

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1745

[Report No. 104-267]

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 13, 1996

Mr. THURMOND, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

MAY 15, 1996

Referred to the Select Committee on Intelligence for a period not to exceed thirty days of session, pursuant to section 3(b) of Senate Resolution 400 of the Ninety-fourth Congress to report or be discharged

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## A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Defense Au-  
3 thorization Act for Fiscal Year 1997”.

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

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

8 (1) Division A—Department of Defense Au-  
9 thorizations.

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

12 (3) Division C—Department of Energy Na-  
13 tional Security Authorizations and Other Authoriza-  
14 tions.

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

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- Sec. 102. Navy and Marine Corps.
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### **Subtitle E—National Oceanographic Partnership**

- Sec. 251. Short title.  
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- Sec. 514. Authority for a Reserve on active duty to waive retirement sanctuary.
- Sec. 515. Retirement of Reserves disabled by injury or disease incurred or aggravated during overnight stay between inactive duty training periods.
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- Sec. 532. Limitations on recall of retired members to active duty.
- Sec. 533. Disability coverage for officers granted excess leave for educational purposes.
- Sec. 534. Uniform policy regarding retention of members who are permanently nonworldwide assignable.
- Sec. 535. Authority to extend period for enlistment in regular component under the delayed entry program.
- Sec. 536. Career service reenlistments for members with at least 10 years of service.
- Sec. 537. Revisions to missing persons authorities.
- Sec. 538. Inapplicability of Soldiers' and Sailors' Civil Relief Act of 1940 to the period of limitations for filing claims for corrections of military records.
- Sec. 539. Medal of Honor for certain African-American soldiers who served in World War II.

### **Subtitle E—Commissioned Corps of the Public Health Service**

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- 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.
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- 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. Redesignation of Defense Environmental Restoration and Waste Management Program as Defense Nuclear 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.

**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.

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Sec. 3502. Authorization of expenditures.

Sec. 3503. Purchase of vehicles.

Sec. 3504. Expenditures in accordance with other laws.

**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 **DIVISION A—DEPARTMENT OF**  
10 **DEFENSE AUTHORIZATIONS**

11 **TITLE I—PROCUREMENT**

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

**14 SEC. 101. ARMY.**

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

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

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

19 (3) For weapons and tracked combat vehicles,  
20 \$1,460,115,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) For other procurement, \$5,880,519,000.

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

22 Funds are hereby authorized to be appropriated for  
23 fiscal year 1997 for Defense-wide procurement in the  
24 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 **Subtitle C—Navy Programs**

### 7 **SEC. 121. EA–6B AIRCRAFT REACTIVE JAMMER PROGRAM.**

8 (a) LIMITATION.—None of the funds appropriated  
9 pursuant to section 102(a)(1) for modifications or up-  
10 grades of EA–6B aircraft may be obligated, other than  
11 for a reactive jammer program for such aircraft, until 30  
12 days after the date on which the Secretary of the Navy  
13 submits to the congressional defense committees in writ-  
14 ing—

15 (1) a certification that some or all of such  
16 funds have been obligated for a reactive jammer pro-  
17 gram for EA–6B aircraft; and

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

20 (A) developing a reactive jamming capabil-  
21 ity for EA–6B aircraft; and

22 (B) upgrading the EA–6B aircraft of the  
23 Navy to incorporate the reactive jamming capa-  
24 bility.

1           (b) CONTINGENT TRANSFER OF FUNDS TO AIR  
2 FORCE.—(1) If the Secretary of the Navy has not submit-  
3 ted the certification and report described in subsection (a)  
4 to the congressional defense committees before June 1,  
5 1997, then, on that date, the Secretary of Defense shall  
6 transfer to Air Force, out of appropriations available to  
7 the Navy for fiscal year 1997 for procurement of aircraft,  
8 the amount equal to the amount appropriated to the Navy  
9 for fiscal year 1997 for modifications and upgrades of  
10 EA-6B aircraft.

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

14 **SEC. 122. PENGUIN MISSILE PROGRAM.**

15           (a) MULTIYEAR PROCUREMENT AUTHORITY.—The  
16 Secretary of the Navy may, in accordance with section  
17 2306b of title 10, United States Code, enter into multiyear  
18 procurement contracts for the procurement of not more  
19 than 106 Penguin missile systems.

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

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

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

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

7 (B) \$296,200,000 shall be available for long-  
8 lead and advance construction and procurement of  
9 components for construction of a submarine (pre-  
10 viously designated by the Navy as the New Attack  
11 Submarine) beginning in fiscal year 1998 to be built  
12 by Electric Boat Division; and

13 (C) \$701,000,000 shall be available for long-  
14 lead and advance construction and procurement of  
15 components for construction of a second submarine  
16 (previously designated by the Navy as the New At-  
17 tack Submarine) beginning in fiscal year 1999 to be  
18 built by Newport News Shipbuilding.

19 (2) Funds authorized to be appropriated by section  
20 201(2) for the design of the submarine previously des-  
21 ignated by the Navy as the New Attack Submarine shall  
22 be available for obligation and expenditure under contracts  
23 with Electric Boat Division and Newport News Shipbuild-  
24 ing to carry out the provisions of the “Memorandum of  
25 Agreement Among the Department of the Navy, Electric  
26 Boat Corporation (EB) and Newport News Shipbuilding

1 and Drydock Company (NNS) Concerning the New At-  
2 tack Submarine”, dated April 5, 1996, relating to design  
3 data transfer, design improvements, integrated process  
4 teams, updated design base, and other research and devel-  
5 opment initiatives related to the design of such submarine.

6 (b) CONTRACTS AUTHORIZED.—(1) The Secretary of  
7 the Navy is authorized, using funds available pursuant to  
8 subparagraphs (B) and (C) of subsection (a)(1), to enter  
9 into contracts with Electric Boat Division and Newport  
10 News Shipbuilding, and suppliers of components, during  
11 fiscal year 1997 for—

12 (A) the procurement of long-lead components  
13 for the submarines referred to in such subpara-  
14 graphs; and

15 (B) advance construction of such components  
16 and other components for such submarines.

17 (2) The Secretary of the Navy may enter into a con-  
18 tract or contracts under this section with the shipbuilder  
19 of the submarine referred to in subsection (a)(1)(B) only  
20 if the Secretary enters into a contract or contracts under  
21 this section with the shipbuilder of the submarine referred  
22 to in subsection (a)(1)(C).

23 (c) COMPETITION AND LIMITATIONS ON OBLIGA-  
24 TIONS.—(1)(A) Of the amounts made available pursuant  
25 to subsection (a)(1), not more than \$100,000,000 may be

1 obligated or expended until the Secretary of Defense cer-  
2 tifies in writing to the Committee on Armed Services of  
3 the Senate and the Committee on National Security of the  
4 House of Representatives that procurement of nuclear at-  
5 tack submarines described in subparagraph (B) will be  
6 provided for under one or more contracts that are entered  
7 into after a competition between Electric Boat Division  
8 and Newport News Shipbuilding in which the Secretary  
9 of the Navy solicits competitive proposals and awards the  
10 contract or contracts on the basis of price.

11 (B) The submarines referred to in subparagraph (A)  
12 are nuclear attack submarines that are to be constructed  
13 beginning—

14 (i) after fiscal year 1999; or

15 (ii) if four submarines are to be procured as  
16 provided for in the plan required under section  
17 131(c) of the National Defense Authorization Act  
18 for Fiscal Year 1996 (Public Law 104–106; 110  
19 Stat. 209), after fiscal year 2001.

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

1           (A) the oversight activities undertaken by the  
2 Under Secretary up to the date of the report pursu-  
3 ant to section 131(b)(2)(C) of the National Defense  
4 Authorization Act for Fiscal Year 1996 (Public Law  
5 104–106; 110 Stat. 207), and the plans for the fu-  
6 ture development and improvement of the nuclear  
7 attack submarine program of the Navy;

8           (B) the implementation of, and activities con-  
9 ducted under, the program required to be estab-  
10 lished by the Director of the Defense Advanced Re-  
11 search Projects Agency by section 131(i) of such Act  
12 (110 Stat. 210) for the development and demonstra-  
13 tion of advanced submarine technologies and a rapid  
14 prototype acquisition strategy for both land-based  
15 and at-sea subsystem and system demonstrations of  
16 such technologies; and

17           (C) all research, development, test, and evalua-  
18 tion programs, projects, or activities within the De-  
19 partment of Defense which, in the opinion of the  
20 Under Secretary, are designed to contribute to the  
21 development and demonstration of advanced sub-  
22 marine technologies leading to a more capable, more  
23 affordable nuclear attack submarine, together with a  
24 specific identification of ongoing involvement, and  
25 plans for future involvement, in any such program,

1 project, or activity by Electric Boat Division, New-  
2 port News Shipbuilding, or both.

3 (d) REFERENCES TO SHIPBUILDERS.—For purposes  
4 of this section—

5 (1) the shipbuilder referred to as “Electric Boat  
6 Division” is the Electric Boat Division of the Gen-  
7 eral Dynamics Corporation; and

8 (2) the shipbuilder referred to as “Newport  
9 News Shipbuilding” is the Newport News Shipbuild-  
10 ing and Drydock Company.

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

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

22 (2) Subject to paragraph (3), funds authorized to be  
23 appropriated by section 102(a)(3) may be made available  
24 for contracts entered into in fiscal year 1997 under sub-  
25 section (b)(2) of such section 135 for construction (includ-

1 ing advance procurement) for the Arleigh Burke class de-  
2 stroyers covered by such subsection (b)(2).

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

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

11 (b) AUTHORITY FOR PROCUREMENT OF TWELVE  
12 VESSELS.—The Secretary of the Navy is authorized to  
13 construct 12 Arleigh Burke class destroyers in accordance  
14 with subsections (c) and (d).

15 (c) CONTRACTS.—(1) The Secretary is authorized, in  
16 fiscal year 1998, to enter into contracts for the construc-  
17 tion of three Arleigh Burke class destroyers covered by  
18 subsection (b), subject to the availability of appropriations  
19 for such destroyers.

20 (2) The Secretary is authorized, in fiscal year 1999,  
21 to enter into contracts for the construction of three  
22 Arleigh Burke class destroyers covered by subsection (b),  
23 subject to the availability of appropriations for such de-  
24 stroyers. The destroyers covered by this paragraph are in  
25 addition to the destroyers covered by paragraph (1).

1           (3) The Secretary is authorized, in fiscal year 2000,  
2 to enter into contracts for the construction of three  
3 Arleigh Burke class destroyers covered by subsection (b),  
4 subject to the availability of appropriations for such de-  
5 stroyers. The destroyers covered by this paragraph are in  
6 addition to the destroyers covered by paragraphs (1) and  
7 (2).

8           (4) The Secretary is authorized, in fiscal year 2001,  
9 to enter into contracts for the construction of three  
10 Arleigh Burke class destroyers covered by subsection (b),  
11 subject to the availability of appropriations for such de-  
12 stroyers. The destroyers covered by this paragraph are in  
13 addition to the destroyers covered by paragraphs (1), (2),  
14 and (3).

15           (d) USE OF AVAILABLE FUNDS.—(1) Subject to  
16 paragraph (2), the Secretary may take appropriate actions  
17 to use for full funding of a contract entered into in accord-  
18 ance with subsection (c)—

19                   (A) any funds that, having been appropriated  
20 for shipbuilding and conversion programs of the  
21 Navy other than Arleigh Burke class destroyer pro-  
22 grams pursuant to the authorization in section  
23 102(a)(3), become excess to the needs of the Navy  
24 for such programs by reason of cost savings achieved  
25 for such programs;

1 (B) any unobligated funds that are available to  
2 the Secretary for shipbuilding and conversion for  
3 any fiscal year before fiscal year 1997; and

4 (C) any funds that are appropriated after the  
5 date of the enactment of the Department of Defense  
6 Appropriations Act, 1997, to complete the full fund-  
7 ing of the contract.

8 (2) The Secretary may not, in the exercise of author-  
9 ity provided in subparagraph (A) or (B) of paragraph (1),  
10 obligate funds for a contract entered into in accordance  
11 with subsection (c) until 30 days after the date on which  
12 the Secretary submits to the congressional defense com-  
13 mittees in writing a notification of the intent to obligate  
14 the funds. The notification shall set forth the source or  
15 sources of the funds and the amount of the funds from  
16 each such source that is to be so obligated.

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

### 18 **SEC. 131. MULTIYEAR CONTRACTING AUTHORITY FOR THE**

#### 19 **C-17 AIRCRAFT PROGRAM.**

20 (a) MULTIYEAR CONTRACTS AUTHORIZED.—The  
21 Secretary of the Air Force may, pursuant to section 2306b  
22 of title 10, United States Code (except as provided in sub-  
23 section (b)(1)), enter into one or more multiyear contracts  
24 for the procurement of not more than a total of 80 C-  
25 17 aircraft.

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

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

11 (A) sufficient funding is provided for in the fu-  
12 ture-years defense program for procurement, within  
13 the shorter period, of the total number of aircraft to  
14 be procured (within the number set forth in sub-  
15 section (a)); and

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

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

22 (1) to terminate the contract as of September  
23 30, 1998, without a modification in the price of each  
24 aircraft and without incurring any obligation to pay  
25 the contractor termination costs; and

1           (2) to then enter into follow-on one-year con-  
 2           tracts with the contractor for the procurement of C-  
 3           17 aircraft (within the total number of aircraft au-  
 4           thorized under subsection (a)) at a negotiated price  
 5           that is not to exceed the price that is negotiated be-  
 6           fore September 30, 1998, for the annual production  
 7           contract for the C-17 aircraft in lot VIII and subse-  
 8           quent lots.

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

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

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

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

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

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

20           (3) For the Air Force, \$14,788,356,000.

21           (4)       For       Defense-wide       activities,  
 22           \$9,662,542,000, of which—

23           (A) \$252,038,000 is authorized for the ac-  
 24           tivities of the Director, Test and Evaluation;  
 25           and

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

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

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

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

15 **SEC. 203. DEFENSE NUCLEAR AGENCY.**

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

19 **Subtitle B—Program Require-**  
20 **ments, Restrictions, and Limita-**  
21 **tions**

22 **SEC. 211. SPACE LAUNCH MODERNIZATION.**

23 (a) FUNDING.—Funds appropriated pursuant to the  
24 authorization of appropriations in section 201(3) are au-

1 thORIZED to be made available for space launch moderniza-  
2 tion for purposes and in amounts as follows:

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

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

7 (b) LIMITATIONS.—(1) Of the funds made available  
8 for the reusable launch vehicle technology program pursu-  
9 ant to subsection (a)(2), the total amount obligated for  
10 such purpose may not exceed the total amount allocated  
11 in the fiscal year 1997 current operating plan of the Na-  
12 tional Aeronautics and Space Administration for the Reus-  
13 able Space Launch program of the National Aeronautics  
14 and Space Administration.

15 (2) None of the funds made available for the Evolved  
16 Expendable Launch Vehicle program pursuant to sub-  
17 section (a)(1) may be obligated until the Secretary of De-  
18 fense certifies to Congress that the Secretary has made  
19 available for obligation the funds, if any, that are made  
20 available for the reusable launch vehicle technology pro-  
21 gram pursuant to subsection (a)(2).

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

23 (a) REQUIRED PROGRAM ELEMENT.—The Secretary  
24 of Defense shall include the kinetic energy tactical anti-  
25 satellite program of the Department of Defense as an ele-

1 ment of the space control architecture being developed by  
2 the Department of Defense Space Architect.

3 (b) LIMITATION ON USE OF FUNDS.—None of the  
4 funds authorized to be appropriated pursuant to this Act,  
5 or otherwise made available to the Department of Defense  
6 for fiscal year 1997, may be obligated or expended for the  
7 Department of Defense Space Architect until the Sec-  
8 retary of Defense certifies to Congress that—

9 (1) the Secretary is complying with the require-  
10 ment in subsection (a);

11 (2) funds appropriated for the kinetic energy  
12 tactical anti-satellite program for fiscal year 1996  
13 have been obligated in accordance with section 218  
14 of Public Law 104–106 and the Joint Explanatory  
15 Statement of the Committee of Conference accom-  
16 panying S. 1124 (House Report 104–450 (104th  
17 Congress, second session)); and

18 (3) the Secretary has made available for obliga-  
19 tion the funds appropriated for the kinetic energy  
20 tactical anti-satellite program for fiscal year 1997 in  
21 accordance with this Act.

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

23 (a) FUNDING.—Funds appropriated pursuant to the  
24 authorization of appropriations in section 201(3) are au-  
25 thorized to be made available for the Space-Based Infra-

1 red System program for purposes and in amounts as fol-  
2 lows:

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

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

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

7           (b) **CONDITIONAL TRANSFER OF MANAGEMENT**  
8 **OVERSIGHT.**—Not later than 30 days after the date of the  
9 enactment of this Act, the Secretary of Defense shall  
10 transfer the management oversight responsibilities for the  
11 Space and Missile Tracking System from the Secretary  
12 of the Air Force to the Director of the Ballistic Missile  
13 Defense Organization.

14           (c) **CERTIFICATION.**—If, within the 30-day period de-  
15 scribed in subsection (b), the Secretary of Defense submits  
16 to Congress a certification that the Secretary has estab-  
17 lished a program baseline for the Space-Based Infrared  
18 System that satisfies the requirements of section 216(a)  
19 of Public Law 104–106 (110 Stat. 220), then subsection  
20 (b) of this section shall cease to be effective on the date  
21 on which the Secretary submits the certification.

1 **SEC. 214. RESEARCH FOR ADVANCED SUBMARINE TECH-**  
2 **NOLOGY.**

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

6 **SEC. 215. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT**  
7 **PROGRAM.**

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

12 (b) **LIMITATION.**—None of the funds authorized to  
13 be appropriated pursuant to this Act for the global posi-  
14 tioning system (GPS) Block II F Satellite system may be  
15 obligated until the Secretary of Defense certifies to Con-  
16 gress that—

17 (1) funds appropriated for fiscal year 1996 for  
18 the Clementine 2 Micro-Satellite development pro-  
19 gram have been obligated in accordance with Public  
20 Law 104–106 and the Joint Explanatory Statement  
21 of the Committee of Conference accompanying S.  
22 1124 (House Report 104–450 (104th Congress, sec-  
23 ond session)); and

24 (2) the Secretary has made available for obliga-  
25 tion the funds appropriated for fiscal year 1997 for

1 the Clementine 2 micro-satellite development pro-  
2 gram in accordance with this section.

3 **SEC. 216. TACTICAL UNMANNED AERIAL VEHICLE PRO-**  
4 **GRAM.**

5 No official of the Department of Defense may enter  
6 into a contract for the procurement of (including advance  
7 procurement for) a higher number of Dark Star (tier III)  
8 low observable, high altitude endurance unmanned aerial  
9 vehicles than is necessary to complete procurement of a  
10 total of three such vehicles until flight testing has been  
11 completed.

12 **SEC. 217. DEFENSE AIRBORNE RECONNAISSANCE PRO-**  
13 **GRAM.**

14 (a) REPORT REQUIRED.—The Secretary of Defense  
15 shall submit to Congress a report comparing the Predator  
16 unmanned aerial vehicle program with the Dark Star (tier  
17 III) low observable, high altitude endurance unmanned  
18 aerial vehicle program. The report shall contain the follow-  
19 ing:

20 (1) A comparison of the capabilities of the  
21 Predator unmanned aerial vehicle with the capabili-  
22 ties of the Dark Star unmanned aerial vehicle.

23 (2) A comparison of the costs of the Predator  
24 program with the costs of the Dark Star program.

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

5           (b) LIMITATION ON USE OF FUNDS PENDING SUB-  
6           MISSION OF REPORT.—Funds appropriated pursuant to  
7           section 104 may not be obligated for any contract to be  
8           entered into after the date of the enactment of this Act  
9           for the procurement of Predator unmanned aerial vehicles  
10          until the date that is 60 days after the date on which the  
11          Secretary of Defense submits the report required by sub-  
12          section (a).

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

14          (a) REVIEW OF PROGRAM.—The Secretary of De-  
15          fense shall direct the Cost Analysis Improvement Group  
16          in the Office of the Secretary of Defense to review the  
17          F-22 aircraft program, analyze and estimate the produc-  
18          tion costs of the program, and submit to the Secretary  
19          a report on the results of the review.

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

1 (c) LIMITATION ON USE OF FUNDS PENDING SUB-  
2 MISSION OF REPORT.—Not more than 92 percent of the  
3 funds appropriated for the F-22 aircraft program pursu-  
4 ant to the authorization of appropriations in section  
5 103(1) may be expended until the Secretary of Defense  
6 submits the report required by subsection (b).

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

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

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

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

23 (B) The criteria (known as “exit criteria”) to  
24 be applied, for purposes of making the event-based  
25 decision, in determining whether the F-22 aircraft

1 program has demonstrated the specific progress nec-  
2 essary for proceeding into the new phase or adminis-  
3 trative subdivision of a phase.

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

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

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

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

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

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

1           (b) NEW PROGRAM ELEMENT REQUIRED.—The Sec-  
2 retary of Defense shall establish a new program element  
3 for the funds authorized to be appropriated under sub-  
4 section (a). The funds within that program element shall  
5 be administered by the executive agent designated for joint  
6 service research, development, test, and evaluation of non-  
7 lethal weapons and nonlethal technologies.

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

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

1 **SEC. 221. COUNTERPROLIFERATION SUPPORT PROGRAM.**

2 (a) FUNDING.—Of the funds authorized to be appro-  
3 priated to the Department of Defense under section  
4 201(4), \$176,200,000 shall be available for the  
5 Counterproliferation Support Program, of which  
6 \$75,000,000 shall be available for a tactical antisatellite  
7 technologies program.

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

22 (2) The total amount of authorizations transferred  
23 under the authority of this subsection may not exceed  
24 \$50,000,000.

25 (3) The authority provided by this subsection to  
26 transfer authorizations—

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

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

12          (5) The Secretary of Defense shall promptly notify  
13 Congress of transfers made under the authority of this  
14 subsection.

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

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

1 (A) Funds authorized to be appropriated by  
2 section 218(a) of the National Defense Authoriza-  
3 tion Act for Fiscal Year 1996 (Public Law 104–106;  
4 110 Stat. 222) that are available for the program  
5 referred to in paragraph (1).

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

10 **SEC. 222. FEDERALLY FUNDED RESEARCH AND DEVELOP-**  
11 **MENT CENTERS AND UNIVERSITY-AFFILI-**  
12 **ATED RESEARCH CENTERS.**

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

24 (b) REPORT ON ALLOCATIONS FOR CENTERS.—(1)  
25 Not later than 30 days after the date of the enactment

1 of this Act, the Secretary of Defense shall submit to the  
2 Committee on Armed Services of the Senate and the Com-  
3 mittee on National Security of the House of Representa-  
4 tives a report containing—

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

8 (B) for each such center, the proposed funding  
9 level and the estimated personnel level for fiscal year  
10 1997.

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

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

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

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

17 **Subtitle C—Ballistic Missile**  
18 **Defense**

19 **SEC. 231. UNITED STATES COMPLIANCE POLICY REGARD-**  
20 **ING DEVELOPMENT, TESTING, AND DEPLOY-**  
21 **MENT OF THEATER MISSILE DEFENSE SYS-**  
22 **TEMS.**

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

1           (1) Pursuant to article VI(a) of the ABM Trea-  
2           ty, the United States is bound by the following obli-  
3           gations:

4                   (A) Not to give missiles, launchers, or ra-  
5                   dars (other than antiballistic missile interceptor  
6                   missiles, launchers, or radars) capabilities to  
7                   counter strategic ballistic missiles or elements  
8                   of strategic ballistic missiles in the flight trajec-  
9                   tory.

10                   (B) Not to test missiles, launchers, or ra-  
11                   dars (other than antiballistic missile interceptor  
12                   missiles, launchers, or radars) in an antiballistic  
13                   missile mode.

14           (2) It is a sovereign right and obligation of the  
15           parties to the ABM Treaty, on a unilateral basis, to  
16           establish compliance standards to implement the ob-  
17           ligations specified in article VI(a) of the ABM Trea-  
18           ty.

19           (3) From October 3, 1972 (the date on which  
20           the ABM Treaty entered into force) to the present,  
21           the United States has maintained unilateral compli-  
22           ance standards with regard to the obligations speci-  
23           fied in Article VI(a) of the ABM Treaty, and those  
24           standards have changed over time to accommodate

1       evolving technical, political, and strategic cir-  
2       cumstances.

3               (4) Pursuant to article XIII of the ABM Trea-  
4       ty, the parties established the Standing Consultative  
5       Commission in which to “consider questions con-  
6       cerning compliance with the obligations assumed and  
7       related situations which may be considered”.

8       (b) COMPLIANCE POLICY.—It is the policy of the  
9       United States that unless a missile defense system, system  
10      upgrade, or system component (including one that exploits  
11      data from space-based or other external sensors) is flight  
12      tested in an ABM-qualifying flight test (as defined in sub-  
13      section (c)), that system, system upgrade, or system com-  
14      ponent has not, for purposes of the ABM Treaty, been  
15      tested in an ABM mode nor been given capabilities to  
16      counter strategic ballistic missiles and, therefore, is not  
17      subject to any application, limitation, or obligation under  
18      the ABM Treaty.

19      (c) ABM-QUALIFYING FLIGHT TEST DEFINED.—  
20      For purposes of this section, an ABM-qualifying flight test  
21      is a flight test against a ballistic missile which, in that  
22      flight test, exceeds—

23               (1) a range of 3,500 kilometers; or

24               (2) a velocity of 5 kilometers per second.

1 **SEC. 232. PROHIBITION ON USE OF FUNDS TO IMPLEMENT**  
2 **AN INTERNATIONAL AGREEMENT CONCERN-**  
3 **ING THEATER MISSILE DEFENSE SYSTEMS.**

4 (a) PROHIBITION ON FUNDING.—Funds appro-  
5 priated or otherwise made available to the Department of  
6 Defense for fiscal year 1997 may not be obligated or ex-  
7 pended to implement any agreement, or any understand-  
8 ing with respect to interpretation of the ABM Treaty, be-  
9 tween the United States and any of the independent states  
10 of the former Soviet Union entered into after January 1,  
11 1995, that—

12 (1) would establish a demarcation between the-  
13 ater missile defense systems and anti-ballistic missile  
14 defense systems for purposes of the ABM Treaty; or

15 (2) would restrict the performance, operations,  
16 or deployment of United States theater missile de-  
17 fense systems.

18 (b) EXCEPTIONS.—Subsection (a) does not apply—

19 (1) to the extent otherwise provided in a law  
20 that is enacted after the date of the enactment of  
21 this Act; or

22 (2) to expenditures to implement any agreement  
23 or understanding described in subsection (a) that is  
24 entered into in the exercise of the treaty-making  
25 power under the Constitution.

1 **SEC. 233. CONVERSION OF ABM TREATY TO MULTILATERAL**  
2 **TREATY.**

3 (a) FISCAL YEAR 1997.—During fiscal year 1997,  
4 the United States shall not be bound by any international  
5 agreement entered into by the President that would sub-  
6 stantively modify the ABM Treaty, including any agree-  
7 ment that would add one or more countries as signatories  
8 to the treaty or would otherwise convert the treaty from  
9 a bilateral treaty to a multilateral treaty, unless the agree-  
10 ment is entered pursuant to the treaty making power of  
11 the President under the Constitution.

12 (b) RELATIONSHIP TO OTHER LAW.—This section  
13 shall not be construed as superseding section 232 of the  
14 National Defense Authorization Act for Fiscal Year 1995  
15 (Public Law 103–337; 108 Stat. 2701) for any fiscal year  
16 other than fiscal year 1997, including any fiscal year after  
17 fiscal year 1997.

18 **SEC. 234. FUNDING FOR UPPER TIER THEATER MISSILE DE-**  
19 **FENSE SYSTEMS.**

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

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

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

1 (b) LIMITATION.—None of the funds appropriated or  
2 otherwise made available for the Department of Defense  
3 pursuant to this or any other Act may be obligated or ex-  
4 pended by the Office of the Under Secretary of Defense  
5 for Acquisition and Technology for official representation  
6 activities, or related activities, until the Secretary of De-  
7 fense certifies to Congress that—

8 (1) the Secretary has made available for obliga-  
9 tion the funds provided under subsection (a) for the  
10 purposes specified in that subsection and in the  
11 amounts appropriated pursuant to that subsection;  
12 and

13 (2) the Secretary has included the Navy Upper  
14 Tier theater missile defense system in the theater  
15 missile defense core program.

16 **SEC. 235. ELIMINATION OF REQUIREMENTS FOR CERTAIN**  
17 **ITEMS TO BE INCLUDED IN THE ANNUAL RE-**  
18 **PORT ON THE BALLISTIC MISSILE DEFENSE**  
19 **PROGRAM.**

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

23 (1) by striking out paragraphs (3), (4), (7), (9),  
24 and (10); and

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

3 **SEC. 236. ABM TREATY DEFINED.**

4           In this subtitle, the term “ABM Treaty” means the  
5 Treaty Between the United States of America and the  
6 Union of Soviet Socialist Republics on the Limitation of  
7 Anti-Ballistic Missile Systems, signed in Moscow on May  
8 26, 1972, with related protocol, signed in Moscow on July  
9 3, 1974.

10                           **Subtitle D—Other Matters**

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

13           (a) **AUTHORITY FOR RETROACTIVE WAIVER.**—The  
14 Secretary of Defense may, in accordance with section  
15 2366(e) of title 10, United States Code, waive for the F-  
16 22 aircraft program the survivability tests required by  
17 that section, notwithstanding that such program has en-  
18 tered full-scale engineering development.

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

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

4           (A) could affect the survivability of the F-22  
5 aircraft; and

6           (B) are sufficiently large and realistic that  
7 meaningful conclusions about the survivability of F-  
8 22 aircraft can be drawn from the test results.

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

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

14           (a) AUTHORITY FOR RETROACTIVE WAIVER.—The  
15 Secretary of Defense may, in accordance with section  
16 2366(c) of title 10, United States Code, waive for the V-  
17 22 aircraft program the survivability tests required by  
18 that section, notwithstanding that such program has en-  
19 tered engineering and manufacturing development.

20           (b) ALTERNATIVE SURVIVABILITY TEST REQUIRE-  
21 MENTS.—If the Secretary of Defense submits in accord-  
22 ance with section 2366(c)(1) of title 10, United States  
23 Code, a certification that live-fire testing of the V-22 air-  
24 craft would be unreasonably expensive and impractical,  
25 the Secretary of Defense shall require that a sufficient

1 number of components critical to the survivability of the  
 2 V-22 aircraft be tested in an alternative live-fire test pro-  
 3 gram involving realistic threat environments that mean-  
 4 ingful conclusions about the survivability of V-22 aircraft  
 5 can be drawn from the test results.

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

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

11 **SEC. 251. SHORT TITLE.**

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

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

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

19 **“CHAPTER 665—NATIONAL OCEANO-**  
 20 **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 **“§ 7902. National Ocean Research Leadership Council**

24 “(a) COUNCIL.—There is a National Ocean Research  
25 Leadership Council (hereinafter in this chapter referred  
26 to as the “Council”).

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

3           “(1) The Secretary of the Navy who shall be  
4 the chairman of the Council.

5           “(2) The Administrator of the National Oceanic  
6 and Atmospheric Administration, who shall be the  
7 vice chairman of the Council.

8           “(3) The Director of the National Science  
9 Foundation.

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

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

13          “(6) With their consent, the President of the  
14 National Academy of Sciences, the President of the  
15 National Academy of Engineering, and the President  
16 of the Institute of Medicine.

17          “(7) Up to five members appointed by the  
18 Chairman from among individuals who will represent  
19 the views of ocean industries, institutions of higher  
20 education, and State governments.

21       “(c) TERM OF OFFICE.—The term of office of a  
22 member of the Council appointed under paragraph (7) of  
23 subsection (b) shall be two years, except that any person  
24 appointed to fill a vacancy occurring before the expiration

1 of the term for which his predecessor was appointed shall  
2 be appointed for the remainder of such term.

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

7 “(1) A description of activities of the program  
8 carried out during the fiscal year before the fiscal  
9 year in which the report is prepared. The description  
10 also shall include a list of the members of the Ocean  
11 esearch Partnership Coordinating Group (established  
12 pursuant to subsection (e)), the Ocean Research Ad-  
13 visory Panel (established pursuant to subsection (f)),  
14 and any working groups in existence during the fis-  
15 cal year covered.

16 “(2) A general outline of the activities planned  
17 for the program during the fiscal year in which the  
18 report is prepared.

19 “(3) A summary of projects continued from the  
20 fiscal year before the fiscal year in which the report  
21 is prepared and projects expected to be started dur-  
22 ing the fiscal year in which the report is prepared  
23 and during the following fiscal year.

1           “(4) A description of the involvement of the  
2           program with Federal interagency coordinating enti-  
3           ties.

4           “(5) The amounts requested, in the budget sub-  
5           mitted to Congress pursuant to section 1105(a) of  
6           title 31 for the fiscal year following the fiscal year  
7           in which the report is prepared, for the programs,  
8           projects, and activities of the program and the esti-  
9           mated expenditures under such programs, projects,  
10          and activities during such following fiscal year.

11          “(e) OCEAN RESEARCH PARTNERSHIP COORDINAT-  
12          ING GROUP.—(1) The Council shall establish an Ocean  
13          Research Partnership Coordinating Group consisting of  
14          not more than 10 members appointed by the Council from  
15          among officers and employees of the Government, persons  
16          employed in the maritime industry, educators at institu-  
17          tions of higher education, and officers and employees of  
18          State governments.

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

21          “(3) The Council shall assign to the Coordinating  
22          Group responsibilities that the Council considers appro-  
23          priate. The Coordinating Group shall be subject to the au-  
24          thority, direction, and control of the Council in the per-  
25          formance the assigned responsibilities.

1           “(f) OCEAN RESEARCH ADVISORY PANEL.—(1) The  
2 Council shall establish an Ocean Research Advisory Panel  
3 consisting of members appointed by the Council from  
4 among persons eminent in the fields of oceanography,  
5 ocean sciences, or marine policy (or related fields) who are  
6 representative of the interests of governments, institutions  
7 of higher education, and industry in the matters covered  
8 by the purposes of the National Oceanographic Partner-  
9 ship Program (as set forth in section 7901(b) of this title).

10           “(2) The Council shall assign to the Advisory Panel  
11 responsibilities that the Council consider appropriate. The  
12 Coordinating Group shall be subject the authority, direc-  
13 tion, and control of the Council to in the performance of  
14 the assigned responsibilities.

15   **“§ 7903. Partnership program projects**

16           “(a) SELECTION OF PARTNERSHIP PROJECTS.—The  
17 National Ocean Research Leadership Council shall select  
18 the partnership projects that are to be considered eligible  
19 for support under the National Oceanographic Partner-  
20 ship Program. A project partnership may be established  
21 by any instrument that the Council considers appropriate,  
22 including a memorandum of understanding, a cooperative  
23 research and development agreement, and any similar in-  
24 strument.

1       “(b) CONTRACT AND GRANT AUTHORITY.—(1) The  
 2 Council may authorize one or more of the departments  
 3 and agencies of the Federal Government represented on  
 4 the Council to enter into contracts or to make grants for  
 5 the support of partnership projects selected under sub-  
 6 section (a).

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

11       (2) The table of chapters at the beginning of subtitle  
 12 C of title 10, United States Code, and at the beginning  
 13 of part IV of such subtitle, are each amended by inserting  
 14 after the item relating to chapter 663 the following:

**“665. National Oceanographic Partnership Program ..... 7901”.**

15       (b) INITIAL APPOINTMENTS OF COUNCIL MEM-  
 16 BERS.—The Chairman of the National Ocean Research  
 17 Leadership Council established under section 7902 of title  
 18 10, United States Code, as added by subsection (a)(1),  
 19 shall make the appointments required by subsection (b)(7)  
 20 of such section not later than December 1, 1996.

21       (c) FIRST ANNUAL REPORT OF NATIONAL OCEAN  
 22 RESEARCH LEADERSHIP COUNCIL.—The first annual re-  
 23 port required by section 7902(d) of title 10, United States  
 24 Code, as added by subsection (a)(1), shall be submitted  
 25 to Congress not later than March 1, 1997. The first report

1 shall include, in addition to the information required by  
 2 such section, information about the terms of office, proce-  
 3 dures, and responsibilities of the Ocean Research Advisory  
 4 Panel established by the Council.

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

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

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

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

13 Funds are hereby authorized to be appropriated for  
 14 fiscal year 1997 for the use of the Armed Forces and other  
 15 activities and agencies of the Department of Defense for  
 16 expenses, not otherwise provided for, for operation and  
 17 maintenance, in amounts as follows:

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

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

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

21 (4) For the Air Force, \$17,953,039,000.

22 (5) For Defense-wide activities,  
 23 \$9,863,942,000.

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

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

1           (8) For the Marine Corps Reserve,  
2           \$110,367,000.

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

4           (10) For the Army National Guard,  
5           \$2,218,477,000.

6           (11) For the Air National Guard,  
7           \$2,692,473,000.

8           (12) For the Defense Inspector General,  
9           \$136,501,000.

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

12          (14) For Environmental Restoration, Army,  
13          \$356,916,000.

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

16          (16) For Environmental Restoration, Air Force,  
17          \$414,700,000.

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

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

22          (19) For Medical Programs, Defense,  
23          \$9,375,988,000.

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

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

3 **SEC. 302. WORKING CAPITAL FUNDS.**

4           Funds are hereby authorized to be appropriated for  
5 fiscal year 1997 for the use of the Armed Forces and other  
6 activities and agencies of the Department of Defense for  
7 providing capital for working capital and revolving funds  
8 in amounts as follows:

9           (1) For the Defense Business Operations Fund,  
10          \$947,900,000.

11          (2) For the National Defense Sealift Fund,  
12          \$1,268,002,000.

13 **SEC. 303. DEFENSE NUCLEAR AGENCY.**

14          Of the amounts authorized to be appropriated for the  
15 Department of Defense under section 301(5),  
16 \$88,083,000 shall be available for the Defense Nuclear  
17 Agency.

18 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**  
19 **PILE TRANSACTION FUND.**

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

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

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

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

3           (b) TREATMENT OF TRANSFERS.—Amounts trans-  
4 ferred under this section—

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

8           (2) may not be expended for an item that has  
9 been denied authorization of appropriations by Con-  
10 gress.

11          (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
12 ITY.—The transfer authority provided in this section is in  
13 addition to the transfer authority provided in section  
14 1001.

15 **SEC. 305. CIVIL AIR PATROL.**

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

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

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

2       Of the funds authorized to be appropriated by section  
3 301(4), \$30,000,000 is authorized to be made available  
4 for the SR-71 contingency reconnaissance force.

5 **Subtitle     B—Program     Require-**  
6 **ments, Restrictions, and Limita-**  
7 **tions**

8 **SEC. 311. FUNDING FOR SECOND AND THIRD MARITIME**  
9 **PREPOSITIONING SHIPS OUT OF NATIONAL**  
10 **DEFENSE SEALIFT FUND.**

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

17       (b) AUTHORIZATION OF APPROPRIATIONS.—Of the  
18 amount authorized to be appropriated under section  
19 302(2), \$240,000,000 is authorized to be appropriated for  
20 the purpose stated in subsection (a).

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

22       Section 2218 of title 10, United States Code, is  
23 amended—

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

1 (2) in subsection (f)—

2 (A) in paragraph (1)—

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

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

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

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

13 **SEC. 313. NONLETHAL WEAPONS CAPABILITIES.**

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

19 (1) \$2,000,000 shall be available for the Army;

20 and

21 (2) \$3,000,000 shall be available for the Marine

22 Corps.

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

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

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

6 **SEC. 321. DEPARTMENT OF DEFENSE PERFORMANCE OF**  
7 **CORE LOGISTICS FUNCTIONS.**

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

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

19 “(3) The Secretary of Defense, in consultation with  
20 the Joint Chiefs of Staff, shall identify the weapon sys-  
21 tems and other military equipment that it is necessary to  
22 maintain and repair within the Department of Defense in  
23 order to maintain within the department the capability de-  
24 scribed in paragraph (1).

25 “(4) The Secretary shall require that the core logis-  
26 tics functions identified pursuant to paragraph (3) be per-

1 formed in Government-owned, Government-operated facili-  
2 ties of the Department of Defense by Department of De-  
3 fense personnel using Department of Defense equip-  
4 ment.”.

5 **SEC. 322. INCREASE IN PERCENTAGE LIMITATION ON CON-**  
6 **TRACTOR PERFORMANCE OF DEPOT-LEVEL**  
7 **MAINTENANCE AND REPAIR WORKLOADS.**

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

12 (b) INCREASE DELAYED PENDING RECEIPT OF  
13 STRATEGIC PLAN FOR THE PERFORMANCE OF DEPOT-  
14 LEVEL MAINTENANCE AND REPAIR.—(1) Notwithstand-  
15 ing the first sentence of section 2466(a) of title 10, United  
16 States Code (as amended by subsection (a)), until the  
17 strategic plan for the performance of depot-level mainte-  
18 nance and repair is submitted under section 325, not more  
19 than 40 percent of the funds made available in a fiscal  
20 year to a military department or a Defense Agency for  
21 depot-level maintenance and repair workload may be used  
22 to contract for the performance by non-Federal Govern-  
23 ment personnel of such workload for the military depart-  
24 ment or the Defense Agency.

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

4 **SEC. 323. REPORT ON DEPOT-LEVEL MAINTENANCE AND**  
5 **REPAIR.**

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

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

12                   “(A) the percentage of the funds referred to in  
13 subsection (a) that were used during the preceding  
14 fiscal year for performance of depot-level mainte-  
15 nance and repair workloads by Federal Government  
16 personnel; and

17                   “(B) the percentage of the funds referred to in  
18 subsection (a) that were used during the preceding  
19 fiscal year to contract for the performance of depot-  
20 level maintenance and repair workloads by non-Fed-  
21 eral Government personnel.

22           “(2) Not later than 90 days after the date on which  
23 the Secretary submits the annual report under paragraph  
24 (1), the Comptroller General shall submit to the Commit-  
25 tees on Armed Services and on Appropriations of the Sen-

1 ate and the Committees on National Security and on Ap-  
2 propriations of the House of Representatives the Comp-  
3 troller's views on whether the Department of Defense has  
4 complied with the requirements of subsection (a) for the  
5 fiscal year covered by the report.”.

6 **SEC. 324. DEPOT-LEVEL MAINTENANCE AND REPAIR WORK-**  
7 **LOAD DEFINED.**

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

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

13 “(1) means material maintenance requiring  
14 major overhaul or complete rebuilding of parts, as-  
15 semblies, or subassemblies, and testing and reclama-  
16 tion of equipment as necessary, including all aspects  
17 of software maintenance;

18 “(2) includes those portions of interim contrac-  
19 tor support, contractor logistics support, or any  
20 similar contractor support for the performance of  
21 services described in paragraph (1); and

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

1           “(A) are funded out of appropriations  
2           available to the Department of Defense for pro-  
3           curement; and

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

8 **SEC. 325. STRATEGIC PLAN RELATING TO DEPOT-LEVEL**  
9           **MAINTENANCE AND REPAIR.**

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

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

21       (b) **ADDITIONAL MATTERS COVERED.**—The Sec-  
22 retary of Defense shall include in the strategic plan sub-  
23 mitted under subsection (a) a detailed discussion of the  
24 following matters:

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

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

17          (3) For the activities identified pursuant to  
18          paragraphs (1) and (2), a discussion of which spe-  
19          cific existing weapon systems or other existing equip-  
20          ment, and which specific planned weapon systems or  
21          other planned equipment, are weapon systems or  
22          equipment for which it is necessary to maintain a  
23          core depot-level maintenance and repair capability  
24          within the Department of Defense.

