated pit pack-
4 aging system, Pantex Plant, Amarillo, Texas,
5 \$870,000.

6 Project 97–D–122, nuclear materials stor-
7 age facility renovation, Los Alamos National
8 Laboratory, Los Alamos, New Mexico,
9 \$4,000,000.

10 Project 97–D–123, structural upgrades,
11 Kansas City Plant, Kansas City, Missouri,
12 \$1,400,000.

13 Project 97–D–124, steam plant waste
14 water treatment facility upgrade, Y–12 plant,
15 Oak Ridge, Tennessee, \$600,000.

16 Project 96–D–122, sewage treatment qual-
17 ity upgrade (STQU), Pantex Plant, Amarillo,
18 Texas, \$100,000.

19 Project 96–D–123, retrofit heating, ven-
20 tilation, and air conditioning and chillers for
21 ozone protection, Y–12 plant, Oak Ridge, Ten-
22 nessee, \$7,000,000.

23 Project 96–D–125, Washington measure-
24 ments operations facility, Andrews Air Force
25 Base, Camp Springs, Maryland, \$3,825,000.

1 Project 95–D–122, sanitary sewer up-
2 grade, Y–12 plant, Oak Ridge, Tennessee,
3 \$10,900,000.

4 Project 94–D–124, hydrogen fluoride sup-
5 ply system, Y–12 plant, Oak Ridge, Tennessee,
6 \$4,900,000.

7 Project 94–D–125, upgrade life safety,
8 Kansas City Plant, Kansas City, Missouri,
9 \$5,200,000.

10 Project 94–D–127, emergency notification
11 system, Pantex Plant, Amarillo, Texas,
12 \$2,200,000.

13 Project 93–D–122, life safety upgrades,
14 Y–12 plant, Oak Ridge, Tennessee, \$7,200,000.

15 Project 93–D–123, non-nuclear reconfig-
16 uration, complex-21, various locations,
17 \$14,487,000.

18 Project 88–D–122, facilities capability as-
19 surance program, various locations,
20 \$21,940,000.

21 Project 88–D–123, security enhancement,
22 Pantex Plant, Amarillo, Texas, \$9,739,000.

23 (c) PROGRAM DIRECTION.—Funds are hereby au-
24 thorized to be appropriated to the Department of Energy
25 for fiscal year 1997 for program direction in carrying out

1 weapons activities necessary for national security pro-
2 grams in the amount of \$323,404,000.

3 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
4 **MANAGEMENT.**

5 (a) ENVIRONMENTAL RESTORATION.—Subject to
6 subsection (j), funds are hereby authorized to be appro-
7 priated to the Department of Energy for fiscal year 1997
8 for environmental restoration in carrying out environ-
9 mental restoration and waste management activities nec-
10 essary for national security programs in the amount of
11 \$1,777,194,000.

12 (b) WASTE MANAGEMENT.—Subject to subsection
13 (j), funds are hereby authorized to be appropriated to the
14 Department of Energy for fiscal year 1997 for waste man-
15 agement in carrying out environmental restoration and
16 waste management activities necessary for national secu-
17 rity programs in the amount of \$1,601,653,000, to be allo-
18 cated as follows:

19 (1) For operation and maintenance,
20 \$1,513,326,000.

21 (2) For plant projects (including maintenance,
22 restoration, planning, construction, acquisition,
23 modification of facilities, and the continuation of
24 projects authorized in prior years, and land acquisi-

1 tion related thereto), \$88,327,000, to be allocated as
2 follows:

3 Project 97–D–402, tank restoration and
4 safe operations, Richland, Washington,
5 \$7,584,000.

6 Project 96–D–408, waste management up-
7 grades, various locations, \$11,246,000.

8 Project 95–D–402, install permanent elec-
9 trical service, Waste Isolation Pilot Plant,
10 Carlsbad, New Mexico, \$752,000.

11 Project 95–D–405, industrial landfill V
12 and construction/demolition landfill VII, Phase
13 III, Y–12 Plant, Oak Ridge, Tennessee,
14 \$200,000.

15 Project 94–D–404, Melton Valley storage
16 tank capacity increase, Oak Ridge National
17 Laboratory, Oak Ridge, Tennessee, \$6,345,000.

18 Project 94–D–407, initial tank retrieval
19 systems, Richland, Washington, \$12,600,000.

20 Project 93–D–182, replacement of cross-
21 site transfer system, Richland, Washington,
22 \$8,100,000.

23 Project 93–D–187, high-level waste re-
24 moval from filled waste tanks, Savannah River
25 Site, South Carolina, \$20,000,000.

1 Project 89–D–174, replacement high-level
2 waste evaporator, Savannah River Site, Aiken,
3 South Carolina, \$11,500,000.

4 Project 86–D–103, decontamination and
5 waste treatment facility, Lawrence Livermore
6 National Laboratory, Livermore, California,
7 \$10,000,000.

8 (c) TECHNOLOGY DEVELOPMENT.—Subject to sub-
9 section (j), funds are hereby authorized to be appropriated
10 to the Department of Energy for fiscal year 1997 for tech-
11 nology development in carrying out environmental restora-
12 tion and waste management activities necessary for na-
13 tional security programs in the amount of \$328,771,000.

14 (d) NUCLEAR MATERIALS AND FACILITIES STA-
15 BILIZATION.—Subject to subsection (j), funds are hereby
16 authorized to be appropriated to the Department of En-
17 ergy for fiscal year 1997 for nuclear materials and facili-
18 ties stabilization in carrying out environmental restoration
19 and waste management activities necessary for national
20 security programs in the amount of \$994,821,000, to be
21 allocated as follows:

22 (1) For operation and maintenance,
23 \$909,664,000.

24 (2) For plant projects (including maintenance,
25 restoration, planning, construction, acquisition,

1 modification of facilities, and the continuation of
2 projects authorized in prior years, and land acquisi-
3 tion related thereto), \$85,157,000, to be allocated as
4 follows:

5 Project 97–D–450, actinide packaging and
6 storage facility, Savannah River Site, Aiken,
7 South Carolina, \$7,900,000.

8 Project 97–D–451, B–plant safety class
9 ventilation upgrades, Richland, Washington,
10 \$1,500,000.

11 Project 96–D–406, spent nuclear fuels
12 canister storage and stabilization facility, Rich-
13 land, Washington, \$60,672,000.

14 Project 96–D–464, electrical and utility
15 systems upgrade, Idaho Chemical Processing
16 Plant, Idaho National Engineering Laboratory,
17 Idaho, \$10,440,000.

18 Project 95–D–456, security facilities up-
19 grade, Idaho Chemical Processing Plant, Idaho
20 National Engineering Laboratory, Idaho,
21 \$4,645,000.

22 (e) POLICY AND MANAGEMENT.—Subject to sub-
23 section (j), funds are hereby authorized to be appropriated
24 to the Department of Energy for fiscal year 1997 policy
25 and management activities (including development and di-

1 rection of policy, training and education, and manage-
2 ment) in carrying out environmental restoration and waste
3 management activities necessary for national security pro-
4 grams in the amount of \$26,155,000.

5 (f) SITE OPERATIONS.—Subject to subsection (j),
6 funds are hereby authorized to be appropriated to the De-
7 partment of Energy for fiscal year 1997 for site operations
8 in carrying out environmental restoration and waste man-
9 agement activities necessary for national security pro-
10 grams in the amount of \$363,469,000, to be allocated as
11 follows:

12 (1) For operation and maintenance,
13 \$331,054,000.

14 (2) For plant projects (including maintenance,
15 restoration, planning, construction, acquisition,
16 modification of facilities, and the continuation of
17 projects authorized in prior years, and land acquisi-
18 tion related thereto), \$32,415,000, to be allocated as
19 follows:

20 Project 96–D–461, electrical distribution
21 upgrade, Idaho National Engineering Labora-
22 tory, Idaho, \$6,790,000.

23 Project 96–D–470, environmental monitor-
24 ing laboratory, Savannah River Site, Aiken,
25 South Carolina, \$2,500,000.

1 Project 96–D–471, chlorofluorocarbon
2 heating, ventilation, and air conditioning and
3 chiller retrofit, Savannah River Site, Aiken,
4 South Carolina, \$8,541,000.

5 Project 96–D–473, health physics site sup-
6 port facility, Savannah River Site, Aiken, South
7 Carolina, \$2,000,000.

8 Project 95–E–600, hazardous materials
9 management and emergency response training
10 center, Richland, Washington, \$7,900,000.

11 Project 95–D–155, upgrade site road in-
12 frastructure, Savannah River, South Carolina,
13 \$4,137,000.

14 Project 94–D–401, emergency response fa-
15 cility, Idaho National Engineering Laboratory,
16 Idaho, \$547,000.

17 (g) ENVIRONMENTAL SCIENCE AND RISK POLICY.—
18 Subject to subsection (j), funds are hereby authorized to
19 be appropriated to the Department of Energy for fiscal
20 year 1997 for environmental science and risk policy activi-
21 ties in carrying out environmental restoration and waste
22 management activities necessary for national security pro-
23 grams in the amount of \$52,136,000.

24 (h) ENVIRONMENTAL MANAGEMENT PRIVATIZA-
25 TION.—Subject to subsection (j), funds are hereby author-

1 ized to be appropriated to the Department of Energy for
2 fiscal year 1997 for environmental management privatiza-
3 tion activities in carrying out environmental restoration
4 and waste management necessary for national security
5 programs in the amount of \$185,000,000.

6 (i) PROGRAM DIRECTION.—Subject to subsection (j),
7 funds are hereby authorized to be appropriated to the De-
8 partment of Energy for fiscal year 1997 for program di-
9 rection in carrying out environmental restoration and
10 waste management activities necessary for national secu-
11 rity programs in the amount of \$436,511,000.

12 (j) ADJUSTMENTS.—The total amount authorized to
13 be appropriated pursuant to this section is the sum of the
14 amounts authorized to be appropriated in subsections (a)
15 through (i) reduced by the sum of—

16 (1) \$150,400,000, for use of prior year bal-
17 ances; and

18 (2) \$8,000,000, for Savannah River Pension
19 Refund.

20 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

21 Funds are hereby authorized to be appropriated to
22 the Department of Energy for fiscal year 1997 for other
23 defense activities in carrying out programs necessary for
24 national security in the amount of \$1,560,700,000, to be
25 allocated as follows:

1 (1) For verification and control technology,
2 \$456,348,000, to be allocated as follows:

3 (A) For nonproliferation and verification
4 research and development, \$204,919,000.

5 (B) For arms control, \$216,244,000.

6 (C) For intelligence, \$35,185,000.

7 (2) For nuclear safeguards and security,
8 \$47,208,000.

