H. R. 2401

One Hundred Third Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the fifth day of January, one thousand nine hundred and ninety-three

An Act

To authorize appropriations for fiscal year 1994 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

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

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

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

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,338,351,000.
(2) For missiles, $1,081,515,000.
(3) For weapons and tracked combat vehicles, $886,717,000.
(4) For ammunition, $619,668,000.
(5) For other procurement, $2,992,077,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $5,793,157,000.
(2) For weapons, including missiles and torpedoes, $2,986,965,000.
(3) For shipbuilding and conversion, $4,265,102,000.
(4) For other procurement, $2,953,605,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $483,621,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

(1) For aircraft, $7,013,938,000.
(2) For missiles, $3,582,743,000.
(3) For other procurement, $7,524,608,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for Defense-wide procurement in the amount of $3,050,748,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $210,000,000.
(2) For the Air National Guard, $260,000,000.
(3) For the Army Reserve, $50,000,000.
(4) For the Naval Reserve, $60,000,000.
(5) For the Air Force Reserve, $250,000,000.
(6) For the Marine Corps Reserve, $35,000,000.
(7) For reserve components simulation equipment, $75,000,000.
(8) For National Guard aircraft replacement and modernization, $50,000,000.

(b) MULTIPLE-LAUNCH ROCKET SYSTEM.—Of the total number of Multiple-Launch Rocket System units acquired with funds appropriated pursuant to the authorization of appropriations in section 101 for the Army, the Secretary of the Army shall ensure that one battalion set shall be authorized for and made available to the Army National Guard.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1994 the amount of $379,561,000 for—

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

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

(b) LIMITATION.—Of the funds specified in subsection (a)—

(1) $280,361,000 is for operations and maintenance;

(2) $72,600,000 is for procurement; and

(3) $26,600,000 is for research and development efforts in support of the nonstockpile chemical weapons program.

(c) CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.—Subsection (c)(3) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended by striking out "and approving" in the third sentence and inserting in lieu thereof ", approving, and overseeing".

SEC. 108. NATIONAL SHIPBUILDING INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the National Shipbuilding Initiative under subtitle D of title XIII in the amount of $147,000,000.

(b) AVAILABILITY FOR OBLIGATION.—Funds appropriated pursuant to subsection (a) shall not be available for obligation for loan guarantees after September 30, 1997.

SEC. 109. DENIAL OF MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Navy may not enter into a multiyear procurement contract under section 2306(h) of title 10, United States Code, for the F/A–18C/D aircraft program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

(a) AH–64 APACHE AIRCRAFT.—The prohibition in section 132(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1382) does not apply to the obligation of funds in amounts not to exceed $150,000,000 for the procurement of not more than 10 AH–64 aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

(b) OH–58D AHIP AIRCRAFT.—The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $112,500,000 for the procurement of not more than 18 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

SEC. 112. LIGHT UTILITY HELICOPTER MODERNIZATION.

(a) PROGRAM STUDY.—The Secretary of the Army, in coordination with the Chief of the National Guard Bureau, shall conduct a thorough study of the requirements of the Army for light utility helicopter modernization. The study shall include considerations of life-cycle costs, capability requirements, and, if acquisition of new light helicopters is determined to be needed, an appropriate acquisition strategy, including full and open competition.

(b) REQUIREMENT FOR USE OF COMPETITIVE PROCEDURES.—Funds may not be obligated for a light utility helicopter modernization program for a contractor selected through the use of acquisition procedures other than competitive procedures.

(c) LIMITATION ON OBLIGATIONS.—No funds may be obligated for such a program until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the recommendations of the Secretary for a light helicopter modernization program for the Army based upon the Secretary's review of the results of the study under subsection (a).

SEC. 113. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTECTIVE MASKS.

Of the unobligated balance of the funds appropriated for the Army for fiscal year 1993 for other procurement, $9,300,000 shall be available, to the extent provided in appropriations Acts, for procurement of M40/M42 nuclear, biological, and chemical protective masks.

SEC. 114. CHEMICAL AGENT MONITORING PROGRAM.

Funds appropriated for the Army for fiscal year 1993 for other procurement may not be obligated after the date of the enactment of this Act for the Improved Chemical Agent Monitor (ICAM) program.