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

3           (A) are of sufficient size—

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

11           (ii) to provide for rapid augmentation  
12 in time of emergency; and

13           (B) are assigned a sufficient workload to  
14 ensure cost efficiency and technical proficiency  
15 in peacetime.

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

22           (6) Any significant issues and risks concerning  
23 exchange of technical data on depot-level mainte-  
24 nance and repair between the Federal Government  
25 and the private sector.

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

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

16           (10) The workloads necessary to maintain Gov-  
17 ernment owned and operated depots at 50 percent,  
18 70 percent, and 85 percent of operating capacity.

19           (11) A plan for improving the productivity of  
20 the Government owned and operated depot mainte-  
21 nance and repair facilities, together with manage-  
22 ment plans for changing administrative and missions  
23 processes to achieve productivity gains, a discussion  
24 of any barriers to achieving desired productivity  
25 gains at the depots, and any necessary changes in ci-

1 vilian personnel policies that are necessary to im-  
2 prove productivity.

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

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

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

23 (d) REVIEW BY COMPTROLLER GENERAL.—(1) At  
24 the same time that the Secretary of Defense transmits the  
25 strategic plan under subsection (a), the Secretary shall

1 transmit a copy of the plan (including the report of the  
2 public accounting firm provided for under subsection (e))  
3 to the Comptroller General of the United States and make  
4 available to the Comptroller General all information used  
5 by the Department of Defense in preparing the plan and  
6 analysis.

7       (2) Not later than 60 days after the date on which  
8 the Secretary submits the strategic plan required by sub-  
9 section (a), the Comptroller General shall transmit to Con-  
10 gress a report containing a detailed analysis of the strate-  
11 gic plan.

12       (e) **ADDITIONAL REPORTING REQUIREMENT FOR**  
13 **COMPTROLLER GENERAL.**—Not later than February 1,  
14 1997, the Comptroller General shall submit to the commit-  
15 tees referred to in subsection (a) a report on the effective-  
16 ness of the oversight by the Department of Defense of the  
17 management of existing contracts with private sector  
18 sources of depot-level maintenance and repair of weapon  
19 systems, the adequacy of Department of Defense financial  
20 and information systems to support effective decisions to  
21 contract for private sector performance of depot-level  
22 maintenance and repair workloads that are being or have  
23 been performed by Government personnel, the status of  
24 reengineering efforts at depots owned and operated by the  
25 United States, and any overall management weaknesses

1 within the Department of Defense that would hinder effec-  
2 tive use of contracting for the performance of depot-level  
3 maintenance and repair.

4 **SEC. 326. ANNUAL REPORT ON COMPETITIVE PROCE-**  
5 **DURES.**

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

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

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

20 **SEC. 327. ANNUAL RISK ASSESSMENTS REGARDING PRI-**  
21 **VATE PERFORMANCE OF DEPOT-LEVEL MAIN-**  
22 **TENANCE WORK.**

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

1 **“§ 2473. Reports on privatization of depot-level main-**  
2 **tenance work**

3 “(a) ANNUAL RISK ASSESSMENTS.—(1) Not later  
4 than January 1 of each year, the Joint Chiefs of Staff  
5 shall submit to the Secretary of Defense a report on the  
6 privatization of the performance of the various depot-level  
7 maintenance workloads of the Department of Defense.

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

10 “(A) An assessment of the risk to the readi-  
11 ness, sustainability, and technology of the Armed  
12 Forces in a full range of anticipated scenarios for  
13 peacetime and for wartime of—

14 “(i) using public entities to perform the  
15 workload;

16 “(ii) using private entities to perform the  
17 workload; and

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

20 “(B) The recommendation of the Joint Chiefs  
21 as to whether public entities, private entities, or a  
22 combination of public entities and private entities  
23 could perform the workload without jeopardizing  
24 military readiness.

25 “(3) Not later than 30 days after receiving the report  
26 under paragraph (2)(B), the Secretary shall transmit the

1 report to Congress. If the Secretary does not concur in  
2 the recommendation made by the Joint Chiefs pursuant  
3 to paragraph (2)(B), the Secretary shall include in the re-  
4 port under this paragraph—

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

6           “(B) a justification for the differences between  
7 the recommendation of the Joint Chiefs and the rec-  
8 ommendation of the Secretary.

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

17           “(2) Not later than 30 days after receiving a report  
18 under paragraph (1), the Secretary shall transmit the re-  
19 port to Congress. If the Secretary does not concur in the  
20 proposal of the Joint Chiefs in the report, the Secretary  
21 shall include in the report under this paragraph—

22           “(A) each depot-level maintenance workload of  
23 the Department that the Secretary proposes to be  
24 performed by private entities during the fiscal year  
25 concerned; and

1           “(B) a justification for the differences between  
2           the proposal of the Joint Chiefs and the proposal of  
3           the Secretary.”.

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

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

7   **SEC. 328. EXTENSION OF AUTHORITY FOR NAVAL SHIP-**  
8                           **YARDS AND AVIATION DEPOTS TO ENGAGE IN**  
9                           **DEFENSE-RELATED PRODUCTION AND SERV-**  
10                          **ICES.**

11          (a) EXTENSION OF AUTHORITY.—Section 1425(e) of  
12          the National Defense Authorization Act for Fiscal Year  
13          1991 (Public Law 101–510) is amended by striking out  
14          “expires on September 30, 1995” and inserting in lieu  
15          thereof “may not be exercised after September 30, 1997”.

16          (b) REVIVAL OF EXPIRED AUTHORITY.—The author-  
17          ity provided in section 1425 of the National Defense Au-  
18          thorization Act for Fiscal Year 1991 may be exercised  
19          after September 30, 1995, subject to the limitation in sub-  
20          section (e) of such section as amended by subsection (a)  
21          of this section.

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

24          Of the amounts authorized to be appropriated by sec-  
25          tion 301(2), not more than \$5,000,000 may be used for

1 the performance of depot maintenance on F–18 aircraft  
2 until 30 days after the date on which the Secretary of  
3 Defense submits to the congressional defense committees  
4 a report on aviation depot maintenance. The report shall  
5 contain the following:

6           (1) The results of a competition which the Sec-  
7           retary shall conduct between all Department of De-  
8           fense aviation depots for selection for the perform-  
9           ance of depot maintenance on F–18 aircraft.

10           (2) An analysis of the total cost of transferring  
11           the F–18 aircraft depot maintenance workload to an  
12           aviation depot not performing such workload as of  
13           the date of the enactment of this Act.

14 **SEC. 330. DEPOT MAINTENANCE AND REPAIR AT FACILI-**  
15 **TIES CLOSED BY BRAC.**

16           The Secretary may not contract for the performance  
17 by a private sector source of any of the depot maintenance  
18 workload performed as of the date of the enactment of  
19 this Act at Sacramento Air Logistics Center or the San  
20 Antonio Air Logistics Center until the Secretary—

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

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

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

6           (4) submits to Congress the following—

7           (A) a detailed comparison of the cost of  
 8 the performance of the workload by civilian em-  
 9 ployees of the Department of Defense with the  
 10 cost of the performance of the workload by that  
 11 source; and

12           (B) an analysis which demonstrates that  
 13 the performance of the workload by that source  
 14 will provide the best value for the United States  
 15 over the life of the contract.

## 16           **Subtitle D—Environmental** 17           **Provisions**

### 18   **SEC. 341. ESTABLISHMENT OF SEPARATE ENVIRONMENTAL** 19           **RESTORATION TRANSFER ACCOUNTS FOR** 20           **EACH MILITARY DEPARTMENT.**

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

#### 23   **“§ 2703. Environmental restoration transfer accounts**

24           “(a) ESTABLISHMENT OF TRANSFER ACCOUNTS.—

1           “(1) ESTABLISHMENT.—There are hereby es-  
2           tablished in the Department of Defense the following  
3           accounts:

4                   “(A) An account to be known as the ‘De-  
5           fense Environmental Restoration Account’.

6                   “(B) An account to be known as the ‘Army  
7           Environmental Restoration Account’.

8                   “(C) An account to be known as the ‘Navy  
9           Environmental Restoration Account’.

10                   “(D) An account to be known as the ‘Air  
11           Force Environmental Restoration Account’.

12           “(2) TREATMENT OF APPROPRIATIONS.—All  
13           sums appropriated to the Department of Defense to  
14           carry out functions of the Secretary of Defense or  
15           of the Secretaries of the military departments relat-  
16           ing to environmental restoration under this chapter  
17           or under any other provision of law shall be appro-  
18           priated to the transfer account concerned.

19           “(3) REQUIREMENT OF AUTHORIZATION OF AP-  
20           PROPRIATIONS.—No funds may be appropriated to a  
21           transfer account unless such sums have been specifi-  
22           cally authorized by law.

23           “(4) AVAILABILITY OF FUNDS IN TRANSFER  
24           ACCOUNTS.—Amounts appropriated to a transfer ac-

1       count shall remain available until transferred under  
2       subsection (b).

3       “(b) **AUTHORITY TO TRANSFER TO OTHER AC-**  
4 **COUNTS.**—Amounts in a transfer account shall be avail-  
5 able for transfer by the Secretary of Defense (in the case  
6 of the Defense Environmental Restoration Account) or by  
7 the Secretary of a military department (in the case of the  
8 environmental restoration account of that military depart-  
9 ment) to any appropriation account or fund of the Depart-  
10 ment of Defense (including an account or fund of a mili-  
11 tary department) for obligation from the account or fund  
12 to which transferred.

13       “(c) **OBLIGATION OF TRANSFERRED AMOUNTS.**—  
14 Funds transferred under subsection (b) may only be obli-  
15 gated or expended from the account or fund to which  
16 transferred in order to carry out the environmental res-  
17 toration functions of the Secretary of Defense and the  
18 Secretaries of the military departments under this chapter  
19 and under any other provision of law.

20       “(d) **BUDGET REPORTS.**—In proposing the budget  
21 for any fiscal year pursuant to section 1105 of title 31,  
22 the President shall set forth separately the amounts re-  
23 quested for environmental restoration programs of the De-  
24 partment of Defense and of each of the military depart-  
25 ments under this chapter and under any other Act.

1       “(e) AMOUNTS RECOVERED.—The following amounts  
2 shall be credited to the appropriate environmental restora-  
3 tion account:

4           “(1) Amounts recovered under CERCLA for re-  
5 sponse actions.

6           “(2) Any other amounts recovered from a con-  
7 tractor, insurer, surety, or other person to reimburse  
8 the Department of Defense or a military department  
9 for any expenditure for environmental response ac-  
10 tivities.

11       “(f) PAYMENTS OF FINES AND PENALTIES.—None  
12 of the funds appropriated to the Defense Environmental  
13 Restoration Account for fiscal years 1995 through 1999,  
14 or to any environmental restoration account of a military  
15 department for fiscal years 1997 through 1999, may be  
16 used for the payment of a fine or penalty (including any  
17 supplemental environmental project carried out as part of  
18 such penalty) imposed against the Department of Defense  
19 or a military department unless the act or omission for  
20 which the fine or penalty is imposed arises out of an activ-  
21 ity funded by the environmental restoration account con-  
22 cerned and the payment of the fine or penalty has been  
23 specifically authorized by law.”.

24       (2) The table of sections at the beginning of chapter  
25 160 of title 10, United States Code, is amended by strik-

1 ing out the item relating to section 2703 and inserting  
2 in lieu thereof the following new item:

“2703. Environmental restoration transfer accounts.”.

3 (b) REFERENCES.—Any reference to the Defense En-  
4 vironmental Restoration Account in any Federal law, Ex-  
5 ecutive Order, regulation, delegation of authority, or docu-  
6 ment of or pertaining to the Department of Defense shall  
7 be deemed to refer to the appropriate environmental res-  
8 toration account established under section 2703(a)(1) of  
9 title 10, United States Code (as amended by subsection  
10 (a)(1)).

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

16 (d) TREATMENT OF UNOBLIGATED BALANCES.—Any  
17 unobligated balances that remain in the Defense Environ-  
18 mental Restoration Account under section 2703(a) of title  
19 10, United States Code, as of the effective date specified  
20 in subsection (e) shall be transferred on such date to the  
21 Defense Environmental Restoration Account established  
22 under section 2703(a)(1) of title 10, United States Code  
23 (as amended by subsection (a)(1)).

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

- 1 (1) October 1, 1996; or
- 2 (2) the date of the enactment of this Act.

3 **SEC. 342. DEFENSE CONTRACTORS COVERED BY REQUIRE-**  
4 **MENT FOR REPORTS ON CONTRACTOR REIM-**  
5 **BURSEMENT COSTS FOR RESPONSE ACTIONS.**

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

9 **SEC. 343. REPEAL OF REDUNDANT NOTIFICATION AND**  
10 **CONSULTATION REQUIREMENTS REGARDING**  
11 **REMEDIAL INVESTIGATIONS AND FEASIBIL-**  
12 **ITY STUDIES AT CERTAIN INSTALLATIONS TO**  
13 **BE CLOSED UNDER THE BASE CLOSURE**  
14 **LAWS.**

15 Section 334 of the National Defense Authorization  
16 Act for Fiscal Years 1992 and 1993 (Public Law 102–  
17 190; 105 Stat. 1340; 10 U.S.C. 2687 note) is repealed.

18 **SEC. 344. PAYMENT OF CERTAIN STIPULATED CIVIL PEN-**  
19 **ALTIES.**

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

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

7           (2) Using funds authorized to be appropriated  
8           to the Navy Environmental Restoration Account es-  
9           tablished under section 2703(a)(1)(C) of that title,  
10          as so amended, \$30,000 assessed against the Naval  
11          Education and Training Center, Newport, Rhode Is-  
12          land, under CERCLA.

13          (3) Using funds authorized to be appropriated  
14          to the Air Force Environmental Restoration Account  
15          established under section 2703(a)(1)(D) of that title,  
16          as so amended—

17                 (A) \$550,000 assessed against the Massa-  
18                 chusetts Military Reservation, Massachusetts,  
19                 under CERCLA, of which \$500,000 shall be for  
20                 the supplemental environmental project for a  
21                 groundwater modeling project that constitutes a  
22                 part of the negotiated settlement of a penalty  
23                 against the reservation; and

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

1           (4) Using funds authorized to be appropriated  
2           to the Department of Defense Base Closure Account  
3           1990 by section 2406(a)(13) of this Act, \$50,000  
4           assessed against Loring Air Force Base, Maine,  
5           under CERCLA.

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

10       **SEC. 345. AUTHORITY TO WITHHOLD LISTING OF FEDERAL**  
11                               **FACILITIES ON NATIONAL PRIORITIES LIST.**

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

15           (1) by redesignating paragraphs (1) and (2) as  
16           subparagraphs (A) and (B), respectively;

17           (2) by striking “Not later than 18 months after  
18           the enactment of the Superfund Amendments and  
19           Reauthorization Act of 1986, the Administrator”  
20           and inserting the following:

21           “(1) IN GENERAL.—The Administrator”; and

22           (3) by striking “Such criteria” and all that fol-  
23           lows through the end of the subsection and inserting  
24           the following:

25           “(2) APPLICATION OF CRITERIA.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), the criteria referred to in paragraph  
3 (1) shall be applied in the same manner as the  
4 criteria are applied to facilities that are owned  
5 or operated by persons other than the United  
6 States.

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

17           “(3) COMPLETION.—Evaluation and listing  
18 under this subsection shall be completed in accord-  
19 ance with a reasonable schedule established by the  
20 Administrator.”.

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

4 Section 120(h)(3) of the Comprehensive Environ-  
5 mental Response, Compensation, and Liability Act of  
6 1980 (42 U.S.C. 9620(h)(3)) is amended—

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

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

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

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

17 (4) by redesignating subparagraph (C) as  
18 clause (iii);

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

21 “(B) COMPLETION OF CONSTRUCTION.—

22 For purposes of subparagraph (A)(ii)(I)”;

23 (6) by adding at the end the following:

24 “(C) DEFERRAL.—The Administrator (in  
25 the case of real property at a Federal facility  
26 that is listed on the National Priorities List) or

1 the Governor of the State in which the facility  
2 is located (in the case of real property at a Fed-  
3 eral facility not listed on the National Priorities  
4 List) may defer the requirement of subpara-  
5 graph (A)(ii) with respect to the property if the  
6 Administrator or the Governor, as the case may  
7 be, determines that—

8 “(i) the property is suitable for trans-  
9 fer; and

10 “(ii) the contract of sale or other  
11 agreement governing the transfer between  
12 the United States and the transferee of the  
13 property contains assurances that all ap-  
14 propriate remedial action will be taken  
15 with respect to any releases or threatened  
16 releases at or from the property that oc-  
17 curred or existed prior to the transfer.”.

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 **SEC. 349. COOPERATIVE AGREEMENTS FOR THE MANAGE-**  
14 **MENT OF CULTURAL RESOURCES ON MILI-**  
15 **TARY INSTALLATIONS.**

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

19 **“§ 2694. Cooperative agreements for management of**  
20 **cultural resources on military installa-**  
21 **tions**

22 “(a) AUTHORITY TO ENTER INTO AGREEMENTS.—  
23 The Secretary of Defense and the Secretaries of the mili-  
24 tary departments may enter into cooperative agreements  
25 with States, local governments, and appropriate public and

1 private entities in order to provide for the preservation,  
2 management, maintenance, and rehabilitation of cultural  
3 resources on military installations.

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

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

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

15 “(1) A building, structure, site, district, or ob-  
16 ject eligible for or included in the National Register  
17 of Historic Places maintained under section 101(a)  
18 of the National Historic Preservation Act (16 U.S.C.  
19 470a(a)).

20 “(2) A cultural item as that term is defined in  
21 section 2(3) of the Native American Graves Protec-  
22 tion and Repatriation Act (25 U.S.C. 3001(3)).

23 “(3) An archaeological resource as that term is  
24 defined in section 3(1) of the Archaeological Re-

1 sources Protection Act of 1979 (16 U.S.C.  
2 470bb(1)).

3 “(4) An archaeological artifact collection and  
4 associated records covered by section 79 of title 36,  
5 Code of Federal Regulations.”.

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:

“2694. Cooperative agreements for management of cultural resources on mili-  
tary installations.”.

9 **SEC. 350. REPORT ON WITHDRAWAL OF PUBLIC LANDS AT**  
10 **EL CENTRO NAVAL AIR FACILITY, CALIFOR-**  
11 **NIA.**

12 (a) REPORT.—Not later than March 15, 1997, the  
13 Secretary of Defense, acting through the Deputy Under  
14 Secretary of Defense for Environmental Security, shall  
15 submit to the congressional defense committees a report  
16 that assesses the effects of the proposed withdrawal of  
17 public lands at El Centro Naval Air Facility, California,  
18 on the operational and training requirements of the De-  
19 partment of Defense at that facility.

20 (b) REPORT ELEMENTS.—The report under sub-  
21 section (a) shall—

22 (1) describe in detail the operational and train-  
23 ing requirements of the Department of Defense at  
24 El Centro Naval Air Facility;

1           (2) assess the effects of the proposed with-  
2           drawal on such operational and training require-  
3           ments;

4           (3) describe the relationship, if any, of the pro-  
5           posed withdrawal to the withdrawal of other public  
6           lands under the California Desert Protection Act of  
7           1994 (Public Law 103–433);

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

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

13 **SEC. 351. USE OF HUNTING AND FISHING PERMIT FEES**  
14                                   **COLLECTED AT CLOSED MILITARY RESERVA-**  
15                                   **TIONS.**

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

20                                   “(B) the fees collected under this para-  
21                                   graph—

22                                   “(i) shall be expended at the military  
23                                   reservation with respect to which collected;

24                                   or

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

## 7                   **Subtitle E—Other Matters**

### 8   **SEC. 361. FIREFIGHTING AND SECURITY-GUARD FUNC-** 9                   **TIONS AT FACILITIES LEASED BY THE GOV-** 10                  **ERNMENT.**

11                  Section 2465(b) of title 10, United States Code, is  
12   amended—

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

15                  (2) by striking out the period at the end of  
16                  paragraph (3) and inserting in lieu thereof “; or”;  
17                  and

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

19                  “(4) to a contract to be carried out at a private  
20                  facility at which a Federal Government activity is lo-  
21                  cated pursuant to a lease of the facility to the Gov-  
22                  ernment.”.

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

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

5 **“§ 520c. Authorized use of recruiting funds**

6 “(a) MEALS AND REFRESHMENTS.—Under regula-  
7 tions prescribed by the Secretary concerned, funds appro-  
8 priated to the Department of Defense for recruitment of  
9 military personnel may be expended for small meals and  
10 refreshments that are provided in the performance of per-  
11 sonnel recruiting functions of the armed forces to—

12 “(1) persons who have enlisted under the De-  
13 layed Entry Program authorized by section 513 of  
14 this title;

15 “(2) persons who are objects of armed forces  
16 recruiting efforts;

17 “(3) influential persons in communities when  
18 assisting the military departments in recruiting ef-  
19 forts;

20 “(4) members of the armed forces and Federal  
21 Government employees when attending recruiting  
22 events in accordance with a requirement to do so;  
23 and

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

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

6       “(c) TERMINATION OF AUTHORITY.—(1) The author-  
7 ity in subsection (a) may not be exercised after September  
8 30, 2001.

9       “(2) No report is required under subsection (b) after  
10 2002.”.

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 new item:

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

14 **SEC. 363. NONCOMPETITIVE PROCUREMENT OF BRAND-**  
15 **NAME COMMERCIAL ITEMS FOR RESALE IN**  
16 **COMMISSARY STORES.**

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

20       “(e) The Secretary of Defense may not, under the  
21 exception provided in section 2304(c)(5) of this title, use  
22 procedures other than competitive procedures for the pro-  
23 curement of a brand-name commercial item for resale in  
24 commissary stores unless the commercial item is regularly  
25 sold outside of commissary stores under the same brand

1 name as the commercial item will be sold in commissary  
2 stores.”.

3 (b) EFFECT ON EXISTING CONTRACTS.—The amend-  
4 ment made by subsection (a) shall not affect the terms,  
5 conditions, or duration of any contract entered into by the  
6 Secretary of Defense before the date of the enactment of  
7 this Act for the procurement of commercial items for re-  
8 sale in commissary stores.

9 **SEC. 364. ADMINISTRATION OF MIDSHIPMEN’S STORE AND**  
10 **OTHER NAVAL ACADEMY SUPPORT ACTIVI-**  
11 **TIES AS NONAPPROPRIATED FUND INSTRU-**  
12 **MENTALITIES.**

13 (a) IN GENERAL.—(1) Chapter 603 of title 10,  
14 United States Code, is amended by striking out sections  
15 6970 and 6971 and inserting in lieu thereof the following  
16 new section:

17 **“§ 6970. Midshipmen’s store and Naval Academy**  
18 **shops, laundry, and dairy: nonappro-**  
19 **priated fund accounts**

20 “(a) IN GENERAL.—Under regulations prescribed by  
21 the Secretary of the Navy, the Superintendent of the  
22 Naval Academy shall administer a nonappropriated fund  
23 account for each of the Academy activities referred to in  
24 subsection (b).



1 **“§ 2543. Equipment and services: Presidential inau-**  
2 **gural committees**

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

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

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

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

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

16 “(2) Planning and carrying out ceremonial ac-  
17 tivities.

18 “(3) Loan of property.

19 “(4) Any other assistance that the Secretary  
20 considers appropriate.

21 “(c) REIMBURSEMENT.—(1) An inaugural committee  
22 referred to in subsection (a)(1) shall reimburse the Sec-  
23 retary for any costs incurred in connection with the provi-  
24 sion to the committee of assistance referred to in sub-  
25 section (b)(4).

1       “(2) Costs reimbursed under paragraph (1) shall be  
2 credited to the appropriations from which the costs were  
3 paid. The amount credited to an appropriation shall be  
4 proportionate to the amount of the costs charged to that  
5 appropriation.

6       “(d) LOANED PROPERTY.—(1) Property loaned for  
7 a presidential inauguration under subsection (b)(3) shall  
8 be returned within nine days after the date of the cere-  
9 mony inaugurating the President.

10       “(2) An inaugural committee referred to in sub-  
11 section (a)(1) shall give good and sufficient bond for the  
12 return in good order and condition of property loaned to  
13 the committee under subsection (b)(3).

14       “(3) An inaugural committee referred to in sub-  
15 section (a)(1) shall—

16               “(A) indemnify the United States for any loss  
17 of, or damage to, property loaned to the committee  
18 under subsection (b)(3); and

19               “(B) defray any expense incurred for the deliv-  
20 ery, return, rehabilitation, replacement, or operation  
21 of the property.”.

22       (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of subchapter II of chapter 152 of such  
24 title is amended by striking out the item relating to section  
25 2543 and inserting in lieu thereof the following:

“2543. Equipment and services: Presidential inaugural committees.”.

1 **SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORT-**  
2 **ING EVENTS.**

3 (a) LOCAL SUPPORT.—The Secretary of Defense may  
4 authorize the commander of a military installation or  
5 other facility of the Department of Defense or the com-  
6 mander of a specified or unified combatant command to  
7 provide assistance for the World Cup Soccer Games, the  
8 Goodwill Games, the Olympics, and any other major civil-  
9 ian sporting event in support of essential security and  
10 safety at such event, but only in accordance with an agree-  
11 ment entered into by the Secretary and one or more orga-  
12 nizations sponsoring the event and only to the extent that  
13 the essential security and safety needs cannot reasonably  
14 be met by a source other than the Department of Defense.

15 (b) AGREEMENT.—(1) An agreement entered into  
16 with an organization under this section shall provide for  
17 the Department of Defense to be reimbursed for amounts  
18 expended by the Department of Defense in providing sup-  
19 port for the event, except that the agreement—

20 (A) may not require reimbursement to be made  
21 by an organization before the sporting event covered  
22 by the agreement is complete and all of the costs  
23 under the organization's other contractual obliga-  
24 tions relating to the event have been paid; and

1 (B) shall include a clause providing that the  
2 amount of the reimbursement shall be the lesser  
3 of—

4 (i) the amount, if any, of the organiza-  
5 tion's surplus funds remaining after payment of  
6 all of the costs referred to in subparagraph (A);  
7 or

8 (ii) the amount expended by the Depart-  
9 ment in providing support for the event.

10 (2) The Secretary of Defense may include in the  
11 agreement such additional terms and conditions as the  
12 Secretary considers appropriate in the interests of the  
13 Federal Government.

14 (3) Paragraph (1) does not apply to support for civil-  
15 ian sporting events known as of the date of the enactment  
16 of this Act as “Special Olympics” or “Paralympics”.

17 (c) INAPPLICABILITY TO EVENTS ALREADY FUND-  
18 ED.—This section does not apply with respect to a sport-  
19 ing event for which funds have been appropriated before  
20 the date of the enactment of this Act.

21 (d) SURPLUS FUNDS DEFINED.—For the purposes  
22 of this section, the term “surplus funds”, with respect to  
23 an organization sponsoring a sporting event, means the  
24 amount equal to the excess of—

1           (1) the total amount of the funds received by  
2           the organization for the event other than revenues  
3           derived from any tax, over

4           (2) the total amount expended by the organiza-  
5           tion for payment of all of the costs under the organi-  
6           zation's contractual obligations (other than an  
7           agreement entered into with the Secretary of De-  
8           fense under this section) that relate to the event.

9 **SEC. 367. RENOVATION OF BUILDING FOR DEFENSE FI-**  
10 **NANCE AND ACCOUNTING SERVICE CENTER,**  
11 **FORT BENJAMIN HARRISON, INDIANA.**

12           (a) **TRANSFER AUTHORITY.**—Subject to subsection  
13 (b), the Secretary of Defense may transfer funds available  
14 to the Department of Defense for the Defense Finance  
15 and Accounting Service for a fiscal year for operation and  
16 maintenance to the Administrator of General Services for  
17 paying the costs of planning, design, and renovation of  
18 Building One, Fort Benjamin Harrison, Indiana, for use  
19 as a Defense Finance and Accounting Service Center.

20           (b) **AUTHORITY SUBJECT TO AUTHORIZATIONS AND**  
21 **APPROPRIATIONS.**—To the extent provided in appropria-  
22 tions Acts—

23           (1) of funds appropriated for fiscal year 1997,  
24           \$9,000,000 may be transferred pursuant to sub-  
25           section (a); and

1           (2) of funds appropriated for fiscal years 1998,  
2           1999, 2000, and 2001, funds may be transferred  
3           pursuant to subsection (a) in such amounts as are  
4           authorized to be transferred in an Act enacted after  
5           the date of the enactment of this Act.

6                           **TITLE IV—MILITARY**  
7           **PERSONNEL AUTHORIZATIONS**  
8                           **Subtitle A—Active Forces**

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

10           The Armed Forces are authorized strengths for active  
11           duty personnel as of September 30, 1997, as follows:

12                   (1) The Army, 495,000, of which not more than  
13                   80,300 may be commissioned officers.

14                   (2) The Navy, 407,318, of which not more than  
15                   56,165 may be commissioned officers.

16                   (3) The Marine Corps, 174,000, of which not  
17                   more than 17,978 may be commissioned officers.

18                   (4) The Air Force, 381,222, of which not more  
19                   than 74,445 may be commissioned officers.

20   **SEC. 402. TEMPORARY FLEXIBILITY RELATING TO PERMA-**  
21                           **NENT END STRENGTH LEVELS.**

22           Section 691(d) of title 10, United States Code, is  
23           amended by striking out “not more than 0.5 percent” and  
24           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
<b>Army:</b>			
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
<b>Air Force:</b>			
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
<b>Marine Corps:</b>			
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
<b>Navy:</b>			
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, 108,594.

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, 10,378.

17 (6) The Air Force Reserve, 655.

18 **Subtitle C—Authorization of**  
19 **Appropriations**

20 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
21 **TARY PERSONNEL.**

22 There is hereby authorized to be appropriated to the  
23 Department of Defense for military personnel for fiscal  
24 year 1997 a total of \$69,878,430,000. The authorization  
25 in the preceding sentence supersedes any other authoriza-

1 tion of appropriations (definite or indefinite) for such pur-  
2 pose for fiscal year 1997.

3 **TITLE V—MILITARY PERSONNEL**  
4 **POLICY**  
5 **Subtitle A—Officer Personnel**  
6 **Policy**

7 **SEC. 501. EXTENSION OF AUTHORITY FOR TEMPORARY**  
8 **PROMOTIONS FOR CERTAIN NAVY LIEUTEN-**  
9 **ANTS WITH CRITICAL SKILLS.**

10 Section 5721(g) of title 10, United States Code, is  
11 amended by striking out “September 30, 1996” and in-  
12 serting in lieu thereof “September 30, 1997”.

13 **SEC. 502. EXCEPTION TO BACCALAUREATE DEGREE RE-**  
14 **QUIREMENT FOR APPOINTMENT IN THE**  
15 **NAVAL RESERVE IN GRADES ABOVE O-2.**

16 Section 12205(b)(3) of title 10, United States Code,  
17 is amended by inserting “or the Seaman to Admiral pro-  
18 gram” after “(NAVCAD) program”.

1 **SEC. 503. TIME FOR AWARD OF DEGREES BY**  
 2 **UNACCREDITED EDUCATIONAL INSTITU-**  
 3 **TIONS FOR GRADUATES TO BE CONSIDERED**  
 4 **EDUCATIONALLY QUALIFIED FOR APPOINT-**  
 5 **MENT AS RESERVE OFFICERS IN GRADE O-3.**

6 Section 12205(c)(2)(C) of title 10, United States  
 7 Code, is amended by striking out “three years” and insert-  
 8 ing in lieu thereof “eight years”.

9 **SEC. 504. CHIEF WARRANT OFFICER PROMOTIONS.**

10 (a) **REDUCTION OF MINIMUM TIME IN GRADE RE-**  
 11 **QUIRED FOR CONSIDERATION FOR PROMOTION.**—Section  
 12 574(e) of title 10, United States Code, is amended by  
 13 striking out “three years of service” and inserting in lieu  
 14 thereof “two years of service”.

15 (b) **BELOW-ZONE SELECTION.**—Section 575(b)(1) of  
 16 such title is amended by inserting “chief warrant officer,  
 17 W-3,” in the first sentence after “to consider warrant offi-  
 18 cers for selection for promotion to the grade of”.

19 **SEC. 505. FREQUENCY OF PERIODIC REPORT ON PRO-**  
 20 **MOTION RATES OF OFFICERS CURRENTLY OR**  
 21 **FORMERLY SERVING IN JOINT DUTY ASSIGN-**  
 22 **MENTS.**

23 Section 662(b) of title 10, United States Code, is  
 24 amended by striking out “not less often than every six  
 25 months” in the parenthetical in the first sentence and in-

1 serting in lieu thereof “not less often than every twelve  
2 months”.

3       **Subtitle B—Matters Relating to**  
4                   **Reserve Components**

5       **SEC. 511. CLARIFICATION OF DEFINITION OF ACTIVE STA-**  
6                   **TUS.**

7           Section 101(d)(4) of title 10, United States Code, is  
8 amended by striking out “a reserve commissioned officer,  
9 other than a commissioned warrant officer,” and inserting  
10 in lieu thereof the following: “a member of a reserve com-  
11 ponent”.

12       **SEC. 512. AMENDMENTS TO RESERVE OFFICER PERSONNEL**  
13                   **MANAGEMENT ACT PROVISIONS.**

14           (a) SERVICE REQUIREMENT FOR RETIREMENT IN  
15 HIGHEST GRADE HELD.—Section 1370(d) of title 10,  
16 United States Code, is amended—

17                   (1) by redesignating paragraph (3) as para-  
18                   graph (4);

19                   (2) in paragraph (2)(A), by striking out “(A)”;

20                   (3) by redesignating paragraph (2)(B) as para-  
21                   graph (3); and

22                   (4) in paragraph (3), as so redesignated—

23                           (A) by designating the first sentence as  
24                           subparagraph (A);

1 (B) by designating the second sentence as  
2 subparagraph (B) and realigning such subpara-  
3 graph, as so redesignated, flush to the left mar-  
4 gin;

5 (C) in subparagraph (B), as so redesign-  
6 nated, by striking out “the preceding sentence”  
7 and inserting in lieu thereof “subparagraph  
8 (A)”; and

9 (D) by adding at the end the following:

10 “(C) If a person covered by subparagraph (A) has  
11 completed at least six months of satisfactory service in  
12 grade, the person was serving in that grade while serving  
13 in a position of adjutant general required under section  
14 314 of title 32 or while serving in a position of assistant  
15 adjutant general subordinate to such a position of adju-  
16 tant general, and the person has failed to complete three  
17 years of service in that grade solely because the person’s  
18 appointment to such position has been terminated or va-  
19 cated as described in section 324(b) of such title, then  
20 such person may be credited with satisfactory service in  
21 that grade, notwithstanding the failure to complete three  
22 years of service in that grade.

23 “(D) To the extent authorized by the Secretary of  
24 the military department concerned, a person who, after  
25 having been recommended for promotion in a report of

1 a promotion board but before being promoted to the rec-  
2 ommended grade, served in a position for which that grade  
3 is the minimum authorized grade may be credited for pur-  
4 poses of subparagraph (A) as having served in that grade  
5 for the period for which the person served in that position  
6 while in the next lower grade. The period credited may  
7 not include any period before the date on which the Senate  
8 provides advice and consent for the appointment of that  
9 person in the recommended grade.

10       “(E) To the extent authorized by the Secretary of  
11 the military department concerned, a person who, after  
12 having been extended temporary Federal recognition as a  
13 reserve officer of the Army National Guard in a particular  
14 grade under section 308 of title 32 or temporary Federal  
15 recognition as a reserve officer of the Air National Guard  
16 in a particular grade under such section, served in a posi-  
17 tion for which that grade is the minimum authorized grade  
18 may be credited for purposes of subparagraph (A) as hav-  
19 ing served in that grade for the period for which the per-  
20 son served in that position while extended the temporary  
21 Federal recognition, but only if the person was subse-  
22 quently extended permanent Federal recognition as a re-  
23 serve officer in that grade and also served in that position  
24 after being extended the permanent Federal recognition.”.

1 (b) EXCEPTION TO REQUIREMENT FOR RETENTION  
 2 OF RESERVE OFFICERS UNTIL COMPLETION OF RE-  
 3 QUIRED SERVICE.—Section 12645(b)(2) of such title is  
 4 amended by inserting “or a reserve active-status list” after  
 5 “active-duty list”.

6 (c) TECHNICAL CORRECTION.—Section  
 7 14314(b)(2)(B) of such title is amended by striking out  
 8 “of the Air Force”.

9 **SEC. 513. REPEAL OF REQUIREMENT FOR PHYSICAL EXAMI-**  
 10 **NATIONS OF MEMBERS OF NATIONAL GUARD**  
 11 **CALLED INTO FEDERAL SERVICE.**

12 (a) REPEAL.—Section 12408 of title 10, United  
 13 States Code, is repealed.

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

17 **SEC. 514. AUTHORITY FOR A RESERVE ON ACTIVE DUTY TO**  
 18 **WAIVE RETIREMENT SANCTUARY.**

19 Section 12686 of title 10, United States Code, is  
 20 amended—

21 (1) by inserting “(a) LIMITATION.—” before  
 22 “Under regulations”; and

23 (2) by adding at the end the following new sub-  
 24 section:

1       “(b) WAIVER.—(1) The Secretary concerned may au-  
 2 thorize a member described in paragraph (2) to waive the  
 3 applicability of the limitation under subsection (a) to the  
 4 member for the period of active duty described in that  
 5 paragraph. A member shall exercise any such waiver op-  
 6 tion, if at all, before the period of active duty begins.

7       “(2) The authority provided in paragraph (1) applies  
 8 to a member of a reserve component who is on active duty  
 9 (other than for training) pursuant to an order to active  
 10 duty under section 12301 of this title that specifies a pe-  
 11 riod of less than 180 days.”.

12 **SEC. 515. RETIREMENT OF RESERVES DISABLED BY INJURY**  
 13 **OR DISEASE INCURRED OR AGGRAVATED**  
 14 **DURING OVERNIGHT STAY BETWEEN INAC-**  
 15 **TIVE DUTY TRAINING PERIODS.**

16       Paragraph (2) of section 1204 of title 10, United  
 17 States Code, is amended to read as follows:

18       “(2) the disability is a result of—

19               “(A) performing active duty or inactive-  
 20 duty training;

21               “(B) traveling directly to or from the place  
 22 at which such duty is performed; or

23               “(C) an injury, illness, or disease incurred  
 24 or aggravated while remaining overnight, be-  
 25 tween successive periods of inactive-duty train-

1           ing, at or in the vicinity of the site of the inac-  
2           tive duty training, if the site is outside reason-  
3           able commuting distance of the member’s resi-  
4           dence;”.

5 **SEC. 516. RESERVE CREDIT FOR PARTICIPATION IN THE**  
6                   **HEALTH PROFESSIONS SCHOLARSHIP AND**  
7                   **FINANCIAL ASSISTANCE PROGRAM.**

8           (a) CREDIT AUTHORIZED.—Section 2126 of title 10,  
9 United States Code, is amended—

10           (1) by striking out “Service performed” and in-  
11           serting in lieu thereof “(a) SERVICE NOT CRED-  
12           ITABLE.—Except as provided in subsection (b), serv-  
13           ice performed”; and

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

15           “(b) EXCEPTION.—(1) The Secretary concerned may  
16 authorize service performed by a member of the program  
17 in pursuit of a course of study under this subchapter to  
18 be counted in accordance with this subsection if the mem-  
19 ber—

20           “(A) completes the course of study;

21           “(B) completes the active duty obligation im-  
22 posed under section 2123(a) of this title; and

23           “(C) possesses a specialty designated by the  
24 Secretary concerned as critically needed in wartime.

1       “(2) Service credited under paragraph (1) counts  
2 only for the following purposes:

3           “(A) Award of retirement points for computa-  
4 tion of years of service under section 12732 of this  
5 title and for computation of retired pay under sec-  
6 tion 12733 of this title.

7           “(B) Computation of years of service creditable  
8 under section 205 of title 37.

9       “(3) For purposes of paragraph (2)(A), a member  
10 may be credited in accordance with paragraph (1) with  
11 not more than 50 points for each year of participation in  
12 a course of study that the member satisfactorily completes  
13 as a member of the program.

14       “(4) Service may not be counted under paragraph (1)  
15 for more than four years of participation in a course of  
16 study as a member of the program.

17       “(5) A member who is dropped from the program  
18 under section 2123(c) of this title may not receive any  
19 credit under paragraph (1) for participation in a course  
20 of study as a member of the program. Any credit awarded  
21 for participation in the program before the member is  
22 dropped shall be rescinded.

23       “(6) A member is not entitled to any retroactive  
24 award of, or increase in, pay or allowances under title 37

1 by reason of an award of service credit under paragraph  
2 (1).”.

3 (b) AWARD OF RETIREMENT POINTS.—(1) Section  
4 12732(a)(2) of such title is amended—

5 (A) by inserting after clause (C) the following:

6 “(D) Points credited for the year under  
7 section 2126(b) of this title.”; and

8 (B) in the matter following clause (D), as in-  
9 serted by paragraph (1), by striking out “and (C)”  
10 and inserting in lieu thereof “(C), and (D)”.

11 (2) Section 12733(3) of such title is amended by  
12 striking out “or (C)” and inserting in lieu thereof “(C),  
13 or (D)”.

14 **SEC. 517. REPORT ON GUARD AND RESERVE FORCE STRUC-**  
15 **TURE.**

16 (a) REPORT.—Not later than March 1, 1997, the  
17 Secretary of Defense shall submit to Congress a report  
18 on the current force structure and the projected force  
19 structure of the National Guard and the other reserve  
20 components.

21 (b) REPORT ELEMENTS.—The report required by  
22 subsection (a) shall address the following:

23 (1) The role of specific guard and reserve units  
24 in the current force structure of the guard and re-  
25 serves.



1 (c) UNITED STATES NAVAL ACADEMY.—Section  
2 6958(a)(1) of title 10, United States Code, is amended  
3 by striking out “twenty-second birthday” and inserting in  
4 lieu thereof “twenty-third birthday”.

5 (d) UNITED STATES AIR FORCE ACADEMY.—Section  
6 9346(a) of title 10, United States Code, is amended by  
7 striking out “twenty-second birthday” and inserting in  
8 lieu thereof “twenty-third birthday”.

9 **SEC. 522. DEMONSTRATION PROJECT FOR INSTRUCTION**  
10 **AND SUPPORT OF ARMY ROTC UNITS BY**  
11 **MEMBERS OF THE ARMY RESERVE AND NA-**  
12 **TIONAL GUARD.**

13 (a) IN GENERAL.—The Secretary of the Army shall  
14 carry out a demonstration project in order to assess the  
15 feasibility and advisability of providing instruction and  
16 similar support to units of the Reserve Officers Training  
17 Corps of the Army through members of the Army Reserve  
18 (including members of the Individual Ready Reserve) and  
19 members of the Army National Guard.

20 (b) PROJECT REQUIREMENTS.—(1) The Secretary  
21 shall carry out the demonstration project at least one in-  
22 stitution.

23 (2) In order to enhance the value of the project, the  
24 Secretary may take actions to ensure that members of the  
25 Army Reserve and the Army National Guard provide in-

1 struction and support under the project in a variety of  
2 innovative ways.