9 (3) For security investigations, \$22,000,000.

10 (4) For environment, safety, and health, de-
11 fense, \$53,094,000.

12 (5) For program direction, environment, safety,
13 and health, defense, \$10,706,000.

14 (6) For worker and community transition as-
15 sistance, \$62,659,000.

16 (7) For program direction, worker and commu-
17 nity transition assistance, \$4,341,000.

18 (8) For fissile materials \$93,796,000, to be al-
19 located as follows:

20 (A) For control and disposition,
21 \$73,163,000.

22 (B) For the following plant project (includ-
23 ing maintenance, restoration, planning, con-
24 struction, acquisition, and modification of facili-
25 ties, and land acquisition related thereto):

1 Project 97–D–140, consolidated spe-
2 cial nuclear materials storage plant, loca-
3 tion to be determined, \$17,000,000.

4 (C) For program direction, \$3,633,000.

5 (9) For emergency management, \$16,794,000.

6 (10) For program direction, nonproliferation
7 and national security, \$90,622,000.

8 (11) For naval reactors development,
9 \$681,932,000, to be allocated as follows:

10 (A) For operation and infrastructure,
11 \$649,330,000.

12 (B) For plant projects (including mainte-
13 nance, restoration, planning, construction, ac-
14 quisition, modification of facilities, and the con-
15 tinuation of projects authorized in prior years,
16 and land acquisition related thereto),
17 \$13,700,000, to be allocated as follows:

18 Project 97–D–201, advanced test re-
19 actor secondary coolant system upgrades
20 Idaho National Engineering Laboratory,
21 Idaho, \$400,000.

22 Project 95–D–200, laboratory systems
23 and hot cell upgrades, various locations,
24 \$4,800,000.

1 Project 95–D–201, advanced test re-
2 actor radioactive waste system upgrades,
3 Idaho National Engineering Laboratory,
4 Idaho, \$500,000.

5 Project 90–N–102, expended core fa-
6 cility dry cell project, Naval Reactors Fa-
7 cility, Idaho, \$8,000,000.

8 (C) For program direction, \$18,902,000.

9 (12) For international nuclear safety,
10 \$15,200,000.

11 (13) For nuclear security, \$6,000,000.

12 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

13 Funds are hereby authorized to be appropriated to
14 the Department of Energy for fiscal year 1996 for pay-
15 ment to the Nuclear Waste Fund established in section
16 302(c) of the Nuclear Waste Policy Act of 1982 (42
17 U.S.C. 10222(c)) in the amount of \$200,000,000.

18 **Subtitle B—Recurring General**
19 **Provisions**

20 **SEC. 3121. REPROGRAMMING.**

21 (a) IN GENERAL.—Until the Secretary of Energy
22 submits to the congressional defense committees the re-
23 port referred to in subsection (b) and a period of 30 days
24 has elapsed after the date on which such committees re-

1 ceive the report, the Secretary may not use amounts ap-
2 propriated pursuant to this title for any program—

3 (1) in amounts that exceed, in a fiscal year—

4 (A) 110 percent of the amount authorized
5 for that program by this title; or

6 (B) \$1,000,000 more than the amount au-
7 thorized for that program by this title; or

8 (2) which has not been presented to, or re-
9 quested of, Congress.

10 (b) REPORT.—(1) The report referred to in sub-
11 section (a) is a report containing a full and complete state-
12 ment of the action proposed to be taken and the facts and
13 circumstances relied upon in support of such proposed ac-
14 tion.

15 (2) In the computation of the 30-day period under
16 subsection (a), there shall be excluded any day on which
17 either House of Congress is not in session because of an
18 adjournment of more than 3 days to a day certain.

19 (c) LIMITATIONS.—(1) In no event may the total
20 amount of funds obligated pursuant to this title exceed
21 the total amount authorized to be appropriated by this
22 title.

23 (2) Funds appropriated pursuant to this title may not
24 be used for an item for which Congress has specifically
25 denied funds.

1 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

2 (a) IN GENERAL.—The Secretary of Energy may
3 carry out any construction project under the general plant
4 projects authorized by this title if the total estimated cost
5 of the construction project does not exceed \$5,000,000.

6 (b) REPORT TO CONGRESS.—If, at any time during
7 the construction of any general plant project authorized
8 by this title, the estimated cost of the project is revised
9 because of unforeseen cost variations and the revised cost
10 of the project exceeds \$5,000,000, the Secretary shall im-
11 mediately furnish a complete report to the congressional
12 defense committees explaining the reasons for the cost
13 variation.

14 (c) STUDY ON PERMANENT AUTHORIZATION FOR
15 GENERAL PLANT PROJECTS.—Not later than February 1,
16 1997, the Secretary of Energy shall report to the appro-
17 priate congressional committees on the need for, and de-
18 sirability of, a permanent authorization formula for de-
19 fense and civilian general plant projects in the Department
20 of Energy that includes periodic adjustments for inflation,
21 including any legislative recommendations to enact such
22 formula into permanent law. The report of the Secretary
23 shall describe actions that would be taken by the Depart-
24 ment to provide for cost control of general plant projects,
25 taking into account the size and nature of such projects.

1 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

2 (a) IN GENERAL.—(1) Except as provided in para-
3 graph (2), construction on a construction project may not
4 be started or additional obligations incurred in connection
5 with the project above the total estimated cost, whenever
6 the current estimated cost of the construction project,
7 which is authorized by section 3101, 3102, or 3103, or
8 which is in support of national security programs of the
9 Department of Energy and was authorized by any pre-
10 vious Act, exceeds by more than 25 percent the higher
11 of—

12 (A) the amount authorized for the project; or

13 (B) the amount of the total estimated cost for
14 the project as shown in the most recent budget jus-
15 tification data submitted to Congress.

16 (2) An action described in paragraph (1) may be
17 taken if—

18 (A) the Secretary of Energy has submitted to
19 the congressional defense committees a report on the
20 actions and the circumstances making such action
21 necessary; and

22 (B) a period of 30 days has elapsed after the
23 date on which the report is received by the commit-
24 tees.

25 (3) In the computation of the 30-day period under
26 paragraph (2), there shall be excluded any day on which

1 either House of Congress is not in session because of an
2 adjournment of more than 3 days to a day certain.

3 (b) EXCEPTION.—Subsection (a) shall not apply to
4 any construction project which has a current estimated
5 cost of less than \$5,000,000.

6 **SEC. 3124. FUND TRANSFER AUTHORITY.**

7 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
8 The Secretary of Energy may transfer funds authorized
9 to be appropriated to the Department of Energy pursuant
10 to this title to other Federal agencies for the performance
11 of work for which the funds were authorized. Funds so
12 transferred may be merged with and be available for the
13 same purposes and for the same period as the authoriza-
14 tions of the Federal agency to which the amounts are
15 transferred.

16 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY;
17 LIMITATIONS.—(1) Subject to paragraph (2), the Sec-
18 retary of Energy may transfer funds authorized to be ap-
19 propriated to the Department of Energy pursuant to this
20 title between any such authorizations. Amounts of author-
21 izations so transferred may be merged with and be avail-
22 able for the same purposes and for the same period as
23 the authorization to which the amounts are transferred.

24 (2) Not more than five percent of any such authoriza-
25 tion may be transferred between authorizations under

1 paragraph (1). No such authorization may be increased
2 or decreased by more than five percent by a transfer under
3 such paragraph.

4 (3) The authority provided by this section to transfer
5 authorizations—

6 (A) may only be used to provide funds for items
7 relating to weapons activities necessary for national
8 security programs that have a higher priority than
9 the items from which the funds are transferred; and

10 (B) may not be used to provide authority for an
11 item that has been denied funds by Congress.

12 (c) NOTICE TO CONGRESS.—The Secretary of Energy
13 shall promptly notify the Committee on Armed Services
14 of the Senate and the Committee on National Security of
15 the House of Representatives of any transfer of funds to
16 or from authorizations under this title.

17 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
18 **TION DESIGN.**

19 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
20 Subject to paragraph (2) and except as provided in para-
21 graph (3), before submitting to Congress a request for
22 funds for a construction project that is in support of a
23 national security program of the Department of Energy,
24 the Secretary of Energy shall complete a conceptual de-
25 sign for that project. The Secretary shall submit to Con-

1 gress a report on each conceptual design completed under
2 this paragraph.

3 (2) If the estimated cost of completing a conceptual
4 design for a construction project exceeds \$3,000,000, the
5 Secretary shall submit to Congress a request for funds for
6 the conceptual design before submitting a request for
7 funds for the construction project.

8 (3) The requirement in paragraph (1) does not apply
9 to a request for funds—

10 (A) for a construction project the total esti-
11 mated cost of which is less than \$5,000,000; or

12 (B) for emergency planning, design, and con-
13 struction activities under section 3126.

14 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)
15 Within the amounts authorized by this title, the Secretary
16 of Energy may carry out construction design (including
17 architectural and engineering services) in connection with
18 any proposed construction project if the total estimated
19 cost for such design does not exceed \$600,000.

20 (2) If the total estimated cost for construction design
21 in connection with any construction project exceeds
22 \$600,000, funds for such design must be specifically au-
23 thorized by law.

1 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
2 **SIGN, AND CONSTRUCTION ACTIVITIES.**

3 (a) **AUTHORITY.**—The Secretary of Energy may use
4 any funds available to the Department of Energy pursuant
5 to an authorization in this title, including those funds au-
6 thorized to be appropriated for advance planning and con-
7 struction design under sections 3101, 3102, and 3103, to
8 perform planning, design, and construction activities for
9 any Department of Energy national security program con-
10 struction project that, as determined by the Secretary,
11 must proceed expeditiously in order to protect public
12 health and safety, to meet the needs of national defense,
13 or to protect property.

14 (b) **LIMITATION.**—The Secretary may not exercise
15 the authority under subsection (a) in the case of any con-
16 struction project until the Secretary has submitted to the
17 congressional defense committees a report on the activities
18 that the Secretary intends to carry out under this section
19 and the circumstances making such activities necessary.

20 (c) **SPECIFIC AUTHORITY.**—The requirement of sec-
21 tion 3125(b)(2) does not apply to emergency planning, de-
22 sign, and construction activities conducted under this sec-
23 tion.

1 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECUR-**
2 **RITY PROGRAMS OF THE DEPARTMENT OF**
3 **ENERGY.**

4 Subject to the provisions of appropriations Acts and
5 section 3121, amounts appropriated pursuant to this title
6 for management and support activities and for general
7 plant projects are available for use, when necessary, in
8 connection with all national security programs of the De-
9 partment of Energy.