SEC. 115. CLOSE COMBAT TACTICAL TRAINER QUICKSTART PROGRAM.

Funds authorized to be appropriated for the Army for procurement for fiscal year 1994 by section 101 may be used for long lead procurement of component hardware items to accelerate the Close Combat Tactical Trainer Quickstart program.

Subtitle C—Navy Programs

SEC. 121. SEAWOLF ATTACK SUBMARINE PROGRAM.

(a) LIMITATION ON USE OF CERTAIN FUNDS.—Except as provided in subsection (c), none of the funds described in subsection (b) may be obligated for Seawolf-class attack submarines other than for long-lead components for the vessel designated as SSN–23.

(b) FUNDS SUBJECT TO LIMITATION.—Subsection (a) applies to any unobligated funds remaining on the date of the enactment of this Act from the amount of $540,200,000 originally appropriated for fiscal year 1992 for the Seawolf-class attack submarine program and made available under Public Law 102–298 for the purposes of preserving the industrial base for submarine construction (as specified at page 27 of the report of the committee of conference to accompany the conference report on H.R. 4990 of the 102d Congress (House Report 102–530)).

(c) EXCEPTION.—Subsection (a) does not prohibit the obligation of funds for settlement of claims arising from the termination for the convenience of the Government during fiscal year 1992 of contracts for Seawolf-class submarines or components of Seawolf-class submarines.

SEC. 122. TRIDENT II (D–5) MISSILE PROCUREMENT.

(a) PRODUCTION.—Of amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994—

(1) not more than $983,345,000 may be obligated for procurement of Trident II (D–5) missiles; and

(2) not more than $145,251,000 may be obligated for advance procurement for production of D–5 missiles for a fiscal year after fiscal year 1994.

(b) OPTIONS FOR ACHIEVING SLBM WARHEAD LIMITATIONS.—Not later than April 1, 1994, the Secretary of Defense shall submit to Congress a report on options available for achieving the limitations on submarine-launched ballistic missile (SLBM) warheads imposed by the START II treaty at significantly reduced costs from the costs planned for fiscal year 1994. The report shall include an examination of the implications for those options of further reductions in the number of such warheads under further strategic arms reduction treaties.

SEC. 123. STUDY OF TRIDENT MISSILE SUBMARINE PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, not later than April 1, 1994, a report comparing (1) modifying Trident I submarines to enable those submarines to be deployed with D–5 missiles, with (2) retaining the Trident I (C–4) missile on the Trident I submarine. In preparing the report, the Secretary shall include considerations of cost effectiveness, force structure requirements, and future strategic flexibility of the Trident I and Trident II submarine programs.

SEC. 124. MK–48 ADCAP TORPEDO PROGRAM.

(a) IN GENERAL.—(1) The Secretary of Defense shall terminate the MK–48 ADCAP torpedo program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of MK–48 ADCAP torpedoes.

(b) EXCEPTIONS.—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of, spare or repair parts for MK–48 ADCAP torpedoes described in paragraph (2);

(B) completion of the procurement of MK–48 ADCAP torpedoes described in paragraph (2)(B); and

(C) the obligation of not more than $100,125,000 from funds made available pursuant to section 102(a) for the procurement of 108 MK–48 ADCAP torpedoes and for payment of costs necessary to terminate the MK–48 ADCAP procurement program.

(2) The MK–48 ADCAP torpedoes referred to in paragraph (1)(A) are—

(A) MK–48 ADCAP torpedoes acquired by the Navy on or before the date of the enactment of this Act;

(B) MK–48 ADCAP torpedoes for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of the enactment of this Act and which are delivered to the Navy on or after that date; and

(C) 108 MK–48 ADCAP torpedoes for which funds are available in accordance with paragraph (1)(C).

SEC. 125. SSN ACOUSTICS MASTER PLAN.

(a) MASTER PLAN.—The funds described in subsection (b) may not be obligated until the Secretary of the Navy submits to the congressional defense committees a submarine acoustics master plan. The master plan shall include—

(1) current requirements for submarine acoustic sensors and combat systems based on existing and future evolving missions and environment considerations;

(2) a catalogue of existing and future sensors, technologies, and programs and a description of their shortcomings relative to current requirements;

(3) technology application, program plans, and costs for remedying shortcomings in submarine acoustic sensors and combat systems identified under paragraph (2); and

(4) a statement of the specific purposes for which the Navy intends to obligate the funds described in subsection (b).