3 (c) INAPPLICABILITY OF LIMITATION ON RESERVES  
4 IN SUPPORT OF ROTC.—The assignment of a member of  
5 the Army Reserve or the Army National Guard to provide  
6 instruction or support under the demonstration project  
7 shall not be treated as an assignment of the member to  
8 duty with a unit of a Reserve Officer Training Corps pro-  
9 gram for purposes of section 12321 of title 10, United  
10 States Code.

11 (d) REPORTS.—Not later than February 1 in each  
12 of 1998, 1999, 2000, and 2001, the Secretary shall submit  
13 to Congress a report assessing the activities under the  
14 project during the preceding year. The report submitted  
15 in 2000 shall include the Secretary's recommendation as  
16 to the advisability of continuing or expanding the author-  
17 ity for the project.

18 (e) TERMINATION.—The authority of the Secretary  
19 to carry out the demonstration project shall expire four  
20 years after the date of the enactment of this Act.

1                   **Subtitle D—Other Matters**

2   **SEC. 531. RETIREMENT AT GRADE TO WHICH SELECTED**  
 3                   **FOR PROMOTION WHEN A PHYSICAL DISABIL-**  
 4                   **ITY IS FOUND AT ANY PHYSICAL EXAMINA-**  
 5                   **TION.**

6           Section 1372(3) of title 10, United States Code, is  
 7 amended by striking out “his physical examination for  
 8 promotion” and inserting in lieu thereof “a physical exam-  
 9 ination”.

10 **SEC. 532. LIMITATIONS ON RECALL OF RETIRED MEMBERS**  
 11                   **TO ACTIVE DUTY.**

12           (a) **NUMBER ON ACTIVE DUTY CONCURRENTLY.—**  
 13 Subsection (c) of section 688 of title 10, United States  
 14 Code, is amended—

15                   (1) by striking out “(c) Except in time of war,  
 16                   or of national emergency declared by Congress or  
 17                   the President after November 30, 1980, not” and  
 18                   inserting in lieu thereof “(c)(1) Not”; and

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

20                   “(2) Not more than 25 officers of any one armed  
 21 force may be serving on active duty concurrently pursuant  
 22 to orders to active duty issued under this section.”.

23           (b) **OFFICERS RETIRED ON SELECTIVE EARLY RE-**  
 24 **TIREMENT BASIS.—**Such section is amended by adding at  
 25 the end the following:

1       “(e) The following officers may not be ordered to ac-  
2 tive duty under this section:

3           “(1) An officer who retired under section 638  
4 of this title.

5           “(2) An officer who—

6               “(A) after having been notified that the of-  
7 ficer was to be considered for early retirement  
8 under section 638 of this title by a board con-  
9 vened under section 611(b) of this title and be-  
10 fore being considered by that board, requested  
11 retirement under section 3911, 6323, or 8911  
12 of this title; and

13               “(B) was retired pursuant to that re-  
14 quest.”.

15       (c) LIMITATION OF PERIOD OF RECALL SERVICE.—  
16 Such section, as amended by subsection (b), is further  
17 amended by adding at the end the following:

18       “(f)(1) A member ordered to active duty under sub-  
19 section (a) may not serve on active duty pursuant to or-  
20 ders under such subsection for more than 12 months with-  
21 in the 24 months following the first day of the active duty  
22 to which ordered under this section.

23       “(2) Paragraph (1) does not apply to the following:

1           “(A) A chaplain who is assigned to duty as a  
2           chaplain for the period of active duty to which or-  
3           dered.

4           “(B) A health care professional (as character-  
5           ized by the Secretary concerned) who is assigned to  
6           duty as a health care professional for the period of  
7           the active duty to which ordered.

8           “(C) Any officer assigned to duty with the  
9           American Battle Monuments Commission for the pe-  
10          riod of active duty to which ordered.”.

11          (d) WAIVER FOR PERIODS OF WAR OR NATIONAL  
12          EMERGENCY.—Such section, as amended by subsection  
13          (c), is further amended by adding at the end the following:

14           “(g)(1) Subsection (c)(1) does not apply in time of  
15          war or of national emergency declared by Congress or the  
16          President after November 30, 1980.

17           “(2) Subsections (c)(2), (e), and (f) do not apply in  
18          time of war or of national emergency declared by Congress  
19          or the President.”.

20          **SEC. 533. DISABILITY COVERAGE FOR OFFICERS GRANTED**  
21                           **EXCESS LEAVE FOR EDUCATIONAL PUR-**  
22                           **POSES.**

23          (a) ELIGIBILITY FOR RETIREMENT.—Section 1201  
24          of title 10, United States Code, is amended—

1           (1) by inserting “(a) RETIREMENT.—” before  
2           “Upon a determination”;

3           (2) by striking out “a member of a regular  
4           component of the armed forces entitled to basic pay,  
5           or any other member of the armed forces entitled to  
6           basic pay who has been called or ordered to active  
7           duty (other than for training under section 10148(a)  
8           of this title) for a period of more than 30 days,” and  
9           inserting in lieu thereof “a member described in sub-  
10          section (b)”;

11          (3) by inserting after “incurred while entitled to  
12          basic pay” the following: “or incurred while absent  
13          as described in section 502(b) of title 37 to partici-  
14          pate in an educational program (even though not en-  
15          titled to basic pay by operation of such section)”;  
16          and

17          (4) by adding at the end the following:

18          “(b) ELIGIBLE MEMBERS.—This section applies to  
19          the following members:

20                 “(1) A member of a regular component of the  
21                 armed forces entitled to basic pay.

22                 “(2) Any other member of the armed forces en-  
23                 titled to basic pay who has been called or ordered to  
24                 active duty (other than for training under section

1 10148(a) of this title) for a period of more than 30  
2 days.

3 “(3) A member of a regular component of the  
4 armed forces who is on active duty but is absent as  
5 described in section 502(b) of title 37 to participate  
6 in an educational program.”.

7 (b) ELIGIBILITY FOR PLACEMENT ON TEMPORARY  
8 DISABILITY RETIREMENT LIST.—Section 1202 of title 10,  
9 United States Code, is amended—

10 (1) by inserting “(a) TEMPORARY RETIRE-  
11 MENT.—” before “Upon a determination”; and

12 (2) by striking out “a member of a regular  
13 component of the armed forces entitled to basic pay,  
14 or any other member of the armed forces entitled to  
15 basic pay who has been called or ordered to active  
16 duty (other than for training under section 10148(a)  
17 of this title) for a period of more than 30 days,” and  
18 inserting in lieu thereof “a member described in sec-  
19 tion 1201(b) of this title”.

20 (c) ELIGIBILITY FOR SEPARATION.—Section 1203 of  
21 title 10, United States Code, is amended—

22 (1) by inserting “(a) SEPARATION.—” before  
23 “Upon a determination”;

24 (2) by striking out “a member of a regular  
25 component of the armed forces entitled to basic pay,

1 or any other member of the armed forces entitled to  
2 basic pay who has been called or ordered to active  
3 duty (other than for training under section 10148(a)  
4 of this title) for a period of more than 30 days,” and  
5 inserting in lieu thereof “a member described in sec-  
6 tion 1201(b) of this title”; and

7 (3) by inserting after “incurred while entitled to  
8 basic pay” the following: “or incurred while absent  
9 as described in section 502(b) of title 37 to partici-  
10 pate in an educational program (even though not en-  
11 titled to basic pay by operation of such section)”.

12 (d) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect on the date of the enactment  
14 of this Act and shall apply with respect to physical disabil-  
15 ities incurred on or after such date.

16 **SEC. 534. UNIFORM POLICY REGARDING RETENTION OF**  
17 **MEMBERS WHO ARE PERMANENTLY NON-**  
18 **WORLDWIDE ASSIGNABLE.**

19 (a) POLICY REQUIRED.—Chapter 59 of title 10,  
20 United States Code, is amended by inserting after section  
21 1176 the following:

1 **“§ 1177. Uniform policy regarding retention of mem-**  
 2 **bers who are permanently nonworldwide**  
 3 **assignable**

4 “The Secretary of Defense shall prescribe regulations  
 5 setting forth uniform policies and procedures regarding re-  
 6 tention of members of the Army, Navy, Air Force, and  
 7 Marine Corps who are permanently nonworldwide assign-  
 8 able for medical reasons.”.

9 (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of such chapter is amended by inserting  
 11 after the item relating to section 1176 the following:

“1177. Uniform policy regarding retention of members who are permanently  
 nonworldwide assignable.”.

12 **SEC. 535. AUTHORITY TO EXTEND PERIOD FOR ENLIST-**  
 13 **MENT IN REGULAR COMPONENT UNDER THE**  
 14 **DELAYED ENTRY PROGRAM.**

15 (a) AUTHORITY.—Section 513(b) of title 10, United  
 16 States Code, is amended by inserting after the first sen-  
 17 tence the following: “The Secretary concerned may extend  
 18 the 365-day period for a person for up to 180 additional  
 19 days if the Secretary determines that it is in the best in-  
 20 terests of the armed force under the Secretary’s jurisdic-  
 21 tion to do so.”.

22 (b) TECHNICAL AMENDMENTS.—Section 513(b) of  
 23 such title, as amended by subsection (a), is further amend-  
 24 ed—

1 (1) by inserting “(1)” after “(b)”;

2 (2) by designating the third sentence as para-  
3 graph (2) and realigning such paragraph, as so des-  
4 ignated, flush to the left margin; and

5 (3) in paragraph (2), as so designated, by strik-  
6 ing out “the preceding sentence” and inserting in  
7 lieu thereof “paragraph (1)”.

8 **SEC. 536. CAREER SERVICE REENLISTMENTS FOR MEM-**  
9 **BERS WITH AT LEAST 10 YEARS OF SERVICE.**

10 Subsection (d) of section 505 of title 10, United  
11 States Code, is amended to read as follows:

12 “(d)(1) The Secretary concerned may accept a reen-  
13 listment in the Regular Army, Regular Navy, Regular Air  
14 Force, Regular Marine Corps, or Regular Coast Guard,  
15 as the case may be, for a period determined under this  
16 subsection.

17 “(2) In the case of a member who has less than 10  
18 years of service in the armed forces as of the day before  
19 the first day of the period for which reenlisted, the period  
20 for which the member reenlists shall be at least two years  
21 but not more than six years.

22 “(3) In the case of a member who has at least 10  
23 years of service in the armed forces as of the day before  
24 the first day of the period for which reenlisted, the Sec-  
25 retary concerned may accept a reenlistment for either—

1           “(A) a specified period of at least two  
2           years but not more than six years; or

3           “(B) an unspecified period.

4           “(4) No enlisted member is entitled to be reenlisted  
5 for a period that would expire before the end of the mem-  
6 ber’s current enlistment.”.

7 **SEC. 537. REVISIONS TO MISSING PERSONS AUTHORITIES.**

8           (a) **REPEAL OF APPLICABILITY OF AUTHORITIES TO**  
9 **DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND**  
10 **CONTRACTOR EMPLOYEES.**—(1) Section 1501 of title 10,  
11 United States Code, is amended—

12           (A) by striking out subsection (c) and inserting  
13 in lieu thereof the following new subsection (c):

14           “(c) **COVERED PERSONS.**—Section 1502 of this title  
15 applies in the case of any member of the armed forces  
16 on active duty who becomes involuntarily absent as a re-  
17 sult of a hostile action, or under circumstances suggesting  
18 that the involuntary absence is a result of a hostile action,  
19 and whose status is undetermined or who is unaccounted  
20 for.”; and

21           (B) by striking out subsection (f).

22           (2) Section 1503(c) of such title is amended—

23           (A) in paragraph (1), by striking out “one indi-  
24 vidual described in paragraph (2)” and inserting in  
25 lieu thereof “one military officer”;

1 (B) by striking out paragraph (2); and

2 (C) by redesignating paragraphs (3) and (4) as  
3 paragraphs (2) and (3), respectively.

4 (3) Section 1504(d) of such title is amended—

5 (A) by striking out the text of paragraph (1)  
6 and inserting in lieu thereof the following new text:

7 “A board under this section shall be composed of at  
8 least three members who are officers having the  
9 grade of major or lieutenant commander or above.”;

10 and

11 (B) in paragraph (4), by striking out “section  
12 1503(c)(4)” and inserting in lieu thereof “section  
13 1503(c)(3)”.

14 (4) Paragraph (1) of section 1513 of such title is  
15 amended to read as follows:

16 “(1) The term ‘missing person’ means a mem-  
17 ber of the armed forces on active duty who is in a  
18 missing status.”.

19 (b) REPORT ON PRELIMINARY ASSESSMENT OF STA-  
20 TUS.—(1) Section 1502 of title 10, United States Code,  
21 is amended—

22 (A) in subsection (a)(2)—

23 (i) by striking out “48 hours” and insert-  
24 ing in lieu thereof “10 days”; and

1           (ii) by striking out “theater component  
2           commander with jurisdiction over the missing  
3           person” and inserting in lieu thereof “Secretary  
4           concerned”;

5           (B) by striking out subsection (b);

6           (C) by redesignating subsection (c) as sub-  
7           section (b); and

8           (D) in subsection (b), as so redesignated, by  
9           striking out the second sentence.

10          (2) Section 1503(a) of such title is amended by strik-  
11          ing out “section 1502(b)” and inserting in lieu thereof  
12          “section 1502(a)”.

13          (3) Section 1513 of such title is amended by striking  
14          out paragraph (8).

15          (c) REPEAL OF REQUIREMENTS FOR COUNSELS FOR  
16          MISSING PERSONS.—(1) Section 1503 of title 10, United  
17          States Code, is amended—

18               (A) by striking out subsection (f); and

19               (B) by redesignating subsections (g) through  
20               (k) as subsections (f) through (j), respectively.

21          (2) Section 1504 of such title is amended—

22               (A) by striking out subsection (f); and

23               (B) by redesignating subsections (g) through  
24               (m) as subsections (f) through (l), respectively.

25          (3) Such section 1503 is further amended—

1 (A) in subsection (g)(3), as redesignated by  
2 paragraph (1)(B) of this subsection, by striking out  
3 “subsection (j)” and inserting in lieu thereof “sub-  
4 section (i)”;

5 (B) in subsection (h)(1), as so redesignated, by  
6 striking out “subsection (h)” and inserting in lieu  
7 thereof “subsection (g)”;

8 (C) in subsection (i), as so redesignated—

9 (i) by striking out “subsection (i)” in the  
10 matter preceding paragraph (1) and inserting  
11 in lieu thereof “subsection (h)”;

12 (ii) in paragraph (1)(B), by striking out  
13 “subsection (h)” and inserting in lieu thereof  
14 “subsection (g)”;

15 (D) in subsection (j), as so redesignated, by  
16 striking out “subsection (i)” and inserting in lieu  
17 thereof “subsection (h)”.

18 (4) Such section 1504 of such title is amended—

19 (A) in subsection (a), by striking out “section  
20 1503(i)” and inserting in lieu thereof “section  
21 1503(h)”;

22 (B) in subsection (e)(1), by striking out “sec-  
23 tion 1503(h)” and inserting in lieu thereof “section  
24 1503(g)”;

1 (C) in subsection (f), as redesignated by para-  
2 graph (2)(B) of this subsection, by striking out  
3 “subsection (i)” each place it appears in paragraphs  
4 (4)(D) and (5)(B) and inserting in lieu thereof “sub-  
5 section (h)”;

6 (D) in subsection (g)(3)(A), as so redesignated,  
7 by striking out “and the counsel for the missing per-  
8 son appointed under subsection (f)”;

9 (E) in subsection (j), as so redesignated—

10 (i) in paragraph (1)—

11 (I) by striking out “subsection (j)” in  
12 the matter preceding subparagraph (A)  
13 and inserting in lieu thereof “subsection  
14 (i)”;

15 (II) by inserting “and” at the end of  
16 subparagraph (A);

17 (III) by striking out subparagraph  
18 (B); and

19 (IV) by redesignating subparagraph  
20 (C) as subparagraph (B) and in that sub-  
21 paragraph, as so redesignated, by striking  
22 out “subsection (g)(5)” and inserting in  
23 lieu thereof “subsection (f)(5)”;

1 (ii) in paragraph (2), by striking out “sub-  
2 paragraph (C)” and inserting in lieu thereof  
3 “subparagraph (B)”;

4 (F) in subsection (k), as redesignated by para-  
5 graph (2)(B) of this subsection, by striking out  
6 “subsection (k)” in the matter preceding paragraph  
7 (1) and inserting in lieu thereof “subsection (j)”;  
8 and

9 (G) in subsection (l), as so redesignated, by  
10 striking out “subsection (k)” and inserting in lieu  
11 thereof “subsection (l)”.

12 (5) Section 1505(c) of such title is amended—

13 (A) in paragraph (2), by striking out “(A) the  
14 designated missing person’s counsel for that person,  
15 and (B)”;

16 (B) in paragraph (3), by striking out “, with  
17 the advice” and all that follows through “paragraph  
18 (2),”.

19 (6) Section 1509(a) of such title is amended by strik-  
20 ing out “section 1504(g)” and inserting in lieu thereof  
21 “section 1504(f)”.

22 (d) FREQUENCY OF SUBSEQUENT REVIEWS.—Sub-  
23 section (b) of section 1505 of title 10, United States Code,  
24 is amended to read as follows:

1       “(b) FREQUENCY OF SUBSEQUENT REVIEWS.—The  
2 Secretary concerned shall conduct inquiries into the  
3 whereabouts and status of a person under subsection (a)  
4 upon receipt of information that may result in a change  
5 of status of the person. The Secretary concerned shall ap-  
6 point a board to conduct such inquiries.”.

7       (e) REPEAL OF STATUTORY PENALTIES FOR WRONG-  
8 FUL WITHHOLDING OF INFORMATION.—Section 1506 of  
9 title 10, United States Code, is amended—

10           (1) by striking out subsection (e); and

11           (2) by redesignating subsection (f) as sub-  
12 section (e).

13       (f) INFORMATION TO ACCOMPANY RECOMMENDA-  
14 TION OF STATUS OF DEATH.—Section 1507(b) of title 10,  
15 United States Code, is amended by striking out para-  
16 graphs (3) and (4).

17       (g) REPEAL OF RIGHT OF JUDICIAL REVIEW.—Sec-  
18 tion 1508 of title 10, United States Code, is repealed.

19       (h) SCOPE OF PREENACTMENT REVIEW.—(1) Sec-  
20 tion 1509 of title 10, United States Code, is amended—

21           (A) in subsection (b)—

22               (i) by striking out paragraph (1); and

23               (ii) by redesignating paragraphs (2) and  
24 (3) as paragraphs (1) and (2), respectively;

25           (B) by striking out subsection (c);

1 (C) by redesignating subsection (d) as sub-  
2 section (c); and

3 (D) in subsection (c), as so redesignated—

4 (i) by striking out paragraph (1); and

5 (ii) by redesignating paragraphs (2) and  
6 (3) as paragraphs (1) and (2), respectively.

7 (2) The section heading of such section is amended  
8 by striking out “, **special interest cases**”.

9 (i) CLERICAL AMENDMENTS.—The table of sections  
10 at the beginning of chapter 76 of title 10, United States  
11 Code, is amended—

12 (1) in the item relating to section 1509, by  
13 striking out “, special interest cases”; and

14 (2) by striking out the item relating to section  
15 1509.

16 **SEC. 538. INAPPLICABILITY OF SOLDIERS’ AND SAILORS’**  
17 **CIVIL RELIEF ACT OF 1940 TO THE PERIOD**  
18 **OF LIMITATIONS FOR FILING CLAIMS FOR**  
19 **CORRECTIONS OF MILITARY RECORDS.**

20 (a) EXTENSION OF PERIOD.—Section 1552(b) of title  
21 10, United States Code, is amended—

22 (1) by inserting “(1)” after “(b)”; and

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

24 “(2) Notwithstanding the provisions of section 205  
25 of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50

1 U.S.C. App. 525), and any other provision of law, the  
2 three-year period for filing a request for correction of  
3 records is not extended by reason of military service. How-  
4 ever, in determining under paragraph (1) whether it is in  
5 the interest of justice to excuse a failure timely to file a  
6 request for correction, the board shall consider the claim-  
7 ant's military service and its effect on the claimant's abil-  
8 ity to file a claim.”.

9 (b) EFFECTIVE DATE.—Paragraph (2) of section  
10 1552(b) of such title, as added by subsection (a), shall  
11 take effect three years after the date of the enactment of  
12 this Act.

13 **SEC. 539. MEDAL OF HONOR FOR CERTAIN AFRICAN-AMER-**  
14 **ICAN SOLDIERS WHO SERVED IN WORLD WAR**  
15 **II.**

16 (a) INAPPLICABILITY OF TIME LIMITATIONS.—Not-  
17 withstanding the time limitations in section 3744(b) of  
18 title 10, United States Code, or any other time limitation,  
19 the President may award the Medal of Honor to each per-  
20 son identified in subsection (b), each such person having  
21 distinguished himself conspicuously by gallantry and intre-  
22 pidity at the risk of his life above and beyond the call of  
23 duty while serving in the United States Army during  
24 World War II.

1 (b) APPLICABILITY.—The authority in this section  
2 applies with respect to the following persons:

3 (1) Vernon J. Baker, who served as a first lieu-  
4 tenant in the 370th Infantry Regiment, 92nd Infan-  
5 try Division.

6 (2) Edward A. Carter, who served as a staff  
7 sergeant in the 56th Armored Infantry Battalion,  
8 12th Armored Division.

9 (3) John R. Fox, who served as a first lieuten-  
10 ant in the 366th Infantry Regiment, 92nd Infantry  
11 Division.

12 (4) Willy F. James, Jr., who served as a private  
13 first class in the 413th Infantry Regiment, 104th  
14 Infantry Division.

15 (5) Ruben Rivers, who served as a staff ser-  
16 geant in the 761st Tank Battalion.

17 (6) Charles L. Thomas, who served as a first  
18 lieutenant in the 614th Tank Destroyer Battalion.

19 (7) George Watson, who served as a private in  
20 the 29th Quartermaster Regiment.

21 (c) POSTHUMOUS AWARD.—The Medal of Honor may  
22 be awarded under this section posthumously, as provided  
23 in section 3752 of title 10, United States Code.

1 (d) PRIOR AWARD.—The Medal of Honor may be  
 2 awarded under this section for service for which a Distin-  
 3 guished-Service Cross, or other award, has been awarded.

4 **Subtitle E—Commissioned Corps of**  
 5 **the Public Health Service**

6 **SEC. 561. APPLICABILITY TO PUBLIC HEALTH SERVICE OF**  
 7 **PROHIBITION ON CREDITING CADET OR MID-**  
 8 **SHIPMEN SERVICE AT THE SERVICE ACAD-**  
 9 **EMIES.**

10 Section 971(b) of title 10, United States Code, is  
 11 amended—

12 (1) in subsection (a), by inserting before the pe-  
 13 riod at the end the following: “or an officer in the  
 14 Commissioned Corps of the Public Health Service”;  
 15 and

16 (2) in subsection (b)—

17 (A) by striking out “and” at the end of  
 18 paragraph (2);

19 (B) by striking out the period at the end  
 20 of paragraph (3) and inserting in lieu thereof “;  
 21 and”; and

22 (C) by adding at the end the following new  
 23 paragraph:

24 “(4) no officer in the Commissioned Corps of  
 25 the Public Health Service may be credited with serv-

1 ice as a midshipman at the United States Naval  
2 Academy or as a cadet at the United States Military  
3 Academy, United States Air Force Academy, or  
4 United States Coast Guard Academy.”.

5 **SEC. 562. EXCEPTION TO GRADE LIMITATIONS FOR PUBLIC**  
6 **HEALTH SERVICE OFFICERS ASSIGNED TO**  
7 **THE DEPARTMENT OF DEFENSE.**

8 Section 206 of the Public Health Service Act (42  
9 U.S.C. 207 et seq.) is amended by adding at the end there-  
10 of the following new subsection:

11 “(f) EXCEPTION TO GRADE LIMITATIONS FOR OFFI-  
12 CERS ASSIGNED TO DEPARTMENT OF DEFENSE.—In  
13 computing the maximum number of commissioned officers  
14 of the Public Health Service authorized by law to hold a  
15 grade which corresponds to the grade of captain, major,  
16 lieutenant colonel, or colonel, there may be excluded from  
17 such computation officers who hold such a grade while the  
18 officers are assigned to duty in the Department of De-  
19 fense.”.

1 **Subtitle F—Defense Economic Ad-**  
 2 **justment, Diversification, Con-**  
 3 **version, and Stabilization**

4 **SEC. 571. AUTHORITY TO EXPAND LAW ENFORCEMENT**  
 5 **PLACEMENT PROGRAM TO INCLUDE FIRE-**  
 6 **FIGHTERS.**

7 Section 1152(g) of title 10, United States Code, is  
 8 amended—

9 (1) by striking out “(g) CONDITIONAL EXPAN-  
 10 SION OF PLACEMENT TO INCLUDE FIRE-  
 11 FIGHTERS.—(1) Subject to paragraph (2), the” and  
 12 inserting in lieu thereof “(g) AUTHORITY TO EX-  
 13 PAND PLACEMENT TO INCLUDE FIREFIGHTERS.—  
 14 The”; and

15 (2) in paragraph (2), by striking out the first  
 16 sentence.

17 **SEC. 572. TROOPS-TO-TEACHERS PROGRAM IMPROVE-**  
 18 **MENTS.**

19 (a) SEPARATED MEMBERS OF THE ARMED  
 20 FORCES.—(1) Subsection (a) of section 1151 of title 10,  
 21 United States Code, is amended by striking out “may es-  
 22 tablish” and inserting in lieu thereof “shall establish”.

23 (2) Such section is further amended—

1 (A) in subsection (f)(2), by striking out “five  
2 school years” in subparagraphs (A) and (B) and in-  
3 serting in lieu thereof “two school years”; and

4 (B) in subsection (h)(3)(A), by striking out  
5 “five consecutive school years” and inserting in lieu  
6 thereof “two consecutive school years”.

7 (3) Subsection (g)(2) of such section is amended—

8 (A) by striking out the comma after “section  
9 1174a of this title” and inserting in lieu thereof  
10 “or”; and

11 (B) by striking out “, or retires pursuant to the  
12 authority provided in section 4403 of the National  
13 Defense Authorization Act for fiscal year 1993  
14 (Public Law 102–484; 10 U.S.C. 1293 note)”.

15 (4) Subsection (h)(3)(B) of such section is amend-  
16 ed—

17 (A) in clause (i), by striking out “\$25,000” and  
18 inserting in lieu thereof “\$17,000”;

19 (B) in clause (ii)—

20 (i) by striking out “40 percent” and insert-  
21 ing in lieu thereof “25 percent”; and

22 (ii) by striking out “\$10,000” and insert-  
23 ing in lieu thereof “\$8,000”; and

24 (C) by striking out clauses (iii), (iv), and (v).

1 (b) SAVINGS PROVISION.—The amendments made by  
 2 this section do not effect obligations under agreements en-  
 3 tered into in accordance with section 1151 of title 10,  
 4 United States Code, before the date of the enactment of  
 5 this Act.

6 **Subtitle G—Armed Forces**  
 7 **Retirement Home**

8 **SEC. 581. REFERENCES TO ARMED FORCES RETIREMENT**  
 9 **HOME ACT OF 1991.**

10 Except as otherwise expressly provided, whenever in  
 11 this subtitle an amendment or repeal is expressed in terms  
 12 of an amendment to, or repeal of, a section or other provi-  
 13 sion, the reference shall be considered to be made to a  
 14 section or other provision of the Armed Forces Retirement  
 15 Home Act of 1991 (title XV of Public Law 101–510; 24  
 16 U.S.C. 401 et seq.).

17 **SEC. 582. ACCEPTANCE OF UNCOMPENSATED SERVICES.**

18 (a) AUTHORITY.—Part A is amended by adding at  
 19 the end the following:

20 **“SEC. 1522. AUTHORITY TO ACCEPT CERTAIN UNCOMPEN-**  
 21 **SATED SERVICES.**

22 “(a) AUTHORITY TO ACCEPT SERVICES.—Subject to  
 23 subsection (b) and notwithstanding section 1342 of title  
 24 31, United States Code, the Chairman of the Retirement  
 25 Home Board or the Director of each establishment of the

1 Retirement Home may accept from any person voluntary  
2 personal services or gratuitous services unless the accept-  
3 ance of the voluntary services is disapproved by the Retire-  
4 ment Home Board.

5 “(b) REQUIREMENTS AND LIMITATIONS.—(1) The  
6 Chairman of the Retirement Home Board or the Director  
7 of the establishment accepting the services shall notify the  
8 person of the scope of the services accepted.

9 “(2) The Chairman or Director shall—

10 “(A) supervise the person providing the services  
11 to the same extent as that official would supervise  
12 a compensated employee providing similar services;  
13 and

14 “(B) ensure that the person is licensed, privi-  
15 leged, has appropriate credentials, or is otherwise  
16 qualified under applicable laws or regulations to pro-  
17 vide such services.

18 “(3) A person providing services accepted under sub-  
19 section (a) may not—

20 “(A) serve in a policymaking position of the Re-  
21 tirement Home; or

22 “(B) be compensated for the services by the Re-  
23 tirement Home.

24 “(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS  
25 PROVIDING SERVICES.—The Chairman of the Retirement

1 Home Board or the Director of an establishment of the  
2 Retirement Home may recruit and train persons to pro-  
3 vide services authorized to be accepted under subsection  
4 (a).

5 “(d) STATUS OF PERSONS PROVIDING SERVICES.—  
6 (1) Subject to paragraph (3), while providing services ac-  
7 cepted under subsection (a) or receiving training under  
8 subsection (c), a person shall be considered to be an em-  
9 ployee of the Federal Government only for purposes of the  
10 following provisions of law:

11 “(A) Subchapter I of chapter 81 of title 5,  
12 United States Code (relating to compensation for  
13 work-related injuries).

14 “(B) Chapter 171 of title 28, United States  
15 Code (relating to claims for damages or loss).

16 “(2) A person providing services accepted under sub-  
17 section (a) shall be considered to be an employee of the  
18 Federal Government under paragraph (1) only with re-  
19 spect to services that are within the scope of the services  
20 accepted.

21 “(3) For purposes of determining the compensation  
22 for work-related injuries payable under chapter 81 of title  
23 5, United States Code (pursuant to this subsection) to a  
24 person providing services accepted under subsection (a),

1 the monthly pay of the person for such services shall be  
2 deemed to be the amount determined by multiplying—

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

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

8 “(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—  
9 The Chairman of the Retirement Board or the Director  
10 of the establishment accepting services under subsection  
11 (a) may provide for reimbursement of a person for inciden-  
12 tal expenses incurred by the person in providing the serv-  
13 ices accepted under subsection (a). The Chairman or Di-  
14 rector shall determine which expenses qualify for reim-  
15 bursement under this subsection.”.

16 (b) FEDERAL STATUS OF RESIDENTS PAID FOR  
17 PART-TIME OR INTERMITTENT SERVICES.—Paragraph  
18 (2) of section 1521(b) (24 U.S.C. 421(b)) is amended to  
19 read as follows:

20 “(2) being an employee of the United States for  
21 any purpose other than—

22 “(A) subchapter I of chapter 81 of title 5,  
23 United States Code (relating to compensation  
24 for work-related injuries); and

1                   “(B) chapter 171 of title 28, United States  
2                   Code (relating to claims for damages or loss).”.

3 **SEC. 583. DISPOSAL OF REAL PROPERTY.**

4           (a) **DISPOSAL AUTHORIZED.**—Notwithstanding title  
5 II the Federal Property and Administrative Services Act  
6 of 1949 (40 U.S.C. 481 et seq.), title VIII of such Act  
7 (40 U.S.C. 531 et seq.), section 501 of the Stewart B.  
8 McKinney Homeless Assistance Act (42 U.S.C. 11411),  
9 or any other provision of law relating to the management  
10 and disposal of real property by the United States, but  
11 subject to subsection (d), the Retirement Home Board  
12 may, by sale or otherwise, convey all right, title, and inter-  
13 est of the United States in a parcel of real property, in-  
14 cluding improvements thereof, consisting of approximately  
15 49 acres located in Washington, District of Columbia, east  
16 of North Capitol Street, and recorded as District Parcel  
17 121/19.

18           (b) **MANNER, TERMS, AND CONDITIONS OF DIS-**  
19 **POSAL.**—The Retirement Home may determine—

20                   (1) the manner for the disposal of the real  
21                   property under subsection (a); and

22                   (2) the terms and conditions for the conveyance  
23                   of that property, including any terms and conditions  
24                   that the Board considers necessary to protect the in-  
25                   terests of the United States.

1           (c) DESCRIPTION OF PROPERTY.—The exact acreage  
2 and legal description of the real property to be conveyed  
3 under subsection (a) shall be determined by a survey satis-  
4 factory to the Board. The cost of the survey shall be borne  
5 by the party or parties to which the property is to be con-  
6 veyed.

7           (d) CONGRESSIONAL NOTIFICATION.—(1) Before dis-  
8 posing of real property under subsection (a), the Board  
9 shall notify the Committee on Armed Services of the Sen-  
10 ate and the Committee on National Security of the House  
11 of Representatives of the proposed disposal. The Board  
12 may not dispose of the real property until the later of—

13                 (A) the date that is 60 days after the date on  
14 which the notification is received by the committees;  
15 or

16                 (B) the date of the next day following the expi-  
17 ration of the first period of 30 days of continuous  
18 session of Congress that follows the date on which  
19 the notification is received by the committees.

20           (2) For the purposes of paragraph (1)—

21                 (A) continuity of session is broken only by an  
22 adjournment of Congress sine die; and

23                 (B) the days on which either House is not in  
24 session because of an adjournment of more than  
25 three days to a day certain are excluded in the com-

1       putation of any period of time in which Congress is  
2       in continuous session.

3       **SEC. 584. MATTERS CONCERNING PERSONNEL.**

4       (a)   TERMS OF APPOINTMENT TO GOVERNING  
5   BOARDS.—Section 1515(e) (24 U.S.C. 415(e)) is amend-  
6   ed—

7           (1) in paragraph (1), by striking out “sub-  
8       section (f)” and inserting in lieu thereof “paragraph  
9       (2)”;

10          (2) by redesignating paragraph (2) as para-  
11       graph (4); and

12          (3) by adding after paragraph (1) the following  
13       new paragraphs:

14       “(2)(A) In the case of a member of a board who is  
15   appointed or designated under subsection (b) or (c) on the  
16   basis of a particular status described in a paragraph under  
17   that subsection, the appointment or designation of that  
18   member terminates on the date on which the member  
19   ceases to hold that status. The preceding sentence applies  
20   only to members of the Armed Forces on active duty and  
21   employees of the United States.

22       “(B) Paragraph (1) does not apply with respect to  
23   an appointment or designation of a member of a board  
24   for a term of less than five years that is made in accord-  
25   ance with subsection (f).

1       “(3) A member of the Retirement Home Board and  
2 a member of a Local Board may be reappointed for one  
3 consecutive term by the Chairman of that board.”.

4       (b) DUAL COMPENSATION.—(1) Section 1517 (24  
5 U.S.C. 417) is amended—

6           (A) by redesignating subsection (f) as sub-  
7 section (g); and

8           (B) by inserting after subsection (e) the follow-  
9 ing new subsection (f):

10       “(f) DUAL COMPENSATION.—(1) The Retirement  
11 Home Board may waive the application of section 5532  
12 of title 5, United States Code, to the Director of an estab-  
13 lishment of the Retirement Home or any employee of the  
14 Retirement Home (to the extent that such section would  
15 otherwise apply to the Director or employee by reason of  
16 the employment as Director or employee). The Chairman  
17 of the Board shall notify the Secretary of the Treasury  
18 of any waiver exercised under the preceding sentence and  
19 the effective date of the waiver.

20       “(2) If the application of section 5532 of title 5,  
21 United States Code, to a Director or employee is waived  
22 under paragraph (1), the rate of pay payable out of the  
23 Retirement Home Trust Fund for the Director or em-  
24 ployee shall be the amount equal to the excess, if any, of  
25 the periodic rate of pay fixed for the position of the Direc-

1 tor or employee over the amount by which the retired or  
2 retainer pay payable to the Director or employee would  
3 have been reduced (computed on the basis of that periodic  
4 rate of pay for that position) if section 5532 of title 5,  
5 United States Code, had not been waived.

6 “(3)(A) In the case of a Director or employee paid  
7 at a rate of pay that is reduced under paragraph (2), the  
8 amounts deducted and withheld from pay for purposes of  
9 chapter 81, subchapter III of chapter 83, chapter 84,  
10 chapter 87, or chapter 89 of title 5, United States Code,  
11 all agency contributions required under such provisions of  
12 law, the maximum amount of contributions that may be  
13 made to the Thrift Saving Fund under subchapter III of  
14 chapter 84 of title 5, United States Code, the rate of dis-  
15 ability compensation payable under subchapter I of chap-  
16 ter 81 of such title, the levels of life insurance coverage  
17 provided under chapter 87 of such title, and the amounts  
18 of annuities under subchapter III of chapter 83 of such  
19 title and subchapter II of chapter 84 of such title shall  
20 be computed as if the Director or employee were paid the  
21 full rate of pay fixed for the position of the Director or  
22 employee for the period for which the Director was paid  
23 at the reduced rate of pay under that paragraph.

24 “(B) If the amount payable to a Director or employee  
25 under paragraph (2) is less than the total amount required

1 to be deducted and withheld from the pay of the Director  
2 or employee under a provision of law referred to in sub-  
3 paragraph (A), the amount of the deficiency shall be paid  
4 by the Director or employee. The participation or benefits  
5 available to a Director or employee who fails to pay a defi-  
6 ciency promptly shall be restricted in accordance with reg-  
7 ulations which the Director of the Office of Personnel  
8 Management shall prescribe.

9 “(4) In this section, the term ‘retired or retainer pay’  
10 has the meaning given such term in section 5531 of title  
11 5, United States Code.”.

12 (2) Section 1516(f) (24 U.S.C. 416(f)) is amended—

13 (A) by inserting “(1)” after “(f) ANNUAL RE-  
14 PORT.—”; and

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

16 “(2) In addition to other matters covered by the an-  
17 nual report for a fiscal year, the annual report shall iden-  
18 tify each Director or employee, if any, whose pay was re-  
19 duced for any period during that fiscal year pursuant to  
20 an exercise of the waiver authority under section 1517(f),  
21 and shall include a discussion that demonstrates that the  
22 unreduced rate of pay established for the position of that  
23 Director or employee is comparable to the prevailing rates  
24 of pay provided for personnel in the retirement home in-

1 dustry who perform functions similar to those performed  
2 by the Director or employee.”.

3 (3) Subsection (f) of section 1517 (as added by para-  
4 graph (1)(B)) and subsection (f)(2) of section 1516 (as  
5 added by paragraph (2)(B)) shall apply with respect to  
6 pay periods beginning on or after January 1, 1997.

7 **SEC. 585. FEES FOR RESIDENTS.**

8 (a) ONE-YEAR DELAY IN IMPLEMENTATION OF NEW  
9 FEE STRUCTURE.—(1) Subsection (d)(2) of section 371  
10 of the National Defense Authorization Act for Fiscal Year  
11 1995 (Public Law 103–337; 108 Stat. 2735; 24 U.S.C.  
12 414 note) is amended by striking out “October 1, 1997”  
13 and inserting in lieu thereof “October 1, 1998”.

14 (2) Subsection (b)(2)(B) of such section is amended  
15 by striking out “1998”, “1999”, and “2000” in para-  
16 graphs (1) and (2) of the subsection (d) that is set forth  
17 in such subsection (b)(2)(B) as an amendment to section  
18 1514 of the Armed Forces Retirement Home Act of 1991  
19 and inserting in lieu thereof “1999”, “2000”, and  
20 “2001”, respectively.

21 (b) REPORT ON FUNDING THE ARMED FORCES RE-  
22 TIREMENT HOME.—(1) Not later than March 3, 1997, the  
23 Secretary of Defense shall submit to Congress a report  
24 on meeting the funding needs of the Armed Forces Retire-  
25 ment Home in a manner that is fair and equitable to the

1 residents and to the members of the Armed Forces who  
2 provide required monthly contributions for the home.

3 (2) The report shall include the following:

4 (A) The increment between levels of income of  
5 a resident of the Armed Forces Retirement Home  
6 that is appropriate for applying the next higher  
7 monthly fee to a resident under a monthly fee struc-  
8 ture for the residents of the home.

9 (B) The categories of income and disability  
10 payments that should generally be considered as  
11 monthly income for the purpose of determining the  
12 fee applicable to a resident and the conditions under  
13 which each such category should be considered as  
14 monthly income for such purpose.

15 (C) The degree of flexibility that should be pro-  
16 vided the Armed Forces Retirement Home Board for  
17 the setting of fees for residents.

18 (D) A discussion of whether the Armed Forces  
19 Retirement Home Board has and should have au-  
20 thority to vary the fee charged a resident under ex-  
21 ceptional circumstances, together with any rec-  
22 ommended legislation regarding such an authority.

23 (E) A discussion of how to ensure fairness and  
24 equitable treatment of residents and of warrant offi-  
25 cers and enlisted members of the Armed Forces in

1 meeting the funding needs of the Armed Forces Re-  
2 tirement Home.

3 (F) The advisability of exercising existing au-  
4 thority to increase the amount deducted from the  
5 pay of warrant officers and enlisted personnel for  
6 the Armed Forces Retirement Home under section  
7 1007(i) of title 37, United States Code.

8 (G) Options for ways to meet the funding needs  
9 of the Armed Forces Retirement Home without in-  
10 creasing the amount deducted from pay under sec-  
11 tion 1007(i) of title 37, United States Code.

12 (H) Any other matters that the Secretary of  
13 Defense, after the consultation required by para-  
14 graph (3), considers appropriate regarding funding  
15 of the Armed Forces Retirement Home.

16 (3) The Secretary shall consult the Armed Forces Re-  
17 tirement Home Board and the secretaries of the military  
18 departments in preparing the report under this subsection.

19 **SEC. 586. AUTHORIZATION OF APPROPRIATIONS.**

20 There is hereby authorized to be appropriated for fis-  
21 cal year 1997 from the Armed Forces Retirement Home  
22 Trust Fund the sum of \$57,345,000 for the operation of  
23 the Armed Forces Retirement Home.

1 **TITLE VI—COMPENSATION AND**  
2 **OTHER PERSONNEL BENEFITS**  
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1997.**

5 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any  
6 adjustment required by section 1009 of title 37, United  
7 States Code, in elements of compensation of members of  
8 the uniformed services to become effective during fiscal  
9 year 1997 shall not be made.

10 (b) INCREASE IN BASIC PAY AND BAS.—Effective  
11 January 1, 1997, the rates of basic pay and basic allow-  
12 ance for subsistence of members of the uniformed services  
13 are increased by 3.0 percent.

14 (c) INCREASE IN BAQ.—Effective January 1, 1997,  
15 the rates of basic allowance for quarters of members of  
16 the uniformed services are increased by 4.0 percent.

17 **SEC. 602. RATE OF CADET AND MIDSHIPMAN PAY.**

18 Section 203(e) of title 37, United States Code, is  
19 amended—

20 (1) by striking out paragraph (2); and

21 (2) in paragraph (1), by striking out “(1)”.

22 **SEC. 603. PAY OF SENIOR NONCOMMISSIONED OFFICERS**  
23 **WHILE HOSPITALIZED.**

24 (a) IN GENERAL.—Section 210 of title 37, United  
25 States Code, is amended—

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

3 (2) by inserting after subsection (a) the follow-  
4 ing new subsection (b):

5 “(b) A senior enlisted member of an armed force shall  
6 continue to be entitled to the rate of basic pay authorized  
7 for the senior enlisted member of that armed force while  
8 the member is hospitalized, beginning on the day of the  
9 hospitalization and ending on the day the member is dis-  
10 charged from the hospital, but not for more than 180  
11 days.”.