10 **SEC. 3128. AVAILABILITY OF FUNDS.**

11 When so specified in an appropriations Act, amounts
12 appropriated for operation and maintenance or for plant
13 projects may remain available until expended.

14 **Subtitle C—Program Authoriza-**
15 **tions, Restrictions, and Limita-**
16 **tions**

17 **SEC. 3131. TRITIUM PRODUCTION.**

18 (a) ACCELERATION OF TRITIUM PRODUCTION.—(1)
19 The Secretary of Energy shall, during fiscal year 1997,
20 make a final decision on the technologies to be utilized,
21 and the accelerated schedule to be adopted, for tritium
22 production in order to meet the requirements of the Nu-
23 clear Weapons Stockpile Memorandum relating to tritium
24 production, including the new tritium production date of
25 2005 specified in the Nuclear Weapons Stockpile Memo-
26 randum.

1 (2) In making the final decision, the Secretary shall
2 take into account the following:

3 (A) The requirements for tritium production
4 specified in the Nuclear Weapons Stockpile Memo-
5 randum, including, in particular, the requirements
6 for the “upload hedge” component of the nuclear
7 weapons stockpile.

8 (B) The ongoing activities of the Department
9 relating to the evaluation and demonstration of tech-
10 nologies under the accelerator reactor program and
11 the commercial light water reactor program.

12 (b) REPORT.—(1) Not later than April 15, 1997, the
13 Secretary shall submit to the Congress a report that sets
14 forth the final decision of the Secretary under subsection
15 (a)(1). The report shall set forth in detail—

16 (A) the technologies decided on under that sub-
17 section; and

18 (B) the accelerated schedule for the production
19 of tritium decided on under that subsection.

20 (2) If the Secretary determines that it is not possible
21 to make the final decision by the date specified in para-
22 graph (1), the Secretary shall submit to Congress on that
23 date a report that explains in detail why the final decision
24 cannot be made by that date.

1 (c) NEW TRITIUM PRODUCTION FACILITY.—The
2 Secretary shall commence planning and design activities
3 and infrastructure development for a new tritium produc-
4 tion facility.

5 (d) IN-REACTOR TESTS.—The Secretary may per-
6 form in-reactor tests of tritium target rods as part of the
7 activities carried out under the commercial light water re-
8 actor program.

9 (e) FUNDING.—Of the funds authorized to be appro-
10 priated to the Department of Energy pursuant to section
11 3101(b)(1)—

12 (1) not more than \$45,000,000 shall be avail-
13 able for research, development, and technology dem-
14 onstration activities and other activities relating to
15 the production of tritium in accelerators;

16 (2) not more than \$15,000,000 shall be avail-
17 able for the commercial light water reactor project,
18 including activities relating to target development,
19 extraction capability, and reactor acquisition or ini-
20 tial tritium operations; and

21 (3) not more than \$100,000,000 shall be avail-
22 able for other tritium production research activities.

1 **SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRIT-**
2 **IUM RECYCLING FACILITIES.**

3 (a) IN GENERAL.—The Secretary of Energy shall
4 carry out activities to modernize and consolidate the facili-
5 ties for recycling tritium for weapons at the Savannah
6 River Site, South Carolina, so as to ensure that such fa-
7 cilities have a capacity to recycle tritium from weapons
8 that is adequate to meet the tritium requirements for
9 weapons specified in the Nuclear Weapons Stockpile
10 Memorandum.

11 (b) FUNDING.—Of the funds authorized to be appro-
12 priated to the Department of Energy pursuant to section
13 3101, not more than \$6,000,000 shall be available for ac-
14 tivities under subsection (a).

15 **SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANU-**
16 **FACTURING INFRASTRUCTURE FOR REFAB-**
17 **RICATION AND CERTIFICATION OF NUCLEAR**
18 **WEAPONS STOCKPILE.**

19 (a) GENERAL PROGRAM REQUIREMENTS.—Sub-
20 section (a) of section 3137 of the National Defense Au-
21 thorization Act for Fiscal Year 1996 (Public Law 104–
22 106; 110 Stat. 620; 42 U.S.C. 2121 note) is amended—

23 (1) by inserting “(1)” before “The Secretary of
24 Energy”;

1 (2) by redesignating paragraphs (1) through
2 (5) as subparagraphs (A) through (E), respectively;
3 and

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

5 “(2) The purpose of the program carried out under
6 paragraph (1) shall also be to develop manufacturing ca-
7 pabilities and capacities necessary to meet the require-
8 ments specified in the annual Nuclear Weapons Stockpile
9 Review.”.

10 (b) REQUIRED CAPABILITIES.—Subsection (b)(3) of
11 such section is amended to read as follows:

12 “(3) The capabilities of the Savannah River
13 Site relating to tritium recycling and fissile mate-
14 rials components processing and fabrication.”.

15 (c) PLAN AND REPORT.—Not later than March 1,
16 1997, the Secretary of Energy shall submit to Congress
17 a report containing a plan for carrying out the program
18 established under section 3137(a) of the National Defense
19 Authorization Act for Fiscal Year 1996, as amended by
20 this section. The report shall set forth the obligations that
21 the Secretary has incurred, and proposes to incur, during
22 fiscal year 1997 in carrying out the program.

23 (d) FUNDING.—Of the funds authorized to be appro-
24 priated pursuant to section 3101(b), \$5,000,000 shall be
25 available for carrying out the program established under

1 section 3137(a) of the National Defense Authorization Act
2 for Fiscal Year 1996, as so amended.

3 **SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN**
4 **RESEARCH AND DEVELOPMENT PURPOSES.**

5 (a) LIMITATION.—No funds appropriated or other-
6 wise made available to the Department of Energy for fiscal
7 year 1997 under section 3101 may be obligated or ex-
8 pended for activities under the Department of Energy
9 Laboratory Directed Research and Development Program,
10 or under any Department of Energy technology transfer
11 program or cooperative research and development agree-
12 ment, unless such activities support the national security
13 mission of the Department of Energy.

14 (b) ANNUAL REPORT.—(1) The Secretary of Energy
15 shall annually submit to the congressional defense commit-
16 tees a report on the funds expended during the preceding
17 fiscal year on activities under the Department of Energy
18 Laboratory Directed Research and Development Program.
19 The purpose of the report is to permit an assessment of
20 the extent to which such activities support the national
21 security mission of the Department of Energy.

22 (2) Each report shall be prepared by the officials re-
23 sponsible for Federal oversight of the funds expended on
24 activities under the program.

1 (3) Each report shall set forth the criteria utilized
2 by the officials preparing the report in determining wheth-
3 er or not the activities reviewed by such officials support
4 the national security mission of the Department.

5 **SEC. 3135. ACCELERATED SCHEDULE FOR ISOLATING**
6 **HIGH-LEVEL NUCLEAR WASTE AT THE DE-**
7 **FENSE WASTE PROCESSING FACILITY, SA-**
8 **VANNAH RIVER SITE.**

9 The Secretary of Energy shall accelerate the schedule
10 for the isolation of high-level nuclear waste in glass can-
11 isters at the Defense Waste Processing Facility at the Sa-
12 vannah River Site if the Secretary determines that the ac-
13 celeration of such schedule—

14 (1) will achieve long-term cost savings to the
15 Federal Government; and

16 (2) could accelerate the removal and isolation of
17 high-level nuclear waste from long-term storage
18 tanks at the site.

19 **SEC. 3136. PROCESSING OF HIGH-LEVEL NUCLEAR WASTE**
20 **AND SPENT NUCLEAR FUEL RODS.**

21 (a) IN GENERAL.—In order to provide for an effec-
22 tive response to requirements for managing spent nuclear
23 fuel that is sent to Department of Energy consolidation
24 sites pursuant to the Department of Energy Pro-
25 grammatic Spent Nuclear Fuel Management and Idaho

1 National Engineering Laboratory Environmental Restora-
2 tion and Waste Management Programs Final Environ-
3 mental Impact Statement, dated April 1995, there shall
4 be available to the Secretary of Energy, from amounts au-
5 thorized to be appropriated pursuant to section 3102(b),
6 the following amounts for the purposes stated:

7 (1) Not more than \$65,700,000 for the develop-
8 ment and implementation of a program for the proc-
9 essing, reprocessing, separation, reduction, isolation,
10 and interim storage of high-level nuclear waste asso-
11 ciated with Department of Energy aluminum clad
12 spent fuel rods and foreign spent fuel rods in the H-
13 canyon facility and F-canyon facility.

14 (2) Not more than \$80,000,000 for the develop-
15 ment and implementation of a program for the
16 treatment, preparation, and conditioning of high-
17 level nuclear waste associated with Department of
18 Energy non-aluminum clad spent nuclear fuel rods
19 (including naval spent nuclear fuel) for interim stor-
20 age and final disposition.

21 (b) UPDATE OF IMPLEMENTATION PLAN.—Not later
22 than April 30, 1997, the Secretary shall submit to Con-
23 gress a plan which updates the five-year plan required by
24 section 3142(b) of the National Defense Authorization Act

1 for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
2 622). The updated plan shall include—

3 (1) the matters required by paragraphs (1)
4 through (4) of such section, current as of the date
5 of the updated plan; and

6 (2) the assessment of the Secretary of the
7 progress made in implementing the program covered
8 by the plans.

9 **SEC. 3137. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
10 **SKILLS CRITICAL TO DEPARTMENT OF EN-**
11 **ERGY NUCLEAR WEAPONS COMPLEX.**

12 (a) **FUNDING.**—Subject to subsection (b), of the
13 funds authorized to be appropriated pursuant to section
14 3101(b), \$5,000,000 may be used for conducting the fel-
15 lowship program for the development of skills critical to
16 the ongoing mission of the Department of Energy nuclear
17 weapons complex required by section 3140 of the National
18 Defense Authorization Act for Fiscal Year 1996 (Public
19 Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note).

20 (b) **NOTICE AND WAIT.**—The Secretary of Energy
21 may not obligate or expend funds under subsection (a) for
22 the fellowship program referred to in that subsection
23 until—

24 (1) the Secretary submits to Congress a report
25 setting forth—

1 (A) the steps the Department has taken to
2 implement the fellowship program;

3 (B) the amount the Secretary proposes to
4 obligate; and

5 (C) the purposes for which such amount
6 will be obligated; and

7 (2) a period of 21 days elapses from the date
8 of the receipt of the report by Congress.

9 **SEC. 3138. PAYMENT OF COSTS OF OPERATION AND MAIN-**
10 **TENANCE OF INFRASTRUCTURE AT NEVADA**
11 **TEST SITE.**

12 Notwithstanding any other provision of law and effec-
13 tive as of September 30, 1996, the costs associated with
14 operating and maintaining the infrastructure at the Ne-
15 vada Test Site, Nevada, with respect to any activities initi-
16 ated at the site after that date by the Department of De-
17 fense pursuant to a work for others agreement may be
18 paid for from funds authorized to be appropriated to the
19 Department of Energy for activities at the Nevada Test
20 Site.