(b) FUNDS SUBJECT TO LIMITATION.—Subsection (a) applies to $13,000,000 of the amount appropriated pursuant to section 102 for other procurement for the Navy that is available for submarine acoustics.

SEC. 126. LONG-TERM LEASE OR CHARTER AUTHORITY FOR CERTAIN DOUBLE-HULL TANKERS AND OCEANOGRAPHIC VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for any double-hull tanker or oceanographic vessel constructed in a United States shipyard after the date of the enactment of this Act using assistance provided under the National Shipbuilding Initiative.

(b) CONDITIONS ON OBLIGATION OF FUNDS.—Unless budget authority is specifically provided in an appropriations Act for the lease or charter of vessels pursuant to subsection (a), the Secretary may not enter into a contract for a lease or charter pursuant to that subsection unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter or that kind of vessel lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter, or that kind of lease or charter, for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(c) INAPPLICABILITY OF CERTAIN LAWS.—A long-term lease or charter authorized by subsection (a) may be entered into without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(d) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in subparagraph (A) of section 2401(d)(1) of title 10, United States Code.

SEC. 127. LONG-TERM LEASE OR CHARTER AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note). The authority provided in the preceding sentence may not be exercised after June 15, 1995, to enter into a long-term lease or charter for a vessel described in subsection (b)(1).

(b) VESSELS COVERED.—Subsection (a) applies to the following vessels which are required by the Department of the Navy for prepositioning aboard ship or related point-to-point service as follows:

(1) Not more than five roll-on/roll-off (RO/RO) vessels which were constructed before the date of the enactment of this Act and on which, in the case of a vessel for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, such work is performed in a United States shipyard.

(2) Any roll-on/roll-off (RO/RO) vessel built after the date of the enactment of this Act in a shipyard located in the United States.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—Unless budget authority is specifically provided in an appropriations Act for the lease or charter of vessels pursuant to subsection (a), the Secretary may not enter into a contract for a lease or charter pursuant to that subsection unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter or that kind of vessel lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter, or that kind of lease or charter, for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) RENEWAL OF CHARTERS.—A long-term lease or charter under subsection (a) for a vessel described in subsection (b)(1) may not be entered into for a term of more than five years. Such a lease or charter may only be renewed or extended subject to the restrictions and authority provided in section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(f) DEFINITION.—For purposes of this section, the term "long-term lease or charter" has the meaning given that term in subparagraph (A) of section 2401(d)(1) of title 10, United States Code.

SEC. 128. F–14 AIRCRAFT UPGRADE PROGRAM.

None of the funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1994

may be obligated for the F–14 aircraft upgrade program until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees a report on that upgrade program that includes the following information:

(1) A description of the F–15E equivalent strike upgrade configuration selected for the F–14D upgrade program.

(2) A schedule for conversion of the F–14D fleet to the upgraded configuration.

(3) A description of the F–14D strike upgrade derivative configuration selected for the F–14A or F–14B upgrade program.

(4) A schedule for conversion of the F–14A and F–14B fleet to an upgraded configuration.

(5) The total number of F–14A and F–14B aircraft to be converted.

(6) A funding plan for implementing the upgrade programs.

Subtitle D—Air Force Programs

SEC. 131. B–2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $911,300,000 may be obligated for the B–2 bomber aircraft program. Of that amount, not more than $285,100,000 may be obligated for initial spares.

(b) LIMITATION ON OBLIGATION OF FUNDS.—None of the unobligated balances of funds appropriated for procurement of B–2 aircraft for fiscal year 1992, fiscal year 1993, or fiscal year 1994 may be obligated for the B–2 bomber aircraft program until—

(1) the Secretary of the Air Force—

(A) enters into a definitized production contract with the prime contractor for air vehicles 17 through 21; or

(B) submits to the congressional defense committees a report setting forth the reasons that such a contract cannot be entered into; and

(2) the Secretary of Defense submits to those committees a certification that the Department of the Air Force is in full compliance with the B–2 correction-of-deficiency requirements set forth in section 117(d) of Public Law 101–189 (103 Stat. 1376) in all aspects of deficiency correction.