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

14 **“§ 210. Pay of the senior noncommissioned officer of**  
15 **an armed force during terminal leave and**  
16 **while hospitalized”.**

17 (2) The item relating to such section in the table of  
18 sections at the beginning of chapter 3 of title 10, United  
19 States Code, is amended to read as follows:

“210. Pay of the senior noncommissioned officer of an armed force during ter-  
minal leave and while hospitalized.”.

20 **SEC. 604. BASIC ALLOWANCE FOR QUARTERS FOR MEM-**  
21 **BERS ASSIGNED TO SEA DUTY.**

22 (a) ENTITLEMENT OF SINGLE MEMBERS ABOVE  
23 GRADE E-5.—Section 403(c)(2) of title 37, United States  
24 Code, is amended by striking out the second sentence.

1           (b) ENTITLEMENT OF CERTAIN SINGLE MEMBERS IN  
2 GRADE E-5.—Section 403(c)(2) of such title, as amended  
3 by subsection (a), is further amended by adding at the  
4 end the following: “However, the Secretary concerned may  
5 authorize payment of the basic allowance for quarters to  
6 members of a uniformed service without dependents who  
7 are in pay grade E-5, are on sea duty, and are not pro-  
8 vided Government quarters ashore.”.

9           (c) ENTITLEMENT WHEN BOTH SPOUSES IN  
10 GRADES BELOW GRADE E-6 ARE ASSIGNED TO SEA  
11 DUTY.—Section 403(c)(2) of such title, as amended by  
12 subsections (a) and (b), is further amended—

13                 (1) by inserting “(A)” after “(2)”; and

14                 (2) by adding at the end the following: “Not-  
15 withstanding section 421 of this title, two members  
16 of the uniformed services in pay grades below E-6  
17 who are married to each other, have no dependent  
18 other than the spouse, and are simultaneously as-  
19 signed to sea duty on ships are jointly entitled to  
20 one basic allowance for quarters at the rate provided  
21 for members with dependents in the highest pay  
22 grade in which either spouse is serving.”.

23           (d) EFFECTIVE DATE.—The amendments made by  
24 subsections (a), (b), and (c) shall take effect on October  
25 1, 1996.

1 **SEC. 605. UNIFORM APPLICABILITY OF DISCRETION TO**  
2 **DENY AN ELECTION NOT TO OCCUPY GOV-**  
3 **ERNMENT QUARTERS.**

4 Section 403(b)(3) of title 37, United States Code, is  
5 amended by striking out “A member” and inserting in lieu  
6 thereof “Subject to the provisions of subsection (j), a  
7 member”.

8 **SEC. 606. FAMILY SEPARATION ALLOWANCE FOR MEMBERS**  
9 **SEPARATED BY MILITARY ORDERS FROM**  
10 **SPOUSES WHO ARE MEMBERS.**

11 Section 427(b) of title 37, United States Code, is  
12 amended—

13 (1) in paragraph (1)—

14 (A) by striking out “or” at the end of sub-  
15 paragraph (B);

16 (B) by striking out the period at the end  
17 of subparagraph (C) and inserting in lieu there-  
18 of “; or”; and

19 (C) by adding at the end the following:

20 “(D) the member is married to a member of a  
21 uniformed service, the member has no dependent  
22 other than the spouse, the two members are sepa-  
23 rated by reason of the execution of military orders,  
24 and the two members were residing together imme-  
25 diately before being separated by reason of execution  
26 of military orders.”; and

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

2 “(5) Section 421 of this title does not apply to bar  
3 an entitlement to an allowance under paragraph (1)(D).  
4 However, not more than one monthly allowance may be  
5 paid with respect to a married couple under paragraph  
6 (1)(D) for any month.”.

7 **SEC. 607. WAIVER OF TIME LIMITATIONS FOR CLAIM FOR**  
8 **PAY AND ALLOWANCES.**

9 Section 3702 of title 31, United States Code, is  
10 amended by adding at the end the following:

11 “(e)(1) Upon the request of the Secretary concerned  
12 (as defined in section 101 of title 37), the Comptroller  
13 General may waive the time limitations set forth in sub-  
14 section (b) or (c) in the case of a claim for pay or allow-  
15 ances provided under title 37 and, subject to paragraph  
16 (2), settle the claim.

17 “(2) Payment of a claim settled under paragraph (1)  
18 shall be subject to the availability of appropriations for  
19 payment of that particular claim.

20 “(3) This subsection does not apply to a claim in ex-  
21 cess of \$25,000.”.

1     **Subtitle B—Bonuses and Special**  
2                   **and Incentive Pays**

3     **SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE**  
4                   **FORCES.**

5           (a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME  
6 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—  
7 Section 302g(f) of title 37, United States Code, is amend-  
8 ed by striking out “September 30, 1997” and inserting  
9 in lieu thereof “September 30, 1998”.

10          (b) SELECTED RESERVE REENLISTMENT BONUS.—  
11 Section 308b(f) of title 37, United States Code, is amend-  
12 ed by striking out “September 30, 1997” and inserting  
13 in lieu thereof “September 30, 1998”.

14          (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-  
15 tion 308c(e) 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          (d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE  
19 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-  
20 ORITY UNITS.—Section 308d(c) of title 37, United States  
21 Code, is amended by striking out “September 30, 1997”  
22 and inserting in lieu thereof “September 30, 1998”.

23          (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-  
24 tion 308e(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 (f) **READY RESERVE ENLISTMENT AND REENLIST-**  
4 **MENT BONUS.**—Section 308h(g) of title 37, United States  
5 Code, is amended by striking out “September 30, 1997”  
6 and inserting in lieu thereof “September 30, 1998”.

7 (g) **PRIOR SERVICE ENLISTMENT BONUS.**—Section  
8 308i(i) of title 37, United States Code, is amended by  
9 striking out “September 30, 1997” and inserting in lieu  
10 thereof “September 30, 1998”.

11 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**  
12 **PAY FOR NURSE OFFICER CANDIDATES, REG-**  
13 **ISTERED NURSES, AND NURSE ANES-**  
14 **THETISTS.**

15 (a) **NURSE OFFICER CANDIDATE ACCESSION PRO-**  
16 **GRAM.**—Section 2130a(a)(1) of title 10, United States  
17 Code, is amended by striking out “September 30, 1997”  
18 and inserting in lieu thereof “September 30, 1998”.

19 (b) **ACCESSION BONUS FOR REGISTERED NURSES.**—  
20 Section 302d(a)(1) of title 37, United States Code, is  
21 amended by striking out “September 30, 1997” and in-  
22 serting in lieu thereof “September 30, 1998”.

23 (c) **INCENTIVE SPECIAL PAY FOR NURSE ANES-**  
24 **THETISTS.**—Section 302e(a)(1) of title 37, United States

1 Code, is amended by striking out “September 30, 1997”  
2 and inserting in lieu thereof “September 30, 1998”.

3 **SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAY-**  
4 **MENT OF OTHER BONUSES AND SPECIAL**  
5 **PAYS.**

6 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
7 tion 301b(a) of title 37, United States Code, is amended  
8 by striking out “September 30, 1997” and inserting in  
9 lieu thereof “September 30, 1998,”.

10 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
11 BERS.—Section 308(g) of title 37, United States Code, is  
12 amended by striking out “September 30, 1997” and in-  
13 serting in lieu thereof “September 30, 1998”.

14 (c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—  
15 Sections 308a(e) and 308f(e) of title 37, United States  
16 Code, are each amended by striking out “September 30,  
17 1997” and inserting in lieu thereof “September 30,  
18 1998”.

19 (d) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-  
20 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
21 312(e) of title 37, United States Code, is amended by  
22 striking out “September 30, 1997” and inserting in lieu  
23 thereof “September 30, 1998”.

24 (e) NUCLEAR CAREER ACCESSION BONUS.—Section  
25 312b(c) of title 37, United States Code, is amended by

1 striking out “September 30, 1997” and inserting in lieu  
2 thereof “September 30, 1998”.

3 (f) NUCLEAR CAREER ANNUAL INCENTIVE  
4 BONUS.—Section 312c(d) of title 37, United States Code,  
5 is amended by striking out “October 1, 1997” and insert-  
6 ing in lieu thereof “October 1, 1998”.

7 (g) REPAYMENT OF EDUCATION LOANS FOR CER-  
8 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
9 LECTED RESERVE.—Section 16302(d) of title 10, United  
10 States Code, is amended by striking out “October 1,  
11 1997” and inserting in lieu thereof “October 1, 1998”.

12 **SEC. 614. INCREASED SPECIAL PAY FOR DENTAL OFFICERS**  
13 **OF THE ARMED FORCES.**

14 (a) INCREASED RATES.—Section 302b(a) of title 37,  
15 United States Code, is amended—

16 (1) in paragraph (2)—

17 (A) in subparagraph (A), by striking out  
18 “\$1,200” and inserting in lieu thereof  
19 “\$3,000”;

20 (B) in subparagraph (B), by striking out  
21 “\$2,000” and inserting in lieu thereof  
22 “\$7,000”; and

23 (C) in subparagraph (C), by striking out  
24 “\$4,000” and inserting in lieu thereof  
25 “\$7,000”;

1           (2) in paragraph (4), by redesignating subpara-  
2           graphs (A), (B), and (C) as subparagraphs (B), (C),  
3           and (D), respectively, and by inserting before sub-  
4           paragraph (B), as so redesignated, the following new  
5           subparagraph (A):

6           “(A) \$4,000 per year, if the officer has less  
7           than three years of creditable service.”; and

8           (3) in paragraph (5)—

9           (A) in subparagraph (A)—

10           (i) by striking out “\$2,000” and in-  
11           serting in lieu thereof “\$2,500”; and

12           (ii) by striking out “12 years” and in-  
13           serting in lieu thereof “10 years”;

14           (B) in subparagraph (B)—

15           (i) by striking out “\$3,000” and in-  
16           serting in lieu thereof “\$3,500”; and

17           (ii) by striking out “12 but less than  
18           14 years” and inserting in lieu thereof “10  
19           but less than 12 years”; and

20           (C) in subparagraph (C), by striking out

21           “14 or more years” and inserting in lieu thereof

22           “12 or more years”.

23           (b) EFFECTIVE DATE.—The amendments made by  
24           subsection (a) shall take effect on October 1, 1996.

1 **SEC. 615. RETENTION SPECIAL PAY FOR PUBLIC HEALTH**  
2 **SERVICE OPTOMETRISTS.**

3 Section 302a(b) of title 37, United States Code, is  
4 amended—

5 (1) in paragraph (2)—

6 (A) by striking out “an armed force” in  
7 the matter preceding subparagraph (A) and in-  
8 serting in lieu thereof “a uniformed service”;  
9 and

10 (B) by striking out “of the military depart-  
11 ment” in subparagraph (C); and

12 (2) in paragraph (4), by striking out “of the  
13 military department”.

14 **SEC. 616. SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE**  
15 **PROVIDERS IN THE PUBLIC HEALTH SERV-**  
16 **ICE.**

17 Section 302c(d) of title 37, United States Code, is  
18 amended—

19 (1) in the matter preceding paragraph (1), by  
20 striking out “Secretary of Defense” and inserting in  
21 lieu thereof “Secretary concerned”; and

22 (2) in paragraph (1)—

23 (A) by striking out “or” the third place it  
24 appears; and

25 (B) by inserting before the period at the  
26 end the following: “, or an officer in the Regu-

1           lar or Reserve Corps of the Public Health Serv-  
2           ice”.

3 **SEC. 617. FOREIGN LANGUAGE PROFICIENCY PAY FOR PUB-**  
4           **LIC HEALTH SERVICE AND NATIONAL OCE-**  
5           **ANIC AND ATMOSPHERIC ADMINISTRATION**  
6           **OFFICERS.**

7           (a) ELIGIBILITY.—Section 316 of title 37, United  
8 States Code, is amended in subsection (a)—

9           (1) in the matter preceding paragraph (1), by  
10          striking out “armed forces” and inserting in lieu  
11          thereof “uniformed services”;

12          (2) in paragraph (2)—

13               (A) by striking out “Secretary of Defense”  
14               and inserting in lieu thereof “Secretary con-  
15               cerned”; and

16               (B) by inserting “or public health” after  
17               “national defense”; and

18          (3) in paragraph (3)—

19               (A) in subparagraph (A), by striking out  
20               “military” and inserting in lieu thereof “uni-  
21               formed services”;

22               (B) in subparagraph (C), by striking out  
23               “military”; and

24               (C) in subparagraph (D)—

1 (i) by striking out “Department of  
2 Defense” and inserting in lieu thereof  
3 “uniformed service”; and

4 (ii) by striking out “Secretary of De-  
5 fense” and inserting in lieu thereof “Sec-  
6 retary concerned”.

7 (b) ADMINISTRATION.—Subsection (d) of such sec-  
8 tion is amended—

9 (1) by striking out “his jurisdiction and” and  
10 inserting in lieu thereof “the Secretary’s jurisdic-  
11 tion,”; and

12 (2) by inserting before the period at the end “,  
13 by the Secretary of Health and Human Services for  
14 the Commissioned Corps of the Public Health Serv-  
15 ice, and by the Secretary of Commerce for the Na-  
16 tional Oceanic and Atmospheric Administration”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 subsections (a) and (b) shall take effect on October 1,  
19 1996, and apply with respect to months beginning on or  
20 after such date.

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

3   **SEC. 621. ROUND TRIP TRAVEL ALLOWANCES FOR SHIP-**  
4                   **PING MOTOR VEHICLES AT GOVERNMENT EX-**  
5                   **PENSE.**

6           (a) IN GENERAL.—Section 406(b)(1)(B) of title 37,  
7 United States Code, is amended as follows—

8                   (1) in clause (i)(I), by inserting “, including re-  
9 turn travel to the old duty station,” after “nearest  
10 the old duty station”; and

11                   (2) in clause (ii), by inserting “, including trav-  
12 el from the new duty station to the port of debarka-  
13 tion to pick up the vehicle” after “to the new duty  
14 station”.

15           (b) EFFECTIVE DATE.—The amendments made by  
16 subsection (a) shall take effect on April 1, 1997.

17   **SEC. 622. OPTION TO STORE INSTEAD OF TRANSPORT A**  
18                   **PRIVATELY OWNED VEHICLE AT THE EX-**  
19                   **PENSE OF THE UNITED STATES.**

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

22                   (1) by redesignating subsection (b) as sub-  
23 section (g);

24                   (2) by transferring subsection (g), as so redes-  
25 ignated, to the end of such section; and

1           (3) by inserting after subsection (a) the follow-  
2           ing new subsection (b):

3           “(b) When a member is ordered to make a change  
4 of permanent station to a foreign country and the member  
5 is authorized under subsection (a) to have a vehicle trans-  
6 ported under that subsection, the Secretary may authorize  
7 the member to store the vehicle (instead of having it trans-  
8 ported) if restrictions imposed by the foreign country or  
9 the United States preclude entry of the vehicle into that  
10 country or require extensive modification of the vehicle as  
11 a condition for entry of the vehicle into the country. The  
12 cost of the storage of the vehicle, and costs associated with  
13 the delivery of the vehicle for storage and removal of the  
14 vehicle for delivery from storage shall be paid by the Unit-  
15 ed States. Costs paid under this subsection may not exceed  
16 reasonable amounts, as determined under regulations pre-  
17 scribed by the Secretary of Defense (and the Secretary  
18 of Transportation with respect to the Coast Guard when  
19 it is not operating as a service in the Navy).”.

20           (b) UNACCOMPANIED TOURS.—Subsection (h)(1)(B)  
21 of section 406 of title 37, United States Code, is amended  
22 to read as follows:

23           “(B) in the case of a member described in para-  
24 graph (2)(A), authorize the transportation of one  
25 motor vehicle that is owned by the member (or a de-

1       pendent of a member) and is for his dependent's  
2       personal use to that location by means of transpor-  
3       tation authorized under section 2634 of title 10, or  
4       authorize storage of such motor vehicle if the stor-  
5       age of the motor vehicle is otherwise authorized  
6       under that section.”.

7       (c) EFFECTIVE DATE.—The amendments made by  
8       this section shall take effect on October 1, 1996.

9       **SEC. 623. DEFERRAL OF TRAVEL WITH TRAVEL AND TRANS-**  
10                   **PORTATION ALLOWANCES IN CONNECTION**  
11                   **WITH LEAVE BETWEEN CONSECUTIVE OVER-**  
12                   **SEAS TOURS.**

13       (a) AUTHORITY FOR ADDITIONAL DEFERRAL OF  
14       TRAVEL.—Section 411b(a)(2) of title 37, United States  
15       Code, is amended by adding at the end the following: “A  
16       member may defer the travel for one additional year if,  
17       due to participation in a contingency operation, the mem-  
18       ber is unable to commence the travel within the one-year  
19       period provided for under the preceding sentence.”.

20       (b) EFFECTIVE DATE.—The amendment made by  
21       subsection shall (a) take effect as of November 1, 1995,  
22       and shall apply with respect to members of the uniformed  
23       services who, on or after that date, participate in critical  
24       operational missions, as determined under the third sen-

1 tence of section 411b(a)(2) of title 37, United States Code  
 2 (as added by subsection (a)).

3 **SEC. 624. FUNDING FOR TRANSPORTATION OF HOUSEHOLD**  
 4 **EFFECTS OF PUBLIC HEALTH SERVICE OFFI-**  
 5 **CERS.**

6 Section 406(j)(1) of title 37, United States Code, is  
 7 amended in the first sentence—

8 (1) by inserting “, and appropriations available  
 9 to the Department of Health and Human Services  
 10 for providing transportation of household effects of  
 11 members of the Commissioned Corps of the Public  
 12 Health Service under subsection (b),” after “mem-

13 bers of the armed forces under subsection (b)”; and

14 (2) by striking out “of the military depart-  
 15 ment”.

16 **Subtitle D—Retired Pay, Survivor**  
 17 **Benefits, and Related Matters**

18 **SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-**  
 19 **OF-LIVING ADJUSTMENT FOR FISCAL YEAR**  
 20 **1998.**

21 (a) REPEAL OF ADJUSTMENT OF EFFECTIVE DATE  
 22 FOR FISCAL YEAR 1998.—Section 1401a(b)(2)(B) of title  
 23 10, United States Code, is amended—

24 (1) by striking out “(B) SPECIAL RULES” and  
 25 all that follows through “In the case of” in clause

1 (i) and inserting in lieu thereof “(B) SPECIAL RULE  
2 FOR FISCAL YEAR 1996.—In the case of”; and

3 (2) by striking out clause (ii).

4 (b) REPEAL OF CONTINGENT ALTERNATIVE DATE  
5 FOR FISCAL YEAR 1998.—Section 631 of the National  
6 Defense Authorization Act for Fiscal Year 1996 (Public  
7 Law 104–106; 110 Stat. 364) is amended by striking out  
8 subsection (b).

9 **SEC. 632. ALLOTMENT OF RETIRED OR RETAINER PAY.**

10 (a) AUTHORITY.—(1) Part II of subtitle A of title  
11 10, United States Code, is amended by inserting after  
12 chapter 71 the following new chapter:

13 **“CHAPTER 72—MISCELLANEOUS RETIRED**  
14 **AND RETAINER PAY AUTHORITIES**

“Sec.  
“1421. Allotments.

15 **“§ 1421. Allotments**

16 “(a) AUTHORITY.—Subject to such conditions and re-  
17 strictions as may be provided in regulations prescribed  
18 under subsection (b), a member or former member of the  
19 armed forces entitled to retired or retainer pay may trans-  
20 fer or assign the member or former member’s retired or  
21 retainer pay account when due and payable.

22 “(b) REGULATIONS.—The Secretaries of the military  
23 departments and the Secretary of Transportation (with re-  
24 spect to the Coast Guard when it is not operating as a

1 service in the Navy) shall prescribe uniform regulations  
 2 for the administration of subsection (a).”.

3 (2) The tables of chapters at the beginning of subtitle  
 4 A of such title and the beginning of part II of such subtitle  
 5 are amended by inserting after the item relating to chap-  
 6 ter 71 the following:

“72. Miscellaneous retired and retainer pay authorities ..... 1421”.

7 (b) IMPLEMENTATION.—(1) Notwithstanding section  
 8 1421 of title 10, United States Code (as added by sub-  
 9 section (a)), a person entitled to retired or retainer pay  
 10 may not initiate a transfer or assignment of retired or re-  
 11 tainer pay under such section until regulations prescribed  
 12 under subsection (b) of such section take effect.

13 (2) The Secretaries of the military departments and  
 14 the Secretary of Transportation shall prescribe regulations  
 15 under subsection (b) of such section that ensure that, be-  
 16 ginning not later than October 1, 1997, a person may  
 17 make up to six transfers or assignments of the person’s  
 18 retired or retainer pay account when due and payable for  
 19 payment of any financial obligations.

20 **SEC. 633. COST-OF-LIVING INCREASES IN SBP CONTRIBU-**  
 21 **TIONS TO BE EFFECTIVE CONCURRENTLY**  
 22 **WITH PAYMENT OF RELATED RETIRED PAY**  
 23 **COST-OF-LIVING INCREASES.**

24 (a) SURVIVOR BENEFIT PLAN.—Section 1452(h) of  
 25 title 10, United States Code, is amended—

1 (1) by inserting “(1)” after “(h)”; and

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

4 “(2)(A) Notwithstanding paragraph (1), when the  
5 initial payment of an increase in retired pay under section  
6 1401a of this title (or any other provision of law) to a  
7 person is later than the effective date of that increase by  
8 reason of the application of subsection (b)(2)(B) of such  
9 section (or section 631(b) of Public Law 104–106 (110  
10 Stat. 364)), then the amount of the reduction in the per-  
11 son’s retired pay shall be effective on the date of that ini-  
12 tial payment of the increase in retired pay rather than  
13 the effective date of the increase in retired pay.

14 “(B) Subparagraph (A) may not be construed as de-  
15 laying, for purposes of determining the amount of a  
16 monthly annuity under section 1451 of this title, the effec-  
17 tive date of an increase in a base amount under subsection  
18 (h) of such section from the effective date of an increase  
19 in retired pay under section 1401a of this title to the date  
20 on which the initial payment of that increase in retired  
21 pay is made in accordance with subsection (b)(2)(B) of  
22 such section 1401a.”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall take effect with respect to retired pay

1 payable for months beginning on or after the date of the  
2 enactment of this Act.

3 **SEC. 634. ANNUITIES FOR CERTAIN MILITARY SURVIVING**  
4 **SPOUSES.**

5 (a) SURVIVOR ANNUITY.—(1) The Secretary con-  
6 cerned shall pay an annuity to the qualified surviving  
7 spouse of each member of the uniformed services who—

8 (A) died before March 21, 1974, and was enti-  
9 tled to retired or retainer pay on the date of death;  
10 or

11 (B) was a member of a reserve component of  
12 the Armed Forces during the period beginning on  
13 September 21, 1972, and ending on October 1,  
14 1978, and at the time of his death would have been  
15 entitled to retired pay under chapter 67 of title 10,  
16 United States Code (as in effect before December 1,  
17 1994), but for the fact that he was under 60 years  
18 of age.

19 (2) A qualified surviving spouse for purposes of this  
20 section is a surviving spouse who has not remarried and  
21 who is not eligible for an annuity under section 4 of Public  
22 Law 92–425 (10 U.S.C. 1448 note).

23 (b) AMOUNT OF ANNUITY.—(1) An annuity under  
24 this section shall be paid at the rate of \$165 per month,  
25 as adjusted from time to time under paragraph (3).

1           (2) An annuity paid to a surviving spouse under this  
2 section shall be reduced by the amount of any dependency  
3 and indemnity compensation (DIC) to which the surviving  
4 spouse is entitled under section 1311(a) of title 38, United  
5 States Code.

6           (3) Whenever after the date of the enactment of this  
7 Act retired or retainer pay is increased under section  
8 1401a(b)(2) of title 10, United States Code, each annuity  
9 that is payable under this section shall be increased at  
10 the same time and by the same total percent. The amount  
11 of the increase shall be based on the amount of the month-  
12 ly annuity payable before any reduction under this section.

13           (c) APPLICATION REQUIRED.—No benefit shall be  
14 paid to any person under this section unless an application  
15 for such benefit is filed with the Secretary concerned by  
16 or on behalf of such person.

17           (d) DEFINITIONS.—For purposes of this section:

18               (1) The terms “uniformed services” and “Sec-  
19 retary concerned” have the meanings given such  
20 terms in section 101 of title 37, United States Code.

21               (2) The term “surviving spouse” has the mean-  
22 ing given the terms “widow” and “widower” in para-  
23 graphs (3) and (4) of section 1447 of title 10, Unit-  
24 ed States Code.

1 (e) PROSPECTIVE APPLICABILITY.—(1) Annuities  
 2 under this section shall be paid for months beginning after  
 3 the month in which this Act is enacted.

4 (2) No benefit shall accrue to any person by reason  
 5 of the enactment of this section for any period before the  
 6 first month referred to in paragraph (1).

7 **SEC. 635. ADJUSTED ANNUAL INCOME LIMITATION APPLI-**  
 8 **CABLE TO ELIGIBILITY FOR INCOME SUPPLE-**  
 9 **MENT FOR CERTAIN WIDOWS OF MEMBERS**  
 10 **OF THE UNIFORMED SERVICES.**

11 Section 4 of Public Law 92–425 (10 U.S.C. 1448  
 12 note) is amended by striking out “\$2,340” in subsection  
 13 (a)(3) and in the first sentence of subsection (b) and in-  
 14 serting in lieu thereof “\$5,448”.

15 **Subtitle E—Other Matters**

16 **SEC. 641. REIMBURSEMENT FOR ADOPTION EXPENSES IN-**  
 17 **CURRED IN ADOPTIONS THROUGH PRIVATE**  
 18 **PLACEMENTS.**

19 (a) DEPARTMENT OF DEFENSE.—Section 1052(g)(1)  
 20 of title 10, United States Code, is amended by striking  
 21 out “adoption or by a nonprofit, voluntary adoption agen-  
 22 cy which is authorized by State or local law to place chil-  
 23 dren for adoption” and inserting in lieu thereof “adoption,  
 24 by a nonprofit, voluntary adoption agency which is author-  
 25 ized by State or local law to place children for adoption,

1 or by any other source if the adoption is supervised by  
2 a court under State or local law”.

3 (b) COAST GUARD.—Section 514(g)(1) of title 14,  
4 United States Code, is amended by striking out “adoption  
5 or by a nonprofit, voluntary adoption agency which is au-  
6 thorized by State or local law to place children for adop-  
7 tion” and inserting in lieu thereof “adoption, by a non-  
8 profit, voluntary adoption agency which is authorized by  
9 State or local law to place children for adoption, or by  
10 any other source if the adoption is supervised by a court  
11 under State or local law”.

12 **SEC. 642. WAIVER OF RECOUPMENT OF AMOUNTS WITH-**  
13 **HELD FOR TAX PURPOSES FROM CERTAIN**  
14 **SEPARATION PAY RECEIVED BY INVOLUN-**  
15 **TARILY SEPARATED MEMBERS AND FORMER**  
16 **MEMBERS OF THE ARMED FORCES.**

17 (a) IN GENERAL.—Section 1174(h) of title 10, Unit-  
18 ed States Code, is amended—

19 (1) in paragraph (1), by inserting “(less the  
20 amount of Federal income tax withheld from such  
21 pay)” before the period at the end; and

22 (2) in paragraph (2), by inserting “(less the  
23 amount of Federal income tax withheld from such  
24 pay)” before the period at the end of the first sen-  
25 tence.

1 (b) EFFECTIVE DATE.—The amendments made by  
 2 this section shall take effect on October 1, 1996, and shall  
 3 apply to payments of separation pay, severance pay, or  
 4 readjustment pay that are made after October 1, 1996.

5 **TITLE VII—HEALTH CARE**  
 6 **PROVISIONS**

7 **SEC. 701. IMPLEMENTATION OF REQUIREMENT FOR SE-**  
 8 **LECTED RESERVE DENTAL INSURANCE PLAN.**

9 (a) IMPLEMENTATION BY CONTRACT.—Section  
 10 1076b(a) of title 10, United States Code, is amended—

11 (1) by inserting “(1)” after “(a) AUTHORITY  
 12 TO ESTABLISH PLAN.—”;

13 (2) by designating the third sentence as para-  
 14 graph (3); and

15 (3) by inserting after paragraph (1), as des-  
 16 ignated by paragraph (1) of this subsection, the fol-  
 17 lowing:

18 “(2) The Secretary shall provide benefits under the  
 19 plan through one or more contracts awarded after full and  
 20 open competition.”.

21 (b) SCHEDULE FOR IMPLEMENTATION.—Section  
 22 705(b) of the National Defense Authorization Act for Fis-  
 23 cal Year 1996 (Public Law 104–106; 110 Stat. 373; 10  
 24 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 pendants 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. CLARIFICATION OF APPLICABILITY OF CHAMPUS**  
 2 **PAYMENT RULES TO PRIVATE CHAMPUS PRO-**  
 3 **VIDERS FOR CARE PROVIDED TO ENROLLEES**  
 4 **IN HEALTH CARE PLANS OF UNIFORMED**  
 5 **SERVICES TREATMENT FACILITIES.**

6 Section 1074(d)(1) of title 10, United States Code,  
 7 is amended—

8 (1) by striking out “may require” and inserting  
 9 in lieu thereof “shall require”;

10 (2) by striking out “member of the uniformed  
 11 services” and inserting in lieu thereof “covered bene-  
 12 ficiary”; and

13 (3) by striking out “when the health care” and  
 14 all that follows through “facility”.

15 **SEC. 705. ENHANCEMENT OF THIRD-PARTY COLLECTION**  
 16 **AND SECONDARY PAYER AUTHORITIES**  
 17 **UNDER CHAMPUS.**

18 (a) **RETENTION AND USE BY TREATMENT FACILI-**  
 19 **TIES OF AMOUNTS COLLECTED.**—Subsection (g)(1) of  
 20 section 1095 of title 10, United States Code, is amended  
 21 by inserting “or through” after “provided at”.

22 (b) **EXPANSION OF DEFINITION OF THIRD PARTY**  
 23 **PAYER.**—Subsection (h) of such section is amended—

24 (1) in the first sentence of paragraph (1), by  
 25 inserting “and a workers’ compensation program or  
 26 plan” before the period; and

1 (2) in paragraph (2)—

2 (A) by striking out “organization and” and  
3 inserting in lieu thereof a “organization,”; and

4 (B) by inserting “, and a personal injury  
5 protection plan or medical payments benefit  
6 plan for personal injuries resulting from the op-  
7 eration of a motor vehicle” before the period.

8 (c) **APPLICABILITY OF SECONDARY PAYER REQUIRE-**  
9 **MENT.**—Section 1079(j)(1) of such title is amended by in-  
10 sserting “, including any plan offered by a third party  
11 payer (as defined in section 1095(h)(1) of this title),”  
12 after “or health plan”.

13 **SEC. 706. CODIFICATION OF AUTHORITY TO CREDIT**  
14 **CHAMPUS COLLECTIONS TO PROGRAM AC-**  
15 **COUNTS.**

16 (a) **CREDITS TO CHAMPUS ACCOUNTS.**—Chapter  
17 55 of title 10, United States Code, is amended by inserting  
18 after section 1079 the following:

19 **“§ 1079a. Crediting of CHAMPUS collections to pro-**  
20 **gram accounts**

21 “All refunds and other amounts collected by or for  
22 the United States in the administration of the Civilian  
23 Health and Medical Program of the Uniformed Services  
24 (CHAMPUS) shall be credited to the appropriation avail-

1 able for that program for the fiscal year in which col-  
2 lected.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by inserting  
5 after the item relating to section 1079 the following new  
6 item:

“1079a. Crediting of CHAMPUS collections to program accounts.”.

7 **SEC. 707. COMPTROLLER GENERAL REVIEW OF HEALTH**  
8 **CARE ACTIVITIES OF THE DEPARTMENT OF**  
9 **DEFENSE RELATING TO PERSIAN GULF ILL-**  
10 **NESSES.**

11 (a) MEDICAL RESEARCH AND CLINICAL CARE PRO-  
12 GRAMS.—The Comptroller General shall analyze the effec-  
13 tiveness of the medical research programs and clinical care  
14 programs of the Department of Defense that relate to ill-  
15 nesses that might have been contracted by members of the  
16 Armed Forces as a result of service in the Southwest Asia  
17 theater of operations during the Persian Gulf War.

18 (b) EXPERIMENTAL DRUGS.—The Comptroller Gen-  
19 eral shall analyze the scope and effectiveness of the poli-  
20 cies of the Department of Defense with respect to the in-  
21 vestigational use of drugs, the experimental use of drugs,  
22 and the use of drugs not approved by the Food and Drug  
23 Administration to treat illnesses referred to in subsection  
24 (a).

1           (c) ADMINISTRATION OF MEDICAL RECORDS.—The  
 2 Comptroller General shall analyze the administration of  
 3 medical records by the military departments in order to  
 4 assess the extent to which such records accurately reflect  
 5 the pre-deployment medical assessments, immunization  
 6 records, informed consent releases, complaints during rou-  
 7 tine sick call, emergency room visits, visits with unit med-  
 8 ics during deployment, and other relevant medical infor-  
 9 mation relating to the members and former members re-  
 10 ferred to in subsection (a) with respect to the illnesses re-  
 11 ferred to in that subsection.

12           (d) REPORTS.—The Comptroller General shall sub-  
 13 mit to Congress a separate report on each of the analyses  
 14 required under subsections (a), (b), and (c). The Comp-  
 15 troller General shall submit the reports not later than  
 16 March 1, 1997.

17 **TITLE VIII—ACQUISITION POL-**  
 18 **ICY, ACQUISITION MANAGE-**  
 19 **MENT, AND RELATED MAT-**  
 20 **TERS**

21 **SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PRO-**  
 22 **GRAMS.**

23           (a) FUNDING.—Of the amount authorized to be ap-  
 24 propriated under section 301(5), \$12,000,000 shall be

1 available for carrying out the provisions of chapter 142  
2 of title 10, United States Code.

3 (b) SPECIFIC PROGRAMS.—Of the amounts made  
4 available pursuant to subsection (a), \$600,000 shall be  
5 available for fiscal year 1997 for the purpose of carrying  
6 out programs sponsored by eligible entities referred to in  
7 subparagraph (D) of section 2411(1) of title 10, United  
8 States Code, that provide procurement technical assist-  
9 ance in distressed areas referred to in subparagraph (B)  
10 of section 2411(2) of such title. If there is an insufficient  
11 number of satisfactory proposals for cooperative agree-  
12 ments in such distressed areas to allow effective use of  
13 the funds made available in accordance with this sub-  
14 section in such areas, the funds shall be allocated among  
15 the Defense Contract Administration Services regions in  
16 accordance with section 2415 of such title.

17 **SEC. 802. EXTENSION OF PILOT MENTOR-PROTEGE PRO-**  
18 **GRAM.**

19 Section 831(j) of the National Defense Authorization  
20 Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amend-  
21 ed—

22 (1) in paragraph (1), by striking out “1995”  
23 and inserting in lieu thereof “1998”; and

24 (2) in paragraph (2), by striking out “1996”  
25 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 **ustrial 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 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **Subtitle A—General Matters**

5 **SEC. 901. REPEAL OF REORGANIZATION OF OFFICE OF SEC-**  
6 **RETARY OF DEFENSE.**

7 Sections 901 and 903 of the National Defense Au-  
8 thorization Act for Fiscal Year 1996 (Public Law 104-  
9 106; 110 Stat. 399 and 401) are repealed.

10 **SEC. 902. CODIFICATION OF REQUIREMENTS RELATING TO**  
11 **CONTINUED OPERATION OF THE UNIFORMED**  
12 **SERVICES UNIVERSITY OF THE HEALTH**  
13 **SCIENCES.**

14 (a) CODIFICATION OF EXISTING LAW.—(1) Chapter  
15 104 of title 10, United States Code, is amended by insert-  
16 ing after section 2112 the following:

17 **“§ 2112a. Continued operation of University**

18 “(a) CLOSURE PROHIBITED.—The University may  
19 not be closed.

20 “(b) PERSONNEL STRENGTH.—During the five-year  
21 period beginning on October 1, 1996, the personnel staff-  
22 ing levels for the University may not be reduced below the  
23 personnel staffing levels for the University on October 1,  
24 1993.”.

1           (2) The table of sections at the beginning of such  
2 chapter is amended by inserting after the item relating  
3 to section 2112 the following:

“2112a. Continued operation of University.”.

4           (b) **REPEAL OF SUPERSEDED LAW.**—(1) Section 922  
5 of the National Defense Authorization Act for Fiscal Year  
6 1995 (Public Law 103–337; 108 Stat. 282; 10 U.S.C.  
7 2112 note) is amended by striking out subsection (a).

8           (2) Section 1071 of the National Defense Authoriza-  
9 tion Act for Fiscal Year 1996 (Public Law 104–106; 110  
10 Stat. 445; 10 U.S.C. 2112 note) is amended by striking  
11 out subsection (b).

12 **SEC. 903. CODIFICATION OF REQUIREMENT FOR UNITED**  
13 **STATES ARMY RESERVE COMMAND.**

14           (a) **REQUIREMENT FOR ARMY RESERVE COM-**  
15 **MAND.**—(1) Chapter 307 of title 10, United States Code,  
16 is amended by inserting after section 3074 the following:

17 **“§ 3074a. United States Army Reserve Command**

18           “(a) **COMMAND.**—The United States Army Reserve  
19 Command is a separate command of the Army com-  
20 manded by the Chief of Army Reserve.

21           “(b) **CHAIN OF COMMAND.**—Except as otherwise pre-  
22 scribed by the Secretary of Defense, the Secretary of the  
23 Army shall prescribe the chain of command for the United  
24 States Army Reserve Command.

1       “(c) ASSIGNMENT OF FORCES.—The Secretary of the  
2 Army—

3           “(1) shall assign to the United States Army Re-  
4 serve Command all forces of the Army Reserve in  
5 the continental United States other than forces as-  
6 signed to the unified combatant command for special  
7 operations forces established pursuant to section 167  
8 of this title; and

9           “(2) except as otherwise directed by the Sec-  
10 retary of Defense in the case of forces assigned to  
11 carry out functions of the Secretary of the Army  
12 specified in section 3013 of this title, shall assign all  
13 such forces of the Army Reserve to the commander  
14 of the United States Atlantic Command.”.

15       (2) The table of sections at the beginning of such  
16 chapter is amended by inserting after the item relating  
17 to section 3074 the following:

“3074a. United States Army Reserve Command.”.

18       (b) REPEAL OF SUPERSEDED LAW.—Section 903 of  
19 the National Defense Authorization Act for Fiscal Year  
20 1991 (Public Law 101–510; 104 Stat. 1620; 10 U.S.C.  
21 3074 note) is repealed.

22 **SEC. 904. TRANSFER OF AUTHORITY TO CONTROL TRANS-**  
23 **PORTATION SYSTEMS IN TIME OF WAR.**

24       (a) AUTHORITY OF SECRETARY OF DEFENSE.—Sec-  
25 tion 4742 of title 10, United States Code, is amended by

1 striking out “Secretary of the Army” and inserting in lieu  
2 thereof “Secretary of Defense”.

3 (b) TRANSFER OF SECTION.—Such section, as  
4 amended by subsection (a), is transferred to the end of  
5 chapter 157 of such title and is redesignated as section  
6 2644.

7 (c) CONFORMING AMENDMENT.—Section 9742 of  
8 such title is repealed.

9 (d) CLERICAL AMENDMENTS.—(1) The table of sec-  
10 tions at the beginning of chapter 157 of such title is  
11 amended by inserting after the item relating to section  
12 2643 the following new item:

“2644. Control of transportation systems in time of war.”.

13 (2) The table of sections at the beginning of chapter  
14 447 of such title is amended by striking out the item relat-  
15 ing to section 4742.

16 (3) The table of sections at the beginning of chapter  
17 947 of such title is amended by striking out the item relat-  
18 ing to section 9742.

19 **SEC. 905. EXECUTIVE OVERSIGHT OF DEFENSE HUMAN IN-**  
20 **TELLIGENCE PERSONNEL.**

21 Section 193 of title 10, United States Code, is  
22 amended—

23 (1) by redesignating subsection (f) as sub-  
24 section (g); and

1           (2) by inserting after subsection (e) the follow-  
2           ing new subsection (f):

3           “(f) HUMAN INTELLIGENCE PERSONNEL.—(1) Not-  
4           withstanding any other provision of law, subject to the au-  
5           thority, direction, and control of the President, the Sec-  
6           retary of Defense shall perform the responsibility within  
7           the executive branch for oversight of the clandestine activi-  
8           ties of Department of Defense human intelligence person-  
9           nel. The Secretary may delegate authority to carry out  
10          such responsibility only to the Deputy Secretary of De-  
11          fense.”.

12   **SEC. 906. COORDINATION OF DEFENSE INTELLIGENCE**  
13                           **PROGRAMS AND ACTIVITIES.**

14          (a) DIRECTOR OF MILITARY INTELLIGENCE AND DE-  
15          FENSE INTELLIGENCE BOARD.—Subchapter II of chapter  
16          8 of title 10, United States Code, is amended by adding  
17          at the end the following:

18   **“§ 203. Director of Military Intelligence; Defense In-**  
19                           **telligence Board**

20          “(a) DESIGNATION OF DIRECTOR.—The Director of  
21          the Defense Intelligence Agency is the Director of Military  
22          Intelligence. The Director performs the duties of the posi-  
23          tion under the authority, direction, and control of the Sec-  
24          retary of Defense and reports directly to the Secretary.

1       “(b) DUTIES.—In addition to any other duties that  
2 are assigned to the Director by the Secretary of Defense,  
3 the Director—

4               “(1) manages the General Defense Intelligence  
5 Program; and

6               “(2) is Chairman of the Military Intelligence  
7 Board.

8       “(c) MILITARY INTELLIGENCE BOARD.—(1) There is  
9 a Military Intelligence Board within the Department of  
10 Defense.

11       “(2) The Military Intelligence Board consists of the  
12 Director of Military Intelligence, the Director of the Na-  
13 tional Security Agency, the Director of the National Im-  
14 agery and Mapping Agency, the Director of the Defense  
15 Information Systems Agency, the senior intelligence offi-  
16 cer of each armed force (as designated by the Secretary  
17 of the military department having jurisdiction over that  
18 armed force or, in the case of the Coast Guard, the Com-  
19 mandant of the Coast Guard), the Deputy Director of the  
20 Defense Intelligence Agency, the Director for Joint Staff  
21 Intelligence, and any other persons designated as members  
22 of the board by the Secretary of Defense.

23       “(3) The Military Intelligence Board shall be the  
24 principal forum for coordination of the intelligence pro-  
25 grams and activities of the Department of Defense.”.

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

“203. Director of Military Intelligence; Military Intelligence Board.”.

4 **SEC. 907. REDESIGNATION OF OFFICE OF NAVAL RECORDS**  
5 **AND HISTORY FUND AND CORRECTION OF**  
6 **RELATED REFERENCES.**

7 (a) NAME OF FUND.—Subsection (a) of section 7222  
8 of title 10, United States Code, is amended by striking  
9 out “‘Office of Naval Records and History Fund’” in the  
10 second sentence and inserting in lieu thereof “‘Naval His-  
11 torical Center Fund’”.