1 **Subtitle D—Other Matters**

2 **SEC. 3151. REQUIREMENT FOR ANNUAL FIVE-YEAR BUDGET** 3 **FOR THE NATIONAL SECURITY PROGRAMS** 4 **OF THE DEPARTMENT OF ENERGY.**

5 (a) REQUIREMENT.—The Secretary of Energy shall
6 prepare each year a budget for the national security pro-
7 grams of the Department of Energy for the five-year pe-
8 riod beginning in the year the budget is prepared. Each
9 budget shall contain the estimated expenditures and pro-
10 posed appropriations necessary to support the programs,
11 projects, and activities of the national security programs
12 during the five-year period covered by the budget and shall
13 be at a level of detail comparable to that contained in the
14 budget submitted by the President to Congress under sec-
15 tion 1105 of title 31, United States Code.

16 (b) SUBMITTAL.—The Secretary shall submit each
17 year to the congressional defense committees the budget
18 required under subsection (a) in that year at the same
19 time as the President submits to Congress the budget for
20 the coming fiscal year pursuant to such section 1105.

1 **SEC. 3152. REQUIREMENTS FOR DEPARTMENT OF ENERGY**
2 **WEAPONS ACTIVITIES BUDGETS FOR FISCAL**
3 **YEARS AFTER FISCAL YEAR 1997.**

4 (a) **IN GENERAL.**—The weapons activities budget of
5 the Department of Energy for any fiscal year after fiscal
6 year 1997 shall—

7 (1) set forth with respect to each of the activi-
8 ties under the budget (including stockpile steward-
9 ship, stockpile management, and program direction)
10 the funding requested to carry out each project or
11 activity that is necessary to meet the requirements
12 of the Nuclear Weapons Stockpile Memorandum;
13 and

14 (2) identify specific infrastructure requirements
15 arising from the Nuclear Posture Review, the Nu-
16 clear Weapons Stockpile Memorandum, and the pro-
17 grammatic and technical requirements associated
18 with the review and memorandum.

19 (b) **REQUIRED DETAIL.**—The Secretary of Energy
20 shall include in the materials that the Secretary submits
21 to Congress in support of the budget for any fiscal year
22 after fiscal year 1997 that is submitted by the President
23 pursuant to section 1105 of title 31, United States Code,
24 the following:

1 (1) A long-term program plan, and a near-term
2 program plan, for the certification and stewardship
3 of the nuclear weapons stockpile.

4 (2) An assessment of the effects of the plans re-
5 ferred to in paragraph (1) on each nuclear weapons
6 laboratory and each nuclear weapons production
7 plant.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “Nuclear Posture Review” means
10 the Department of Defense Nuclear Posture Review
11 as contained in the report of the Secretary of De-
12 fense to the President and the Congress dated Feb-
13 ruary 19, 1995, or in subsequent such reports.

14 (2) The term “nuclear weapons laboratory”
15 means the following:

16 (A) Lawrence Livermore National Labora-
17 tory, California.

18 (B) Los Alamos National Laboratory, New
19 Mexico.

20 (C) Sandia National Laboratories.

21 (3) The term “nuclear weapons production
22 plant” means the following:

23 (A) The Pantex Plant.

24 (B) The Savannah River Site.

25 (C) The Kansas City Plant, Missouri.

1 (D) The Y-12 Plant, Oak Ridge, Ten-
2 nessee.

3 **SEC. 3153. REPEAL OF REQUIREMENT RELATING TO AC-**
4 **COUNTING PROCEDURES FOR DEPARTMENT**
5 **OF ENERGY FUNDS.**

6 Section 3151 of the National Defense Authorization
7 Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat.
8 3089) is repealed.

9 **SEC. 3154. PLANS FOR ACTIVITIES TO PROCESS NUCLEAR**
10 **MATERIALS AND CLEAN UP NUCLEAR WASTE**
11 **AT THE SAVANNAH RIVER SITE.**

12 (a) NEAR-TERM PLAN FOR PROCESSING SPENT
13 FUEL RODS.—(1) Not later than March 15, 1997, the
14 Secretary of Energy shall submit to Congress a plan for
15 a near-term program to process the spent nuclear fuel
16 rods described in paragraph (2) in the H-canyon facility
17 and the F-canyon facility at the Savannah River Site. The
18 plan shall include cost projections and resource require-
19 ments for the program and identify program milestones
20 for the program.

21 (2) The spent nuclear fuel rods to be processed under
22 the program referred to in paragraph (1) are the follow-
23 ing:

24 (A) Spent nuclear fuel rods produced at the Sa-
25 vannah River Site.

1 (B) Spent nuclear fuel rods being sent to the
2 site from other Department of Energy facilities for
3 processing, interim storage, and other treatment.

4 (C) Foreign nuclear spent fuel rods being sent
5 to the site for processing, interim storage, and other
6 treatment.

7 (b) MULTI-YEAR PLAN FOR CLEAN-UP AT SITE.—
8 The Secretary shall develop and implement a multi-year
9 plan for the clean-up of nuclear waste at the Savannah
10 River Site that results, or has resulted, from the following:

11 (1) Nuclear weapons activities carried out at
12 the site.

13 (2) The processing of Department of Energy
14 domestic and foreign spent nuclear fuel rods at the
15 site.

16 (c) REQUIREMENT FOR CONTINUING OPERATIONS.—
17 The Secretary shall continue operations and maintain a
18 high state of readiness at the H-canyon facility and the
19 F-canyon facility at the Savannah River Site, and shall
20 provide technical staff necessary to operate and so main-
21 tain such facilities, pending the development and imple-
22 mentation of the plan referred to in subsection (b).

1 **SEC. 3155. UPDATE OF REPORT ON NUCLEAR TEST READI-**
2 **NESS POSTURES.**

3 Not later than February 15, 1997, the Secretary of
4 Energy shall submit to Congress a report which updates
5 the report submitted by the Secretary under section 3152
6 of the National Defense Authorization Act for Fiscal Year
7 1996 (Public Law 104–106; 110 Stat. 623). The updated
8 report shall include the matters specified under such sec-
9 tion, current as of the date of the updated report.

10 **SEC. 3156. REPORTS ON CRITICAL DIFFICULTIES AT NU-**
11 **CLEAR WEAPONS LABORATORIES AND NU-**
12 **CLEAR WEAPONS PRODUCTION PLANTS.**

13 (a) **REPORTS BY HEADS OF LABORATORIES AND**
14 **PLANTS.**—In the event of a difficulty at a nuclear weap-
15 ons laboratory or a nuclear weapons production plant that
16 has a significant bearing on confidence in the safety or
17 reliability of a nuclear weapon or nuclear weapon type, the
18 head of the laboratory or plant, as the case may be, shall
19 submit to the Assistant Secretary of Energy for Defense
20 Programs a report on the difficulty. The head of the lab-
21 oratory or plant shall submit the report as soon as prac-
22 ticable after discovery of the difficulty.

23 (b) **TRANSMITTAL BY ASSISTANT SECRETARY.**—As
24 soon as practicable after receipt of a report under sub-
25 section (a), the Assistant Secretary shall transmit the re-
26 port (together with the comments of the Assistant Sec-

1 retary) to the congressional defense committees and to the
2 Secretary of Energy and the Secretary of Defense.

3 (c) REPORTS BY NUCLEAR WEAPONS COUNCIL.—

4 Section 179 of title 10, United States Code, is amended—

5 (1) by redesignating subsection (e) as sub-
6 section (f); and

7 (2) by inserting after subsection (d) the follow-
8 ing new subsection (e):

9 “(e) In addition to the responsibilities set forth in
10 subsection (d), the Council shall also submit to Congress
11 a report on any analysis conducted by the Council with
12 respect to difficulties at nuclear weapons laboratories or
13 nuclear weapons production plants that have significant
14 bearing on confidence in the safety or reliability of nuclear
15 weapons or nuclear weapon types.”.

16 (d) DEFINITIONS.—In this section:

17 (1) The term “nuclear weapons laboratory”
18 means the following:

19 (A) Lawrence Livermore National Labora-
20 tory, California.

21 (B) Los Alamos National Laboratory, New
22 Mexico.

23 (C) Sandia National Laboratories.

24 (2) The term “nuclear weapons production
25 plant” means the following:

- 1 (A) The Pantex Plant.
2 (B) The Savannah River Site.
3 (C) The Kansas City Plant, Missouri.
4 (D) The Y-12 Plant, Oak Ridge, Ten-
5 nessee.

6 **SEC. 3157. EXTENSION OF APPLICABILITY OF NOTICE-AND-**
7 **WAIT REQUIREMENT REGARDING PROPOSED**
8 **COOPERATION AGREEMENTS.**

9 Section 3155(b) of the National Defense Authoriza-
10 tion Act for Fiscal Year 1995 (42 U.S.C. 2153 note) is
11 amended by striking out “October 1, 1996” and inserting
12 in lieu thereof “December 31, 1997”.

13 **SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNA-**
14 **TION OF DEFENSE ENVIRONMENTAL RES-**
15 **TORATION AND WASTE MANAGEMENT PRO-**
16 **GRAM.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the program of the Department of Energy
19 known as the Defense Environmental Restoration and
20 Waste Management Program, and also known as the En-
21 vironmental Management Program, be redesignated as the
22 Defense Nuclear Waste Management Program of the De-
23 partment of Energy.

24 (b) REPORT ON REDESIGNATION.—Not later than
25 January 31, 1997, the Secretary of Energy shall submit

1 to the congressional defense committees a report on the
2 costs and other difficulties, if any, associated with the fol-
3 lowing:

4 (1) The redesignation of the program of known
5 as the Defense Environmental Restoration and
6 Waste Management Program, and also known as the
7 Environmental Management Program, as the De-
8 fense Nuclear Waste Management Program of the
9 Department of Energy.

10 (2) The redesignation of the Defense Environ-
11 mental Restoration and Waste Management Account
12 as the Defense Nuclear Waste Management Ac-
13 count.

14 **SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES**
15 **NUCLEAR WEAPONS EXPERTISE.**

16 (a) **ESTABLISHMENT.**—There is hereby established a
17 commission to be known as the “Commission on Maintain-
18 ing United States Nuclear Weapons Expertise” (in this
19 section referred to as the “Commission”).