(c) REAFFIRMATION OF LIMITATION ON NUMBER OF B–2 AIRCRAFT.—As provided in section 151(c) of Public Law 102–484 (106 Stat. 2339), the Secretary of the Air Force may not procure more than 20 deployable B–2 bomber aircraft (plus one test aircraft which may not be made operational).

(d) LIMITATION ON TOTAL PROGRAM COST.—The total amount obligated on or after the date of the enactment of this Act (1) for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the B–2 bomber aircraft referred to in subsection (c), and (2) for paying the costs associated with termination of the B–2 bomber aircraft program upon completion of the acquisition of those aircraft may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(e) RELEASE OF PRIOR YEAR FUNDS.—Funds previously authorized and appropriated for procurement of the B–2 bomber aircraft program, the obligation of which was limited by section 131(b) of

Public Law 102–190 (105 Stat. 1306) or by section 151(d) of Public Law 102–484 (106 Stat. 2339), may be obligated for that program.

SEC. 132. B–1B BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROCUREMENT.—Of the amount authorized to be appropriated pursuant to section 103(1) for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $272,300,000 shall be available for the B–1B bomber program.

(b) REQUIREMENT FOR TEST PLAN.—(1) The Secretary of the Air Force shall develop a plan to test the operational readiness rate of one B–1B bomber wing that could be sustained if that wing were provided the planned complement of base-level spare parts, maintenance equipment, maintenance manpower, and logistic support equipment.

(2) The plan shall also test the operational readiness rates of one squadron of that wing operating at a remote operating location, for a period of not less than two weeks, in a manner consistent with Air Force plans for the use of B–1B bombers in a conventional conflict.

(3) The remote operating location selected for purposes of paragraph (2) shall be at a base other than a base containing or servicing heavy bomber aircraft.

(4) The test plan under paragraph (1) shall be designed to be carried out over a period of not less than six months ending not later than December 1, 1995.

(c) REPORT ON THE TEST PLAN.—(1) The Secretary shall submit to the congressional defense committees a report on the proposed test plan not later than March 31, 1994. The report shall include a copy of the proposed test plan.

(2) The report on the test plan shall include the following elements:

(A) A description of the plans of the Air Force for meeting the test requirements specified in subsection (b), including the period during which the test is proposed to be conducted under this section.

(B) A description of the predicted contribution to mission capable rates that planned reliability and maintenance improvements are expected to make.

(C) A description of the predicted effects of the test on the readiness rates of the B–1B wings not participating in the test if the test is initiated between the date of the enactment of this Act and June 1, 1995.

(D) The earliest date feasible for the implementation of the test plan if a test within the period specified in the description under subparagraph (A) is predicted under subparagraph (C) to have an adverse effect on B–1B fleet readiness.

(d) IMPLEMENTATION OF TEST PLAN.—(1) The Secretary shall notify the congressional defense committees of the start of the test period.

(2) The Secretary shall complete the implementation of the test plan required under subsection (b) not later than December 1, 1995.

(e) WAIVER AUTHORITY.—(1)(A) The Secretary of the Air Force may postpone implementation of the test plan to a period ending after December 1, 1995, if the Secretary determines that, as a result of implementing the planned test within the period specified in subsection (b)(4), the ability of the Air Force to meet operational

readiness rates for B–1B units not participating in the test would be reduced to unacceptable levels.

(B) If the Secretary of the Air Force proposes to use the authority provided in subparagraph (A), the Secretary shall, before using that authority, submit to the congressional defense committees notice in writing of the proposed postponement of the test plan. If the test plan report required under subsection (c) has not been submitted as of the time of the decision to postpone implementation of the test plan, that notice shall be submitted as part of the submission of the test plan report.

(2)(A) The Secretary of Defense may waive implementation of the test plan if the Secretary determines that implementing the test plan would not be in the national security interest of the United States.