12 (b) CORRECTION OF REFERENCE TO ADMINISTERING  
13 OFFICE.—Subsection (a) of such section, as amended by  
14 subsection (a), is further amended by striking out “Office  
15 of Naval Records and History” in the first sentence and  
16 inserting in lieu thereof “Naval Historical Center”.

17 (c) CONFORMING REFERENCE.—Subsection (c) of  
18 such section is amended by striking out “Office of Naval  
19 Records and History Fund” in the second sentence and  
20 inserting in lieu thereof “Naval Historical Center Fund”.

21 (d) CLERICAL AMENDMENTS.—(1) The heading of  
22 such section is amended to read as follows:

1 **“§ 7222. Naval Historical Center Fund”.**

2 (2) The item relating to such section in the table of  
3 sections at the beginning of chapter 631 of title 10, United  
4 States Code, is amended to read as follows:

“7222. Naval Historical Center Fund.”.

5 **Subtitle B—National Imagery and**  
6 **Mapping Agency**

7 **SEC. 911. SHORT TITLE.**

8 This subtitle may be cited as the “National Imagery  
9 and Mapping Agency Act of 1996”.

10 **SEC. 912. FINDINGS.**

11 Congress makes the following findings:

12 (1) There is a need within the Department of  
13 Defense and the Intelligence Community of the  
14 United States to provide a single agency focus for  
15 the growing number and diverse types of customers  
16 for imagery and geospatial information resources  
17 within the Government, to ensure visibility and ac-  
18 countability for those resources, and to harness, le-  
19 verage, and focus rapid technological developments  
20 to serve the imagery, imagery intelligence, and  
21 geospatial information customers.

22 (2) There is a need for a single Government  
23 agency to solicit and advocate the needs of that  
24 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 title and carries the grade of lieutenant general or, in the  
2 case of an officer of the Navy, vice admiral.

3 **“§ 442. Missions**

4 “(a) DEPARTMENT OF DEFENSE MISSIONS.—The  
5 National Imagery and Mapping Agency shall—

6 “(1) provide timely, relevant, and accurate im-  
7 agery, imagery intelligence, and geospatial informa-  
8 tion in support of the national security objectives of  
9 the United States;

10 “(2) improve means of navigating vessels of the  
11 Navy and the merchant marine by providing, under  
12 the authority of the Secretary of Defense, accurate  
13 and inexpensive nautical charts, sailing directions,  
14 books on navigation, and manuals of instructions for  
15 the use of all vessels of the United States and of  
16 navigators generally; and

17 “(3) prepare and distribute maps, charts,  
18 books, and geodetic products as authorized under  
19 subchapter II of this chapter.

20 “(b) NATIONAL MISSION.—(1) The National Imagery  
21 and Mapping Agency shall also support the imagery re-  
22 quirements of the Department of State and other depart-  
23 ments and agencies of the United States outside the De-  
24 partment of Defense.

1           “(2)(A) The Director of Central Intelligence shall es-  
2     tablish requirements and priorities to govern the collection  
3     of national intelligence by the National Imagery and Map-  
4     ping Agency under paragraph (1).

5           “(B) The Director of Central Intelligence shall de-  
6     velop and implement such policies and programs as the  
7     Secretary of Defense and the Director jointly determine  
8     necessary to review and correct deficiencies identified in  
9     the capabilities of the National Imagery and Mapping  
10    Agency to accomplish assigned national missions. The Di-  
11    rector shall consult with the Secretary of Defense on the  
12    development and implementation of such policies and pro-  
13    grams. The Secretary of Defense shall obtain the advice  
14    of the Chairman of the Joint Chiefs of Staff regarding  
15    the matters on which the Director and the Secretary are  
16    to consult under the preceding sentence.

17          “(C) The President may direct the Secretary of De-  
18    fense to exercise authority of the Director of Central Intel-  
19    ligence under subparagraphs (A) and (B) during a war,  
20    military crisis, or military operation.

21          “(c) LIFE CYCLE SUPPORT.—The National Imagery  
22    and Mapping Agency may, in furtherance of a mission of  
23    the agency, design, develop, deploy, operate, and maintain  
24    systems related to the processing and dissemination of im-

1 imagery intelligence and geospatial information that may be  
2 transferred to, accepted or used by, or used on behalf of—

3           “(1) the armed forces, including any combatant  
4           command, component of a combatant command,  
5           joint task force, or tactical unit; or

6           “(2) to any other department or agency of the  
7           United States.

8 **“§ 443. Imagery intelligence and geospatial informa-**  
9 **tion support for foreign countries**

10           “(a) APPROPRIATED FUNDS.—The Director of the  
11 National Imagery and Mapping Agency may use appro-  
12 priated funds available to the National Imagery and Map-  
13 ping Agency to provide foreign countries with imagery in-  
14 telligence and geospatial information support.

15           “(b) FUNDS OTHER THAN APPROPRIATED FUNDS.—  
16 (1) Subject to paragraphs (2), (3), and (4), the Director  
17 is also authorized to use funds other than appropriated  
18 funds to provide foreign countries with imagery intel-  
19 ligence and geospatial information support.

20           “(2) Funds other than appropriated funds may not  
21 be expended, in whole or in part, by or for the benefit  
22 of the National Imagery and Mapping Agency for a pur-  
23 pose for which Congress had previously denied funds.

1       “(3) Proceeds from the sale of imagery intelligence  
2 or geospatial information items may be used only to pur-  
3 chase replacement items similar to the items that are sold.

4       “(4) Funds other than appropriated funds may not  
5 be expended to acquire items or services for the principal  
6 benefit of the United States.

7       “(5) The authority to use funds other than appro-  
8 priated funds under this section may be exercised notwith-  
9 standing provisions of law relating to the expenditure of  
10 funds of the United States.

11       “(c) ACCOMMODATION PROCUREMENTS.—The au-  
12 thority under this section may be exercised to conduct ac-  
13 commodation procurements on behalf of foreign countries.

14       “(d) COORDINATION WITH DIRECTOR OF CENTRAL  
15 INTELLIGENCE.—The Director shall coordinate with the  
16 Director of Central Intelligence any action under this sec-  
17 tion that involves imagery intelligence or intelligence prod-  
18 ucts or involves providing support to an intelligence or se-  
19 curity service of a foreign country.

20       **“§ 444. Support from Central Intelligence Agency**

21       “(a) SUPPORT AUTHORIZED.—The Director of  
22 Central Intelligence may provide support in accordance  
23 with this section to the Director of the National Imagery  
24 and Mapping Agency. The Director of the National Im-

1 agery and Mapping Agency may accept support provided  
2 under this section.

3 “(b) ADMINISTRATIVE AND CONTRACT SERVICES.—

4 (1) In furtherance of the national intelligence effort, the  
5 Director of Central Intelligence may provide administra-  
6 tive and contract services to the National Imagery and  
7 Mapping Agency as if that agency were an organizational  
8 element of the Central Intelligence Agency.

9 “(2) Services provided under paragraph (1) may in-  
10 clude the services of security police. For purposes of sec-  
11 tion 15 of the Central Intelligence Agency Act of 1949  
12 (50 U.S.C. 403o), an installation of the National Imagery  
13 and Mapping Agency provided security police services  
14 under this section shall be considered an installation of  
15 the Central Intelligence Agency.

16 “(3) Support provided under this subsection shall be  
17 provided under terms and conditions agreed upon by the  
18 Secretary of Defense and the Director of Central Intel-  
19 ligence.

20 “(c) DETAIL OF PERSONNEL.—The Director of  
21 Central Intelligence may detail Central Intelligence Agen-  
22 cy personnel indefinitely to the National Imagery and  
23 Mapping Agency without regard to any limitation on the  
24 duration of interagency details of Federal Government  
25 personnel.

1       “(d) REIMBURSABLE OR NONREIMBURSABLE SUP-  
2 PORT.—Support under this section may be provided and  
3 accepted on either a reimbursable basis or a nonreimburs-  
4 able basis.

5       “(e) AUTHORITY TO TRANSFER FUNDS.—(1) The  
6 Director of the National Imagery and Mapping Agency  
7 may transfer funds available for the agency to the Direc-  
8 tor of Central Intelligence for the Central Intelligence  
9 Agency.

10       “(2) The Director of Central Intelligence—

11               “(A) may accept funds transferred under para-  
12 graph (1); and

13               “(B) shall expend such funds, in accordance  
14 with the Central Intelligence Agency Act of 1949  
15 (50 U.S.C. 403a et seq.), to provide administrative  
16 and contract services or detail personnel to the Na-  
17 tional Imagery and Mapping Agency under this sec-  
18 tion.

19       **“§ 445. Limitation on oversight by Inspector General**  
20                               **of the Central Intelligence Agency**

21       “The Inspector General of the Central Intelligence  
22 Agency may not conduct any inspection, investigation, or  
23 audit of the National Imagery and Mapping Agency with-  
24 out the written consent of the Inspector General of the  
25 Department of Defense. In conducting an inspection, in-

1 vestigation, or audit of the National Imagery and Mapping  
2 Agency, the Inspector General of the Central Intelligence  
3 Agency shall be subject to the authority, direction, and  
4 control of the Secretary of Defense to the same extent as  
5 is the Inspector General of the Department of Defense  
6 under section 8 of the Inspector General Act of 1978 (5  
7 U.S.C. App.).

8 **“§ 446. Protection of agency identifications and orga-**  
9 **nizational information**

10 “(a) UNAUTHORIZED USE OF AGENCY NAME, INI-  
11 TIALS, OR SEAL.—(1) Except with the written permission  
12 of the Secretary of Defense, no person may knowingly use,  
13 in connection with any merchandise, retail product, imper-  
14 sonation, solicitation, or commercial activity in a manner  
15 reasonably calculated to convey the impression that such  
16 use is approved, endorsed, or authorized by the Secretary  
17 of Defense, any of the following:

18 “(A) The words ‘National Imagery and Map-  
19 ping Agency’, the initials ‘NIMA’, or the seal of the  
20 National Imagery and Mapping Agency.

21 “(B) The words ‘Defense Mapping Agency’, the  
22 initials ‘DMA’, or the seal of the Defense Mapping  
23 Agency.

24 “(C) Any colorable imitation of such words, ini-  
25 tials, or seals.

1       “(2) Whenever it appears to the Attorney General  
2 that any person is engaged or about to engage in an act  
3 or practice which constitutes or will constitute conduct  
4 prohibited by paragraph (1), the Attorney General may  
5 initiate a civil proceeding in a district court of the United  
6 States to enjoin such act or practice. Such court shall pro-  
7 ceed as soon as practicable to a hearing and determination  
8 of such action and may, at any time before such final de-  
9 termination, enter such restraining orders or prohibitions,  
10 or take such other action as is warranted, to prevent in-  
11 jury to the United States or to any person or class of per-  
12 sons for whose protection the action is brought.

13       “(b) PROTECTION OF ORGANIZATIONAL INFORMA-  
14 TION.—Notwithstanding any other provision of law, the  
15 Director of the National Imagery and Mapping Agency is  
16 not required to disclose the organization of the agency,  
17 any function of the agency, any information with respect  
18 to the activities of the agency, or the names, titles, sala-  
19 ries, or number of the persons employed by the agency.  
20 This subsection does not apply to disclosures of informa-  
21 tion to Congress.

22           “SUBCHAPTER II—MAPS, CHARTS, AND  
23                           GEODETIC PRODUCTS

“Sec.

“451. Maps, charts, and books.

“452. Pilot charts.

“453. Prices of maps, charts, and navigational publications.

“454. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations

“455. Maps, charts, and geodetic data: public availability; exceptions.

“456. Civil actions barred.

## 1 “SUBCHAPTER III—PERSONNEL MANAGEMENT

“Sec.

“461. Civilian personnel management generally.

“462. National Imagery and Mapping Senior Executive Service.

“463. Management rights.

### 2 “§ 461. Civilian personnel management generally

3 “(a) GENERAL PERSONNEL AUTHORITY.—The Sec-  
4 retary of Defense may, without regard to the provisions  
5 of any other law relating to the appointment, number,  
6 classification, or compensation of Federal employees—

7 “(1) establish such excepted service positions  
8 for employees in the National Imagery and Mapping  
9 Agency as the Secretary considers necessary to carry  
10 out the functions of those agencies, including posi-  
11 tions designated under subsection (f) as National  
12 Imagery and Mapping Senior Level positions;

13 “(2) appoint individuals to those positions; and

14 “(3) fix the compensation for service in those  
15 positions.

16 “(b) AUTHORITY TO FIX RATES OF BASIC PAY AND  
17 OTHER ALLOWANCES AND BENEFITS.—(1) The Secretary  
18 of Defense shall, subject to subsection (c), fix the rates  
19 of basic pay for positions established under subsection (a)  
20 in relation to the rates of basic pay provided in subpart  
21 D of part III of title 5 for positions subject to that title

1 which have corresponding levels of duties and responsibil-  
2 ities. Except as otherwise provided by law, an employee  
3 of the National Imagery and Mapping Agency may not  
4 be paid basic pay at a rate in excess of the maximum rate  
5 payable under section 5376 of title 5.

6 “(2) The Secretary of Defense may provide employees  
7 in positions of the National Imagery and Mapping Agency  
8 compensation (in addition to basic pay under paragraph  
9 (1)) and benefits, incentives, and allowances consistent  
10 with, and not in excess of the levels authorized for, com-  
11 parable positions authorized by title 5.

12 “(c) PREVAILING RATES SYSTEMS.—The Secretary  
13 of Defense may, consistent with section 5341 of title 5,  
14 adopt such provisions of that title as provide for prevailing  
15 rate systems of basic pay and may apply those provisions  
16 to positions in or under which the National Imagery and  
17 Mapping Agency may employ individuals described in sec-  
18 tion 5342(a)(2)(A) of such title.

19 “(d) ALLOWANCES BASED ON LIVING COSTS AND  
20 ENVIRONMENT FOR EMPLOYEES STATIONED OUTSIDE  
21 CONTINENTAL UNITED STATES OR IN ALASKA.—(1) In  
22 addition to the basic compensation payable under sub-  
23 section (b), employees of the National Imagery and Map-  
24 ping Agency described in paragraph (3) may be paid an  
25 allowance, in accordance with regulations prescribed by

1 the Secretary of Defense, at a rate not in excess of the  
2 allowance authorized to be paid under section 5941(a) of  
3 title 5 for employees whose rates of basic pay are fixed  
4 by statute.

5 “(2) Such allowance shall be based on—

6 “(A) living costs substantially higher than in  
7 the District of Columbia;

8 “(B) conditions of environment which—

9 “(i) differ substantially from conditions of  
10 environment in the continental United States;  
11 and

12 “(ii) warrant an allowance as a recruit-  
13 ment incentive; or

14 “(C) both of those factors.

15 “(3) This subsection applies to employees who—

16 “(A) are citizens or nationals of the United  
17 States; and

18 “(B) are stationed outside the continental Unit-  
19 ed States or in Alaska.

20 “(e) TERMINATION OF EMPLOYEES.—(1) Notwith-  
21 standing any other provision of law, the Secretary of De-  
22 fense may terminate the employment of any employee of  
23 the National Imagery and Mapping Agency if the Sec-  
24 retary—

1           “(A) considers such action to be in the interests  
2           of the United States; and

3           “(B) determines that the procedures prescribed  
4           in other provisions of law that authorize the termi-  
5           nation of the employment of such employee cannot  
6           be invoked in a manner consistent with the national  
7           security.

8           “(2) A decision by the Secretary of Defense to termi-  
9           nate the employment of an employee under this subsection  
10          is final and may not be appealed or reviewed outside the  
11          Department of Defense.

12          “(3) The Secretary of Defense shall promptly notify  
13          the Committee on National Security and the Permanent  
14          Select Committee on Intelligence of the House of Rep-  
15          resentatives and the Committee on Armed Services and  
16          the Select Committee on Intelligence of the Senate when-  
17          ever the Secretary terminates the employment of any em-  
18          ployee under the authority of this subsection.

19          “(4) Any termination of employment under this sub-  
20          section shall not affect the right of the employee involved  
21          to seek or accept employment with any other department  
22          or agency of the United States if that employee is declared  
23          eligible for such employment by the Director of the Office  
24          of Personnel Management.

1       “(5) The authority of the Secretary of Defense under  
2 this subsection may be delegated only to the Deputy Sec-  
3 retary of Defense and the Director of the National Im-  
4 agery and Mapping Agency. An action to terminate em-  
5 ployment of an employee by any such officer may be ap-  
6 pealed to the Secretary of Defense.

7       “(f) NATIONAL IMAGERY AND MAPPING SENIOR  
8 LEVEL POSITIONS.—(1) In carrying out subsection (a)(1),  
9 the Secretary may designate positions described in para-  
10 graph (3) as National Imagery and Mapping Senior Level  
11 positions.

12       “(2) Positions designated under this subsection shall  
13 be treated as equivalent for purposes of compensation to  
14 the senior level positions to which section 5376 of title  
15 5 is applicable.

16       “(3) Positions that may be designated as National  
17 Imagery and Mapping Senior Level positions are positions  
18 in the National Imagery and Mapping Agency that (A)  
19 are classified above the GS–15 level, (B) emphasize func-  
20 tion expertise and advisory activity, but (C) do not have  
21 the organizational or program management functions nec-  
22 essary for inclusion in the National Imagery and Mapping  
23 Senior Executive Service.

24       “(4) Positions referred to in paragraph (3) include  
25 National Imagery and Mapping Senior Technical positions

1 and National Imagery and Mapping Senior Professional  
2 positions. For purposes of this subsection National Im-  
3 agery and Mapping Senior Technical positions are posi-  
4 tions covered by paragraph (3) if—

5 “(A) the positions involve—

6 “(i) research and development;

7 “(ii) test and evaluation;

8 “(iii) substantive analysis, liaison, or advi-  
9 sory activity focusing on engineering, physical  
10 sciences, computer science, mathematics, biol-  
11 ogy, chemistry, medicine, or other closely relat-  
12 ed scientific and technical fields; or

13 “(iv) intelligence disciplines including pro-  
14 duction, collection, and operations in close asso-  
15 ciation with any of the activities described in  
16 clauses (i), (ii), and (iii) or related activities; or

17 “(B) the positions emphasize staff, liaison, ana-  
18 lytical, advisory, or other activity focusing on intel-  
19 ligence, law, finance and accounting, program and  
20 budget, human resources management, training, in-  
21 formation services, logistics, security, and other ap-  
22 propriate fields.

23 “(g) ‘EMPLOYEE’ DEFINED AS INCLUDING OFFI-  
24 CERS.—In this section, the term ‘employee’, with respect

1 to the National Imagery and Mapping Agency, includes  
2 any civilian officer of that agency.

3 **“§ 462. National Imagery and Mapping Senior Execu-**  
4 **tive Service**

5 “(a) ESTABLISHMENT.—The Secretary of Defense  
6 may establish a National Imagery and Mapping Senior  
7 Executive Service for senior civilian personnel within the  
8 National Imagery and Mapping Agency.

9 “(b) REQUIREMENTS FOR THE SERVICE.—In estab-  
10 lishing a National Imagery and Mapping Senior Executive  
11 Service the Secretary shall—

12 “(1) meet the requirements set forth for the  
13 Senior Executive Service in section 3131 of title 5;

14 “(2) ensure that the National Imagery and  
15 Mapping Senior Executive Service positions satisfy  
16 requirements that are consistent with the provisions  
17 of section 3132(a)(2) of title 5;

18 “(3) prescribe rates of pay for the National Im-  
19 agery and Mapping Senior Executive Service that  
20 are not in excess of the maximum rate of basic pay,  
21 nor less than the minimum rate of basic pay, estab-  
22 lished for the Senior Executive Service under section  
23 5382 of title 5;

24 “(4) provide for adjusting the rates of pay at  
25 the same time and to the same extent as rates of

1 basic pay for the Senior Executive Service are ad-  
2 justed;

3 “(5) provide a performance appraisal system for  
4 the National Imagery and Mapping Senior Executive  
5 Service that conforms to the provisions of sub-  
6 chapter II of chapter 43 of title 5;

7 “(6) provide for removal consistent with section  
8 3592 of title 5, and removal or suspension consistent  
9 with subsections (a), (b), and (c) of section 7543 of  
10 title 5 (except that any hearing or appeal to which  
11 a member of the National Imagery and Mapping  
12 Senior Executive Service is entitled shall be held or  
13 decided pursuant to procedures established by the  
14 Secretary of Defense);

15 “(7) permit the payment of performance awards  
16 to members of the National Imagery and Mapping  
17 Senior Executive Service consistent with the provi-  
18 sions applicable to performance awards under sec-  
19 tion 5384 of title 5;

20 “(8) provide that members of the National Im-  
21 agery and Mapping Senior Executive Service may be  
22 granted sabbatical leaves consistent with the provi-  
23 sions of section 3396(c) of title 5; and

24 “(9) provide for the recertification of members  
25 of the National Imagery and Mapping Senior Execu-

1       tive Service consistent with the provisions of section  
2       3393a of title 5.

3       “(c) AUTHORITY.—Except as otherwise provided in  
4 subsection (b), the Secretary of Defense may—

5           “(1) make applicable to the National Imagery  
6 and Mapping Senior Executive Service any of the  
7 provisions of title 5 that are applicable to applicants  
8 for or members of the Senior Executive Service; and

9           “(2) appoint, promote, and assign individuals to  
10 positions established within the National Imagery  
11 and Mapping Senior Executive Service without re-  
12 gard to the provisions of title 5 governing appoint-  
13 ments and other personnel actions in the competitive  
14 service.

15       “(d) AWARD OF RANK.—The President, based on the  
16 recommendations of the Secretary of Defense, may award  
17 ranks to individuals who occupy positions in the National  
18 Imagery and Mapping Senior Executive Service in a man-  
19 ner consistent with the provisions of section 4507 of title  
20 5.

21       “(e) DETAILS AND ASSIGNMENTS.—Notwithstanding  
22 any other provisions of this section, the Secretary of De-  
23 fense may detail or assign any member of the National  
24 Imagery and Mapping Senior Executive Service to serve  
25 in a position outside the National Imagery and Mapping

1 Agency in which the member's expertise and experience  
2 may be of benefit to the National Imagery and Mapping  
3 Agency or another Government agency. Any such member  
4 shall not by reason of such detail or assignment lose any  
5 entitlement or status associated with membership in the  
6 National Imagery and Mapping Senior Executive Service.

7 **“§ 463. Management rights**

8       “(a) SCOPE.—If there is no obligation under the pro-  
9 visions of chapter 71 of title 5 for the head of an agency  
10 of the United States to consult or negotiate with a labor  
11 organization on a particular matter by reason of that mat-  
12 ter being covered by a provision of law or a Government-  
13 wide regulation, the Director of the National Imagery and  
14 Mapping Agency is not obligated to consult or negotiate  
15 with a labor organization on that matter even if that provi-  
16 sion of law or regulation is inapplicable to the National  
17 Imagery and Mapping Agency.

18       “(b) BARGAINING UNITS.—The National Imagery  
19 and Mapping Agency shall accord exclusive recognition to  
20 a labor organization under section 7111 of title 5 only for  
21 a bargaining unit that was recognized as appropriate for  
22 the Defense Mapping Agency on the day before the date  
23 on which employees and positions of the Defense Mapping  
24 Agency in that bargaining unit became employees and po-  
25 sitions of the National Imagery and Mapping Agency

1 under the National Imagery and Mapping Agency Act of  
 2 1996 (subtitle B of title IX of the National Defense Au-  
 3 thorization Act for Fiscal Year 1997).

4       “(c) TERMINATION OF BARGAINING UNIT COVERAGE  
 5 OF POSITION MODIFIED TO AFFECT NATIONAL SECU-  
 6 RITY DIRECTLY.—(1) If the Director of the National Im-  
 7 agery and Mapping Agency determines that the respon-  
 8 sibilities of a position within a collective bargaining unit  
 9 should be modified to include intelligence, counterintel-  
 10 ligence, investigative, or security duties not previously as-  
 11 signed to that position and that the performance of the  
 12 newly assigned duties directly affects the national security  
 13 of the United States, then, upon such a modification of  
 14 the responsibilities of that position, the position shall cease  
 15 to be covered by the collective bargaining unit and the em-  
 16 ployee in that position shall cease to be entitled to rep-  
 17 resentation by a labor organization accorded exclusive rec-  
 18 ognition for that collective bargaining unit.

19       “(2) A determination described in paragraph (1) that  
 20 is made by the Director of the National Imagery and Map-  
 21 ping Agency may not be reviewed by the Federal Labor  
 22 Relations Authority or any court of the United States.

23               “SUBCHAPTER IV—DEFINITIONS

“Sec.

“471. Definitions.

1 **“§ 471. Definitions**

2 “In this chapter:

3 “(1) The term ‘function’ means any duty, obli-  
4 gation, responsibility, privilege, activity, or program.

5 “(2)(A) The term ‘imagery’ means, except as  
6 provided in subparagraph (B), a likeness or presen-  
7 tation of any natural or manmade feature or related  
8 object or activity and the positional data acquired at  
9 the same time the likeness or representation was ac-  
10 quired, including—

11 “(i) products produced by space-based na-  
12 tional intelligence reconnaissance systems; and

13 “(ii) likenesses or presentations produced  
14 by satellites, airborne platforms, unmanned aer-  
15 ial vehicles, or other similar means.

16 “(B) The term does not include handheld or  
17 clandestine photography taken by or on behalf of  
18 human intelligence collection organizations.

19 “(3) The term ‘imagery intelligence’ means the  
20 technical, geographic, and intelligence information  
21 derived through the interpretation or analysis of im-  
22 agery and collateral materials.

23 “(4) The term ‘geospatial information’ means  
24 information that identifies the geographic location  
25 and characteristics of natural or constructed fea-  
26 tures and boundaries on the earth and includes—

1           “(A) statistical data and information de-  
 2           rived from, among other things, remote sensing,  
 3           mapping, and surveying technologies;

4           “(B) mapping, charting, and geodetic data;  
 5           and

6           “(C) geodetic products, as defined in sec-  
 7           tion 455(e) of this title.”.

8           (b) TRANSFER OF CHAPTER 167 PROVISIONS.—Sec-  
 9           tions 2792, 2793, 2794, 2795, 2796, and 2798 of title  
 10          10, United States Code, are transferred to subchapter II  
 11          of chapter 22 of such title, as added by subsection (a),  
 12          are inserted in that sequence in such subchapter following  
 13          the table of sections, and are redesignated in accordance  
 14          with the following table:

<b>Section transferred</b>	<b>Section as redesignated</b>
2792 .....	451
2793 .....	452
2794 .....	453
2795 .....	454
2796 .....	455
2798 .....	456.

15          (c) CONSULTATION ON APPOINTMENT OF DIREC-  
 16          TOR.—Section 201 of title 10, United States Code, is  
 17          amended by striking out “or Director of the National Se-  
 18          curity Agency” and inserting in lieu thereof “, Director  
 19          of the National Security Agency, or Director of the Na-  
 20          tional Imagery and Mapping Agency”.

1 (d) OVERSIGHT OF AGENCY AS A COMBAT SUPPORT  
2 AGENCY.—Section 193 of title 10, United States Code,  
3 is amended—

4 (1) in subsection (d)—

5 (A) by striking out the caption and insert-  
6 ing in lieu thereof “REVIEW OF NATIONAL SE-  
7 CURITY AGENCY AND NATIONAL IMAGERY AND  
8 MAPPING AGENCY.—”;

9 (B) in paragraph (1)—

10 (i) by inserting “and the National Im-  
11 agery and Mapping Agency” after “the  
12 National Security Agency”; and

13 (ii) by striking out “the Agency” and  
14 inserting in lieu thereof “that the agen-  
15 cies”; and

16 (C) in paragraph (2), by inserting “and  
17 the National Imagery and Mapping Agency”  
18 after “the National Security Agency”;

19 (2) in subsection (e)—

20 (A) by striking out “DIA AND NSA” in  
21 the caption and inserting in lieu thereof the fol-  
22 lowing: “DIA, NSA, AND NIMA.—”; and

23 (B) by striking out “and the National Se-  
24 curity Agency” and inserting in lieu thereof “,

1 the National Security Agency, and the National  
2 Imagery and Mapping Agency”; and

3 (3) in subsection (f), by striking out paragraph  
4 (4) and inserting in lieu thereof the following:

5 “(4) The National Imagery and Mapping Agen-  
6 cy.”.

7 (e) SPECIAL PRINTING AUTHORITY FOR AGENCY.—

8 (1) Section 207(a)(2)(B) of the Legislative Branch Appro-  
9 priations Act, 1993 (Public Law 102–392; 44 U.S.C. 501  
10 note) is amended by inserting “National Imagery and  
11 Mapping Agency,” after “Defense Intelligence Agency,”.

12 (2) Section 1336 of title 44, United States Code, is  
13 amended—

14 (A) by striking out “Secretary of the Navy”  
15 and inserting in lieu thereof “Director of the Na-  
16 tional Imagery and Mapping Agency”; and

17 (B) by striking out “United States Naval  
18 Oceanographic Office” and inserting in lieu thereof  
19 “National Imagery and Mapping Agency”.

20 **SEC. 922. TRANSFERS.**

21 (a) DEPARTMENT OF DEFENSE.—The missions and  
22 functions of the following elements of the Department of  
23 Defense are transferred to the National Imagery and Map-  
24 ping Agency:

25 (A) The Defense Mapping Agency.

1 (B) The Central Imagery Office.

2 (C) Other elements of the Department of De-  
3 fense as provided in the classified annex to this Act.

4 (b) CENTRAL INTELLIGENCE AGENCY.—The mis-  
5 sions and functions of the following elements of the  
6 Central Intelligence Agency are transferred to the Na-  
7 tional Imagery and Mapping Agency:

8 (A) The National Photographic Interpretation  
9 Center.

10 (B) Other elements of the Central Intelligence  
11 Agency as provided in the classified annex to this  
12 Act.

13 (c) PERSONNEL AND ASSETS.—(1) Subject to para-  
14 graphs (2) and (3), the personnel, assets, unobligated bal-  
15 ances of appropriations and authorizations of appropria-  
16 tions, and, to the extent jointly determined appropriate by  
17 the Secretary of Defense and Director of Central Intel-  
18 ligence, obligated balances of appropriations and author-  
19 izations of appropriations employed, used, held, arising  
20 from, or available in connection with the missions and  
21 functions transferred under subsection (a) or (b) are  
22 transferred to the National Imagery and Mapping Agency.  
23 A transfer may not be made under the preceding sentence  
24 for any program or function for which funds are not ap-  
25 propriated to the National Imagery and Mapping Agency

1 for fiscal year 1997. Transfers of appropriations from the  
2 Central Intelligence Agency under this paragraph shall be  
3 made in accordance with section 1531 of title 31, United  
4 States Code.

5 (2) Not earlier than two years after the effective date  
6 of this subtitle, the Secretary of Defense and the Director  
7 of Central Intelligence shall determine which, if any, posi-  
8 tions and personnel of the Central Intelligence Agency are  
9 to be transferred to the National Imagery and Mapping  
10 Agency. The positions to be transferred, and the employ-  
11 ees serving in such positions, shall be transferred to the  
12 National Imagery and Mapping Agency under terms and  
13 conditions prescribed by the Secretary of Defense and the  
14 Director of Central Intelligence.

15 (3) If the National Photographic Interpretation Cen-  
16 ter of the Central Intelligence Agency or any imagery-re-  
17 lated activity of the Central Intelligence Agency author-  
18 ized to be performed by the National Imagery and Map-  
19 ping Agency is not completely transferred to the National  
20 Imagery and Mapping Agency, the Secretary of Defense  
21 and the Director of Central Intelligence shall—

22 (A) jointly determine which, if any, contracts,  
23 leases, property, and records employed, used, held,  
24 arising from, available to, or otherwise relating to

1 such Center or activity is to be transferred to the  
2 National Imagery and Intelligence Agency; and

3 (B) provide by written agreement for the trans-  
4 fer of such items.

5 **SEC. 923. COMPATIBILITY WITH AUTHORITY UNDER THE**  
6 **NATIONAL SECURITY ACT OF 1947.**

7 (a) AGENCY FUNCTIONS.—Section 105(b) of the Na-  
8 tional Security Act of 1947 (50 U.S.C. 403–5(b)) is  
9 amended by striking out paragraph (2) and inserting in  
10 lieu thereof the following:

11 “(2) through the National Imagery and Map-  
12 ping Agency (except as otherwise directed by the  
13 President or the National Security Council), with  
14 appropriate representation from the intelligence  
15 community, the continued operation of an effective  
16 unified organization within the Department of De-  
17 fense—

18 “(A) for carrying out tasking of imagery  
19 collection;

20 “(B) for the coordination of imagery proc-  
21 essing and exploitation activities;

22 “(C) for ensuring the dissemination of im-  
23 agery in a timely manner to authorized recipi-  
24 ents; and

1           “(D) notwithstanding any other provision  
2 of law, for—

3           “(i) prescribing technical architecture  
4 and standards related to imagery intel-  
5 ligence and geospatial information and en-  
6 suring compliance with such architecture  
7 and standards; and

8           “(ii) developing and fielding systems  
9 of common concern related to imagery in-  
10 telligence and geospatial information;”.

11       (b) APPOINTMENT OF DIRECTOR.—Section 106 of  
12 such Act (50 U.S.C. 403–6) is amended—

13           (1) by striking out subsection (b); and

14           (2) in subsection (a)—

15           (A) by inserting “the National Imagery  
16 and Mapping Agency,” after “the National Re-  
17 connaissance Office,”; and

18           (B) by striking out “(a) CONSULTATION  
19 WITH REGARD TO CERTAIN APPOINT-  
20 MENTS.—”.

21 **SEC. 924. OTHER PERSONNEL MANAGEMENT AUTHORITIES.**

22       (a) COMPARABLE TREATMENT WITH OTHER INTEL-  
23 LIGENCE SENIOR EXECUTIVE SERVICES.—Title 5, United  
24 States Code, is amended as follows:

1           (1) In section 2108(3), by inserting “the Na-  
2           tional Imagery and Mapping Senior Executive Serv-  
3           ice,” after “the Senior Cryptologic Executive Serv-  
4           ice,” in the matter following subparagraph (F)(iii).

5           (2) In section 6304(f)(1), by—

6                 (A) by striking out “or” at the end of sub-  
7           paragraph (D);

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

11                (C) by adding at the end the following:

12                   “(F) the National Imagery and Mapping  
13          Senior Executive Service.”; and

14           (3) In sections 8336(h)(2) and 8414(a)(2), by  
15          striking out “or the Senior Cryptologic Executive  
16          Service” and inserting in lieu thereof “, the Senior  
17          Cryptologic Executive Service, or the National Im-  
18          agery and Mapping Senior Executive Service”.

19          (b) CENTRAL IMAGERY OFFICE PERSONNEL MAN-  
20          AGEMENT AUTHORITIES.—

21                (1) NONDUPLICATION OF COVERAGE BY DE-  
22          FENSE INTELLIGENCE SENIOR EXECUTIVE SERV-  
23          ICE.—Section 1601 of title 10, United States Code,  
24          is amended—

1 (A) in subsection (a), by striking out “and  
2 the Central Imagery Office”;

3 (B) in subsection (d), by striking out “or  
4 the Central Imagery Office in which the mem-  
5 ber’s expertise and experience may be of benefit  
6 to the Defense Intelligence Agency, the Central  
7 Imagery Office,” in the first sentence and in-  
8 serting in lieu thereof “in which the member’s  
9 expertise and experience may be of benefit to  
10 the Defense Intelligence Agency”; and

11 (C) in subsection (e), by striking out “and  
12 the Central Imagery Office” in the first sen-  
13 tence.

14 (2) MERIT PAY.—Section 1602 of such title is  
15 amended by striking out “and Central Imagery Of-  
16 fice”.

17 (3) MISCELLANEOUS AUTHORITIES.—Sub-  
18 section 1604 of such title is amended—

19 (A) in subsection (a)(1)—

20 (i) by striking out “and the Central  
21 Imagery Office”; and

22 (ii) by striking out “and Office”;

23 (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 (c) NATIONAL SECURITY ACT OF 1947.—(1) The  
 22 heading of section 106 of the National Security Act of  
 23 1947 (50 U.S.C. 403–6) is amended to read as follows:



1 available for the same purposes as the authorization to  
2 which transferred.

3 (2) The total amount of authorizations that the Sec-  
4 retary of Defense may transfer under the authority of this  
5 section may not exceed \$2,000,000,000.

6 (b) LIMITATIONS.—The authority provided by this  
7 section to transfer authorizations—

8 (1) may only be used to provide authority for  
9 items that have a higher priority than the items  
10 from which authority is transferred; and

11 (2) may not be used to provide authority for an  
12 item that has been denied authorization by Con-  
13 gress.

14 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
15 transfer made from one account to another under the au-  
16 thority of this section shall be deemed to increase the  
17 amount authorized for the account to which the amount  
18 is transferred by an amount equal to the amount trans-  
19 ferred.

20 (d) NOTICE TO CONGRESS.—The Secretary shall  
21 promptly notify Congress of each transfer made under  
22 subsection (a).

1 **SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UN-**  
2 **AUTHORIZED FISCAL YEAR 1996 DEFENSE AP-**  
3 **PROPRIATIONS.**

4 (a) **AUTHORITY.**—The amounts described in sub-  
5 section (b) may be obligated and expended for programs,  
6 projects, and activities of the Department of Defense in  
7 accordance with fiscal year 1996 defense appropriations.

8 (b) **COVERED AMOUNTS.**—The amounts referred to  
9 in subsection (a) are the amounts provided for programs,  
10 projects, and activities of the Department of Defense in  
11 fiscal year 1996 defense appropriations that are in excess  
12 of the amounts provided for such programs, projects, and  
13 activities in fiscal year 1996 defense authorizations.

14 (c) **DEFINITIONS.**—For the purposes of this section:

15 (1) **FISCAL YEAR 1996 DEFENSE APPROPRIA-**  
16 **TIONS.**—The term “fiscal year 1996 defense appro-  
17 priations” means amounts appropriated or otherwise  
18 made available to the Department of Defense for fis-  
19 cal year 1996 in the Department of Defense Appro-  
20 priations Act, 1996 (Public Law 104–61).

21 (2) **FISCAL YEAR 1996 DEFENSE AUTHORIZA-**  
22 **TIONS.**—The term “fiscal year 1996 defense author-  
23 izations” means amounts authorized to be appro-  
24 priated for the Department of Defense for fiscal  
25 year 1996 in the National Defense Authorization  
26 Act for Fiscal Year 1996 (Public Law 104–106).

1 **SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUP-**  
2 **PLEMENTAL APPROPRIATIONS FOR FISCAL**  
3 **YEAR 1996.**

4 Amounts authorized to be appropriated to the De-  
5 partment of Defense for fiscal year 1996 in the National  
6 Defense Authorization Act for Fiscal Year 1996 (Public  
7 Law 104–106) are hereby adjusted, with respect to any  
8 such authorized amount, by the amount by which appro-  
9 priations pursuant to such authorization were increased  
10 (by a supplemental appropriation) or decreased (by a re-  
11 scission), or both, in the Omnibus Consolidated Rescis-  
12 sions and Appropriations Act of 1996 (Public Law 104–  
13 134).

14 **SEC. 1004. USE OF FUNDS TRANSFERRED TO THE COAST**  
15 **GUARD.**

16 (a) **LIMITATION.**—Funds appropriated to the Depart-  
17 ment of Defense for fiscal year 1997 that are transferred  
18 to the Coast Guard may be used only for the performance  
19 of national security functions of the Coast Guard in sup-  
20 port of the Department of Defense.

21 (b) **CERTIFICATION REQUIRED.**—Funds described in  
22 subsection (a) may not be transferred to the Coast Guard  
23 until the Secretary of Defense and the Secretary of Trans-  
24 portation jointly certify to Congress that the funds so  
25 transferred will be used only as described in subsection  
26 (a).

1 (c) GAO AUDIT.—The Comptroller General of the  
2 United States shall—

3 (1) audit, from time to time, the use of funds  
4 transferred to the Coast Guard from appropriations  
5 for the Department of Defense for fiscal year 1997  
6 in order to verify that the funds are being used in  
7 accordance with the limitation in subsection (a); and

8 (2) notify the congressional defense committees  
9 of any use of such funds that, in the judgment of  
10 the Comptroller General, is a significant violation of  
11 such limitation.

12 **SEC. 1005. USE OF MILITARY-TO-MILITARY CONTACTS**  
13 **FUNDS FOR PROFESSIONAL MILITARY EDU-**  
14 **CATION AND TRAINING.**

15 Section 168(c) of title 10, United States Code, is  
16 amended by adding at the end the following:

17 “(9) Military education and training for mili-  
18 tary and civilian personnel of foreign countries (in-  
19 cluding transportation expenses, expenses for trans-  
20 lation services, and administrative expenses to the  
21 extent that the expenses are related to the providing  
22 of such education and training to such personnel).”.

1 **SEC. 1006. PAYMENT OF CERTAIN EXPENSES RELATING TO**  
2 **HUMANITARIAN AND CIVIC ASSISTANCE.**

3 Section 401(e) of title 10, United States Code, is  
4 amended—

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

7 (2) by inserting after paragraph (1) the follow-  
8 ing new paragraph (2):

9 “(2) Expenses covered by paragraph (1) include the  
10 following expenses incurred in the providing of assistance  
11 described in subsection (e)(5):

12 “(A) Travel, transportation, and subsistence ex-  
13 penses of Department of Defense personnel provid-  
14 ing the assistance.

15 “(B) The cost of any equipment, services, or  
16 supplies acquired for the purpose of providing the  
17 assistance.”.

18 **SEC. 1007. PROHIBITION ON EXPENDITURE OF DEPART-**  
19 **MENT OF DEFENSE FUNDS BY OFFICIALS**  
20 **OUTSIDE THE DEPARTMENT.**

21 (a) PROHIBITION.—Section 2215 of title 10, United  
22 States Code, is amended to read as follows:

1 **“§ 2215. Prohibition on expenditure of Department of**  
 2 **Defense intelligence funds by officials**  
 3 **outside the department**

4 “(a) IN GENERAL.—Funds appropriated for the De-  
 5 partment of Defense for intelligence activities of that de-  
 6 partment may not be obligated or expended by an officer  
 7 or employee of the United States who is not an officer  
 8 or employee of the Department of Defense.

9 “(b) DELEGATION OF AUTHORITY PROHIBITED.—An  
 10 officer or employee of the Department of Defense may not  
 11 delegate to an officer or employee of the United States  
 12 who is not an officer or employee of the Department of  
 13 Defense any authority to obligate or expend funds de-  
 14 scribed in subsection (a).”.

15 (b) CLERICAL AMENDMENT.—The item relating to  
 16 such section in the table of sections at the beginning of  
 17 chapter 131 is amended to read as follows:

“2215. Prohibition on expenditure of Department of Defense intelligence funds  
 by officials outside the department.”.