20 (b) **ORGANIZATIONAL MATTERS.**—(1)(A) The Com-
21 mission shall be composed of nine members appointed
22 from among individuals in the public and private sectors
23 who have significant experience in matters relating to nu-
24 clear weapons as follows:

1 (i) Two shall be appointed by the Majority
2 Leader of the Senate (in consultation with the Mi-
3 nority Leader of the Senate).

4 (ii) One shall be appointed by the Minority
5 Leader of the Senate (in consultation with the Ma-
6 jority Leader of the Senate).

7 (iii) Two shall be appointed by the Speaker of
8 the House of Representatives (in consultation with
9 the Minority Leader of the House of Representa-
10 tives).

11 (iv) One shall be appointed by the Minority
12 Leader of the House of Representatives (in consulta-
13 tion with the Speaker of the House of Representa-
14 tives).

15 (v) Three shall be appointed by the Secretary of
16 Energy.

17 (B) Members shall be appointed for the life of the
18 Commission. Any vacancy in the Commission shall not af-
19 fect its powers, but shall be filled in the same manner as
20 the original appointment.

21 (C) The chairman of the Commission shall be des-
22 ignated from among the members of the Commission ap-
23 pointed under subparagraph (A) by the Majority Leader
24 of the Senate, in consultation with the Minority Leader
25 of the Senate.

1 (2) The members of the Commission shall establish
2 procedures for the activities of the Commission, including
3 procedures for calling meetings, requirements for
4 quorums, and the manner of taking votes.

5 (c) DUTIES.—(1) The Commission shall develop a
6 plan for recruiting and retaining within the Department
7 of Energy nuclear weapons complex such scientific, engi-
8 neering, and technical personnel as the Commission deter-
9 mines appropriate in order to permit the Department to
10 maintain over the long term a safe and reliable nuclear
11 weapons stockpile without engaging in underground test-
12 ing.

13 (2) In developing the plan, the Commission shall—

14 (A) identify actions that the Secretary may un-
15 dertake to attract qualified scientific, engineering,
16 and technical personnel to the nuclear weapons com-
17 plex of the Department; and

18 (B) review and recommend improvements to the
19 on-going efforts of the Department to attract such
20 personnel to the nuclear weapons complex.

21 (d) REPORT.—Not later than March 15, 1998, the
22 Commission shall submit to the Secretary and to Congress
23 a report containing the plan developed under subsection
24 (c). The report may include recommendations for legisla-
25 tion and administrative action.

1 (e) COMMISSION PERSONNEL MATTERS.—(1) Each
2 member of the Commission who is not an officer or em-
3 ployee of the Federal Government shall be compensated
4 at a rate equal to the daily equivalent of the annual rate
5 of basic pay prescribed for level IV of the Executive Sched-
6 ule under section 5315 of title 5, United States Code, for
7 each day (including travel time) during which such mem-
8 ber is engaged in the performance of the duties of the
9 Commission. All members of the Commission who are offi-
10 cers or employees of the United States shall serve without
11 compensation in addition to that received for their services
12 as officers or employees of the United States.

13 (2) The members of the Commission shall be allowed
14 travel expenses, including per diem in lieu of subsistence,
15 at rates authorized for employees of agencies under sub-
16 chapter I of chapter 57 of title 5, United States Code,
17 while away from their homes or regular places of business
18 in the performance of services for the Commission.

19 (3) The Commission may, without regard to the civil
20 service laws and regulations, appoint and terminate such
21 personnel as may be necessary to enable the Commission
22 to perform its duties. The Commission may fix the com-
23 pensation of the personnel of the Commission without re-
24 gard to the provisions of chapter 51 and subchapter III

1 of chapter 53 of title 5, United States Code, relating to
2 classification of positions and General Schedule pay rates.

3 (4) Any Federal Government employee may be de-
4 tailed to the Commission without reimbursement, and
5 such detail shall be without interruption or loss of civil
6 service status or privilege.

7 (f) TERMINATION.—The Commission shall terminate
8 30 days after the date on which the Commission submits
9 its report under subsection (d).

10 (g) APPLICABILITY OF FACA.—The provisions of the
11 Federal Advisory Committee Act (5 U.S.C. App.) shall not
12 apply to the activities of the Commission.

13 (h) FUNDING.—Of the amounts authorized to be ap-
14 propriated pursuant to section 3101, not more than
15 \$1,000,000 shall be available for the activities of the Com-
16 mission under this section. Funds made available to the
17 Commission under this section shall remain available until
18 expended.

19 **SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY**
20 **AND SAFETY OF REMAINING NUCLEAR**
21 **FORCES.**

22 (a) FINDINGS.—The Senate makes the following
23 findings:

24 (1) The United States is committed to proceed-
25 ing with a robust science-based stockpile stewardship

1 program with respect to production of nuclear weap-
2 ons, and to maintaining nuclear weapons production
3 capabilities and capacities, that are adequate—

4 (A) to ensure the safety, reliability, and
5 performance of the United States nuclear arse-
6 nal; and

7 (B) to meet such changing national secu-
8 rity requirements as may result from inter-
9 national developments or technical problems
10 with nuclear warheads.

11 (2) The United States is committed to reestab-
12 lishing and maintaining production of nuclear weap-
13 ons at levels that are sufficient—

14 (A) to satisfy requirements for the safety,
15 reliability, and performance of United States
16 nuclear weapons; and

17 (B) to demonstrate and sustain production
18 capabilities and capacities.

19 (3) The United States is committed to main-
20 taining the nuclear weapons laboratories and pro-
21 tecting core nuclear weapons competencies.

22 (4) The United States is committed to ensuring
23 the rapid access to a new production source of trit-
24 ium within the next decade, as it currently has no
25 meaningful capability to produce tritium, a compo-

1 nent that is essential to the performance of modern
2 nuclear weapons.

3 (5) The United States reserves the right, con-
4 sistent with United States law, to resume under-
5 ground nuclear testing to maintain confidence in the
6 United States' stockpile of nuclear weapons if war-
7 head design flaws or aging of nuclear weapons result
8 in problems that a robust stockpile stewardship pro-
9 gram cannot solve.

10 (6) The United States is committed to funding
11 the Nevada Test Site at a level that maintains the
12 ability of the United States to resume underground
13 nuclear testing within one year after a national deci-
14 sion to do so is made.

15 (7) The United States reserves the right to in-
16 voke the supreme national interest of the United
17 States and withdraw from any future arms control
18 agreement to limit underground nuclear testing.

19 (b) SENSE OF THE SENATE REGARDING PRESI-
20 DENTIAL CONSULTATION WITH CONGRESS.—It is the
21 sense of the Senate that the President should consult
22 closely with Congress regarding United States policy and
23 practices to ensure confidence in the safety and reliability
24 of the nuclear stockpile of the United States.

1 (c) SENSE OF THE SENATE REGARDING NOTIFICA-
2 TION AND CONSULTATION.—It is the sense of the Senate
3 that, upon a determination by the President that a prob-
4 lem with the safety or reliability of the nuclear stockpile
5 has occurred and that the problem cannot be corrected
6 within the stockpile stewardship program, the President
7 shall—

8 (1) immediately notify Congress of the problem;
9 and

10 (2) submit to Congress in a timely manner a
11 plan for corrective action with respect to the prob-
12 lem, including—

13 (A) a technical description of the activities
14 required under the plan; and

15 (B) if underground testing of nuclear
16 weapons would assist in such corrective action,
17 an assessment of advisability of withdrawing
18 from any treaty that prohibits underground
19 testing of nuclear weapons.

20 **SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABIL-**
21 **ITY AT DEPARTMENT SUPERFUND SITES.**

22 (a) STUDY.—The Secretary of Energy shall, using
23 funds authorized to be appropriated to the Department
24 of Energy by section 3102, carry out a study of the liabil-
25 ity of the Department for damages for injury to, destruc-

1 tion of, or loss of natural resources under section
2 107(a)(4)(C) of the Comprehensive Environmental Re-
3 sponse, Compensation, and Liability Act of 1980 (42
4 U.S.C. 9607(a)(4)(C)) at each site controlled or operated
5 by the Department that is or is anticipated to become sub-
6 ject to the provisions of that Act.

7 (b) CONDUCT OF STUDY.—(1) The Secretary shall
8 carry out the study using personnel of the Department
9 or by contract with an appropriate private entity.

10 (2) In determining the extent of Department liability
11 for purposes of the study, the Secretary shall treat the
12 Department as a private person liable for damages under
13 section 107(f) of that Act (42 U.S.C. 9607(f)) and subject
14 to suit by public trustees of natural resources under such
15 section 107(f) for such damages.

16 (c) REPORT.—Not later than 90 days after the date
17 of the enactment of this Act, the Secretary shall submit
18 a report on the study carried out under subsection (a) to
19 the following committees:

20 (1) The Committees on Environment and Pub-
21 lic Works and Armed Services and Energy and Nat-
22 ural Resources of the Senate.

23 (2) The Committees on Commerce and National
24 Security and Resources of the House of Representa-
25 tives.

1 **SEC. 3162. FISCAL YEAR 1998 FUNDING FOR GREENVILLE**
2 **ROAD IMPROVEMENT PROJECT, LIVERMORE,**
3 **CALIFORNIA.**

4 (a) FUNDING.—The Secretary of Energy shall in-
5 clude in budget for fiscal year 1998 submitted by the Sec-
6 retary of Energy to the Office of Management and Budg-
7 et, a request for sufficient funds to pay the United States
8 portion of the cost of transportation improvements under
9 the Greenville Road Improvement Project, Livermore,
10 California.

11 (b) COOPERATION WITH LIVERMORE, CALIFORNIA.—
12 The Secretary shall work with the City of Livermore, Cali-
13 fornia, to determine the cost of the transportation im-
14 provements referred to in subsection (a).

15 **SEC. 3163. OPPORTUNITY FOR REVIEW AND COMMENT BY**
16 **STATE OF OREGON REGARDING CERTAIN RE-**
17 **MEDIAL ACTIONS AT HANFORD RESERVA-**
18 **TION, WASHINGTON.**

19 (a) OPPORTUNITY.—(1) Subject to subsection (b),
20 the Site Manager at the Hanford Reservation, Washing-
21 ton, shall, in consultation with the signatories to the Tri-
22 Party Agreement, provide the State of Oregon an oppor-
23 tunity to review and comment upon any information the
24 Site Manager provides the State of Washington under the
25 Hanford Tri-Party Agreement if the agreement provides

1 for the review of and comment upon such information by
2 the State of Washington.