(B) If the Secretary of Defense proposes to use the waiver authority provided in subparagraph (A), the Secretary shall, before using that authority, submit to the congressional defense committees notice in writing of the proposed waiver. Upon using that waiver authority, the Secretary shall, not later than 30 days after the date on which the waiver authority is used, submit to the congressional defense committees a report setting forth a detailed explanation of the reasons for the waiver.

(f) REPORT ON TEST RESULTS.—(1) Unless the Secretary exercises the waiver authority provided in subsection (e)(1)(B), the Secretary shall submit to the congressional defense committees, and to the Comptroller General of the United States, a report on the results obtained from implementation of the test. The report shall be submitted within 90 days after the completion of the test.

(2) The report required under paragraph (1) shall include an assessment of—

(A) the extent to which the provision of planned spares, maintenance manpower, and logistics support will enable the B–1B force to achieve the planned operational readiness rate; and

(B) if the planned readiness rate cannot be achieved with the planned level of spares, maintenance manpower, and logistics support—

(i) an estimate of the operational readiness rate that can be achieved with the planned level of spares, maintenance manpower, and logistics support;

(ii) an estimate of the additional amounts of spares, maintenance manpower, and logistics support and the added costs thereof, to achieve the planned operational readiness rate; and

(iii) an enumeration of those specific factors limiting the achievable operational readiness rate which it would be cost-effective to mitigate, and the increase in operational readiness that would result therefrom.

SEC. 133. FULL AND PROMPT ACCESS BY COMPTROLLER GENERAL TO INFORMATION ON HEAVY BOMBER PROGRAMS.

(a) DUTY OF SECRETARY OF DEFENSE.—The Secretary of Defense shall take all actions necessary to ensure that all components of the Department of Defense, in providing to the Comptroller General of the United States such access to information described in subsection (b) as the Comptroller General may require in order

to carry out the functions of the Comptroller General, provide such access on a full and prompt basis.

(b) INFORMATION COVERED.—Subsection (a) refers to all information (including reports and analyses) generated by or on behalf of the Department of the Air Force (including by Air Force contractors) that relates to (1) operation, maintenance, repair, and modernization of heavy bombers, or (2) the plans of the Air Force for operation, maintenance, repair, and modernization of heavy bombers in the future.

SEC. 134. C–17 AIRCRAFT PROGRAM PROGRESS PAYMENTS AND REPORTS.

(a) WITHHOLDING OF PAYMENTS FOR SOFTWARE NONCOMPLIANCE.—In accepting further delivery of C–17 aircraft that in accordance with existing C–17 contracts require a waiver for software noncompliance, the Secretary of Defense shall withhold from the unliquidated portion of the progress payments for such aircraft an amount not less than 1 percent of the total cost of such aircraft. The withholding shall continue until the Secretary submits to each of the congressional committees named in subsection (e) a report in which the Secretary certifies each of the following:

(1) That C–17 software testing and avionics integration have been completed.

(2) That the costs of waivers for software noncompliance have been identified and are in accordance with the terms of existing C–17 contracts.

(b) CORRECTION OF WING DEFECTS.—Within 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report in which the Secretary certifies that, in accordance with the terms of existing C–17 contracts, the contractor has identified and is bearing each of the following:

(1) The costs related to wing structural deficiencies (including the costs of redesign, static wing failure repair, and retrofit for existing wing sets).

(2) The costs for required redesign, retesting, and manufacture of C–17 slats and flaps to correct identified deficiencies.

(c) ANALYSIS OF RANGE/PAYLOAD DEFICIENCY.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report containing the following:

(1) An analysis of the operational impacts caused by deficiencies in the range/payload specification, as defined by the C–17 Lot III production contract, including projected operational and maintenance costs, such as the costs of required airborne refueling due to range shortfalls.

(2) A schedule for securing from the contractor, in accordance with the terms of existing C–17 contracts, an equitable recovery for the operational impacts caused by deficiencies in the range/payload specification identified in the analysis required by this section.

(d) REPORT CONTENTS.—Each report required by this section shall include an itemization of the estimated effect on total production costs caused by software noncompliance, wing defects, or range/payload deficiency, as applicable.

(e) CONGRESSIONAL COMMITTEES.—The committees of Congress to which a report required by this section is to be submitted are the following:

(1) The Committees on Armed Services of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

SEC. 135. LIVE-FIRE SURVIVABILITY TESTING OF THE C–17 AIRCRAFT.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2335) is amended by striking out "for fiscal year 1993".