18 **SEC. 1008. PROHIBITION ON USE OF FUNDS FOR OFFICE OF**  
 19 **NAVAL INTELLIGENCE REPRESENTATION OR**  
 20 **RELATED ACTIVITIES.**

21 None of the funds authorized to be appropriated by this  
 22 Act or otherwise made available for the Navy for fiscal  
 23 year 1997 may be obligated or expended by the Office of

1 Naval Intelligence for official representation activities or  
2 related activities.

3 **SEC. 1009. REIMBURSEMENT OF DEPARTMENT OF DEFENSE**  
4 **FOR COSTS OF DISASTER ASSISTANCE PRO-**  
5 **VIDED OUTSIDE THE UNITED STATES.**

6 Section 404 of title 10, United States Code, is  
7 amended—

8 (1) by redesignating subsection (d) as sub-  
9 section (e); and

10 (2) by inserting after subsection (c) the follow-  
11 ing new subsection (d):

12 “(d) REIMBURSEMENT POLICY.—It is the sense of  
13 Congress that, whenever the President directs the Sec-  
14 retary of Defense to provide disaster assistance outside the  
15 United States under subsection (a)—

16 “(1) the President should direct the Adminis-  
17 trator of the Agency for International Development  
18 to reimburse the Department of Defense for the cost  
19 to the Department of Defense of the assistance pro-  
20 vided; and

21 “(2) a reimbursement by the Administrator  
22 should be paid out of funds available under chapter  
23 9 of part I of the Foreign Assistance Act of 1961  
24 for international disaster assistance for the fiscal  
25 year in which the cost is incurred.”.

1 **SEC. 1010. FISHER HOUSE TRUST FUND FOR THE NAVY.**

2 (a) **AUTHORITY.**—Section 2221 of title 10, United  
3 States Code, is amended—

4 (1) in subsection (a), by adding at the end the  
5 following:

6 “(3) The Fisher House Trust Fund, Depart-  
7 ment of the Navy.”;

8 (2) in subsection (c)—

9 (A) by redesignating paragraph (3) as  
10 paragraph (4); and

11 (B) by inserting after paragraph (2) the  
12 following new paragraph (3):

13 “(3) Amounts in the Fisher House Trust Fund, De-  
14 partment of the Navy, that are attributable to earnings  
15 or gains realized from investments shall be available for  
16 the operation and maintenance of Fisher houses that are  
17 located in proximity to medical treatment facilities of the  
18 Navy.”; and

19 (3) in subsection (d)(1), by striking out “or the  
20 Air Force” and inserting in lieu thereof “, the Air  
21 Force, or the Navy”.

22 (b) **CORPUS OF TRUST FUNDS.**—The Secretary of  
23 the Navy shall transfer to the Fisher House Trust Fund,  
24 Department of the Navy, established by section  
25 2221(a)(3) of title 10, United States Code (as added by  
26 subsection (a)(1)), all amounts in the accounts for Navy

1 installations and other facilities that, as of the date of the  
2 enactment of this Act, are available for operation and  
3 maintenance of Fisher houses, as defined in section  
4 2221(d) of such title.

5 (c) CONFORMING AMENDMENTS.—Section 1321 of  
6 title 31, United States Code, is amended—

7 (1) in subsection (a), by adding at the end the  
8 following:

9 “(94) Fisher House Trust Fund, Department  
10 of the Navy.”; and

11 (2) in subsection (b)(2), by adding at the end  
12 the following:

13 “(D) Fisher House Trust Fund, Department of  
14 the Navy.”.

15 **SEC. 1011. DESIGNATION AND LIABILITY OF DISBURSING**  
16 **AND CERTIFYING OFFICIALS FOR THE COAST**  
17 **GUARD.**

18 (a) DISBURSING OFFICIALS.—(1) Section 3321(c) of  
19 title 31, United States Code, is amended by adding at the  
20 end the following:

21 “(3) The Department of Transportation (with  
22 respect to public money available for expenditure by  
23 the Coast Guard when it is not operating as a serv-  
24 ice in the Navy).”.

1           (2)(A) Chapter 17 of title 14, United States Code,  
2 is amended by adding at the end the following:

3   **“§ 673. Designation, powers, and accountability of**  
4                           **deputy disbursing officials**

5           “(a)(1) Subject to paragraph (3), a disbursing official  
6 of the Coast Guard may designate a deputy disbursing of-  
7 ficial—

8                   “(A) to make payments as the agent of the dis-  
9           bursing official;

10                   “(B) to sign checks drawn on disbursing ac-  
11           counts of the Secretary of the Treasury; and

12                   “(C) to carry out other duties required under  
13           law.

14           “(2) The penalties for misconduct that apply to a dis-  
15           bursing official apply to a deputy disbursing official des-  
16           ignated under this subsection.

17           “(3) A disbursing official may make a designation  
18           under paragraph (1) only with the approval of the Sec-  
19           retary of Transportation (when the Coast Guard is not  
20           operating as a service in the Navy).

21           “(b)(1) If a disbursing official of the Coast Guard  
22           dies, becomes disabled, or is separated from office, a dep-  
23           uty disbursing official may continue the accounts and pay-  
24           ments in the name of the former disbursing official until  
25           the last day of the second month after the month in which

1 the death, disability, or separation occurs. The accounts  
2 and payments shall be allowed, audited, and settled as pro-  
3 vided by law. The Secretary of the Treasury shall honor  
4 checks signed in the name of the former disbursing official  
5 in the same way as if the former disbursing official had  
6 continued in office.

7 “(2) The deputy disbursing official, and not the  
8 former disbursing official or the estate of the former dis-  
9 bursing official, is liable for the actions of the deputy dis-  
10 bursing official under this subsection.

11 “(c)(1) Except as provided in paragraph (2), this sec-  
12 tion does not apply to the Coast Guard when section 2773  
13 of title 10 applies to the Coast Guard by reason of the  
14 operation of the Coast Guard as a service in the Navy.

15 “(2) A designation of a deputy disbursing official  
16 under subsection (a) that is made while the Coast Guard  
17 is not operating as a service in the Navy continues in ef-  
18 fect for purposes of section 2773 of title 10 while the  
19 Coast Guard operates as a service in the Navy unless and  
20 until the designation is terminated by the disbursing offi-  
21 cial who made the designation or an official authorized  
22 to approve such a designation under subsection (a)(3) of  
23 such section.”.

24 (B) The table of sections at the beginning of such  
25 chapter is amended by adding at the end the following:

“673. Designation, powers, and accountability of deputy disbursing officials.”.

1           (b) DESIGNATION OF MEMBERS OF THE ARMED  
2 FORCES TO HAVE AUTHORITY TO CERTIFY VOUCH-  
3 ERS.—Section 3325(b) of title 31, United States Code, is  
4 amended by striking out “members of the armed forces  
5 under the jurisdiction of the Secretary of Defense may cer-  
6 tify vouchers when authorized, in writing, by the Secretary  
7 to do so” and inserting in lieu thereof “members of the  
8 armed forces may certify vouchers when authorized, in  
9 writing, by the Secretary of Defense or, in the case of the  
10 Coast Guard when it is not operating as a service in the  
11 Navy, by the Secretary of Transportation”.

12           (c) CONFORMING AMENDMENTS.—(1) Section  
13 1007(a) of title 37, United States Code, is amended by  
14 inserting after “Secretary of Defense” the following: “(or  
15 the Secretary of Transportation, in the case of an officer  
16 of the Coast Guard when the Coast Guard is not operating  
17 as a service in the Navy)”.

18           (2) Section 3527(b)(1) of title 31, United States  
19 Code, is amended—

20                   (A) in subparagraph (A)(i), by inserting after  
21           “Department of Defense” the following: “(or the  
22           Secretary of Transportation, in the case of a dis-  
23           bursing official of the Coast Guard when the Coast  
24           Guard is not operating as a service in the Navy)”;  
25           and

1 (B) in subparagraph (B), by inserting after “or  
2 the Secretary of the appropriate military depart-  
3 ment” the following: “(or the Secretary of Transpor-  
4 tation, in the case of a disbursing official of the  
5 Coast Guard when the Coast Guard is not operating  
6 as a service in the Navy)”.

7 **SEC. 1012. AUTHORITY TO SUSPEND OR TERMINATE COL-**  
8 **LECTION ACTIONS AGAINST DECEASED MEM-**  
9 **BERS OF THE COAST GUARD.**

10 Section 3711(g) of title 31, United States Code, is  
11 amended—

12 (1) in paragraph (1), by striking out “or Ma-  
13 rine Corps” and inserting in lieu thereof “Marine  
14 Corps, or Coast Guard”;

15 (2) by redesignating paragraph (2) as para-  
16 graph (3); and

17 (3) by inserting after paragraph (1) the follow-  
18 ing new paragraph (2):

19 “(2) The Secretary of Transportation may suspend  
20 or terminate an action by the Secretary under subsection  
21 (a) to collect a claim against the estate of a person who  
22 died while serving on active duty as a member of the Coast  
23 Guard if the Secretary determines that, under the cir-  
24 cumstances applicable with respect to the deceased person,  
25 it is appropriate to do so.”.

1 **SEC. 1013. CHECK CASHING AND EXCHANGE TRANS-**  
2 **ACTIONS WITH CREDIT UNIONS OUTSIDE THE**  
3 **UNITED STATES.**

4 Section 3342(b) of title 31, United States Code, is  
5 amended—

6 (1) by striking out “and” at the end of para-  
7 graph (5);

8 (2) by striking out the period at the end of  
9 paragraph (6) and inserting in lieu thereof “; and”;  
10 and

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

12 “(7) a Federal credit union (as defined in sec-  
13 tion 101(1) of the Federal Credit Union Act (12  
14 U.S.C. 1752(1)) that is operating at Department of  
15 Defense invitation in a foreign country where con-  
16 tractor-operated military banking facilities are not  
17 available.”.

18 **Subtitle B—Naval Vessels and**  
19 **Shipyards**

20 **SEC. 1021. AUTHORITY TO TRANSFER NAVAL VESSELS.**

21 (a) EGYPT.—The Secretary of the Navy may transfer  
22 to the Government of Egypt the “OLIVER HAZARD  
23 PERRY” frigate GALLERY. Such transfer shall be on  
24 a sales basis under section 21 of the Arms Export Control  
25 Act (22 U.S.C. 2761; relating to the foreign military sales  
26 program).

1 (b) MEXICO.—The Secretary of the Navy may trans-  
2 fer to the Government of Mexico the “KNOX” class frig-  
3 ates STEIN (FF 1065) and MARVIN SHIELDS (FF  
4 1066). Such transfers shall be on a sales basis under sec-  
5 tion 21 of the Arms Export Control Act (22 U.S.C. 2761).

6 (c) NEW ZEALAND.—The Secretary of the Navy may  
7 transfer to the Government of New Zealand the “STAL-  
8 WART” class ocean surveillance ship TENACIOUS. Such  
9 transfer shall be on a sales basis under section 21 of the  
10 Arms Export Control Act (22 U.S.C. 2761).

11 (d) PORTUGAL.—The Secretary of the Navy may  
12 transfer to the Government of Portugal the “STAL-  
13 WART” class ocean surveillance ship AUDACIOUS. Such  
14 transfer shall be on a grant basis under section 516 of  
15 the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; re-  
16 lating to transfers of excess defense articles).

17 (e) TAIWAN.—The Secretary of the Navy may trans-  
18 fer to the Taipei Economic and Cultural Representative  
19 Office in the United States (which is the Taiwan instru-  
20 mentality designated pursuant to section 10(a) of the Tai-  
21 wan Relations Act) the following:

22 (1) The “KNOX” class frigates AYLWIN (FF  
23 1081), PHARRIS (FF 1094), and VALDEZ (FF  
24 1096). Such transfers shall be on a sales basis under

1 section 21 of the Arms Export Control Act (22  
2 U.S.C. 2761).

3 (2) The “NEWPORT” class tank landing ship  
4 NEWPORT (LST 1179). Such transfer shall be on  
5 a lease basis under section 61 of the Arms Export  
6 Control Act (22 U.S.C. 2796).

7 (f) THAILAND.—The Secretary of the Navy may  
8 transfer to the Government of Thailand the “KNOX”  
9 class frigate OUELLET (FF 1077). Such transfer shall  
10 be on a sales basis under section 21 of the Arms Export  
11 Control Act (22 U.S.C. 2761).

12 (g) COSTS OF TRANSFER.—Any expense of the Unit-  
13 ed States in connection with a transfer authorized by this  
14 section shall be charged to the recipient.

15 (h) REPAIR AND REFURBISHMENT OF VESSELS.—  
16 The Secretary of the Navy shall require, to the maximum  
17 extent possible, as a condition of a transfer of a vessel  
18 under this section, that the country to which the vessel  
19 is transferred have such repair or refurbishment of the  
20 vessel as is needed, before the vessel joins the naval forces  
21 of that country, performed at a shipyard located in the  
22 United States, including a United States Navy shipyard.

23 (i) EXPIRATION OF AUTHORITY.—Any authority for  
24 transfer granted by this section shall expire at the end

1 of the 2-year period beginning on the date of the enact-  
2 ment of this Act.

3 **SEC. 1022. TRANSFER OF CERTAIN OBSOLETE TUGBOATS**  
4 **OF THE NAVY.**

5 (a) REQUIREMENT TO TRANSFER VESSELS.—The  
6 Secretary of the Navy shall transfer the six obsolete tug-  
7 boats of the Navy specified in subsection (b) to the North-  
8 east Wisconsin Railroad Transportation Commission, an  
9 instrumentality of the State of Wisconsin. Such transfers  
10 shall be made without reimbursement to the United  
11 States.

12 (b) VESSELS COVERED.—The requirement in sub-  
13 section (a) applies to the six decommissioned Cherokee  
14 class tugboats, listed as of the date of the enactment of  
15 this Act as being surplus to the Navy, that are designated  
16 as ATF-105, ATF-110, ATF-149, ATF-158, ATF-159,  
17 and ATF-160.

18 (c) CONDITION RELATING TO ENVIRONMENTAL COM-  
19 PLIANCE.—The Secretary shall require as a condition of  
20 the transfer of a vessel under subsection (a) that use of  
21 the vessel by the Commission not commence until the  
22 terms of any necessary environmental compliance letter or  
23 agreement with respect to that vessel have been complied  
24 with.

1 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
2 Secretary may require such additional terms and condi-  
3 tions (including a requirement that the transfer be at no  
4 cost to the Government) in connection with the transfers  
5 required by subsection (a) as the Secretary considers ap-  
6 propriate.

7 **SEC. 1023. REPEAL OF REQUIREMENT FOR CONTINUOUS**  
8 **APPLICABILITY OF CONTRACTS FOR PHASED**  
9 **MAINTENANCE OF AE CLASS SHIPS.**

10 Section 1016 of the National Defense Authorization  
11 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.  
12 425) is repealed.

13 **SEC. 1024. CONTRACT OPTIONS FOR LMSR VESSELS.**

14 (a) FINDINGS.—Congress reaffirms the findings set  
15 forth in section 1013(a) of the National Defense Author-  
16 ization Act for Fiscal Year 1996 (Public Law 104–106;  
17 110 Stat. 422), and makes the following modifications and  
18 supplemental findings:

19 (1) Since the findings set forth in section  
20 1013(a) of such Act were originally formulated, the  
21 Secretary of the Navy has exercised options for the  
22 acquisition of two of the six additional large, me-  
23 dium-speed, roll-on/roll-off (LMSR) vessels that may  
24 be acquired by exercise of options provided for under

1 contracts covering the acquisition of a total of 17  
2 LMSR vessels.

3 (2) Therefore, under those contracts, the Sec-  
4 retary has placed orders for the acquisition of 13  
5 LMSR vessels and has remaining options for the ac-  
6 quisition of four more LMSR vessels, all of which  
7 would be new construction vessels.

8 (3) The remaining options allow the Secretary  
9 to place orders for one vessel to be constructed at  
10 each of two shipyards for award before December  
11 31, 1996, and December 31, 1997, respectively.

12 (b) SENSE OF CONGRESS.—Congress also reaffirms  
13 its declaration of the sense of Congress, as set forth in  
14 section 1013(b) of Public Law 104–106, that the Sec-  
15 retary of the Navy should plan for, and budget to provide  
16 for, the acquisition as soon as possible of a total of 19  
17 large, medium-speed, roll-on/roll-off (LMSR) vessels (the  
18 number determined to be required in the report entitled  
19 “Mobility Requirements Study Bottom-Up Review Up-  
20 date”, submitted by the Secretary of Defense to Congress  
21 in April 1995), rather than only 17 such vessels (which  
22 is the number of vessels under contract as of April 1996).

23 (c) ADDITIONAL NEW CONSTRUCTION CONTRACT  
24 OPTION.—The Secretary of the Navy should negotiate  
25 with each of the two shipyards holding new construction

1 contracts referred to in subsection (a)(1) (Department of  
2 the Navy contracts numbered N00024-93-C-2203 and  
3 N00024-93-C-2205) for an option under each such con-  
4 tract for construction of one additional such LMSR vessel,  
5 with such option to be available to the Secretary for exer-  
6 cise not earlier than fiscal year 1998, subject to the avail-  
7 ability of funds authorized and appropriated for such pur-  
8 pose. Nothing in this subsection shall be construed to pre-  
9 clude the Secretary of the Navy from competing the award  
10 of the two options between the two shipyards holding new  
11 construction contracts referred to in subsection (a)(1).

12 (d) REPORT.—The Secretary of the Navy shall sub-  
13 mit to the congressional defense committees, by March 31,  
14 1997, a report stating the intentions of the Secretary re-  
15 garding the acquisition of options for the construction of  
16 two additional LMSR vessels as described in subsection  
17 (c).

18 (e) REPEAL OF SUPERSEDED PROVISION.—Section  
19 1013 of the National Defense Authorization Act for Fiscal  
20 Year 1996 (Public Law 104-106; 110 Stat 422) is amend-  
21 ed by striking out subsection (c).

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.**—The Secretary of Defense may, during fiscal year  
7 1997, provide the Government of Mexico the support de-  
8 scribed in subsection (b) for the counter-drug activities of  
9 the Government of Mexico. Such support shall be in addi-  
10 tion to support provided the Government of Mexico under  
11 any other provision of law.

12           (b) **TYPES OF SUPPORT.**—The Secretary may provide  
13 the following support under subsection (a):

14               (1) The transfer of spare parts and non-lethal  
15 equipment and materiel, including radios, night vi-  
16 sion goggles, global positioning systems, uniforms,  
17 command, control, communications, and intelligence  
18 (C<sup>3</sup>I) integration equipment, detection equipment,  
19 and monitoring equipment.

20               (2) The maintenance and repair of equipment  
21 of the Government of Mexico that is used for  
22 counter-narcotics activities.

23           (c) **APPLICABILITY OF OTHER SUPPORT AUTHORI-**  
24 **TIES.**—Except as otherwise provided in this section, the  
25 provisions of section 1004 of the National Defense Au-

1 thORIZATION Act for Fiscal Year 1991 (10 U.S.C. 374 note)  
2 shall apply to the provision of support under this section.

3 (d) FUNDING.—Of the amounts authorized to be ap-  
4 propriated for fiscal year 1997 for the Department of De-  
5 fense for drug interdiction and counter-drug activities, not  
6 more than \$10,000,000 shall be available in that fiscal  
7 year for the provision of support under this section.

8 **SEC. 1032. LIMITATION ON DEFENSE FUNDING OF THE NA-**  
9 **TIONAL DRUG INTELLIGENCE CENTER.**

10 (a) LIMITATION ON USE OF FUNDS.—Except as pro-  
11 vided in subsection (b), funds appropriated or otherwise  
12 made available for the Department of Defense pursuant  
13 to this or any other Act may not be obligated or expended  
14 for the National Drug Intelligence Center, Johnstown,  
15 Pennsylvania.

16 (b) EXCEPTION.—If the Attorney General operates  
17 the National Drug Intelligence Center using funds avail-  
18 able for the Department of Justice, the Secretary of De-  
19 fense may continue to provide Department of Defense in-  
20 telligence personnel to support intelligence activities at the  
21 Center. The number of such personnel providing support  
22 to the Center after the date of the enactment of this Act  
23 may not exceed the number of the Department of Defense  
24 intelligence personnel who are supporting intelligence ac-  
25 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           **Subtitle E—Miscellaneous**  
7           **Reporting Requirements**

8           **SEC. 1051. ANNUAL REPORT ON EMERGING OPERATIONAL**  
9           **CONCEPTS.**

10          (a) REPORT REQUIRED.—Not later than March 1 of  
11          each year, the Chairman of the Joint Chiefs of Staff shall  
12          submit to the Committee on Armed Services of the Senate  
13          and the Committee on National Security of the House of  
14          Representatives a report on emerging operational con-  
15          cepts. The report shall contain a description, for the year  
16          preceding the year in which submitted, of the following:

17               (1) The process undertaken in each of the  
18               Army, Navy, Air Force, and Marine Corps to define  
19               and develop doctrine, operational concepts, organiza-  
20               tional concepts, and acquisition strategies based  
21               on—

22                       (A) the potential of emerging technologies  
23                       for significantly improving the operational effec-  
24                       tiveness of that armed force;

1           (B) changes in the international order that  
2           may necessitate changes in the operational ca-  
3           pabilities of that armed force;

4           (C) emerging capabilities of potential ad-  
5           versary states; and

6           (D) changes in defense budget projections  
7           that put existing acquisition programs of the  
8           service at risk.

9           (2) The manner in which the process under-  
10          taken in each of the Army, Navy, Air Force, and  
11          Marine Corps is harmonized with a joint vision and  
12          with the similar processes of the other armed forces  
13          to ensure that there is a sufficient consideration of  
14          the development of joint doctrine, operational con-  
15          cepts, and acquisition strategies.

16          (3) The manner in which the process under-  
17          taken by each of the Army, Navy, Air Force, and  
18          Marine Corps is coordinated through the Joint Re-  
19          quirements Oversight Council or another entity to  
20          ensure that the results of the process are considered  
21          in the planning, programming, and budgeting proc-  
22          ess of the Department of Defense.

23          (4) Proposals under consideration by the Joint  
24          Requirements Oversight Council or other entity  
25          within the Department of Defense to modify the

1 roles and missions of any of the Army, Navy, Air  
2 Force, and Marine Corps as a result of the processes  
3 described in paragraph (1).

4 (b) FIRST REPORT.—The first report under this sec-  
5 tion shall be submitted not later than March 1, 1997.

6 (c) TERMINATION OF REQUIREMENT AFTER FOURTH  
7 REPORT.—Notwithstanding subsection (a), no report is  
8 required under this section after 2000.

9 **SEC. 1052. ANNUAL JOINT WARFIGHTING SCIENCE AND**  
10 **TECHNOLOGY PLAN.**

11 (a) ANNUAL PLAN REQUIRED.—On March 1 of each  
12 year, the Secretary of Defense shall submit to the Com-  
13 mittee on Armed Services of the Senate and the Commit-  
14 tee on National Security of the House of Representatives  
15 a plan for ensuring that the science and technology pro-  
16 gram of the Department of Defense supports the develop-  
17 ment of the future joint warfighting capabilities identified  
18 as priority requirements for the Armed Forces.

19 (b) FIRST PLAN.—The first plan shall be submitted  
20 not later than March 1, 1997.

21 **SEC. 1053. REPORT ON MILITARY READINESS REQUIRE-**  
22 **MENTS OF THE ARMED FORCES.**

23 (a) REQUIREMENT.—Not later than January 31,  
24 1997, the Chairman of the Joint Chiefs of Staff shall sub-  
25 mit to the congressional defense committees a report on

1 the military readiness requirements of the active and re-  
2 serve components of the Armed Forces (including combat  
3 units, combat support units, and combat service support  
4 units) prepared by the officers referred to in subsection  
5 (b). The report shall assess such requirements under a  
6 tiered readiness and response system that categorizes a  
7 given unit according to the likelihood that it will be re-  
8 quired to respond to a military conflict and the time in  
9 which it will be required to respond.

10 (b) OFFICERS.—The report required by subsection  
11 (a) shall be prepared jointly by the Chief of Staff of the  
12 Army, the Chief of Naval Operations, the Chief of Staff  
13 of the Air Force, the Commandant of the Marine Corps,  
14 and the Commander of the Special Operations Command.

15 (c) ASSESSMENT SCENARIO.—The report shall assess  
16 readiness requirements in a scenario based on the follow-  
17 ing assumptions:

18 (1) The conflict is in a generic theater of oper-  
19 ations located anywhere in the world and does not  
20 exceed the notional limits for a major regional con-  
21 tingency.

22 (2) The forces available for deployment include  
23 the forces described in the Bottom Up Review force  
24 structure, including all planned force enhancements.

25 (3) Assistance is not available from allies.

1 (d) ASSESSMENT ELEMENTS.—The report shall iden-  
2 tify by unit type, and assess the readiness requirements  
3 of, all active and reserve component units. Each such unit  
4 shall be categorized within one of the following classifica-  
5 tions:

6 (1) Forward-deployed and crisis response  
7 forces, or “Tier I” forces, that possess limited inter-  
8 nal sustainment capability and do not require imme-  
9 diate access to regional air bases or ports or over-  
10 flight rights, including the following:

11 (A) Force units that are routinely deployed  
12 forward at sea or on land outside the United  
13 States.

14 (B) Combat-ready crises response forces  
15 that are capable of mobilizing and deploying  
16 within 10 days after receipt of orders.

17 (C) Forces that are supported by  
18 prepositioning equipment afloat or are capable  
19 of being inserted into a theater upon the cap-  
20 ture of a port or airfield by forcible entry  
21 forces.

22 (2) Combat-ready follow-on forces, or “Tier II”  
23 forces, that can be mobilized and deployed to a thea-  
24 ter within approximately 60 days after receipt of or-  
25 ders.



1           (2) The amendments made by paragraph (1) shall  
2 take effect as of April 1, 1996, and shall apply to any  
3 case in which a sentence is adjudged by a court-martial  
4 on or after that date.

5           (b) EXCEPTED SERVICE APPOINTMENTS TO CERTAIN  
6 NONATTORNEY POSITIONS OF THE UNITED STATES  
7 COURT OF APPEALS FOR THE ARMED FORCES.—(1)  
8 Subsection (c) of section 943 of title 10, United States  
9 Code (article 143(c) of the Uniform Code of Military Jus-  
10 tice) is amended in paragraph (1), by inserting after the  
11 first sentence the following: “A position of employment  
12 under the Court that is provided primarily for the service  
13 of one judge of the court, reports directly to the judge,  
14 and is a position of a confidential character is excepted  
15 from the competitive service.”.

16           (2) The caption for such subsection is amended by  
17 striking out “ATTORNEY” in the subsection caption and  
18 inserting in lieu thereof “CERTAIN”.

19 **SEC. 1062. LIMITATION ON RETIREMENT OR DISMANTLE-**  
20 **MENT OF STRATEGIC NUCLEAR DELIVERY**  
21 **SYSTEMS.**

22           (a) FUNDING LIMITATION.—Funds available to the  
23 Department of Defense may not be obligated or expended  
24 during fiscal year 1997 for retiring or dismantling, or for

1 preparing to retire or dismantle, any of the following stra-  
2 tegic nuclear delivery systems:

- 3 (1) B-52H bomber aircraft.
- 4 (2) Trident ballistic missile submarines.
- 5 (3) Minuteman III intercontinental ballistic  
6 missiles.
- 7 (4) Peacekeeper intercontinental ballistic mis-  
8 siles.

9 (b) WAIVER AUTHORITY.—If the START II Treaty  
10 enters into force during fiscal year 1997, the Secretary  
11 of Defense may waive the application of the limitation  
12 under paragraphs (2), (3), and (4) of subsection (a) to  
13 Trident ballistic missile submarines, Minuteman III inter-  
14 continental ballistic missiles, and Peacekeeper interconti-  
15 nental ballistic missiles, respectively, to the extent that the  
16 Secretary determines necessary in order to implement the  
17 treaty.

18 (c) START II TREATY DEFINED.—In this section,  
19 the term “START II Treaty” means the Treaty Between  
20 the United States of America and the Russian Federation  
21 on Further Reduction and Limitation of Strategic Offen-  
22 sive Arms, signed at Moscow on January 3, 1993, includ-  
23 ing the following protocols and memorandum of under-  
24 standing, all such documents being integral parts of and

1 collectively referred to as the “START II Treaty” (con-  
2 tained in Treaty Document 103–1):

3           (1) The Protocol on Procedures Governing  
4 Elimination of Heavy ICBMs and on Procedures  
5 Governing Conversion of Silo Launchers of Heavy  
6 ICBMs Relating to the Treaty Between the United  
7 States of America and the Russian Federation on  
8 Further Reduction and Limitation of Strategic Of-  
9 fensive Arms (also known as the “Elimination and  
10 Conversion Protocol”).

11           (2) The Protocol on Exhibitions and Inspec-  
12 tions of Heavy Bombers Relating to the Treaty Be-  
13 tween the United States and the Russian Federation  
14 on Further Reduction and Limitation of Strategic  
15 Offensive Arms (also known as the “Exhibitions and  
16 Inspections Protocol”).

17           (3) The Memorandum of Understanding on  
18 Warhead Attribution and Heavy Bomber Data Re-  
19 lating to the Treaty Between the United States of  
20 America and the Russian Federation on Further Re-  
21 duction and Limitation of Strategic Offensive Arms  
22 (also known as the “Memorandum on Attribution”).

1 **SEC. 1063. CORRECTION OF REFERENCES TO DEPARTMENT**  
2 **OF DEFENSE ORGANIZATIONS.**

3 (a) NORTH AMERICAN AEROSPACE DEFENSE COM-  
4 MAND.—Section 162 of title 10, United States Code, is  
5 amended in paragraphs (1), (2), and (3) of subsection (a)  
6 by striking out “North American Air Defense Command”  
7 and inserting in lieu thereof “North American Aerospace  
8 Defense Command”.

9 (b) DEFENSE DISTRIBUTION CENTER, ANNISTON.—  
10 The Corporation for the Promotion of Rifle Practice and  
11 Firearms Safety Act (title XVI of Public Law 104–106;  
12 110 Stat. 515; 36 U.S.C. 5501 et seq.) is amended by  
13 striking out “Anniston Army Depot” each place it appears  
14 in the following provisions and inserting in lieu thereof  
15 “Defense Distribution Depot, Anniston”:

16 (1) Section 1615(a)(3) (36 U.S.C. 5505(a)(3)).

17 (2) Section 1616(b) (36 U.S.C. 5506(b)).

18 (3) Section 1619(a)(1) (36 U.S.C. 5509(a)(1)).

19 **SEC. 1064. AUTHORITY OF CERTAIN MEMBERS OF THE**  
20 **ARMED FORCES TO PERFORM NOTARIAL OR**  
21 **CONSULAR ACTS.**

22 Section 1044a(b) of title 10, United States Code, is  
23 amended—

24 (1) in paragraph (1), by striking out “on active  
25 duty or performing inactive-duty for training” and  
26 inserting in lieu thereof “of the armed forces, includ-

1 ing members of reserve components who are judge  
2 advocates (whether or not in a duty status)”;

3 (2) in paragraph (3), by striking out “adjutants  
4 on active duty or performing inactive-duty training”  
5 and inserting in lieu thereof “adjutants, including  
6 members of reserve components acting as such an  
7 adjutant (whether or not in a duty status)”; and

8 (3) in paragraph (4), by striking out “persons  
9 on active duty or performing inactive-duty training”  
10 and inserting in lieu thereof “members of the armed  
11 forces, including members of reserve components  
12 (whether or not in a duty status),”.

13 **SEC. 1065. TRAINING OF MEMBERS OF THE UNIFORMED**  
14 **SERVICES AT NON-GOVERNMENT FACILITIES.**

15 (a) USE OF NON-GOVERNMENT FACILITIES.—Sec-  
16 tion 4105 of title 5, United States Code, is amended—

17 (1) by inserting “and members of a uniformed  
18 service under the jurisdiction of the head of the  
19 agency” after “employees of the agency”; and

20 (2) by adding at the end the following: “For the  
21 purposes of this section, the term ‘agency’ includes  
22 a military department.”.

23 (b) EXPENSES OF TRAINING.—Section 4109 of such  
24 title is amended—

25 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),  
2 by striking out “under regulations prescribed  
3 under section 4118(a)(8) of this title and”;

4 (B) in paragraph (1), by inserting after  
5 “an employee of the agency” the following: “,  
6 or the pay of a member of a uniformed service  
7 within the agency, who is”; and

8 (C) in paragraph (2)—

9 (i) in the matter preceding subpara-  
10 graph (A), by inserting “or member of a  
11 uniformed service” after “reimburse the  
12 employee”;

13 (ii) in subparagraph (A), by striking  
14 out “commissioned officers of the National  
15 Oceanic and Atmospheric Administration”  
16 and inserting in lieu thereof “a member of  
17 a uniformed service”; and

18 (iii) in subparagraph (B), by striking  
19 out “commissioned officers of the National  
20 Oceanic and Atmospheric Administration”  
21 and inserting in lieu thereof “a member of  
22 a uniformed service”; and

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

24 “(d) In the exercise of authority under subsection (a)  
25 with respect to an employee of an agency, the head of the

1 agency shall comply with regulations prescribed under sec-  
 2 tion 4118(a)(8) of this title.

3 “(e) For the purposes of this section, the term ‘agen-  
 4 cy’ includes a military department.”.

5 **SEC. 1066. THIRD-PARTY LIABILITY TO UNITED STATES FOR**  
 6 **TORTIOUS INFLICTION OF INJURY OR DIS-**  
 7 **EASE ON MEMBERS OF THE UNIFORMED**  
 8 **SERVICES.**

9 (a) RECOVERY OF PAY AND ALLOWANCES.—Section  
 10 1 of Public Law 87–693 (42 U.S.C. 2651) is amended—

11 (1) in the first sentence of subsection (a)—

12 (A) by inserting “or pay for” after “re-  
 13 quired by law to furnish”; and

14 (B) by striking out “or to be furnished”  
 15 each place that phrase appears and inserting in  
 16 lieu thereof “, to be furnished, paid for, or to  
 17 be paid for”;

18 (2) by redesignating subsections (b) and (c) as  
 19 subsections (d) and (e), respectively;

20 (3) by inserting after subsection (a), the follow-  
 21 ing new subsections:

22 “(b) If a member of the uniformed services is injured,  
 23 or contracts a disease, under circumstances creating a tort  
 24 liability upon a third person (other than or in addition  
 25 to the United States and except employers of seamen re-

1 ferred to in subsection (a)) for damages for such injury  
2 or disease and the member is unable to perform the mem-  
3 ber's regular military duties as a result of the injury or  
4 disease, the United States shall have a right (independent  
5 of the rights of the member) to recover from the third  
6 person or an insurer of the third person, or both, the  
7 amount equal to the total amount of the pay that accrues  
8 and is to accrue to the member for the period for which  
9 the member is unable to perform such duties as a result  
10 of the injury or disease and is not assigned to perform  
11 other military duties.

12       “(c)(1) If, pursuant to the laws of a State that are  
13 applicable in a case of a member of the uniformed services  
14 who is injured or contracts a disease as a result of tortious  
15 conduct of a third person, there is in effect for such a  
16 case (as a substitute or alternative for compensation for  
17 damages through tort liability) a system of compensation  
18 or reimbursement for expenses of hospital, medical, sur-  
19 gical, or dental care and treatment or for lost pay pursu-  
20 ant to a policy of insurance, contract, medical or hospital  
21 service agreement, or similar arrangement, the United  
22 States shall be deemed to be a third-party beneficiary of  
23 such a policy, contract, agreement, or arrangement.

24       “(2) For the purposes of paragraph (1)—

1           “(A) the expenses incurred or to be incurred by  
2 the United States for care and treatment for an in-  
3 jured or diseased member as described in subsection  
4 (a) shall be deemed to have been incurred by the  
5 member;

6           “(B) the cost to the United States of the pay  
7 of the member as described in subsection (b) shall  
8 be deemed to have been pay lost by the member as  
9 a result of the injury or disease; and

10           “(C) the United States shall be subrogated to  
11 any right or claim that the injured or diseased mem-  
12 ber or the member’s guardian, personal representa-  
13 tive, estate, dependents, or survivors have under a  
14 policy, contract, agreement, or arrangement referred  
15 to in paragraph (1) to the extent of the reasonable  
16 value of the care and treatment and the total  
17 amount of the pay deemed lost under subparagraph  
18 (B).”;

19           (4) in subsection (d), as redesignated by para-  
20 graph (2), by inserting “or paid for” after “treat-  
21 ment is furnished”; and

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

23           “(f)(1) Any amounts recovered under this section for  
24 medical care and related services furnished by a military  
25 medical treatment facility or similar military activity shall

1 be credited to the appropriation or appropriations support-  
2 ing the operation of that facility or activity, as determined  
3 under regulations prescribed by the Secretary of Defense.

4 “(2) Any amounts recovered under this section for  
5 the cost to the United States of pay of an injured or dis-  
6 eased member of the uniformed services shall be credited  
7 to the appropriation that supports the operation of the  
8 command, activity, or other unit to which the member was  
9 assigned at the time of the injury or illness, as determined  
10 under regulations prescribed by the Secretary concerned.

11 “(g) For the purposes of this section:

12 “(A) The term ‘uniformed services’ has the  
13 meaning given such term in section 1072(1) of title  
14 10, United States Code.

15 “(B) The term ‘tortious conduct’ includes any  
16 tortious omission.

17 “(C) The term ‘pay’, with respect to a member  
18 of the uniformed services, means basic pay, special  
19 pay, and incentive pay that the member is author-  
20 ized to receive under title 37, United States Code,  
21 or any other law providing pay for service in the uni-  
22 formed services.

23 “(D) The term ‘Secretary concerned’ means—

24 “(i) the Secretary of Defense, with respect  
25 to the Army, the Navy, the Air Force, the Ma-

1           rine Corps, and the Coast Guard (when it is op-  
2           erating as a service in the Navy);

3           “(ii) the Secretary of Transportation, with  
4           respect to the Coast Guard when it is not oper-  
5           ating as a service in the Navy;

6           “(iii) the Secretary of Health and Human  
7           Services, with respect to the Commissioned  
8           Corps of the Public Health Service; and

9           “(iv) the Secretary of Commerce, with re-  
10          spect to the Commissioned Corps of the Na-  
11          tional Oceanic and Atmospheric Administra-  
12          tion.”.

13          (b) CONFORMING AMENDMENTS.—Section 1 of Pub-  
14          lic Law 87–693 (42 U.S.C. 2651) is amended—

15                 (1) in the first sentence of subsection (a)—

16                         (A) by inserting “(independent of the  
17                         rights of the injured or diseased person)” after  
18                         “a right to recover”; and

19                         (B) by inserting “, or that person’s in-  
20                         surer,” after “from said third person”;

21                 (2) in subsection (d), as redesignated by sub-  
22          section (a)(2)—

23                         (A) by striking out “such right,” and in-  
24                         serting in lieu thereof “a right under sub-  
25                         sections (a), (b), and (c)”; and



1 Defense at which the official flags of the other States, ter-  
2 ritories, or possessions of the United States are being dis-  
3 played.

4 (b) POSITION AND MANNER OF DISPLAY.—The dis-  
5 play of an official flag referred to in subsection (a) at an  
6 installation or other facility of the Department shall be  
7 governed by the provisions of section 3 of the Joint Reso-  
8 lution of June 22, 1942 (56 Stat. 378, chapter 435; 36  
9 U.S.C. 175), and any modification of such provisions  
10 under section 8 of that Joint Resolution (36 U.S.C. 178).

11 **SEC. 1068. GEORGE C. MARSHALL EUROPEAN CENTER FOR**  
12 **STRATEGIC SECURITY STUDIES.**

13 (a) AUTHORITY TO ACCEPT FUNDS, MATERIALS,  
14 AND SERVICES.—(1) The Secretary of Defense may, on  
15 behalf of the George C. Marshall European Center for  
16 Strategic Security Studies, accept gifts or donations of  
17 funds, materials (including research materials), property,  
18 and services (including lecture services and faculty serv-  
19 ices) from foreign governments, foundations and other  
20 charitable organizations in foreign countries, and individ-  
21 uals in foreign countries in order to defray the costs of  
22 the operation of the Center.

23 (2) Funds received by the Secretary under paragraph  
24 (1) shall be credited to appropriations available for the  
25 Department of Defense for the George C. Marshall Euro-

1 pean Center for Strategic Security Studies. Funds so cred-  
2 ited shall be merged with the appropriations to which cred-  
3 ited and shall be available for the Center for the same  
4 purposes and same period as the appropriations with  
5 which merged.

6 (b) PARTICIPATION OF FOREIGN NATIONS OTHER-  
7 WISE PROHIBITED.—(1) The Secretary may permit rep-  
8 resentatives of a foreign government to participate in a  
9 program of the George C. Marshall European Center for  
10 Strategic Security Studies, notwithstanding any other pro-  
11 vision of law that would otherwise prevent representatives  
12 of that foreign government from participating in the pro-  
13 gram. Before doing so, the Secretary shall determine, in  
14 consultation with the Secretary of State, that the partici-  
15 pation of representatives of that foreign government in the  
16 program is in the national interest of the United States.

17 (2) Not later than January 31 of each year, the Sec-  
18 retary of Defense shall, with the assistance of the Director  
19 of the Center, submit to Congress a report setting forth  
20 the foreign governments permitted to participate in pro-  
21 grams of the Center during the preceding year under the  
22 authority provided in paragraph (1).

23 (c) WAIVER OF CERTAIN REQUIREMENTS FOR  
24 BOARD OF VISITORS.—(1) The Secretary may waive the  
25 application of any financial disclosure requirement im-

1 posed by law to a foreign member of the Board of Visitors  
2 of the Center if that requirement would otherwise apply  
3 to the member solely by reason of the service as a member  
4 of the Board. The authority under the preceding sentence  
5 applies only in the case of a foreign member who serves  
6 on the Board without compensation.

7 (2) Notwithstanding any other provision of law, a  
8 member of the Board of Visitors may not be required to  
9 register as an agent of a foreign government solely by rea-  
10 son of service as a member of the Board.

11 **SEC. 1069. AUTHORITY TO AWARD TO CIVILIAN PARTICI-**  
12 **PANTS IN THE DEFENSE OF PEARL HARBOR**  
13 **THE CONGRESSIONAL MEDAL PREVIOUSLY**  
14 **AUTHORIZED ONLY FOR MILITARY PARTICI-**  
15 **PANTS IN THE DEFENSE OF PEARL HARBOR.**

16 (a) **AUTHORITY.**—The Speaker of the House of Rep-  
17 resentatives and the President pro tempore of the Senate  
18 are authorized jointly to present, on behalf of Congress,  
19 a bronze medal provided for under section 1492 of the  
20 National Defense Authorization Act for Fiscal Year 1991  
21 (104 Stat. 1721) to any person who meets the eligibility  
22 requirements set forth in subsection (d) of that section  
23 other than the requirement for membership in the Armed  
24 Forces, as certified under subsection (e) of that section  
25 or under subsection (b) of this section.

1           (b) CERTIFICATION.—The Secretary of Defense shall,  
2 not later than 12 months after the date of the enactment  
3 of this Act, certify to the Speaker of the House of Rep-  
4 resentatives and the President pro tempore of the Senate  
5 the names of persons who are eligible for award of the  
6 medal under this Act and have not previously been cer-  
7 tified under section 1492(e) of the National Defense Au-  
8 thorization Act for Fiscal Year 1991.

9           (c) APPLICATIONS.—Subsections (d)(2) and (f) of  
10 section 1492 of the National Defense Authorization Act  
11 for Fiscal Year 1991 shall apply in the administration of  
12 this Act.

13           (d) ADDITIONAL STRIKING AUTHORITY.—The Sec-  
14 retary of the Treasury shall strike such additional medals  
15 as may be necessary for presentation under the authority  
16 of subsection (a).

17           (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated such sum as may be nec-  
19 essary to carry out this section.

20           (f) RETROACTIVE EFFECTIVE DATE.—The authority  
21 under subsection (a) shall be effective as of November 5,  
22 1990.