3 (2) In order to facilitate the review and comment of
4 the State of Oregon under paragraph (1), the Site Man-
5 ager shall provide information referred to in that para-
6 graph to the State of Oregon at the same time, or as soon
7 thereafter as is practicable, that the Site Manager pro-
8 vides such information to the State of Washington

9 (b) CONSTRUCTION.—This section may not be con-
10 strued—

11 (1) to require the Site Manager to provide the
12 State of Oregon sensitive information on enforce-
13 ment under the Tri-Party Agreement or information
14 on the negotiation, dispute resolution, or State cost
15 recovery provisions of the agreement;

16 (2) to require the Site Manager to provide con-
17 fidential information on the budget or procurement
18 at Hanford under terms other than those provided
19 in the Tri-Party Agreement for the transmission of
20 such confidential information to the State of Wash-
21 ington;

22 (3) to authorize the State of Oregon to partici-
23 pate in enforcement actions, dispute resolution, or
24 negotiation actions conducted under the provisions
25 of the Tri-Party Agreement;

1 (A) the Secretary concerned determines that
2 the waiver is essential to the national security inter-
3 ests of the United States; or

4 (B) in the case of a Department of Energy con-
5 tract awarded for environmental restoration, remedi-
6 ation, or waste management at a Department of En-
7 ergy facility—

8 (i) the Secretary determines that the waiv-
9 er will advance the environmental restoration,
10 remediation, or waste management objectives of
11 the Department of Energy and will not harm
12 the national security interests of the United
13 States; and

14 (ii) the entity to which the contract is
15 awarded is controlled by a foreign government
16 with which the Secretary is authorized to ex-
17 change Restricted Data under section 144(c) of
18 the Atomic Energy Act of 1954 (42 U.S.C.
19 2164(c)).

20 (2) The Secretary of Energy shall notify the appro-
21 priate committees of Congress of any decision to grant a
22 waiver under paragraph (1)(B). The contract may be exe-
23 cuted only after the end of the 45-day period beginning
24 on the date the notification is received by the committees.

1 **SEC. 3166. STUDY ON WORKER PROTECTION AT THE**
2 **MOUND FACILITY.**

3 (a) Not later than March 15, 1997, the Secretary of
4 Energy shall report to the defense committees of the Con-
5 gress regarding the status of projects and programs to im-
6 prove worker safety and health at the Mound Facility in
7 Miamisburg, Ohio.

8 (b) The report shall include the following:

9 (1) the status of actions completed in fiscal
10 year 1996;

11 (2) the status of actions completed or proposed
12 to be completed in fiscal years 1997 and 1998;

13 (3) a description of the fiscal year 1998 budget
14 request for Mound worker safety and health protec-
15 tion; and

16 (4) an accounting of expenditures for worker
17 safety and health at Mound by year from fiscal year
18 1994 through and including fiscal year 1996.

19 **Subtitle E—Environmental Res-**
20 **toration at Defense Nuclear Fa-**
21 **cilities**

22 **SEC. 3171. SHORT TITLE.**

23 This subtitle may be cited as the “Defense Nuclear
24 Facility Environmental Restoration Pilot Program Act of
25 1996”.

1 **SEC. 3172. APPLICABILITY.**

2 (a) IN GENERAL.—The provisions of this subtitle
3 shall apply to the following defense nuclear facilities:

4 (1) Hanford.

5 (2) Any other defense nuclear facility if—

6 (A) the chief executive officer of the State
7 in which the facility is located submits to the
8 Secretary a request that the facility be covered
9 by the provisions of this subtitle; and

10 (B) the Secretary approves the request.

11 (b) LIMITATION.—The Secretary may not approve a
12 request under subsection (a)(2) until 60 days after the
13 date on which the Secretary notifies the congressional de-
14 fense committees of the Secretary's receipt of the request.

15 **SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVI-**
16 **RONMENTAL CLEANUP DEMONSTRATION**
17 **AREAS.**

18 (a) DESIGNATION.—Each defense nuclear facility
19 covered by this subtitle under section 3172(a) is hereby
20 designated as an environmental cleanup demonstration
21 area. The purpose of the designation is to establish each
22 such facility as a demonstration area at which to utilize
23 and evaluate new technologies to be used in environmental
24 restoration and remediation at other defense nuclear fa-
25 cilities.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that Federal and State regulatory agencies, mem-
3 bers of the surrounding communities, and other affected
4 parties with respect to each defense nuclear facility cov-
5 ered by this subtitle should continue to—

6 (1) develop expedited and streamlined processes
7 and systems for cleaning up such facility;

8 (2) eliminate unnecessary administrative com-
9 plexity and unnecessary duplication of regulation
10 with respect to the clean up of such facility;

11 (3) proceed expeditiously and cost-effectively
12 with environmental restoration and remediation ac-
13 tivities at such facility;

14 (4) consider future land use in selecting envi-
15 ronmental clean up remedies at such facility; and

16 (5) identify and recommend to Congress
17 changes in law needed to expedite the clean up of
18 such facility.

19 **SEC. 3174. SITE MANAGERS.**

20 (a) APPOINTMENT.—(1)(A) The Secretary shall ap-
21 point a site manager for Hanford not later than 90 days
22 after the date of the enactment of this Act.

23 (B) The Secretary shall develop a list of the criteria
24 to be used in appointing a site manager for Hanford. The

1 Secretary may consult with affected and knowledgeable
2 parties in developing the list.

3 (2) The Secretary shall appoint the site manager for
4 any other defense nuclear facility covered by this subtitle
5 not later than 90 days after the date of the approval of
6 the request with respect to the facility under section
7 3172(a)(2).

8 (3) An individual appointed as a site manager under
9 this subsection shall, if not an employee of the Depart-
10 ment at the time of the appointment, be an employee of
11 the Department while serving as a site manager under this
12 subtitle.

13 (b) DUTIES.—(1) Subject to paragraphs (2) and (3),
14 in addition to other authorities provided for in this sub-
15 title, the site manager for a defense nuclear facility shall
16 have full authority to oversee and direct operations at the
17 facility, including the authority to—

18 (A) enter into and modify contractual agree-
19 ments to enhance environmental restoration and
20 waste management at the facility;

21 (B) request that the Department headquarters
22 submit to Congress a reprogramming package shift-
23 ing among accounts funds available for the facility
24 in order to facilitate the most efficient and timely
25 environmental restoration and waste management at

1 the facility, and, in the event that the Department
2 headquarters does not act upon the request within
3 30 days of the date of the request, submit such re-
4 quest to the appropriate committees of Congress for
5 review;

6 (C) negotiate amendments to environmental
7 agreements applicable to the facility for the Depart-
8 ment; and

9 (D) manage environmental management and
10 programmatic personnel of the Department at the
11 facility.

12 (2) A site manager shall negotiate amendments under
13 paragraph (1)(C) with the concurrence of the Secretary.

14 (3) A site manager may not undertake or provide for
15 any action under paragraph (1) that would result in an
16 expenditure of funds for environmental restoration or
17 waste management at the defense nuclear facility con-
18 cerned in excess of the amount authorized to be expended
19 for environmental restoration or waste management at the
20 facility without the approval of such action by the Sec-
21 retary.

22 (c) INFORMATION ON PROGRESS.—The Secretary
23 shall regularly inform Congress of the progress made by
24 site managers under this subtitle in achieving expedited

1 environmental restoration and waste management at the
2 defense nuclear facilities covered by this subtitle.

3 **SEC. 3175. DEPARTMENT OF ENERGY ORDERS.**

4 Effective 60 days after the appointment of a site
5 manager for a defense nuclear facility under section
6 3174(a), an order relating to the execution of environ-
7 mental restoration, waste management, technology devel-
8 opment, or other site operation activities at the facility
9 may be imposed at the facility if the Secretary makes a
10 finding that the order—

11 (1) is essential to the protection of human
12 health or the environment or to the conduct of criti-
13 cal administrative functions; and

14 (2) will not interfere with bringing the facility
15 into compliance with environmental laws, including
16 the terms of any environmental agreement.

17 **SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REME-**
18 **DIATION OF DEFENSE NUCLEAR WASTE.**

19 (a) IN GENERAL.—The site manager for a defense
20 nuclear facility under this subtitle shall promote the dem-
21 onstration, verification, certification, and implementation
22 of innovative environmental technologies for the remedi-
23 ation of defense nuclear waste at the facility.

24 (b) DEMONSTRATION PROGRAM.—To carry out sub-
25 section (a), each site manager shall establish a program

1 at the defense nuclear facility concerned for testing envi-
2 ronmental technologies for the remediation of defense nu-
3 clear waste at the facility. In establishing such a program,
4 the site manager may—

5 (1) establish a simplified, standardized, and
6 timely process for the testing and verification of en-
7 vironmental technologies;

8 (2) solicit and accept applications to test envi-
9 ronmental technology suitable for environmental res-
10 toration and waste management activities at the fa-
11 cility, including prevention, control, characterization,
12 treatment, and remediation of contamination;

13 (3) consult and cooperate with the heads of ex-
14 isting programs at the facility for the certification
15 and verification of environmental technologies at the
16 facility; and

17 (4) pay the costs of the demonstration of such
18 technologies.

19 (c) FOLLOW-ON CONTRACTS.—(1) If the Secretary
20 and a person demonstrating a technology under the pro-
21 gram enter into a contract for remediation of nuclear
22 waste at a defense nuclear facility covered by this subtitle,
23 or at any other Department facility, as a follow-on to the
24 demonstration of the technology, the Secretary shall en-
25 sure that the contract provides for the Secretary to recoup

1 from the contractor the costs incurred by the Secretary
2 pursuant to subsection (b)(4) for the demonstration.

3 (2) No contract between the Department and a con-
4 tractor for the demonstration of technology under sub-
5 section (b) may provide for reimbursement of the costs
6 of the contractor on a cost plus fee basis.

7 (d) SAFE HARBORS.—In the case of an environ-
8 mental technology demonstrated, verified, certified, and
9 implemented at a defense nuclear facility under a program
10 established under subsection (b), the site manager of an-
11 other defense nuclear facility may request the Secretary
12 to waive or limit contractual or Department regulatory re-
13 quirements that would otherwise apply in implementing
14 the same environmental technology at such other facility.

15 **SEC. 3177. REPORTS TO CONGRESS.**

16 Not later than 120 days after the date of the appoint-
17 ment of a site manager under section 3174(a), the site
18 manager shall submit to Congress and the Secretary a re-
19 port describing the expectations of the site manager with
20 respect to environmental restoration and waste manage-
21 ment at the defense nuclear facility concerned by reason
22 of the exercise of the authorities provided in this subtitle.
23 The report shall describe the manner in which the exercise
24 of such authorities is expected to improve environmental
25 restoration and waste management at the facility and

1 identify saving that are expected to accrue to the Depart-
2 ment as a result of the exercise of such authorities.