SEC. 136. INTERTHEATER AIRLIFT PROGRAM.

(a) FUNDING FOR PROGRAM.—Of the amount appropriated under section 103 for procurement of aircraft for the Air Force (or otherwise made available for procurement of aircraft for the Air Force for fiscal year 1994), not more than $2,318,000,000 (hereinafter in this section referred to as "fiscal year 1994 intertheater airlift funds") may be made available for the Intertheater Airlift Program, including the C–17 aircraft program. Of that amount—

(1) not more than $1,730,000,000 may be made available for procurement for the C–17 aircraft program (other than for advanced procurement and procurement of spare parts), except as such amount may be increased pursuant to paragraph (4);

(2) not more than $188,000,000 may be made available for advanced procurement for the C–17 aircraft program;

(3) not more than $100,000,000 may be made available for procurement of nondevelopmental wide-body military or commercial cargo variant aircraft as a complement to the C–17 aircraft, except as such amount may be increased pursuant to paragraph (4); and

(4) subject to subsection (h), not more than $300,000,000 may be made available for procurement either as specified in paragraph (1) or as specified in paragraph (3), in addition to the amount specified in that paragraph.

(b) USE OF FUNDS.—(1) Using fiscal year 1994 intertheater airlift funds and subject to the limitations in subsection (a), the Secretary of Defense shall do the following:

(A) Procure C–17 aircraft.

(B) Initiate procurement of nondevelopmental aircraft as a complement to the C–17 aircraft, selected as provided in paragraph (3).

(2) Using fiscal year 1994 intertheater airlift funds and subject to the limitations in subsection (a), the Secretary shall develop an acquisition plan leading to procurement as an airlift aircraft complementary to the C–17 aircraft of either—

(A) a nondevelopmental, wide-body military airlift aircraft; or

(B) a nondevelopmental commercial wide-body cargo variant aircraft.

(3) The Secretary shall choose which, or what mix, of the options specified in paragraph (2) best supports intertheater airlift requirements.

(c) FISCAL YEAR 1994 LIMITATION.—Amounts appropriated under section 103 for procurement of aircraft for the Air Force (or otherwise made available for procurement of aircraft for the Air Force for fiscal year 1994) may not be obligated for procurement of C–17 aircraft (other than for advanced procurement) until—

(1) each limitation and requirement set forth in subsections (b), (c), (d), and (f) of section 134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2335) has been satisfied; and

(2) the Secretary of Defense submits to the congressional defense committees a report on the C–17 acquisition program that contains—

(A) the results of the special Defense Acquisition Board review of the program, to include specific changes to requirements recommended by the Joint Requirements Oversight Council (JROC);

(B) a discussion of the corrective actions to be taken by the Air Force with regard to such program;

(C) a proposed resolution of outstanding contractor claims and any requested legislation relating to those claims;

(D) a discussion of the corrective actions to be taken by the contractor with regard to such program; and

(E) the findings and recommendations of the special Defense Science Board group resulting from the investigation of the program by that group.

(d) FISCAL YEAR 1995 LIMITATION.—The Secretary of Defense may not obligate any funds that may be appropriated for the Department of Defense for fiscal year 1995 that are made available for the C–17 aircraft program (other than funds made available for advanced procurement) until the Secretary submits to the congressional defense committees a report containing a review (based on an analysis by a federally funded research and development center) of the airlift requirements of the Armed Forces. The review shall reflect consideration of each of the following:

(1) The changes in total airlift requirements of the Armed Forces resulting from the disintegration of the Warsaw Pact and Soviet Union that eliminate any major trans-Atlantic airlift requirement for Europe.

(2) The change in airlift requirements of the Armed Forces from requirements for airlift of large quantities of outsize cargo for reenforcement of North Atlantic Treaty Organization forces to requirements for airlift in connection with such lesser regional contingencies and humanitarian operations as Operation Desert Shield, Operation Desert Storm, and Operation Restore Hope.

(3) The potential contribution that planned strategic sealift improvements can make toward—

(A) reducing the total demand for airlift; and

(B) changing the type of cargo that airlift aircraft must carry.