1 **SEC. 1070. MICHAEL O'CALLAGHAN FEDERAL HOSPITAL,**  
2 **LAS VEGAS, NEVADA.**

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

5 (1) Michael O'Callaghan, former Governor of  
6 the State of Nevada, served in three branches of the  
7 Armed Forces of the United States, namely, the  
8 Army, the Air Force, and the Marine Corps.

9 (2) At 16 years of age, Michael O'Callaghan en-  
10 listed in the United States Marine Corps to serve  
11 during the end of World War II.

12 (3) During the Korean conflict, Michael  
13 O'Callaghan served successively in the Air Force and  
14 the Army and, during such service, suffered wounds  
15 in combat that necessitated the amputation of his  
16 left leg.

17 (4) Michael O'Callaghan was awarded the Sil-  
18 ver Star, the Bronze Star with Valor Device, and the  
19 Purple Heart for his military service.

20 (5) In 1963, Michael O'Callaghan became the  
21 first director of the Health and Welfare Department  
22 of the State of Nevada.

23 (6) In 1970, Michael O'Callaghan became Gov-  
24 ernor of the State of Nevada and served in that po-  
25 sition through 1978, making him one of only five

1 two-term governors in the history of the State of Ne-  
2 vada.

3 (7) In 1982, Michael O'Callaghan received the  
4 Air Force Exceptional Service Award.

5 (8) It is appropriate to name the Nellis Federal  
6 Hospital, Las Vegas, Nevada, a hospital operated  
7 jointly by the Department of Defense, through Nellis  
8 Air Force Base, and the Department of Veterans  
9 Affairs, through the Las Vegas Veterans Affairs  
10 Outpatient Clinic, after Michael O'Callaghan, a man  
11 who (A) has served his country with honor in three  
12 branches of the Armed Forces, (B) as a disabled  
13 veteran knows personally the tragic sacrifices that  
14 are so often made in the service of his country in the  
15 Armed Forces, and (C) has spent his entire career  
16 working to improve the lives of all Nevadans.

17 (b) DESIGNATION OF MICHAEL O'CALLAGHAN FED-  
18 ERAL HOSPITAL.—The Nellis Federal Hospital, a Federal  
19 building located at 4700 North Las Vegas Boulevard, Las  
20 Vegas, Nevada, is designated as the “Michael O'Callaghan  
21 Federal Hospital”.

22 (c) REFERENCES.—Any reference in a law, map, reg-  
23 ulation, document, paper, or other record of the United  
24 States to the Federal building referred to in subsection

1 (b) shall be deemed to be a reference to the “Michael  
2 O’Callaghan Federal Hospital”.

3 **SEC. 1071. NAMING OF BUILDING AT THE UNIFORMED**  
4 **SERVICES UNIVERSITY OF THE HEALTH**  
5 **SCIENCES.**

6 It is the sense of the Senate that the Secretary of  
7 Defense should name Building A at the Uniformed Serv-  
8 ices University of the Health Sciences as the “David Pack-  
9 ard Building”.

10 **TITLE XI—DEPARTMENT OF**  
11 **DEFENSE CIVILIAN PERSONNEL**  
12 **Subtitle A—Personnel**  
13 **Management, Pay, and Allowances**

14 **SEC. 1101. SCOPE OF REQUIREMENT FOR CONVERSION OF**  
15 **MILITARY POSITIONS TO CIVILIAN POSI-**  
16 **TIONS.**

17 Section 1032(a) of the National Defense Authoriza-  
18 tion Act for Fiscal Year 1996 (Public Law 104–106; 110  
19 Stat. 429; 10 U.S.C. 129a note) is amended—

20 (1) by striking out the text of paragraph (1)  
21 and inserting in lieu thereof the following: “By Sep-  
22 tember 30, 1996, the Secretary of Defense shall con-  
23 vert at least 3,000 military positions to civilian posi-  
24 tions.”;

25 (2) by striking out paragraph (2); and

1           (3) by redesignating paragraph (3) as para-  
2           graph (2).

3 **SEC. 1102. RETENTION OF CIVILIAN EMPLOYEE POSITIONS**  
4           **AT MILITARY TRAINING BASES TRANS-**  
5           **FERRED TO NATIONAL GUARD.**

6           (a) MILITARY TRAINING INSTALLATIONS AF-  
7           FECTED.—This section applies with respect to each mili-  
8           tary training installation that—

9           (1) was approved for closure in 1995 under the  
10          Defense Base Closure and Realignment Act of 1990  
11          (part A of title XXIX of Public Law 101–510; 10  
12          U.S.C. 2687 note);

13          (2) is scheduled for transfer during fiscal year  
14          1997 to National Guard operation and control; and

15          (3) will continue to be used, after such transfer,  
16          to provide training support to active and reserve  
17          components of the Armed Forces.

18          (b) RETENTION OF EMPLOYEE POSITIONS.—In the  
19          case of a military training installation described in sub-  
20          section (a), the Secretary of Defense may retain civilian  
21          employee positions of the Department of Defense at the  
22          installation after transfer to the National Guard of a State  
23          in order to facilitate active and reserve component training  
24          at the installation. The Secretary, in consultation with the  
25          Adjutant General of the National Guard of that State,

1 shall determine the extent to which positions at that in-  
2 stallation are to be retained as positions in the Depart-  
3 ment of Defense.

4 (c) MAXIMUM NUMBER OF POSITIONS RETAINED.—

5 The maximum number of civilian employee positions re-  
6 tained at an installation under this section shall not exceed  
7 20 percent of the Federal civilian workforce employed at  
8 the installation as of September 8, 1995.

9 (d) REMOVAL OF POSITION.—The decision to retain  
10 civilian employee positions at an installation under this  
11 section shall cease to apply to a position so retained on  
12 the date on which the Secretary certifies to Congress that  
13 it is no longer necessary to retain the position in order  
14 to ensure that effective support is provided at the installa-  
15 tion for active and reserve component training.

16 **SEC. 1103. CLARIFICATION OF LIMITATION ON FURNISHING**  
17 **CLOTHING OR PAYING A UNIFORM ALLOW-**  
18 **ANCE TO ENLISTED NATIONAL GUARD TECH-**  
19 **NICIANS.**

20 Section 418(e) of title 37, United States Code, is  
21 amended by striking out “for which a uniform allowance  
22 is paid under section 415 or 416 of this title” and insert-  
23 ing in lieu thereof “for which clothing is furnished or a  
24 uniform allowance is paid under this section”.

1 **SEC. 1104. TRAVEL EXPENSES AND HEALTH CARE FOR CI-**  
2 **VILIAN EMPLOYEES OF THE DEPARTMENT OF**  
3 **DEFENSE ABROAD.**

4 (a) IN GENERAL.—Chapter 81 of title 10, United  
5 States Code, is amended by adding at the end the follow-  
6 ing new section:

7 **“§ 1599b. Employees abroad: travel expenses; health**  
8 **care**

9 “(a) IN GENERAL.—The Secretary of Defense may  
10 provide civilian employees, and members of their families,  
11 abroad with benefits that are comparable to certain bene-  
12 fits that are provided by the Secretary of State to mem-  
13 bers of the Foreign Service and their families abroad as  
14 described in subsections (b) and (c). The Secretary may  
15 designate the employees and members of families who are  
16 eligible to receive the benefits.

17 “(b) TRAVEL AND RELATED EXPENSES.—The Sec-  
18 retary of Defense may pay travel expenses and related ex-  
19 penses for purposes and in amounts that are comparable  
20 to the purposes for which, and the amounts in which, trav-  
21 el and related expenses are paid by the Secretary of State  
22 under section 901 of the Foreign Service Act of 1980 (22  
23 U.S.C. 4081).

24 “(c) HEALTH CARE PROGRAM.—The Secretary of  
25 Defense may establish a health care program that is com-  
26 parable to the health care program established by the Sec-

1 retary of State under section 904 of that Act (22 U.S.C.  
2 4084).

3 “(d) ASSISTANCE.—The Secretary of Defense may  
4 enter into agreements with the heads of other departments  
5 and agencies of the Federal Government in order to facili-  
6 tate the payment of expenses authorized by subsection (b)  
7 and to carry out a health care program authorized by sub-  
8 section (c).

9 “(e) ABROAD DEFINED.—In this section, the term  
10 ‘abroad’ means outside—

11 “(1) the United States; and

12 “(2) the territories and possessions of the Unit-  
13 ed States.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of such chapter is amended by inserting  
16 after the item relating to section 1599a the following new  
17 item:

“1599b. Employees abroad: travel expenses; health care.”.

18 **SEC. 1105. TRAVEL, TRANSPORTATION, AND RELOCATION**  
19 **ALLOWANCES FOR CERTAIN FORMER NON-**  
20 **APPROPRIATED FUND EMPLOYEES.**

21 (a) IN GENERAL.—(1) Subchapter II of chapter 57  
22 of title 5, United States Code, is amended by adding at  
23 the end the following new section:

1 **“§ 5736. Travel, transportation, and relocation ex-**  
 2 **penses of certain nonappropriated fund**  
 3 **employees**

4 “An employee of a nonappropriated fund instrumen-  
 5 tality of the Department of Defense or the Coast Guard  
 6 described in section 2105(e) of this title who moves, with-  
 7 out a break in service of more than 3 days, to a position  
 8 in the Department of Defense or the Coast Guard, respec-  
 9 tively, may be authorized travel, transportation, and relo-  
 10 cation expenses and allowances under the same conditions  
 11 and to the same extent authorized by this subchapter for  
 12 transferred employees.”.

13 (2) The table of sections at the beginning of chapter  
 14 57 of such title is amended by inserting after the item  
 15 relating to section 5735 the following new item:

“5736. Travel, transportation, and relocation expenses of certain nonappro-  
 priated fund employees.”.

16 (b) **APPLICABILITY.**—Section 5736 of title 5, United  
 17 States Code (as added by subsection (a)(1)), shall apply  
 18 to moves between positions as described in such section  
 19 that are effective on or after October 1, 1996.

20 **SEC. 1106. EMPLOYMENT AND SALARY PRACTICES APPLI-**  
 21 **CABLE TO DEPARTMENT OF DEFENSE OVER-**  
 22 **SEAS TEACHERS.**

23 (a) **EXPANSION OF SCOPE OF EDUCATORS COV-**  
 24 **ERED.**—Section 2 of the Defense Department Overseas

1 Teachers Pay and Personnel Practices Act (20 U.S.C.  
2 901) is amended—

3 (1) in subparagraph (A) of paragraph (1), by  
4 inserting “, or are performed by an individual who  
5 carried out certain teaching activities identified in  
6 regulations prescribed by the Secretary of Defense”  
7 after “Defense,”; and

8 (2) by striking out subparagraph (C) of para-  
9 graph (2) and inserting in lieu thereof the following:

10 “(C) who is employed in a teaching posi-  
11 tion described in paragraph (1).”.

12 (b) TRANSFER OF RESPONSIBILITY FOR EMPLOY-  
13 MENT AND SALARY PRACTICES.—Section 5 of such Act  
14 (20 U.S.C. 903) is amended—

15 (1) in subsection (a)—

16 (A) by striking out “secretary of each mili-  
17 tary department in the Department of Defense”  
18 and inserting in lieu thereof “Secretary of De-  
19 fense”; and

20 (B) by striking out “his military depart-  
21 ment” and inserting in lieu thereof “the De-  
22 partment of Defense”;

23 (2) in subsection (b)—

24 (A) in the matter preceding paragraph (1),  
25 by striking out “secretary of each military de-

1           partment—” and inserting in lieu thereof “Sec-  
2           retary of Defense—”; and

3                   (B) in paragraph (1), by striking out “his  
4           military department,” and inserting in lieu  
5           thereof “the Department of Defense”;

6           (3) in subsection (c)—

7                   (A) by striking out “Secretary of each  
8           military department” and inserting in lieu  
9           thereof “Secretary of Defense”; and

10                   (B) by striking out “his military depart-  
11           ment” and inserting in lieu thereof “the De-  
12           partment of Defense”; and

13           (4) in subsection (d), by striking out “Secretary  
14           of each military department” and inserting in lieu  
15           thereof “Secretary of Defense”.

16 **SEC. 1107. EMPLOYMENT AND COMPENSATION OF CIVILIAN**  
17 **FACULTY MEMBERS AT CERTAIN DEPART-**  
18 **MENT OF DEFENSE SCHOOLS.**

19           (a) FACULTIES.—Section 1595(c) of title 10, United  
20 States Code, is amended by inserting after paragraph (3)  
21 the following new paragraph (4):

22                   “(4) The English Language Center of the De-  
23           fense Language Institute.

24                   “(5) The Asia-Pacific Center for Security Stud-  
25           ies.”.

1 (b) CERTAIN ADMINISTRATORS.—Such section 1595  
2 is amended by adding at the end the following:

3 “(f) APPLICATION TO DIRECTOR AND DEPUTY DI-  
4 RECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUD-  
5 IES.—In the case of the Asia-Pacific Center for Security  
6 Studies, this section also applies with respect to the Direc-  
7 tor and the Deputy Director.”.

8 **SEC. 1108. REIMBURSEMENT OF DEPARTMENT OF DEFENSE**  
9 **DOMESTIC DEPENDENT SCHOOL BOARD**  
10 **MEMBERS FOR CERTAIN EXPENSES.**

11 Section 2164(d) of title 10, United States Code, is  
12 amended by adding at the end the following:

13 “(7) The Secretary may provide for reimbursement  
14 of a school board member for expenses incurred by the  
15 member for travel, transportation, program fees, and ac-  
16 tivity fees that the Secretary determines are reasonable  
17 and necessary for the performance of school board duties  
18 by the member.”.

19 **SEC. 1109. EXTENSION OF AUTHORITY FOR CIVILIAN EM-**  
20 **PLOYEES OF DEPARTMENT OF DEFENSE TO**  
21 **PARTICIPATE VOLUNTARILY IN REDUCTIONS**  
22 **IN FORCE.**

23 Section 3502(f)(5) of title 5, United States Code, is  
24 amended by striking out “September 30, 1996” and in-  
25 serting in lieu thereof “September 30, 2001”.

1 **SEC. 1110. COMPENSATORY TIME OFF FOR OVERTIME**  
2 **WORK PERFORMED BY WAGE-BOARD EM-**  
3 **PLOYEES.**

4 Section 5543 of title 5, United States Code, is  
5 amended by adding at the end the following:

6 “(c) The head of an agency may, on request of an  
7 employee, grant the employee compensatory time off from  
8 the employee’s scheduled tour of duty instead of payment  
9 under section 5544 of this title or section 7 of the Fair  
10 Labor Standards Act of 1938 for an equal amount of time  
11 spent in irregular or occasional overtime work.”.

12 **SEC. 1111. LIQUIDATION OF RESTORED ANNUAL LEAVE**  
13 **THAT REMAINS UNUSED UPON TRANSFER OF**  
14 **EMPLOYEE FROM INSTALLATION BEING**  
15 **CLOSED OR REALIGNED.**

16 (a) LUMP-SUM PAYMENT REQUIRED.—Section 5551  
17 of title 5, United States Code, is amended by adding at  
18 the end the following new subsection:

19 “(c)(1) Annual leave that is restored to an employee  
20 of the Department of Defense under section 6304(d) of  
21 this title by reason of the operation of paragraph (3) of  
22 such section and remains unused upon the transfer of the  
23 employee to a position described in paragraph (2) shall  
24 be liquidated by payment of a lump-sum for such leave  
25 to the employee upon the transfer.

1       “(2) A position referred to in paragraph (1) is a posi-  
 2 tion in a department or agency of the Federal Government  
 3 outside the Department of Defense or a Department of  
 4 Defense position that is not located at a Department of  
 5 Defense installation being closed or realigned as described  
 6 in section 6304(d)(3) of this title.”.

7       (b) APPLICABILITY.—Subsection (c) of section 5551  
 8 of title 5, United States Code (as added by subsection (a)),  
 9 shall apply with respect to transfers described in such sub-  
 10 section (c) that take effect on or after the date of the en-  
 11 actment of this Act.

12 **SEC. 1112. WAIVER OF REQUIREMENT FOR REPAYMENT OF**  
 13 **VOLUNTARY SEPARATION INCENTIVE PAY BY**  
 14 **FORMER DEPARTMENT OF DEFENSE EM-**  
 15 **PLOYEES REEMPLOYED BY THE GOVERN-**  
 16 **MENT WITHOUT PAY.**

17       Section 5597(g) of title 5, United States Code, is  
 18 amended by adding at the end the following new para-  
 19 graph:

20       “(5) If the employment is without compensation, the  
 21 appointing official may waive the repayment.”.

22 **SEC. 1113. FEDERAL HOLIDAY OBSERVANCE RULES FOR**  
 23 **DEPARTMENT OF DEFENSE EMPLOYEES.**

24       (a) HOLIDAYS OCCURRING ON NONWORKDAYS.—  
 25 Section 6103(b) of title 5, United States Code, is amended

1 by inserting after paragraph (2) the following new para-  
2 graph:

3           “(3) In the case of a full-time employee of the  
4 Department of Defense, the following rules apply:

5                   “(A) When a legal public holiday occurs on  
6 a Sunday that is not a regular weekly workday  
7 for an employee, the employee’s next workday is  
8 the legal public holiday for the employee.

9                   “(B) When a legal public holiday occurs on  
10 a regular weekly nonworkday that is adminis-  
11 tratively scheduled for an employee instead of  
12 Sunday, the employee’s next workday is the  
13 legal public holiday for the employee.

14                   “(C) When a legal public holiday occurs on  
15 an employee’s regular weekly nonworkday im-  
16 mediately following a regular weekly nonwork-  
17 day that is administratively scheduled for the  
18 employee instead of Sunday, the employee’s  
19 next workday is the legal public holiday for the  
20 employee.

21                   “(D) When a legal public holiday occurs on  
22 an employee’s regular weekly nonworkday that  
23 is not a nonworkday referred to in subpara-  
24 graph (A), (B), or (C), the employee’s preced-

1           ing workday is the legal public holiday for the  
2           employee.

3           “(E) The Secretary concerned (as defined  
4           in section 101(a) of title 10) may schedule a  
5           legal public holiday for an employee to be on a  
6           different day than the one that would otherwise  
7           apply for the employee under subparagraph (A),  
8           (B), (C), or (D).

9           “(F) If a legal public holiday for an em-  
10          ployee would be different under paragraph (1)  
11          or (2) than the day determined under this para-  
12          graph, the legal public holiday for the employee  
13          shall be the day that is determined under this  
14          paragraph.”.

15          (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
16          Section 6103(b) of such title, as amended by subsection  
17          (a), is further amended—

18               (1) in paragraph (1), by striking out “legal  
19               public holiday for—” and all that follows through  
20               the period and inserting in lieu thereof “legal public  
21               holiday for employees whose basic workweek is Mon-  
22               day through Friday.”; and

23               (2) in the matter following paragraph (3), by  
24               striking out “This subsection, except subparagraph

1 (B) of paragraph (1),” and inserting in lieu thereof  
2 “Paragraphs (1) and (2)”.

3 **SEC. 1114. REVISION OF CERTAIN TRAVEL MANAGEMENT**  
4 **AUTHORITIES.**

5 (a) **REPEAL OF REQUIREMENTS RELATING TO FIRE-**  
6 **SAFE ACCOMMODATIONS.**—(1) Section 5707 of title 5,  
7 United States Code, is amended by striking out subsection  
8 (d).

9 (2) Subsection (b) of section 5 of the Hotel and Motel  
10 Fire Safety Act of 1990 (Public Law 101–391; 104 Stat.  
11 751; 5 U.S.C. 5707 note) is repealed.

12 (b) **USE OF FUNDS FOR LONG-DISTANCE**  
13 **CHARGES.**—Subsection (b) of section 1348 of title 31,  
14 United States Code, is amended to read as follows:

15 “(b) Appropriations of an agency are available to pay  
16 charges assessed by commercial telecommunications car-  
17 riers for long-distance telephone services provided to indi-  
18 viduals travelling on official business of the agency if  
19 charges for such services are included in a travel expense  
20 report and approved by the official of the agency respon-  
21 sible for approving travel expense reports.”.

22 (c) **REPEAL OF PROHIBITION ON PAYMENT OF**  
23 **LODGING EXPENSES OF DEPARTMENT OF DEFENSE EM-**  
24 **PLOYEES AND OTHER CIVILIANS WHEN ADEQUATE GOV-**

1 ERNMENT QUARTERS ARE AVAILABLE.—(1) Section 1589  
2 of title 10, United States Code, is repealed.

3 (2) The table of sections at the beginning of chapter  
4 81 of such title is amended by striking out the item relat-  
5 ing to such section.

6 **Subtitle B—Defense Economic Ad-**  
7 **justment, Diversification, Con-**  
8 **version, and Stabilization**

9 **SEC. 1121. PILOT PROGRAMS FOR DEFENSE EMPLOYEES**  
10 **CONVERTED TO CONTRACTOR EMPLOYEES**  
11 **DUE TO PRIVATIZATION AT CLOSED MILI-**  
12 **TARY INSTALLATIONS.**

13 (a) PILOT PROGRAMS AUTHORIZED.—(1) The Sec-  
14 retary of Defense, after consultation with the Secretary  
15 of the Navy, the Secretary of the Air Force, and the Direc-  
16 tor of the Office of Personnel Management, may establish  
17 a pilot program under which Federal retirement benefits  
18 are provided in accordance with this section to persons  
19 who convert from Federal employment in the Department  
20 of the Navy or the Department of the Air Force to employ-  
21 ment by a Department of Defense contractor in connection  
22 with the privatization of the performance of functions at  
23 selected military installations being closed under the base  
24 closure and realignment process.

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 **TITLE XII—FEDERAL CHARTER**  
4 **FOR THE FLEET RESERVE AS-**  
5 **SOCIATION**

6 **SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHAR-**  
7 **TER.**

8 The Fleet Reserve Association, a nonprofit corpora-  
9 tion organized under the laws of the State of Delaware,  
10 is recognized as such and granted a Federal charter.

11 **SEC. 1202. POWERS.**

12 The Fleet Reserve Association (in this title referred  
13 to as the “association”) shall have only those powers  
14 granted to it through its bylaws and articles of incorpora-  
15 tion filed in the State in which it is incorporated and sub-  
16 ject to the laws of such State.

17 **SEC. 1203. PURPOSES.**

18 The purposes of the association are those provided  
19 in its bylaws and articles of incorporation and shall include  
20 the following:

21 (1) Upholding and defending the Constitution  
22 of the United States.

23 (2) Aiding and maintaining an adequate naval  
24 defense for the United States.

1           (3) Assisting the recruitment of the best per-  
2           sonnel available for the United States Navy, United  
3           States Marine Corps, and United States Coast  
4           Guard.

5           (4) Providing for the welfare of the personnel  
6           who serve in the United States Navy, United States  
7           Marine Corps, and United States Coast Guard.

8           (5) Continuing to serve loyally the United  
9           States Navy, United States Marine Corps, and Unit-  
10          ed States Coast Guard.

11          (6) Preserving the spirit of shipmanship by pro-  
12          viding assistance to shipmates and their families.

13          (7) Instilling love of the United States and the  
14          flag and promoting soundness of mind and body in  
15          the youth of the United States.

16 **SEC. 1204. SERVICE OF PROCESS.**

17          With respect to service of process, the association  
18          shall comply with the laws of the State in which it is incor-  
19          porated and those States in which it carries on its activi-  
20          ties in furtherance of its corporate purposes.

21 **SEC. 1205. MEMBERSHIP.**

22          Except as provided in section 1208(g), eligibility for  
23          membership in the association and the rights and privi-  
24          leges of members shall be as provided in the bylaws and  
25          articles of incorporation of the association.

1 **SEC. 1206. BOARD OF DIRECTORS.**

2 Except as provided in section 1208(g), the composi-  
3 tion of the board of directors of the association and the  
4 responsibilities of the board shall be as provided in the  
5 bylaws and articles of incorporation of the association and  
6 in conformity with the laws of the State in which it is  
7 incorporated.

8 **SEC. 1207. OFFICERS.**

9 Except as provided in section 1208(g), the positions  
10 of officers of the association and the election of members  
11 to such officers shall be as provided in the bylaws and  
12 articles of incorporation of the association and in conform-  
13 ity with the laws of the State in which it is incorporated.

14 **SEC. 1208. RESTRICTIONS.**

15 (a) INCOME AND COMPENSATION.—No part of the in-  
16 come or assets of the association may inure to the benefit  
17 of any member, officer, or director of the association or  
18 be distributed to any such individual during the life of this  
19 charter. Nothing in this subsection may be construed to  
20 prevent the payment of reasonable compensation to the  
21 officers and employees of the association or reimburse-  
22 ment for actual and necessary expenses in amounts ap-  
23 proved by the board of directors.

24 (b) LOANS.—The association may not make any loan  
25 to any member, officer, director, or employee of the asso-  
26 ciation.

1 (c) ISSUANCE OF STOCK AND PAYMENT OF DIVI-  
2 DENDS.—The association may not issue any shares of  
3 stock or declare or pay any dividend.

4 (d) FEDERAL APPROVAL.—The association may not  
5 claim the approval of the Congress or the authorization  
6 of the Federal Government for any of its activities by vir-  
7 tue of this title.

8 (e) CORPORATE STATUS.—The association shall  
9 maintain its status as a corporation organized and incor-  
10 porated under the laws of the State of Delaware.

11 (f) CORPORATE FUNCTION.—The association shall  
12 function as an educational, patriotic, civic, historical, and  
13 research organization under the laws of the State in which  
14 it is incorporated.

15 (g) NONDISCRIMINATION.—In establishing the condi-  
16 tions of membership in the association and in determining  
17 the requirements for serving on the board of directors or  
18 as an officer of the association, the association may not  
19 discriminate on the basis of race, color, religion, sex, hand-  
20 icap, age, or national origin.

21 **SEC. 1209. LIABILITY.**

22 The association shall be liable for the acts of its offi-  
23 cers, directors, employees, and agents whenever such indi-  
24 viduals act within the scope of their authority.

1 **SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND**  
2 **RECORDS.**

3 (a) **BOOKS AND RECORDS OF ACCOUNT.**—The asso-  
4 ciation shall keep correct and complete books and records  
5 of account and minutes of any proceeding of the associa-  
6 tion involving any of its members, the board of directors,  
7 or any committee having authority under the board of di-  
8 rectors.

9 (b) **NAMES AND ADDRESSES OF MEMBERS.**—The as-  
10 sociation shall keep at its principal office a record of the  
11 names and addresses of all members having the right to  
12 vote in any proceeding of the association.

13 (c) **RIGHT TO INSPECT BOOKS AND RECORDS.**—All  
14 books and records of the association may be inspected by  
15 any member having the right to vote in any proceeding  
16 of the association, or by any agent or attorney of such  
17 member, for any proper purpose at any reasonable time.

18 (d) **APPLICATION OF STATE LAW.**—This section may  
19 not be construed to contravene any applicable State law.

20 **SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.**

21 The first section of the Act entitled “An Act to pro-  
22 vide for audit of accounts of private corporations estab-  
23 lished under Federal law”, approved August 30, 1964 (36  
24 U.S.C. 1101), is amended by adding at the end the follow-  
25 ing:

26 “(77) Fleet Reserve Association.”.

1 **SEC. 1212. ANNUAL REPORT.**

2 The association shall annually submit to Congress a  
3 report concerning the activities of the association during  
4 the preceding fiscal year. The annual report shall be sub-  
5 mitted on the same date as the report of the audit required  
6 by reason of the amendment made in section 1211. The  
7 annual report shall not be printed as a public document.

8 **SEC. 1213. RESERVATION OF RIGHT TO AMEND OR REPEAL**  
9 **CHARTER.**

10 The right to alter, amend, or repeal this title is ex-  
11 pressly reserved to Congress.

12 **SEC. 1214. TAX-EXEMPT STATUS.**

13 The association shall maintain its status as an orga-  
14 nization exempt from taxation as provided in the Internal  
15 Revenue Code of 1986.

16 **SEC. 1215. TERMINATION.**

17 The charter granted in this title shall expire if the  
18 association fails to comply with any of the provisions of  
19 this title.

20 **SEC. 1216. DEFINITION.**

21 For purposes of this title, the term "State" means  
22 any of the several States, the District of Columbia, the  
23 Commonwealth of Puerto Rico, the Commonwealth of the  
24 Northern Mariana Islands, the United States Virgin Is-  
25 lands, Guam, American Samoa, the Republic of the Mar-  
26 shall Islands, the Federated States Of Micronesia, the Re-

1 public of Palau, and any other territory or possession of  
2 the United States.

3 **DIVISION B—MILITARY CON-**  
4 **STRUCTION AUTHORIZA-**  
5 **TIONS**

6 **SEC. 2001. SHORT TITLE.**

7 This division may be cited as the “Military Construc-  
8 tion Authorization Act for Fiscal Year 1997”.

9 **TITLE XXI—ARMY**

10 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
11 **ACQUISITION PROJECTS.**

12 (a) **INSIDE THE UNITED STATES.**—Using amounts  
13 appropriated pursuant to the authorization of appropria-  
14 tions in section 2104(a)(1), the Secretary of the Army  
15 may acquire real property and carry out military construc-  
16 tion projects for the installations and locations inside the  
17 United States, and in the amounts, set forth in the follow-  
18 ing table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Total</b>
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 .....	\$61,000,000
	Fort Knox .....	\$13,000,000
Louisiana .....	Fort Polk .....	\$4,800,000
New York .....	Fort Drum .....	\$6,500,000
Texas .....	Fort Hood .....	\$40,900,000
	Fort Sam Houston .....	\$3,100,000

**Army: Inside the United States**—Continued

State	Installation or location	Total
Virginia .....	Fort Eustis .....	\$3,550,000
Washington .....	Fort Lewis .....	\$54,600,000
CONUS Classified .....	Classified Locations .....	\$4,600,000
	Total: .....	\$356,450,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the locations outside the United States,  
6 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

7 **SEC. 2102. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using  
9 amounts appropriated pursuant to the authorization of ap-  
10 propriations in section 2104(a)(5)(A), the Secretary of the  
11 Army may construct or acquire family housing units (in-  
12 cluding land acquisition) at the installations, for the pur-  
13 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

**Army: Family Housing**—Continued

State	Installation	Purpose	Total
		Total: .....	\$38,300,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2104(a)(5)(A), the Secretary of the Army may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of family housing units in an amount not  
7 to exceed \$4,083,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in sections 2104(a)(5)(A),  
13 the Secretary of the Army may improve existing military  
14 family housing units in an amount not to exceed  
15 \$109,750,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

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 Army in the total amount of \$1,894,297,000 as follows:

1           (1) For military construction projects inside the  
2 United States authorized by section 2101(a),  
3 \$356,450,000.

4           (2) For military construction projects outside  
5 the United States authorized by section 2101(b),  
6 \$134,500,000.

7           (3) For unspecified minor military construction  
8 projects authorized by section 2805 of title 10,  
9 United States Code, \$7,000,000.

10          (4) For architectural and engineering services  
11 and construction design under section 2807 of title  
12 10, United States Code, \$31,748,000.

13          (5) For military family housing functions:

14           (A) For construction and acquisition, plan-  
15 ning and design, and improvement of military  
16 family housing and facilities, \$152,133,000.

17           (B) For support of military family housing  
18 (including the functions described in section  
19 2833 of title 10, United States Code),  
20 \$1,212,466,000.

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 2101 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 **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**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
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 .....	\$14,800,000
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
South Carolina .....	Marine Corps Recruit Depot, Parris Island.	\$2,550,000
Texas .....	Naval Station, Ingleside .....	\$16,850,000

**Navy: Inside the United States**—Continued

State	Installation or location	Amount
Virginia .....	Naval Air Station, Kingsville .....	\$1,810,000
	Armed Forces Staff College, Norfolk .....	\$12,900,000
	Marine Corps Combat Development Command, Quantico.	\$14,570,000
Washington .....	Naval Station, Norfolk .....	\$47,920,000
	Naval Surface Warfare Center, Dahlgren	\$8,030,000
	Naval Station, Everett .....	\$25,740,000
	Total: .....	\$507,052,000

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**

<b>State</b>	<b>Installation</b>	<b>Purpose</b>	<b>Amount</b>
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 \$2,040,093,000 as follows:

22 (1) For military construction projects inside the  
23 United States authorized by section 2201(a),  
24 \$507,052,000.

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
	Davis–Monthan Air Force Base .....	\$9,920,000
Arizona .....	Little Rock Air Force Base .....	\$18,105,000
Arkansas .....	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
California .....	Buckley Air National Guard Base ...	\$17,960,000
	Falcon Air Force Station .....	\$2,095,000
	Peterson Air Force Base .....	\$20,720,000
Colorado .....		

**Air Force: Inside the United States**—Continued

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
	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**

<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
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**

<b>State</b>	<b>Installation</b>	<b>Purpose</b>	<b>Amount</b>
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

<b>State</b>	<b>Installation</b>	<b>Purpose</b>	<b>Amount</b>
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**  
9 **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

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
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	\$18,000,000
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	
National Security Agency.	Fort Meade, Maryland .....	\$25,200,000
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: .....	\$527,590,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropri-  
3 ations in section 2406(a)(2), the Secretary of Defense may

1 acquire real property and carry out military construction  
 2 projects for the installations and locations outside the  
 3 United States, and in the amounts, set forth in the follow-  
 4 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

5 **SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.**

6 Using amounts appropriated pursuant to the author-  
 7 ization of appropriation in section 2406(a)(15)(A), the  
 8 Secretary of Defense may carry out architectural and en-  
 9 gineering services and construction design activities with  
 10 respect to the construction or improvement of military  
 11 family housing units in an amount not to exceed  
 12 \$500,000.

13 **SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 14 **UNITS.**

15 Subject to section 2825 of title 10, United States  
 16 Code, and using amounts appropriated pursuant to the  
 17 authorization of appropriation in section 2406(a)(15)(A),  
 18 the Secretary of Defense may improve existing military  
 19 family housing units in an amount not to exceed  
 20 \$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 \$3,421,366,000 as follows:

15 (1) For military construction projects inside the  
16 United States authorized by section 2401(a),  
17 \$364,487,000.

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 \$197,000,000.

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, \$79,628,000; and

9 (B) for the Army Reserve, \$59,174,000.

10 (2) For the Department of the Navy, for the  
 11 Naval and Marine Corps Reserve, \$32,743,000.

12 (3) For the Department of the Air Force—

13 (A) for the Air National Guard of the  
 14 United States, \$208,484,000; and

15 (B) for the Air Force Reserve,  
 16 \$54,770,000.

17 **TITLE XXVII—EXPIRATION AND**  
 18 **EXTENSION OF AUTHORIZA-**  
 19 **TIONS**

20 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
 21 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
 22 **LAW.**

23 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
 24 YEARS.—Except as provided in subsection (b), all author-  
 25 izations contained in titles XXI through XXVI for military

1 construction projects, land acquisition, family housing  
2 projects and facilities, and contributions to the North At-  
3 lantic Treaty Organization Security Investment program  
4 (and authorizations of appropriations therefor) shall ex-  
5 pire on the later of—

6 (1) October 1, 1999; or

7 (2) the date of the enactment of an Act author-  
8 izing funds for military construction for fiscal year  
9 2000.

10 (b) EXCEPTION.—Subsection (a) shall not apply to  
11 authorizations for military construction projects, land ac-  
12 quisition, family housing projects and facilities, and con-  
13 tributions to the North Atlantic Treaty Organization Se-  
14 curity Investment program (and authorizations of appro-  
15 priations therefor), for which appropriated funds have  
16 been obligated before the later of—

17 (1) October 1, 1999; or

18 (2) the date of the enactment of an Act author-  
19 izing funds for fiscal year 2000 for military con-  
20 struction projects, land acquisition, family housing  
21 projects and facilities, or contributions to the North  
22 Atlantic Treaty Organization Security Investment  
23 program.

1 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 1994 PROJECTS.**

3 (a) **EXTENSIONS.**—Notwithstanding section 2701 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 1994 (division B of Public Law 103–160; 107 Stat.  
 6 1880), authorizations for the projects set forth in the ta-  
 7 bles in subsection (b), as provided in section 2101, 2102,  
 8 2201, 2301, or 2601 of that Act, shall remain in effect  
 9 until October 1, 1997, or the date of the enactment of  
 10 an Act authorizing funds for military construction for fis-  
 11 cal year 1998, whichever is later.

12 (b) **TABLES.**—The tables referred to in subsection (a)  
 13 are as follows:

**Army: Extension of 1994 Project Authorizations**

State	Installation or location	Project	Amount
New Jersey .....	Picatinny Arsenal .....	Advance War- head Devel- opment Fa- cility.	\$4,400,000
North Carolina .....	Fort Bragg .....	Land Acquisi- tion.	\$15,000,000
Wisconsin .....	Fort McCoy .....	Family Hous- ing Construc- tion (16 units).	\$2,950,000

**Navy: Extension of 1994 Project Authorizations**

State or Location	Installation or location	Project	Amount
California .....	Camp Pendleton Ma- rine Corps Base.	Sewage Facility	\$7,930,000
Connecticut .....	New London Naval Submarine Base.	Hazardous Waste Trans- fer Facility.	\$1,450,000
New Jersey .....	Earle Naval Weapons Station.	Explosives Holding Yard.	\$1,290,000
Virginia .....	Oceana Naval Air Sta- tion.	Jet Engine Test Cell Re- placement.	\$5,300,000

**Navy: Extension of 1994 Project Authorizations—Continued**

State or Location	Installation or location	Project	Amount
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
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

**Army National Guard: Extension of 1994 Project  
Authorizations—Continued**

State	Installation or Location	Project	Amount
	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-  
7 bles in subsection (b), as provided in section 2101, 2301,  
8 or 2601 of that Act and extended by section 2702 of the  
9 Military Construction Authorization Act for Fiscal Year  
10 1996 (division B of Public Law 104–106; 110 Stat. 541),  
11 shall remain in effect until October 1, 1997, or the date  
12 of the enactment of an Act authorizing funds for military  
13 construction for fiscal year 1998, whichever is later.

14 (b) TABLES.—The tables referred to in subsection (a)  
15 are as follows:

**Army: Extension of 1993 Project Authorization**

State	Installation or location	Project	Amount
Arkansas .....	Pine Bluff Arsenal .....	Ammunition Demilitarization 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

1 **SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 1992 PROJECTS.**

3 (a) EXTENSIONS.—Notwithstanding section 2701 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 1992 (division B of Public Law 102–190; 105 Stat.  
6 1535), authorizations for the projects set forth in the table  
7 in subsection (b), as provided in section 2101 of that Act  
8 and extended by section 2702(a) of the Military Construc-  
9 tion Authorization Act for Fiscal Year 1995 (division B  
10 of Public Law 103–337; 108 Stat. 3047) and section  
11 2703(a) of the Military Construction Authorization Act  
12 for Fiscal Year 1996 (division B of Public Law 104–106;  
13 110 Stat. 543), shall remain in effect until October 1,  
14 1997, or the date of the enactment of an Act authorizing  
15 funds for military construction for fiscal year 1998, which-  
16 ever is later.

17 (b) TABLE.—The table referred to in subsection (a)  
18 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

**Army: Extension of 1992 Project Authorizations**—Continued

State	Installation or location	Project	Amount
	Umatilla Army Depot	Ammunition Demilitarization Utilities.	\$7,500,000

1 **SEC. 2705. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI  
3 shall take effect on the later of—

4 (1) October 1, 1996; or

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

6 **TITLE XXVIII—GENERAL**  
7 **PROVISIONS**

8 **Subtitle A—Military Construction**  
9 **Program and Military Family**  
10 **Housing Changes**

11 **SEC. 2801. INCREASE IN CERTAIN THRESHOLDS FOR UN-**  
12 **SPECIFIED MINOR CONSTRUCTION**  
13 **PROJECTS.**

14 (a) O&M FUNDING FOR PROJECTS.—Section  
15 2805(c)(1)(B) of title 10, United States Code, is amended  
16 by striking out “\$300,000” and inserting in lieu thereof  
17 “\$500,000”.

18 (b) O&M FUNDING FOR RESERVE COMPONENT FA-  
19 CILITIES.—Subsection (b) of section 18233a of such title  
20 is amended by striking out “\$300,000” and inserting in  
21 lieu thereof “\$500,000”.

1 (c) NOTIFICATION FOR EXPENDITURES AND CON-  
 2 TRIBUTIONS FOR RESERVE COMPONENT FACILITIES.—  
 3 Subsection (a)(1) of such section 18233a is amended by  
 4 striking out “\$400,000” and inserting in lieu thereof  
 5 “\$1,500,000”.

6 **SEC. 2802. CLARIFICATION OF AUTHORITY TO IMPROVE**  
 7 **MILITARY FAMILY HOUSING.**

8 (a) EXCLUSION OF MINOR MAINTENANCE AND RE-  
 9 PAIR.—Subsection (a)(2) of section 2825 of title 10, Unit-  
 10 ed States Code, is amended by inserting “(other than day-  
 11 to-day maintenance or repair work)” after “work”.

12 (b) APPLICABILITY OF LIMITATION ON FUNDS FOR  
 13 IMPROVEMENTS.—Subsection (b)(2) of such section is  
 14 amended—

15 (1) by striking out “the cost of repairs” and all  
 16 that follows through “in connection with” and in-  
 17 serting in lieu thereof “of the unit or units con-  
 18 cerned the cost of maintenance or repairs under-  
 19 taken in connection with the improvement of the  
 20 unit or units and any cost (other than the cost of  
 21 activities undertaken beyond a distance of five feet  
 22 from the unit or units) in connection with”; and

23 (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. DISPOSITION OF PROCEEDS FROM DISPOSAL OF**  
6 **COMMISSARY STORES AND NONAPPRO-**  
7 **PRIATED FUND INSTRUMENTALITIES AT IN-**  
8 **STALLATIONS BEING CLOSED OR RE-**  
9 **ALIGNED.**

10 (a) 1988 LAW.—(1) Section 204(b)(7)(C) of the De-  
11 fense Authorization Amendments and Base Closure and  
12 Realignment Act (Public Law 100–526; 10 U.S.C. 2687  
13 note) is amended—

14 (A) in clause (i), by striking out “shall be de-  
15 posited” and all that follows through the end of the  
16 clause and inserting in lieu thereof “shall be depos-  
17 ited as follows:

18 “(I) In the case of proceeds of the transfer or  
19 other disposal of property acquired, constructed, or  
20 improved with commissary store funds, in the ac-  
21 count in the Treasury known as the Surcharge Col-  
22 lection, Sales of Commissary Stores, Defense, ac-  
23 count.

24 “(II) In the case of proceeds of the transfer or  
25 other disposal of property acquired, constructed, or

1 improved with nonappropriated funds, in a non-  
2 appropriated fund account of the Department of De-  
3 fense designated by the Secretary.”;

4 (B) by redesignating clause (iii) as clause (iv);  
5 and

6 (C) by inserting after clause (ii) the following  
7 new clause (iii):

8 “(iii)(I) The Secretary may use amounts deposited  
9 under clause (i)(I) in the account referred to in that clause  
10 for the purpose of acquiring, constructing, and improving  
11 commissary stores.

12 “(II) The Secretary may use amounts deposited  
13 under clause (i)(II) in a nonappropriated fund account  
14 pursuant to that clause for the purpose of acquiring, con-  
15 structing, and improving nonappropriated fund instru-  
16 mentalities.”.

17 (2) Section 206(a)(7) of that Act is amended by  
18 striking out “Proceeds received” and inserting in lieu  
19 thereof “Except as provided in section 204(b)(7)(C), pro-  
20 ceeds received”.