3 **SEC. 3178. TERMINATION.**

4 The authorities provided for in this subtitle shall ex-
5 pire five years after the date of the enactment of this Act.

6 **SEC. 3179. DEFINITIONS.**

7 In this subtitle:

8 (1) The term “Department” means the Depart-
9 ment of Energy.

10 (2) The term “defense nuclear facility” has the
11 meaning given the term “Department of Energy de-
12 fense nuclear facility” in section 318 of the Atomic
13 Energy Act of 1954 (42 U.S.C. 2286g).

14 (3) The term “Hanford” means the defense nu-
15 clear facility located in southeastern Washington
16 State known as the Hanford Reservation, Washing-
17 ton.

18 (4) The term “Secretary” means the Secretary
19 of Energy.

1 **Subtitle F—Waste Isolation Pilot**
2 **Plant Land Withdrawal Act**
3 **Amendments.**

4 **SEC. 3181. SHORT TITLE AND REFERENCE.**

5 (a) **SHORT TITLE.**—This subtitle may be cited as the
6 “Waste Isolation Pilot Plant Land Withdrawal Amend-
7 ment Act”.

8 (b) **REFERENCE.**—Except as otherwise expressly pro-
9 vided, whenever in this subtitle an amendment or repeal
10 is expressed in terms of an amendment to, or repeal of,
11 a section or other provision, the reference shall be consid-
12 ered to be made to a section or other provision of the
13 Waste Isolation Pilot Plant Land Withdrawal Act (Public
14 Law 102–579).

15 **SEC. 3182. DEFINITIONS.**

16 Paragraphs (18) and (19) of section 2 are repealed.

17 **SEC. 3183. TEST PHASE AND RETRIEVAL PLANS.**

18 Section 5 and the item relating to such section in the
19 table of contents are repealed.

20 **SEC. 3184. MANAGEMENT PLAN.**

21 Section 4(b)(5)(B) is amended by striking “or with
22 the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)”.

23 **SEC. 3185. TEST PHASE ACTIVITIES.**

24 Section 6 is amended—

25 (1) by repealing subsections (a) and (b),

1 (2) by repealing paragraph (1) of subsection
2 (c),

3 (3) by redesignating subsection (c) as sub-
4 section (a) and in that subsection—

5 (A) by repealing subparagraph (A) of
6 paragraph (2),

7 (B) by striking the subsection heading and
8 the matter immediately following the subsection
9 heading and inserting “STUDY.—The following
10 study shall be conducted.”,

11 (C) by striking “(2) REMOTE-HANDLED
12 WASTE.—”,

13 (D) by striking “(B) STUDY.—”,

14 (E) by redesignating clauses (i), (ii), and
15 (iii) as paragraphs (1), (2), and (3), respec-
16 tively, and

17 (F) by realigning the margins of such
18 clauses to be margins of paragraphs,

19 (4) in subsection (d), by striking “, during the
20 test phase, a biennial” and inserting “a” and by
21 striking “, consisting of a documented analysis of”
22 and inserting “as necessary to demonstrate”, and

23 (5) by redesignating subsection (d) as sub-
24 section (b).

1 **SEC. 3186. DISPOSAL OPERATIONS.**

2 Section 7(b) is amended to read as follows:

3 “(b) REQUIREMENTS FOR COMMENCEMENT OF DIS-
4 POSAL OPERATIONS.—The Secretary may commence em-
5 placement of transuranic waste underground for disposal
6 at WIPP only upon completion of—

7 “(1) the Administrator’s certification under sec-
8 tion 8(d)(1) that the WIPP facility will comply with
9 the final disposal regulations;

10 “(2) the acquisition by the Secretary (whether
11 by purchase, condemnation, or otherwise) of Federal
12 Oil and Gas Leases No. NMNM 02953 and No.
13 NMNM 02953C, unless the Administrator deter-
14 mines, under section 4(b)(5), that such acquisition is
15 not required; and,

16 “(3) the expiration of the 30-day period begin-
17 ning on the date on which the Secretary notifies
18 Congress that the requirements of section 9(a)(1)
19 have been met.”.

20 **SEC. 3187. ENVIRONMENTAL PROTECTION AGENCY DIS-**
21 **POSAL REGULATIONS.**

22 (a) SECTION 8(d)(1).—Section 8(d)(1) is amended—

23 (1) by amending subparagraph (A) to read as
24 follows:

25 “(A) APPLICATION FOR COMPLIANCE.—

26 Within 30 days after the date of the enactment

1 of the Waste Isolation Pilot Plant Land With-
2 drawal Amendment Act, the Secretary shall
3 provide to Congress a schedule for the incre-
4 mental submission of chapters of the applica-
5 tion to the Administrator beginning no later
6 than 30 days after such date. The Adminis-
7 trator shall review the submitted chapters and
8 provide requests for additional information from
9 the Secretary as needed for completeness within
10 45 days of the receipt of each chapter. The Ad-
11 ministrator shall notify Congress of such re-
12 quests. The schedule shall call for the Secretary
13 to submit all chapters to the Administrator no
14 later than October 31, 1996. The Administrator
15 may at any time request additional information
16 from the Secretary as needed to certify, pursu-
17 ant to subparagraph (B), whether the WIPP fa-
18 cility will comply with the final disposal regula-
19 tions.”; and

20 (2) in subparagraph (D), by striking “after the
21 application is” and inserting “after the full applica-
22 tion has been”.

23 (b) SECTION 8(d) (2) and (3).—Section 8(d) is
24 amended by striking paragraphs (2) and (3), by striking
25 “(1) COMPLIANCE WITH DISPOSAL REGULATIONS.—”, and

1 by redesignating subparagraphs (A), (B), (C), and (D) of
2 paragraph (1) as paragraph (1), (2), (3), and (4), respec-
3 tively.

4 (c) SECTION 8(g).—Section 8(g) is amended to read
5 as follows:

6 “(g) ENGINEERED AND NATURAL BARRIERS, ETC.—
7 The Secretary shall use both engineered and natural bar-
8 riers and any other measures (including waste form modi-
9 fications) to the extent necessary at WIPP to comply with
10 the final disposal regulations.”.

11 **SEC. 3188. COMPLIANCE WITH ENVIRONMENTAL LAWS AND**
12 **REGULATIONS.**

13 (a) SECTION 9(a)(1).—Section 9(a)(1) is amended by
14 adding after and below subparagraph (H) the following:
15 “With respect to transuranic mixed waste designated by
16 the Secretary for disposal at WIPP, such waste is exempt
17 from treatment standards promulgated pursuant to sec-
18 tion 3004(m) of the Solid Waste Disposal Act (42 U.S.C.
19 6924(m)) and shall not be subject to the land disposal pro-
20 hibitions in section 3004(d), (e), (f), and (g) of the Solid
21 Waste Disposal Act.”.

22 (b) SECTION 9(b).—Subsection (b) of section 9 is re-
23 pealed.

24 (c) SECTION 9(c)(2).—Subsection (c)(2) of section 9
25 is repealed.

1 (d) SECTION 14.—Section 14 is amended—

2 (1) in subsection (a), by striking “No provi-
3 sion” and inserting “Except for the exemption from
4 the land disposal restrictions described in section
5 9(a)(1), no provision”; and

6 (2) in subsection (b)(2), by striking “including
7 all terms and conditions of the No-Migration Deter-
8 mination” and inserting “except that the trans-
9 uranic mixed waste designated by the Secretary for
10 disposal at WIPP is exempt from the land disposal
11 restrictions described in section 9(a)(1)”.

12 **SEC. 3189. RETRIEVABILITY.**

13 (a) SECTION 10.—Section 10 is amended to read as
14 follows:

15 **“SEC. 10. TRANSURANIC WASTE.**

16 “It is the intent of Congress that the Secretary will
17 complete all actions required under section 7(b) to com-
18 mence emplacement of transuranic waste underground for
19 disposal at WIPP no later than November 30, 1997.”.

20 (b) CONFORMING AMENDMENT.—The item relating
21 to section 10 in the table of contents is amended to read
22 as follows:

“Sec. 10. Transuranic waste.”.

23 **SEC. 3190. DECOMMISSIONING OF WIPP**

24 Section 13 is amended—

25 (1) by repealing subsection (a), and

1 (2) in subsection (b), by striking “(b) MANAGE-
2 MENT PLAN FOR THE WITHDRAWAL AFTER DECOM-
3 MISSIONING.—Within 5 years after the date of the
4 enactment of this Act, the” and inserting “The”.

5 **SEC. 3191. ECONOMIC ASSISTANCE AND MISCELLANEOUS**
6 **PAYMENTS.**

7 (a) Section 15(a) is amended by adding at the end
8 the following: “An appropriation to the State shall be in
9 addition to any appropriation for WIPP.”.

10 (b) \$20,000,000 is authorized to be appropriated in
11 fiscal year 1997 to the Secretary for payment to the State
12 of New Mexico for road improvements in connection with
13 the WIPP.

14 **TITLE XXXII—DEFENSE NU-**
15 **CLEAR FACILITIES SAFETY**
16 **BOARD**

17 **SEC. 3201. AUTHORIZATION.**

18 There are authorized to be appropriated for fiscal
19 year 1997, \$17,000,000 for the operation of the Defense
20 Nuclear Facilities Safety Board under chapter 21 of the
21 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

1 **TITLE XXXIII—NATIONAL**
2 **DEFENSE STOCKPILE**

3 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

4 (a) OBLIGATIONS AUTHORIZED.—During fiscal year
5 1997, the National Defense Stockpile Manager may obli-
6 gate up to \$60,000,000 of the funds in the National De-
7 fense Stockpile Transaction Fund established under sub-
8 section (a) of section 9 of the Strategic and Critical Mate-
9 rials Stock Piling Act (50 U.S.C. 98h) for the authorized
10 uses of such funds under subsection (b)(2) of such section.

11 (b) ADDITIONAL OBLIGATIONS.—The National De-
12 fense Stockpile Manager may obligate amounts in excess
13 of the amount specified in subsection (a) if the National
14 Defense Stockpile Manager notifies Congress that extraor-
15 dinary or emergency conditions necessitate the additional
16 obligations. The National Defense Stockpile Manager may
17 make the additional obligations described in the notifica-
18 tion after the end of the 45-day period beginning on the
19 date Congress receives the notification.

20 (c) LIMITATIONS.—The authorities provided by this
21 section shall be subject to such limitations as may be pro-
22 vided in appropriations Acts.

1 **SEC. 3302. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL**
 2 **DEFENSE STOCKPILE.**

3 (a) DISPOSAL REQUIRED.—The President shall dis-
 4 pose of materials contained in the National Defense Stock-
 5 pile and specified in the table in subsection (b) so as to
 6 result in receipts to the United States in amounts equal
 7 to—

8 (1) \$338,000,000 during the five-fiscal year pe-
 9 riod ending on September 30, 2001; and

10 (2) \$649,000,000 during the seven-fiscal year
 11 period ending on September 30, 2003.