(4) The declining demand for the conduct of airlift operations in austere airfield environments.

(5) The trade-off between purchasing the type of additional capability that the C–17 aircraft can provide and purchasing and using additional support equipment that would increase the cargo airlift capacity of alternative cargo aircraft.

(e) LIMITATION ON ACQUISITION OF MORE THAN FOUR C–17 AIRCRAFT.—The Secretary of Defense may not obligate C–17 production funds (as defined in subsection (i)) to produce more than four C–17 aircraft until the program meets the following milestones:

(1) Clearance of flight envelope with respect to altitude and speed.

(2) Takeoff of aircraft at gross weight of 580,000 pounds and 160,000 pounds payload within a critical field length of 8,500 feet at sea level and 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Backing aircraft up a two degree slope with a gross weight of 510,000 pounds.

(4) Unassisted 180 degree turn of aircraft on paved runway of load classification group IV in less than 90 feet, using three maneuvers.

(5) Completion of static article ultimate load (150 percent of design limit load) test condition S.P. 5030 for wing up bending.

(6) Completion of electromagnetic radiation, electromagnetic compatibility, and lightening tests.

(7) Low velocity air drop of 5,000-pound, 8-foot length platform.

(8) Sequential air drop of multiple simulated paratroop dummies from both paratroop doors.

(9) A minimum unit equivalent assembly rate of 6.0 assemblies per year, as measured by the ratio of annualized standard hours earned to that required to assemble one aircraft from beginning of assembly to the completion of assembly before movement to the ramp at the prime contractor's facilities.

(10) For all aircraft scheduled for delivery in the prior six-month period, delivery of each aircraft within one month of scheduled delivery date.

(f) LIMITATION ON ACQUISITION OF MORE THAN SIX C–17 AIRCRAFT.—The Secretary of Defense may not obligate C–17 production funds (as defined in subsection (i)) to produce more than six aircraft for a fiscal year after fiscal year 1995 until the program meets the following milestones (in addition to the milestones specified in subsection (e)):

(1) Clearance of flight envelope with respect to loads.

(2) Estimate of payload meets 95 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(3) Operational clearance for aircraft to be air refueled from operational KC–10 and KC–135 aircraft at standard Air Force refueling speeds for the specific tanker in a single receiver formation.

(4) Demonstration of combat offload with two 463L pallets using the air delivery system rails.

(5) Airdrop of 70 paratroopers on one pass, using both paratroop doors.

(6) Low velocity air drop of 30,000-pound, 24-foot length platform.

(g) LIMITATION ON ACQUISITION OF MORE THAN SIX C–17 Aircraft.—The Secretary of Defense may not obligate C–17 production funds (as defined in subsection (i)) to produce more than six C–17 aircraft for a fiscal year after fiscal year 1996 until the program

meets the following milestones (in addition to the milestones specified in subsections (e) and (f)):

(1) Estimate of payload meets 97.5 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(2) Landing of aircraft with a payload of 160,000 pounds and fuel necessary to fly 300 nautical miles on a 3,000-foot long, 90-foot wide, and load classification group IV runway at sea level, 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Low altitude parachute extraction system delivery of a 20,000-pound cargo.

(4) Simultaneous and sequential container delivery system airdrop of 30 bundles.

(5) Low velocity air drop of 42,000-pound platform.

(6) Satisfactory completion of one lifetime of testing of durability article.

(7) Air vehicle mean time between removal at cumulative flying hours to date of measurement indicates that the mature requirement established in the full-scale development contract will be met.

(h) FUNDING OUT OF INTERTHEATER AIRLIFT PROGRAM.—Fiscal year 1994 intertheater airlift funds that are referred to in paragraph (4) of subsection (a) may be made available by the Secretary of Defense for procurement for the C–17 program, or for procurement for the complementary nondevelopmental wide-body aircraft, only after—

(1) the Secretary of Defense—

(A) submits the report on the C–17 program specified in subsection (c)(2);

(B) determines whether procurement of two additional C–17 aircraft would contribute more to intertheater lift modernization than procurement of additional complementary nondevelopment wide-body aircraft at the same funding level; and

(C) submits to the congressional defense committees notice of the determination described in subparagraph (B) along with notification of the Secretary's intent to transfer up to $300,000,000 as provided in subsection (a)(4) either to the C–17 program or to the nondevelopmental aircraft program specified in subsection (a)(3); and

(2) a period of 30 days has elapsed after the submission of the report referred to in paragraph (1)(A) and the notification required by paragraph (1)(C).