21 (b) 1990 LAW.—Section 2906(d) of the Defense Base  
22 Closure and Realignment Act of 1990 (part A of title  
23 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is  
24 amended—

1           (1) in paragraph (1), by striking out “shall be  
2           deposited” and all that follows through the end and  
3           inserting in lieu thereof “shall be deposited as fol-  
4           lows:

5           “(A) In the case of proceeds of the transfer or  
6           other disposal of property acquired, constructed, or  
7           improved with commissary store funds, in the ac-  
8           count in the Treasury known as the Surcharge Col-  
9           lections, Sales of Commissary Stores, Defense, ac-  
10          count.

11          “(B) In the case of proceeds of the transfer or  
12          other disposal of property acquired, constructed, or  
13          improved with nonappropriated funds, in a non-  
14          appropriated fund account of the Department of De-  
15          fense designated by the Secretary.”; and

16          (2) by striking out paragraph (3) and inserting  
17          in lieu thereof the following new paragraph (3):

18          “(3)(A) The Secretary may use amounts deposited  
19          under paragraph (1)(A) in the account referred to in that  
20          paragraph for the purpose of acquiring, constructing, and  
21          improving commissary stores.

22          “(B) The Secretary may use amounts deposited  
23          under paragraph (1)(B) in a nonappropriated fund ac-  
24          count pursuant to that paragraph for the purpose of ac-

1 quiring, constructing, and improving nonappropriated  
2 fund instrumentalities.”.

3 **SEC. 2813. AGREEMENTS FOR SERVICES AT INSTALLATIONS**  
4 **AFTER CLOSURE.**

5 (a) 1988 LAW.—Section 204(b)(8)(A) of the Defense  
6 Authorization Amendments and Base Closure and Re-  
7 alignment Act (Public Law 100–526; 10 U.S.C. 2687  
8 note) is amended by inserting “, or at facilities not yet  
9 transferred or otherwise disposed of in the case of installa-  
10 tions closed under this title,” after “under this title”.

11 (b) 1990 LAW.—Section 2905(b)(8)(A) of the De-  
12 fense Base Closure and Realignment Act of 1990 (part  
13 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687  
14 note) is amended by inserting “, or at facilities not yet  
15 transferred or otherwise disposed of in the case of installa-  
16 tions closed under this part,” after “under this part”.

17 **Subtitle C—Land Conveyances**

18 **SEC. 2821. TRANSFER OF LANDS, ARLINGTON NATIONAL**  
19 **CEMETERY, ARLINGTON, VIRGINIA.**

20 (a) REQUIREMENT FOR SECRETARY OF THE INTE-  
21 RIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1)  
22 The Secretary of the Interior shall transfer to the Sec-  
23 retary of the Army administrative jurisdiction over the fol-  
24 lowing lands located in section 29 of the National Park  
25 System at Arlington National Cemetery, Virginia:

1           (A) The lands known as the Arlington National  
2 Cemetery Interment Zone.

3           (B) All lands in the Robert E. Lee Memorial  
4 Preservation Zone, other than those lands in the  
5 Preservation Zone that the Secretary of the Interior  
6 determines must be retained because of the histori-  
7 cal significance of such lands or for the maintenance  
8 of nearby lands or facilities.

9           (2) 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           (3) 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 **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 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 \$2,000,000.

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 \$2,000,000, 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 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

15 (a) IN GENERAL.—(1) Except as provided in para-  
16 graph (2), construction on a construction project may not  
17 be started or additional obligations incurred in connection  
18 with the project above the total estimated cost, whenever  
19 the current estimated cost of the construction project,  
20 which is authorized by section 3101, 3102, or 3103, or  
21 which is in support of national security programs of the  
22 Department of Energy and was authorized by any pre-  
23 vious Act, exceeds by more than 25 percent the higher  
24 of—

25 (A) the amount authorized for the project; or

1           (B) the amount of the total estimated cost for  
2           the project as shown in the most recent budget jus-  
3           tification data submitted to Congress.

4           (2) An action described in paragraph (1) may be  
5           taken if—

6           (A) the Secretary of Energy has submitted to  
7           the congressional defense committees a report on the  
8           actions and the circumstances making such action  
9           necessary; and

10          (B) a period of 30 days has elapsed after the  
11          date on which the report is received by the commit-  
12          tees.

13          (3) In the computation of the 30-day period under  
14          paragraph (2), there shall be excluded any day on which  
15          either House of Congress is not in session because of an  
16          adjournment of more than 3 days to a day certain.

17          (b) EXCEPTION.—Subsection (a) shall not apply to  
18          any construction project which has a current estimated  
19          cost of less than \$5,000,000.

20       **SEC. 3124. FUND TRANSFER AUTHORITY.**

21          (a) TRANSFER TO OTHER FEDERAL AGENCIES.—  
22          The Secretary of Energy may transfer funds authorized  
23          to be appropriated to the Department of Energy pursuant  
24          to this title to other Federal agencies for the performance  
25          of work for which the funds were authorized. Funds so

1 transferred may be merged with and be available for the  
2 same purposes and for the same period as the authoriza-  
3 tions of the Federal agency to which the amounts are  
4 transferred.

5 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY;  
6 LIMITATIONS.—(1) Subject to paragraph (2), the Sec-  
7 retary of Energy may transfer funds authorized to be ap-  
8 propriated to the Department of Energy pursuant to this  
9 title between any such authorizations. Amounts of author-  
10 izations so transferred may be merged with and be avail-  
11 able for the same purposes and for the same period as  
12 the authorization to which the amounts are transferred.

13 (2) Not more than five percent of any such authoriza-  
14 tion may be transferred between authorizations under  
15 paragraph (1). No such authorization may be increased  
16 or decreased by more than five percent by a transfer under  
17 such paragraph.

18 (3) The authority provided by this section to transfer  
19 authorizations—

20 (A) may only be used to provide funds for items  
21 relating to weapons activities necessary for national  
22 security programs that have a higher priority than  
23 the items from which the funds are transferred; and

24 (B) may not be used to provide authority for an  
25 item that has been denied funds by Congress.

1 (c) NOTICE TO CONGRESS.—The Secretary of Energy  
2 shall promptly notify the Committee on Armed Services  
3 of the Senate and the Committee on National Security of  
4 the House of Representatives of any transfer of funds to  
5 or from authorizations under this title.

6 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.**  
7

8 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)  
9 Subject to paragraph (2) and except as provided in para-  
10 graph (3), before submitting to Congress a request for  
11 funds for a construction project that is in support of a  
12 national security program of the Department of Energy,  
13 the Secretary of Energy shall complete a conceptual de-  
14 sign for that project. The Secretary shall submit to Con-  
15 gress a report on each conceptual design completed under  
16 this paragraph.

17 (2) If the estimated cost of completing a conceptual  
18 design for a construction project exceeds \$3,000,000, the  
19 Secretary shall submit to Congress a request for funds for  
20 the conceptual design before submitting a request for  
21 funds for the construction project.

22 (3) The requirement in paragraph (1) does not apply  
23 to a request for funds—

24 (A) for a construction project the total esti-  
25 mated cost of which is less than \$2,000,000; or

1 (B) for emergency planning, design, and con-  
2 struction activities under section 3126.

3 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1)

4 Within the amounts authorized by this title, the Secretary  
5 of Energy may carry out construction design (including  
6 architectural and engineering services) in connection with  
7 any proposed construction project if the total estimated  
8 cost for such design does not exceed \$600,000.

9 (2) If the total estimated cost for construction design  
10 in connection with any construction project exceeds  
11 \$600,000, funds for such design must be specifically au-  
12 thorized by law.

13 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**  
14 **SIGN, AND CONSTRUCTION ACTIVITIES.**

15 (a) **AUTHORITY.**—The Secretary of Energy may use  
16 any funds available to the Department of Energy pursuant  
17 to an authorization in this title, including those funds au-  
18 thorized to be appropriated for advance planning and con-  
19 struction design under sections 3101, 3102, and 3103, to  
20 perform planning, design, and construction activities for  
21 any Department of Energy national security program con-  
22 struction project that, as determined by the Secretary,  
23 must proceed expeditiously in order to protect public  
24 health and safety, to meet the needs of national defense,  
25 or to protect property.

1 (b) LIMITATION.—The Secretary may not exercise  
2 the authority under subsection (a) in the case of any con-  
3 struction project until the Secretary has submitted to the  
4 congressional defense committees a report on the activities  
5 that the Secretary intends to carry out under this section  
6 and the circumstances making such activities necessary.

7 (c) SPECIFIC AUTHORITY.—The requirement of sec-  
8 tion 3125(b)(2) does not apply to emergency planning, de-  
9 sign, and construction activities conducted under this sec-  
10 tion.

11 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**  
12 **RITY PROGRAMS OF THE DEPARTMENT OF**  
13 **ENERGY.**

14 Subject to the provisions of appropriations Acts and  
15 section 3121, amounts appropriated pursuant to this title  
16 for management and support activities and for general  
17 plant projects are available for use, when necessary, in  
18 connection with all national security programs of the De-  
19 partment of Energy.

20 **SEC. 3128. AVAILABILITY OF FUNDS.**

21 When so specified in an appropriations Act, amounts  
22 appropriated for operation and maintenance or for plant  
23 projects may remain available until expended.

1 **Subtitle C—Program Authoriza-**  
2 **tions, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 3131. TRITIUM PRODUCTION.**

5 (a) ACCELERATION OF TRITIUM PRODUCTION.—(1)

6 The Secretary of Energy shall, during fiscal year 1997,  
7 make a final decision on the technologies to be utilized,  
8 and the accelerated schedule to be adopted, for tritium  
9 production in order to meet the requirements of the Nu-  
10 clear Weapons Stockpile Memorandum relating to tritium  
11 production, including the new tritium production date of  
12 2005 specified in the Nuclear Weapons Stockpile Memo-  
13 randum.

14 (2) In making the final decision, the Secretary shall  
15 take into account the following:

16 (A) The requirements for tritium production  
17 specified in the Nuclear Weapons Stockpile Memo-  
18 randum, including, in particular, the requirements  
19 for the “upload hedge” component of the nuclear  
20 weapons stockpile.

21 (B) The ongoing activities of the Department  
22 relating to the evaluation and demonstration of tech-  
23 nologies under the accelerator reactor program and  
24 the commercial light water reactor program.

1 (b) REPORT.—(1) Not later than April 15, 1997, the  
2 Secretary shall submit to the Congress a report that sets  
3 forth the final decision of the Secretary under subsection  
4 (a)(1). The report shall set forth in detail—

5 (A) the technologies decided on under that sub-  
6 section; and

7 (B) the accelerated schedule for the production  
8 of tritium decided on under that subsection.

9 (2) If the Secretary determines that it is not possible  
10 to make the final decision by the date specified in para-  
11 graph (1), the Secretary shall submit to Congress on that  
12 date a report that explains in detail why the final decision  
13 cannot be made by that date.

14 (c) NEW TRITIUM PRODUCTION FACILITY.—The  
15 Secretary shall commence planning and design activities  
16 and infrastructure development for a new tritium produc-  
17 tion facility.

18 (d) IN-REACTOR TESTS.—The Secretary may per-  
19 form in-reactor tests of tritium target rods as part of the  
20 activities carried out under the commercial light water re-  
21 actor program.

22 (e) FUNDING.—Of the funds authorized to be appro-  
23 priated to the Department of Energy pursuant to section  
24 3101—

1           (1) not more than \$45,000,000 shall be avail-  
2           able for research, development, and technology dem-  
3           onstration activities and other activities relating to  
4           the production of tritium in accelerators; and

5           (2) not more than \$15,000,000 shall be avail-  
6           able for the commercial light water reactor project,  
7           including activities relating to target development,  
8           extraction capability, and reactor acquisition or ini-  
9           tial tritium operations.

10 **SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRIT-**  
11 **IUM RECYCLING FACILITIES.**

12           (a) **IN GENERAL.**—The Secretary of Energy shall  
13 carry out activities to modernize and consolidate the facili-  
14 ties for recycling tritium for weapons at the Savannah  
15 River Site, South Carolina, so as to ensure that such fa-  
16 cilities have a capacity to recycle tritium from weapons  
17 that is adequate to meet the requirements for tritium for  
18 weapons specified in the Nuclear Weapons Stockpile  
19 Memorandum.

20           (b) **FUNDING.**—Of the funds authorized to be appro-  
21 priated to the Department of Energy pursuant to section  
22 3101, not more than \$6,000,000 shall be available for ac-  
23 tivities under subsection (a).

1 **SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANU-**  
2 **FACTURING INFRASTRUCTURE FOR REFAB-**  
3 **RICATION AND CERTIFICATION OF NUCLEAR**  
4 **WEAPONS STOCKPILE.**

5 (a) GENERAL PROGRAM REQUIREMENTS.—Sub-  
6 section (a) of section 3137 of the National Defense Au-  
7 thorization Act for Fiscal Year 1996 (Public Law 104-  
8 106; 110 Stat. 620; 42 U.S.C. 2121 note) is amended—

9 (1) by inserting “(1)” before “The Secretary of  
10 Energy”;

11 (2) by redesignating paragraphs (1) through  
12 (5) as subparagraphs (A) through (E), respectively;  
13 and

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

15 “(2) The purpose of the program carried out under  
16 paragraph (1) shall also be to develop manufacturing ca-  
17 pabilities and capacities necessary to meet the require-  
18 ments specified in the annual Nuclear Weapons Stockpile  
19 Review.”.

20 (b) REQUIRED CAPABILITIES.—Subsection (b)(3) of  
21 such section is amended to read as follows:

22 “(3) The capabilities of the Savannah River  
23 Site relating to tritium recycling and fissile mate-  
24 rials components processing and fabrication.”.

25 (c) PLAN AND REPORT.—Not later than March 1,  
26 1997, the Secretary of Energy shall submit to Congress

1 a report containing a plan for carrying out the program  
2 established under section 3137(a) of the National Defense  
3 Authorization Act for Fiscal Year 1996, as amended by  
4 this section. The report shall set forth the obligations that  
5 the Secretary has incurred, and proposes to incur, during  
6 fiscal year 1997 in carrying out the program.

7 (d) FUNDING.—Of the funds authorized to be appro-  
8 priated pursuant to section 3101(b), \$5,000,000 shall be  
9 available for carrying out the program established under  
10 section 3137(a) of the National Defense Authorization Act  
11 for Fiscal Year 1996, as so amended.

12 **SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN**  
13 **RESEARCH AND DEVELOPMENT PURPOSES.**

14 (a) LIMITATION.—No funds appropriated or other-  
15 wise made available to the Department of Energy for fiscal  
16 year 1997 under section 3101 may be obligated or ex-  
17 pended for activities under the Department of Energy  
18 Laboratory Directed Research and Development Program,  
19 or under any Department of Energy technology transfer  
20 program or cooperative research and development agree-  
21 ment, unless such activities support the national security  
22 mission of the Department of Energy.

23 (b) ANNUAL REPORT.—(1) The Secretary of Energy  
24 shall annually submit to the congressional defense commit-  
25 tees a report on the funds expended during the preceding

1 fiscal year on activities under the Department of Energy  
2 Laboratory Directed Research and Development Program.  
3 The purpose of the report is to permit an assessment of  
4 the extent to which such activities support the national  
5 security mission of the Department of Energy.

6 (2) Each report shall be prepared by the officials re-  
7 sponsible for Federal oversight of the funds expended on  
8 activities under the program.

9 (3) Each report shall set forth the criteria utilized  
10 by the officials preparing the report in determining wheth-  
11 er or not the activities reviewed by such officials support  
12 the national security mission of the Department.

13 **SEC. 3135. ACCELERATED SCHEDULE FOR ISOLATING**  
14 **HIGH-LEVEL NUCLEAR WASTE AT THE DE-**  
15 **FENSE WASTE PROCESSING FACILITY, SA-**  
16 **VANNAH RIVER SITE.**

17 The Secretary of Energy shall accelerate the schedule  
18 for the isolation of high-level nuclear waste in glass can-  
19 isters at the Defense Waste Processing Facility at the Sa-  
20 vannah River Site if the Secretary determines that the ac-  
21 celeration of such schedule—

22 (1) will achieve long-term cost savings to the  
23 Federal Government; and



1 treatment, preparation, and conditioning of high-  
2 level nuclear waste associated with Department of  
3 Energy stainless steel spent nuclear fuel rods (in-  
4 cluding naval spent nuclear fuel) for interim storage  
5 and final disposition.

6 (b) UPDATE OF IMPLEMENTATION PLAN.—Not later  
7 than April 30, 1997, the Secretary shall submit to Con-  
8 gress a plan which updates the five-year plan required by  
9 section 3142(b) of the National Defense Authorization Act  
10 for Fiscal Year 1996 (Public Law 104–106; 110 Stat.  
11 622). The updated plan shall include—

12 (1) the matters required by paragraphs (1)  
13 through (4) of such section, current as of the date  
14 of the updated plan; and

15 (2) the assessment of the Secretary of the  
16 progress made in implementing the program covered  
17 by the plans.

18 **SEC. 3137. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**  
19 **SKILLS CRITICAL TO DEPARTMENT OF EN-**  
20 **ERGY NUCLEAR WEAPONS COMPLEX.**

21 (a) FUNDING.—Subject to subsection (b), of the  
22 funds authorized to be appropriated pursuant to section  
23 3101(b), \$5,000,000 may be used for conducting the fel-  
24 lowship program for the development of skills critical to  
25 the ongoing mission of the Department of Energy nuclear

1 weapons complex required by section 3140 of the National  
 2 Defense Authorization Act for Fiscal Year 1996 (Public  
 3 Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note).

4 (b) NOTICE AND WAIT.—The Secretary of Energy  
 5 may not obligate or expend funds under subsection (a) for  
 6 the fellowship program referred to in that subsection  
 7 until—

8 (1) the Secretary submits to Congress a report  
 9 setting forth—

10 (A) the steps the Department has taken to  
 11 implement the fellowship program;

12 (B) the amount the Secretary proposes to  
 13 obligate; and

14 (C) the purposes for which such amount  
 15 will be obligated; and

16 (2) a period of 21 days elapses from the date  
 17 of the receipt of the report by Congress.

## 18 **Subtitle D—Other Matters**

### 19 **SEC. 3151. REQUIREMENT FOR ANNUAL FIVE-YEAR BUDGET** 20 **FOR THE NATIONAL SECURITY PROGRAMS** 21 **OF THE DEPARTMENT OF ENERGY.**

22 (a) REQUIREMENT.—The Secretary of Energy shall  
 23 prepare each year a budget for the national security pro-  
 24 grams of the Department of Energy for the five-year pe-  
 25 riod beginning in the year the budget is prepared. Each

1 budget shall contain the estimated expenditures and pro-  
2 posed appropriations necessary to support the programs,  
3 projects, and activities of the national security programs  
4 during the five-year period covered by the budget and shall  
5 be at a level of detail comparable to that contained in the  
6 budget submitted by the President to Congress under sec-  
7 tion 1105 of title 31, United States Code.

8 (b) SUBMITTAL.—The Secretary shall submit each  
9 year to the congressional defense committees the budget  
10 required under subsection (a) in that year at the same  
11 time as the President submits to Congress the budget for  
12 the coming fiscal year pursuant to such section 1105.

13 **SEC. 3152. REQUIREMENTS FOR DEPARTMENT OF ENERGY**  
14 **WEAPONS ACTIVITIES BUDGETS FOR FISCAL**  
15 **YEARS AFTER FISCAL YEAR 1997.**

16 (a) IN GENERAL.—The weapons activities budget of  
17 the Department of Energy for any fiscal year after fiscal  
18 year 1997 shall—

19 (1) set forth with respect to each of the activi-  
20 ties under the budget (including stockpile steward-  
21 ship, stockpile management, and program direction)  
22 the funding requested to carry out each project or  
23 activity that is necessary to meet the requirements  
24 of the Nuclear Weapons Stockpile Memorandum;  
25 and

1           (2) identify specific infrastructure requirements  
2           arising from the Nuclear Posture Review, the Nu-  
3           clear Weapons Stockpile Memorandum, and the pro-  
4           grammatic and technical requirements associated  
5           with the review and memorandum.

6           (b) REQUIRED DETAIL.—The Secretary of Energy  
7           shall include in the materials that the Secretary submits  
8           to Congress in support of the budget for any fiscal year  
9           after fiscal year 1997 that is submitted by the President  
10          pursuant to section 1105 of title 31, United States Code,  
11          the following:

12           (1) A long-term program plan, and a near-term  
13           program plan, for the certification and stewardship  
14           of the nuclear weapons stockpile.

15           (2) An assessment of the effects of the plans re-  
16           ferred to in paragraph (1) on each nuclear weapons  
17           laboratory and each nuclear weapons production  
18           plant.

19          (c) DEFINITIONS.—In this section:

20           (1) The term “Nuclear Posture Review” means  
21           the Department of Defense Nuclear Posture Review  
22           as contained in the report of the Secretary of De-  
23           fense to the President and the Congress dated Feb-  
24           ruary 19, 1995, or in subsequent such reports.

1           (2) The term “nuclear weapons laboratory”  
2 means the following:

3           (A) Lawrence Livermore National Labora-  
4 tory, California.

5           (B) Los Alamos National Laboratory, New  
6 Mexico.

7           (C) Sandia National Laboratories.

8           (3) The term “nuclear weapons production  
9 plant” means the following:

10           (A) The Pantex Plant.

11           (B) The Savannah River Site.

12           (C) The Kansas City Plant, Missouri.

13           (D) The Y-12 Plant, Oak Ridge, Ten-  
14 nessee.

15 **SEC. 3153. REPEAL OF REQUIREMENT RELATING TO AC-**  
16 **COUNTING PROCEDURES FOR DEPARTMENT**  
17 **OF ENERGY FUNDS.**

18       Section 3151 of the National Defense Authorization  
19 Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat.  
20 3089) is repealed.

21 **SEC. 3154. PLANS FOR ACTIVITIES TO PROCESS NUCLEAR**  
22 **MATERIALS AND CLEAN UP NUCLEAR WASTE**  
23 **AT THE SAVANNAH RIVER SITE.**

24       (a) NEAR-TERM PLAN FOR PROCESSING SPENT  
25 FUEL RODS.—(1) Not later than March 15, 1997, the

1 Secretary of Energy shall submit to Congress a plan for  
2 a near-term program to process the spent nuclear fuel  
3 rods described in paragraph (2) in the H-canyon facility  
4 and the F-canyon facility at the Savannah River Site. The  
5 plan shall include cost projections and resource require-  
6 ments for the program and identify program milestones  
7 for the program.

8 (2) The spent nuclear fuel rods to be processed under  
9 the program referred to in paragraph (1) are the follow-  
10 ing:

11 (A) Spent nuclear fuel rods produced at the Sa-  
12 vannah River Site.

13 (B) Spent nuclear fuel rods being sent to the  
14 site from other Department of Energy facilities for  
15 processing, interim storage, and other treatment.

16 (C) Foreign nuclear spent fuel rods being sent  
17 to the site for processing, interim storage, and other  
18 treatment.

19 (b) MULTI-YEAR PLAN FOR CLEAN-UP AT SITE.—

20 The Secretary shall develop and implement a multi-year  
21 plan for the clean-up of nuclear waste at the Savannah  
22 River Site that results, or has resulted, from the following:

23 (1) Nuclear weapons activities carried out at  
24 the site.

1           (2) The processing of Department of Energy  
2           domestic and foreign spent nuclear fuel rods at the  
3           site.

4           (c) REQUIREMENT FOR CONTINUING OPERATIONS.—

5           The Secretary shall continue operations and maintain a  
6           high state of readiness at the H-canyon facility and the  
7           F-canyon facility at the Savannah River Site, and shall  
8           provide technical staff necessary to operate and so main-  
9           tain such facilities, pending the development and imple-  
10          mentation of the plan referred to in subsection (b).

11       **SEC. 3155. UPDATE OF REPORT ON NUCLEAR TEST READI-**  
12                               **NESS POSTURES.**

13          Not later than February 15, 1997, the Secretary of  
14          Energy shall submit to Congress a report which updates  
15          the report submitted by the Secretary under section 3152  
16          of the National Defense Authorization Act for Fiscal Year  
17          1996 (Public Law 104–106; 110 Stat. 623). The updated  
18          report shall include the matters specified under such sec-  
19          tion, current as of the date of the updated report.

20       **SEC. 3156. REPORTS ON CRITICAL DIFFICULTIES AT NU-**  
21                               **CLEAR WEAPONS LABORATORIES AND NU-**  
22                               **CLEAR WEAPONS PRODUCTION PLANTS.**

23          (a) REPORTS BY HEADS OF LABORATORIES AND  
24          PLANTS.—In the event of a difficulty at a nuclear weap-  
25          ons laboratory or a nuclear weapons production plant that

1 has a significant bearing on confidence in the safety or  
2 reliability of a nuclear weapon or nuclear weapon type, the  
3 head of the laboratory or plant, as the case may be, shall  
4 submit to the Assistant Secretary of Energy for Defense  
5 Programs a report on the difficulty. The head of the lab-  
6 oratory or plant shall submit the report as soon as prac-  
7 ticable after discovery of the difficulty.

8 (b) TRANSMITTAL BY ASSISTANT SECRETARY.—As  
9 soon as practicable after receipt of a report under sub-  
10 section (a), the Assistant Secretary shall transmit the re-  
11 port (together with the comments of the Assistant Sec-  
12 retary) to the congressional defense committees and to the  
13 Secretary of Energy and the Secretary of Defense.

14 (c) REPORTS BY NUCLEAR WEAPONS COUNCIL.—  
15 Section 179 of title 10, United States Code, is amended—

16 (1) by redesignating subsection (e) as sub-  
17 section (f); and

18 (2) by inserting after subsection (d) the follow-  
19 ing new subsection (e):

20 “(e) In addition to the responsibilities set forth in  
21 subsection (d), the Council shall also submit to Congress  
22 a report on any analysis conducted by the Council with  
23 respect to difficulties at nuclear weapons laboratories or  
24 nuclear weapons production plants that have significant

1 bearing on confidence in the safety or reliability of nuclear  
2 weapons or nuclear weapon types.”.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “nuclear weapons laboratory”  
5 means the following:

6 (A) Lawrence Livermore National Labora-  
7 tory, California.

8 (B) Los Alamos National Laboratory, New  
9 Mexico.

10 (C) Sandia National Laboratories.

11 (2) The term “nuclear weapons production  
12 plant” means the following:

13 (A) The Pantex Plant.

14 (B) The Savannah River Site.

15 (C) The Kansas City Plant, Missouri.

16 (D) The Y-12 Plant, Oak Ridge, Ten-  
17 nessee.

18 **SEC. 3157. EXTENSION OF APPLICABILITY OF NOTICE-AND-**  
19 **WAIT REQUIREMENT REGARDING PROPOSED**  
20 **COOPERATION AGREEMENTS.**

21 Section 3155(b) of the National Defense Authoriza-  
22 tion Act for Fiscal Year 1995 (42 U.S.C. 2153 note) is  
23 amended by striking out “October 1, 1996” and inserting  
24 in lieu thereof “December 31, 1997”.

1 **SEC. 3158. REDESIGNATION OF DEFENSE ENVIRONMENTAL**  
2 **RESTORATION AND WASTE MANAGEMENT**  
3 **PROGRAM AS DEFENSE NUCLEAR WASTE**  
4 **MANAGEMENT PROGRAM.**

5 (a) REDESIGNATION OF PROGRAM.—(1) The pro-  
6 gram of the Department of Energy known as the Defense  
7 Environmental Restoration and Waste Management Pro-  
8 gram, and also known as the Environmental Management  
9 Program, shall be known as the Defense Nuclear Waste  
10 Management Program of the Department of Energy.

11 (2) Any reference to the program of the Department  
12 of Energy known as the Defense Environmental Restora-  
13 tion and Waste Management Program, and also known as  
14 the Environmental Management Program, in any Federal  
15 law, Executive order, regulation, delegation of authority,  
16 or document of or pertaining to the Department of Energy  
17 or the Department of Defense shall be deemed to refer  
18 to the Defense Nuclear Waste Management Program of  
19 the Department of Energy.

20 (b) REDESIGNATION OF ASSISTANT SECRETARY OF  
21 ENERGY.—(1) The Assistant Secretary of Energy ap-  
22 pointed under section 203(a) of the Department of Energy  
23 Organization Act (42 U.S.C. 7133(a)) who is responsible  
24 for the program of the Department of Energy known as  
25 the Defense Environmental Restoration and Waste Man-  
26 agement Program, and also known as the Environmental

1 Management Program, shall be known as the Assistant  
2 Secretary of Energy for Defense Nuclear Waste Manage-  
3 ment.

4 (2) Any reference to the Assistant Secretary of En-  
5 ergy described in paragraph (1) in any Federal law, Exec-  
6 utive order, regulation, delegation of authority, or docu-  
7 ment of or pertaining to the Department of Energy or the  
8 Department of Defense shall be deemed to refer to the  
9 Assistant Secretary of Energy for Defense Nuclear Waste  
10 Management.

11 (c) REDESIGNATION OF ACCOUNT.—(1) Subsection  
12 (a) of section 3134 of the National Defense Authorization  
13 Act for Fiscal Years 1992 and 1993 (Public Law 102–  
14 190; 105 Stat. 1575; 42 U.S.C. 7274f) is amended by  
15 striking out “Defense Environmental Restoration and  
16 Waste Management Account” and inserting in lieu thereof  
17 “Defense Nuclear Waste Management Account”.

18 (2) The section heading of such section is amended  
19 to read as follows:

20 **“SEC. 3134. DEFENSE NUCLEAR WASTE MANAGEMENT AC-**  
21 **COUNT.”.**

22 (d) REPORT ON REDESIGNATION.—Not later than  
23 January 31, 1997, the Secretary of Energy shall submit  
24 to congressional defense committees a report on the red-  
25 ignations to be made under this section. The report shall

1 estimate the costs, if any, to the Department of Energy  
2 of the redesignations to be made under this section and  
3 describe any potential problems for the Department arising  
4 from such redesignations.

5 (e) EFFECTIVE DATE.—This section and the amendments  
6 made by subsection (c) shall take effect on October  
7 1, 1997.

8 **SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES**  
9 **NUCLEAR WEAPONS EXPERTISE.**

10 (a) ESTABLISHMENT.—There is hereby established a  
11 commission to be known as the “Commission on Maintaining  
12 United States Nuclear Weapons Expertise” (in this  
13 section referred to as the “Commission”).

14 (b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission  
15 shall be composed of nine members appointed  
16 from among individuals in the public and private sectors  
17 who have significant experience in matters relating to nuclear  
18 weapons as follows:

19 (i) Two shall be appointed by the Majority  
20 Leader of the Senate (in consultation with the Minority  
21 Leader of the Senate).

22 (ii) One shall be appointed by the Minority  
23 Leader of the Senate (in consultation with the Majority  
24 Leader of the Senate).

1           (iii) Two shall be appointed by the Speaker of  
2           the House of Representatives (in consultation with  
3           the Minority Leader of the House of Representa-  
4           tives).

5           (iv) One shall be appointed by the Minority  
6           Leader of the House of Representatives (in consulta-  
7           tion with the Speaker of the House of Representa-  
8           tives).

9           (v) Three shall be appointed by the Secretary of  
10          Energy.

11          (B) Members shall be appointed for the life of the  
12          Commission. Any vacancy in the Commission shall not af-  
13          fect its powers, but shall be filled in the same manner as  
14          the original appointment.

15          (C) The chairman of the Commission shall be des-  
16          ignated from among the members of the Commission ap-  
17          pointed under subparagraph (A) by the Majority Leader  
18          of the Senate, in consultation with the Minority Leader  
19          of the Senate.

20          (2) The members of the Commission shall establish  
21          procedures for the activities of the Commission, including  
22          procedures for calling meetings, requirements for  
23          quorums, and the manner of taking votes.

24          (c) DUTIES.—(1) The Commission shall develop a  
25          plan for recruiting and retaining within the Department

1 of Energy nuclear weapons complex such scientific, engi-  
2 neering, and technical personnel as the Commission deter-  
3 mines appropriate in order to permit the Department to  
4 maintain over the long term a safe and reliable nuclear  
5 weapons stockpile without engaging in underground test-  
6 ing.

7 (2) In developing the plan, the Commission shall—

8 (A) identify actions that the Secretary may un-  
9 dertake to attract qualified scientific, engineering,  
10 and technical personnel to the nuclear weapons com-  
11 plex of the Department; and

12 (B) review and recommend improvements to the  
13 on-going efforts of the Department to attract such  
14 personnel to the nuclear weapons complex.

15 (d) REPORT.—Not later than March 15, 1998, the  
16 Commission shall submit to the Secretary and to Congress  
17 a report containing the plan developed under subsection  
18 (c). The report may include recommendations for legisla-  
19 tion and administrative action.

20 (e) COMMISSION PERSONNEL MATTERS.—(1) Each  
21 member of the Commission who is not an officer or em-  
22 ployee of the Federal Government shall be compensated  
23 at a rate equal to the daily equivalent of the annual rate  
24 of basic pay prescribed for level IV of the Executive Sched-  
25 ule under section 5315 of title 5, United States Code, for

1 each day (including travel time) during which such mem-  
2 ber is engaged in the performance of the duties of the  
3 Commission. All members of the Commission who are offi-  
4 cers or employees of the United States shall serve without  
5 compensation in addition to that received for their services  
6 as officers or employees of the United States.

7 (2) The members of the Commission shall be allowed  
8 travel expenses, including per diem in lieu of subsistence,  
9 at rates authorized for employees of agencies under sub-  
10 chapter I of chapter 57 of title 5, United States Code,  
11 while away from their homes or regular places of business  
12 in the performance of services for the Commission.

13 (3) The Commission may, without regard to the civil  
14 service laws and regulations, appoint and terminate such  
15 personnel as may be necessary to enable the Commission  
16 to perform its duties. The Commission may fix the com-  
17 pensation of the personnel of the Commission without re-  
18 gard to the provisions of chapter 51 and subchapter III  
19 of chapter 53 of title 5, United States Code, relating to  
20 classification of positions and General Schedule pay rates.

21 (4) Any Federal Government employee may be de-  
22 tailed to the Commission without reimbursement, and  
23 such detail shall be without interruption or loss of civil  
24 service status or privilege.

1 (f) TERMINATION.—The Commission shall terminate  
2 30 days after the date on which the Commission submits  
3 its report under subsection (d).

4 (g) APPLICABILITY OF FACA.—The provisions of the  
5 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
6 apply to the activities of the Commission.

7 (h) FUNDING.—Of the amounts authorized to be ap-  
8 propriated pursuant to section 3101, not more than  
9 \$1,000,000 shall be available for the activities of the Com-  
10 mission under this section. Funds made available to the  
11 Commission under this section shall remain available until  
12 expended.

13 **SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY**  
14 **AND SAFETY OF REMAINING NUCLEAR**  
15 **FORCES.**

16 (a) FINDINGS.—The Senate makes the following  
17 findings:

18 (1) The United States is committed to proceed-  
19 ing with a robust science-based stockpile stewardship  
20 program with respect to production of nuclear weap-  
21 ons, and to maintaining nuclear weapons production  
22 capabilities and capacities, that are adequate—

23 (A) to ensure the safety, reliability, and  
24 performance of the United States nuclear arse-  
25 nal; and

1           (B) to meet such changing national secu-  
2           rity requirements as may result from inter-  
3           national developments or technical problems  
4           with nuclear warheads.

5           (2) The United States is committed to reestab-  
6           lishing and maintaining production of nuclear weap-  
7           ons at levels that are sufficient—

8                   (A) to satisfy requirements for the safety,  
9                   reliability, and performance of United States  
10                  nuclear weapons; and

11                   (B) to demonstrate and sustain production  
12                  capabilities and capacities.

13           (3) The United States is committed to main-  
14           taining the nuclear weapons laboratories and pro-  
15           tecting core nuclear weapons competencies.

16           (4) The United States is committed to ensuring  
17           the rapid access to a new production source of trit-  
18           ium within the next decade, as it currently has no  
19           meaningful capability to produce tritium, a compo-  
20           nent that is essential to the performance of modern  
21           nuclear weapons.

22           (5) The United States reserves the right, con-  
23           sistent with United States law, to resume under-  
24           ground nuclear testing to maintain confidence in the  
25           United States' stockpile of nuclear weapons if war-

1 head design flaws or aging of nuclear weapons result  
2 in problems that a robust stockpile stewardship pro-  
3 gram cannot solve.

4 (6) The United States is committed to funding  
5 the Nevada Test Site at a level that maintains the  
6 ability of the United States to resume underground  
7 nuclear testing within one year after a national deci-  
8 sion to do so is made.

9 (7) The United States reserves the right to in-  
10 voke the supreme national interest of the United  
11 States and withdraw from any future arms control  
12 agreement to limit underground nuclear testing.

13 (b) SENSE OF THE SENATE REGARDING PRESI-  
14 DENTIAL CONSULTATION WITH CONGRESS.—It is the  
15 sense of the Senate that the President should consult  
16 closely with Congress regarding United States policy and  
17 practices to ensure confidence in the safety and reliability  
18 of the nuclear stockpile of the United States.

19 (c) SENSE OF THE SENATE REGARDING NOTIFICA-  
20 TION AND CONSULTATION.—It is the sense of the Senate  
21 that, upon a determination by the President that a prob-  
22 lem with the safety or reliability of the nuclear stockpile  
23 has occurred and that the problem cannot be corrected  
24 within the stockpile stewardship program, the President  
25 shall—

1 (1) immediately notify Congress of the problem;  
2 and

3 (2) submit to Congress in a timely manner a  
4 plan for corrective action with respect to the prob-  
5 lem, including—

6 (A) a technical description of the activities  
7 required under the plan; and

8 (B) if underground testing of nuclear  
9 weapons would assist in such corrective action,  
10 an assessment of advisability of withdrawing  
11 from any treaty that prohibits underground  
12 testing of nuclear weapons.

13 **TITLE XXXII—DEFENSE NU-**  
14 **CLEAR FACILITIES SAFETY**  
15 **BOARD**

16 **SEC. 3201. AUTHORIZATION.**

17 There are authorized to be appropriated for fiscal  
18 year 1997, \$17,000,000 for the operation of the Defense  
19 Nuclear Facilities Safety Board under chapter 21 of the  
20 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

21 **TITLE XXXIII—NATIONAL**  
22 **DEFENSE STOCKPILE**

23 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

24 (a) OBLIGATIONS AUTHORIZED.—During fiscal year  
25 1997, the National Defense Stockpile Manager may obli-

1 gate up to \$60,000,000 of the funds in the National De-  
2 fense Stockpile Transaction Fund established under sub-  
3 section (a) of section 9 of the Strategic and Critical Mate-  
4 rials Stock Piling Act (50 U.S.C. 98h) for the authorized  
5 uses of such funds under subsection (b)(2) of such section.

6 (b) **ADDITIONAL OBLIGATIONS.**—The National De-  
7 fense Stockpile Manager may obligate amounts in excess  
8 of the amount specified in subsection (a) if the National  
9 Defense Stockpile Manager notifies Congress that extraor-  
10 dinary or emergency conditions necessitate the additional  
11 obligations. The National Defense Stockpile Manager may  
12 make the additional obligations described in the notifica-  
13 tion after the end of the 45-day period beginning on the  
14 date Congress receives the notification.

15 (c) **LIMITATIONS.**—The authorities provided by this  
16 section shall be subject to such limitations as may be pro-  
17 vided in appropriations Acts.

18 **SEC. 3302. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL**  
19 **DEFENSE STOCKPILE.**

20 (a) **DISPOSAL REQUIRED.**—The President shall dis-  
21 pose of materials contained in the National Defense Stock-  
22 pile and specified in the table in subsection (b) so as to  
23 result in receipts to the United States in amounts equal  
24 to—

1 (1) \$338,000,000 during the five-fiscal year pe-  
 2 riod ending on September 30, 2001; and

3 (2) \$649,000,000 during the seven-fiscal year  
 4 period ending on September 30, 2003.

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
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

9 (c) DEPOSIT OF RECEIPTS.—(1) Notwithstanding  
 10 section 9 of the Strategic and Critical Materials Stock Pil-  
 11 ing Act (50 U.S.C. 98h) and except as provided in para-  
 12 graph (2), funds received as a result of the disposal of  
 13 materials under subsection (a) shall be deposited into the  
 14 general fund of the Treasury.

15 (2) Funds received as a result of such disposal in ex-  
 16 cess of the amount of receipts specified in subsection  
 17 (a)(2) shall be deposited in the National Defense Stockpile  
 18 Transaction Fund established by section 9(a) of that Act.

1 (d) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-  
2 ITY.—The disposal authority provided in subsection (a) is  
3 new disposal authority and is in addition to, and shall not  
4 affect, any other disposal authority provided by law re-  
5 garding the materials specified in such subsection.

6 (e) DEFINITION.—The term “National Defense  
7 Stockpile” means the National Defense Stockpile provided  
8 for in section 4 of the Strategic and Critical Materials  
9 Stock Piling Act (50 U.S.C. 98e).

10 **TITLE XXXIV—NAVAL**  
11 **PETROLEUM RESERVES**

12 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

13 There is hereby authorized to be appropriated to the  
14 Secretary of Energy \$149,500,000 for fiscal year 1997 for  
15 the purpose of carrying out activities under chapter 641  
16 of title 10, United States Code, relating to the naval petro-  
17 leum reserves (as defined in section 7420(2) of such title).  
18 Funds appropriated pursuant to such authorization shall  
19 remain available until expended.

20 **TITLE XXXV—PANAMA CANAL**  
21 **COMMISSION**

22 **SEC. 3501. SHORT TITLE.**

23 This title may be cited as the “Panama Canal Com-  
24 mission Authorization Act for Fiscal Year 1997”.

1 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

2 (a) IN GENERAL.—Subject to subsection (b), the  
3 Panama Canal Commission is authorized to make such ex-  
4 penditures within the limits of funds and borrowing au-  
5 thority available to it in accordance with law, and to make  
6 such contracts and commitments, to be derived from the  
7 Panama Canal Commission Revolving Fund, as may be  
8 necessary under the Panama Canal Act of 1979 (22  
9 U.S.C. 3601 et seq.) for the operation, maintenance, im-  
10 provement, and administration of the Panama Canal for  
11 fiscal year 1997.

12 (b) LIMITATIONS.—For fiscal year 1997, the Panama  
13 Canal Commission may expend from funds in the Panama  
14 Canal Revolving Fund not more than \$73,000 for recep-  
15 tion and representation expenses, of which—

16 (1) not more than \$18,000 may be used for of-  
17 ficial reception and representation expenses of the  
18 Supervisory Board of the Commission;

19 (2) not more than \$10,000 may be used for of-  
20 ficial reception and representation expenses of the  
21 Secretary of the Commission; and

22 (3) not more than \$45,000 may be used for of-  
23 ficial reception and representation expenses of the  
24 Administrator of the Commission.

1 **SEC. 3503. PURCHASE OF VEHICLES.**

2       Notwithstanding any provision of law relating to pur-  
3 chase of vehicles by agencies of the Federal Government,  
4 funds available to the Panama Canal Commission shall be  
5 available for the purchase of, and for transportation to  
6 the Republic of Panama of, passenger motor vehicles, in-  
7 cluding large, heavy-duty vehicles.

8 **SEC. 3504. EXPENDITURES IN ACCORDANCE WITH OTHER**  
9 **LAWS.**

10       Expenditures authorized under this title may be made  
11 only in accordance with the Panama Canal Treaties of  
12 1977 and any law of the United States implementing  
13 those treaties.