12 (b) LIMITATION ON DISPOSAL QUANTITY.—The total
 13 quantities of materials authorized for disposal by the
 14 President under subsection (a) may not exceed the
 15 amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Aluminum	62,881 short tons
Cobalt	30,000,000 pounds con- tained
Columbium Ferro	930,911 pounds contained
Germanium Metal	40,000 kilograms
Indium	35,000 troy ounces
Palladium	15,000 troy ounces
Platinum	10,000 troy ounces
Rubber, Natural	125,138 long tons
Tantalum, Carbide Powder	6,000 pounds contained
Tantalum, Minerals	750,000 pounds contained
Tantalum, Oxide	40,000 pounds contained

16 (c) DEPOSIT OF RECEIPTS.—(1) Notwithstanding
 17 section 9 of the Strategic and Critical Materials Stock Pil-
 18 ing Act (50 U.S.C. 98h) and except as provided in para-
 19 graph (2), funds received as a result of the disposal of

1 materials under subsection (a) shall be deposited into the
2 general fund of the Treasury.

3 (2) Funds received as a result of such disposal in ex-
4 cess of the amount of receipts specified in subsection
5 (a)(2) shall be deposited in the National Defense Stockpile
6 Transaction Fund established by section 9(a) of that Act.

7 (d) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
8 ITY.—The disposal authority provided in subsection (a) is
9 new disposal authority and is in addition to, and shall not
10 affect, any other disposal authority provided by law re-
11 garding the materials specified in such subsection.

12 (e) DEFINITION.—The term “National Defense
13 Stockpile” means the National Defense Stockpile provided
14 for in section 4 of the Strategic and Critical Materials
15 Stock Piling Act (50 U.S.C. 98e).

16 **SEC. 3303. ADDITIONAL AUTHORITY TO DISPOSE OF MATE-**
17 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

18 (a) DISPOSAL REQUIRED.—Subject to subsection (c),
19 the President shall dispose of materials contained in the
20 National Defense Stockpile and specified in the table in
21 subsection (b) so as to result in receipts to the United
22 States in amounts equal to—

23 (1) \$110,000,000 during the five-fiscal year pe-
24 riod ending September 30, 2001;

1 (2) \$260,000,000 during the seven-fiscal year
2 period ending September 30, 2003; and

3 (3) \$440,000,000 during the nine-fiscal year
4 period ending September 30, 2005.

5 (b) LIMITATION ON DISPOSAL QUANTITY.—The total
6 quantities of materials authorized for disposal by the
7 President under subsection (a) may not exceed the
8 amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chrome Metal, Electrolytic	8,471 short tons
Cobalt	9,902,774 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	91,542 carats
Diamond, Stone	3,029,413 carats
Germanium	28,207 kilograms
Indium	15,205 troy ounces
Palladium	1,249,601 troy ounces
Platinum	442,641 troy ounces
Rubber	567 long tons
Tantalum, Carbide Powder	22,688 pounds contained
Tantalum, Minerals	1,748,947 pounds con- tained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	36,830 short tons
Tungsten	76,358,235 pounds
Tungsten, Carbide	2,032,942 pounds
Tungsten, Metal Powder	1,181,921 pounds
Tungsten, Ferro	2,024,143 pounds

9 (c) MINIMIZATION OF DISRUPTION AND LOSS.—The
10 President may not dispose of materials under subsection
11 (a) to the extent that the disposal will result in—

12 (1) undue disruption of the usual markets of
13 producers, processors, and consumers of the mate-
14 rials proposed for disposal; or

15 (2) avoidable loss to the United States.

1 (d) TREATMENT OF RECEIPTS.—(1) Notwithstand-
2 ing section 9 of the Strategic and Critical Materials Stock
3 Piling Act (50 U.S.C. 98h), funds received as a result of
4 the disposal of materials under subsection (a) shall be de-
5 posited into the general fund of the Treasury and used
6 to offset the revenues lost as a result of the amendments
7 made by subsection (a) of section 4303 of the National
8 Defense Authorization Act for Fiscal Year 1996 (Public
9 Law 104–106; 110 Stat. 658).

10 (2) This section shall be treated as qualifying offset-
11 ting legislation for purposes of subsection (b) of such sec-
12 tion 4303.

13 (e) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
14 ITY.—The disposal authority provided in subsection (a) is
15 new disposal authority and is in addition to, and shall not
16 affect, any other disposal authority provided by law re-
17 garding the materials specified in such subsection.

18 (f) DEFINITION.—The term “National Defense
19 Stockpile” means the National Defense Stockpile provided
20 for in section 4 of the Strategic and Critical Materials
21 Stock Piling Act (50 U.S.C. 98e).

22 (g) ADDITIONAL LIMITATION.—Of the amounts list-
23 ed in the table in subsection (b), titanium sponge may be
24 sold only to the extent necessary to attain the level of re-
25 ceipts specified in subsection (a), after taking into account

1 the estimated receipts from the other materials in such
2 table.

3 **TITLE XXXIV—NAVAL**
4 **PETROLEUM RESERVES**

5 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

6 There is hereby authorized to be appropriated to the
7 Secretary of Energy \$149,500,000 for fiscal year 1997 for
8 the purpose of carrying out activities under chapter 641
9 of title 10, United States Code, relating to the naval petro-
10 leum reserves (as defined in section 7420(2) of such title).
11 Funds appropriated pursuant to such authorization shall
12 remain available until expended.

13 **TITLE XXXV—PANAMA CANAL**
14 **COMMISSION**

15 **SEC. 3501. SHORT TITLE.**

16 This title may be cited as the “Panama Canal Com-
17 mission Authorization Act for Fiscal Year 1997”.

18 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

19 (a) IN GENERAL.—Subject to subsection (b), the
20 Panama Canal Commission is authorized to make such ex-
21 penditures within the limits of funds and borrowing au-
22 thority available to it in accordance with law, and to make
23 such contracts and commitments, to be derived from the
24 Panama Canal Commission Revolving Fund, as may be
25 necessary under the Panama Canal Act of 1979 (22

1 U.S.C. 3601 et seq.) for the operation, maintenance, im-
2 provement, and administration of the Panama Canal for
3 fiscal year 1997.

4 (b) LIMITATIONS.—For fiscal year 1997, the Panama
5 Canal Commission may expend from funds in the Panama
6 Canal Revolving Fund not more than \$73,000 for recep-
7 tion and representation expenses, of which—

8 (1) not more than \$18,000 may be used for of-
9 ficial reception and representation expenses of the
10 Supervisory Board of the Commission;

11 (2) not more than \$10,000 may be used for of-
12 ficial reception and representation expenses of the
13 Secretary of the Commission; and

14 (3) not more than \$45,000 may be used for of-
15 ficial reception and representation expenses of the
16 Administrator of the Commission.

17 **SEC. 3503. PURCHASE OF VEHICLES.**

18 Notwithstanding any provision of law relating to pur-
19 chase of vehicles by agencies of the Federal Government,
20 funds available to the Panama Canal Commission shall be
21 available for the purchase of, and for transportation to
22 the Republic of Panama of, passenger motor vehicles, in-
23 cluding large, heavy-duty vehicles.

1 **SEC. 3504. EXPENDITURES IN ACCORDANCE WITH OTHER**
2 **LAWS.**

3 Expenditures authorized under this title may be made
4 only in accordance with the Panama Canal Treaties of
5 1977 and any law of the United States implementing
6 those treaties.

7 **TITLE XXXVI—MISCELLANEOUS**
8 **PROVISION**

9 **SEC. 3601. SENSE OF THE SENATE REGARDING THE RE-**
10 **OPENING OF PENNSYLVANIA AVENUE.**

11 (a) FINDINGS.—The Senate makes the following
12 findings:

13 (1) In 1791, President George Washington
14 commissioned Pierre Charles L'Enfant to draft a
15 blueprint for America's new capital city; they envi-
16 sioned Pennsylvania Avenue as a bold, ceremonial
17 boulevard physically linking the U.S. Capitol build-
18 ing and the White House, and symbolically the Leg-
19 islative and Executive branches of government.

20 (2) An integral element of the District of Co-
21 lumbia, Pennsylvania Avenue stood for 195 years as
22 a vital, working, unbroken roadway, elevating it into
23 a place of national importance as "America's Main
24 Street".

25 (3) 1600 Pennsylvania Avenue, the White
26 House, has become America's most recognized ad-

1 dress and a primary destination of visitors to the
2 Nation's Capital; "the People's House" is host to
3 5,000 tourists daily, and 15,000,000 annually.

4 (4) As home to the President, and given its
5 prominent location on Pennsylvania Avenue and its
6 proximity to the People, the White House has be-
7 come a powerful symbol of freedom, openness, and
8 an individual's access to their government.

9 (5) On May 20, 1995, citing possible security
10 risks from vehicles transporting terrorist bombs,
11 President Clinton ordered the Secret Service, in con-
12 junction with the Department of the Treasury, to
13 close Pennsylvania Avenue to vehicular traffic for
14 two blocks in front of the White House.

15 (6) While the security of the President and visi-
16 tors to the White House is of grave concern and is
17 not to be taken lightly, the need to assure the Presi-
18 dent's safety must be balanced with the expectation
19 of freedom inherent in a democracy; the present sit-
20 uation is tilted too heavily toward security at free-
21 dom's expense.

22 (7) By impeding access and imposing undue
23 hardships upon tourists, residents of the District,
24 commuters, and local business owners and their cus-
25 tomers, the closure of Pennsylvania Avenue, under-

1 taken without the counsel of the government of the
2 District of Columbia, has replaced the former open-
3 ness of the area surrounding the White House with
4 barricades, additional security checkpoints, and an
5 atmosphere of fear and distrust.

6 (8) In the year following the closure of Penn-
7 sylvania Avenue, the taxpayers have borne a signifi-
8 cant burden for additional security measures along
9 the Avenue near the White House.

10 (b) SENSE OF THE SENATE.—It is the sense of the
11 Senate that the President should request the Department
12 of the Treasury and the Secret Service to work with the
13 Government of the District of Columbia to develop a plan
14 for the permanent reopening to vehicular traffic of Penn-
15 sylvania Avenue in front of the White House in order to
16 restore the Avenue to its original state and return it to
17 the people: *Provided*, That the Secretary of the Treasury
18 and the Secret Service certify that the plan protects the
19 security of the people who live and work in the White
20 House.

Passed the Senate July 10, 1996.

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

S. 1745

AN ACT

To authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.