(i) C–17 PRODUCTION FUNDS DEFINED.—For purposes of this section, the term "C–17 production funds" means funds appropriated for the Department of Defense for a fiscal year after fiscal year 1993 that are made available for the intertheater airlift program, including the C–17 aircraft program (other than funds made available for advanced procurement).

SEC. 137. USE OF F–16 AIRCRAFT ADVANCE PROCUREMENT FUNDS FOR PROGRAM TERMINATION COSTS.

(a) FUNDS FOR PROGRAM TERMINATION COSTS.—Of the amount provided in section 103 for procurement of aircraft for the Air

Force, the amount of $70,800,000 shall be available only for program termination costs for the F–16 aircraft program.

(b) PROHIBITION OF FUNDS FOR ADVANCE PROCUREMENT.—None of the funds appropriated pursuant to section 103 for procurement of aircraft for the Air Force shall be available for advance procurement of F–16 aircraft for fiscal year 1995.

SEC. 138. TACTICAL SIGNALS INTELLIGENCE AIRCRAFT.

(a) FISCAL YEAR 1994 FUNDING.—Of the amount authorized to be appropriated for procurement for Defense-wide activities in section 104, $161,225,000 shall be available for tactical signals intelligence aircraft programs as follows:

(1) $34,225,000 for the EP–3 Aries II Phase I modification program.

(2) $33,800,000 for the RC–135 Rivet Joint Block III Baseline Six modification program.

(3) $93,200,000 for a nondevelopmental testbed aircraft incorporating ARSP SIGINT upgrade program architecture.

(b) PRIOR YEAR FUNDS.—(1) Section 141 of Public Law 102–484 (106 Stat. 2338) is repealed.

(2) Amounts made available pursuant to section 141 of Public Law 102–484 that remain available for obligation shall be available for the fiscal year 1993 EP–3 Aries II Phase I modification program and the RC–135 Rivet Joint Block III Baseline Six modification program as provided for in the budget for fiscal year 1993 submitted to Congress pursuant to section 1105 of title 31, United States Code.

(c) LIMITATION.—None of the funds referred to in subsection (a) or (b) may be used for any purpose other than the EP–3 and RC–135 aircraft upgrade programs identified in those subsections.

SEC. 139. C–135 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 FUNDS.—Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force for fiscal year 1994, $48,000,000 shall be available for reengining two KC–135E aircraft.

(b) FISCAL YEAR 1993 FUNDS.—Of the funds available for C–135 series aircraft modifications for fiscal year 1993 that remain available for obligation, $100,900,000 shall be available for reengining four KC–135E aircraft.

Subtitle E—Other Matters

SEC. 151. ALQ–135 JAMMER DEVICE.

Section 182(b)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1508) is amended by striking out "meets or exceeds all operational criteria established for the program" and inserting in lieu thereof "is operationally effective and suitable".

SEC. 152. GLOBAL POSITIONING SYSTEM.

(a) PROGRAM STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study to be conducted on the management and funding of the Global Positioning System program for the future.

(2) With the agreement of the National Academy of Sciences and the National Academy of Public Administration, the study shall be conducted jointly by those organizations.

(3) Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 1994 and made available for procurement of Global Positioning System user equipment, for procurement of spacecraft, or for operations and maintenance, up to $3,000,000 may be used for carrying out the study required by paragraph (1).

(b) LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.—After September 30, 2000, funds may not be obligated to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver.

(c) REPORT.—(1) Not later than May 1, 1994, the Secretary of Defense shall submit to the committees specified in paragraph (3) a report on the Global Positioning System. The report shall include a description of each of the following:

(A) The threats, if any, to the health and safety of United States military forces, allied military forces, and the United States and allied civilian populations, and the threats, if any, of damage to property within the United States and allied countries, that will result by the year 2000 from Global Positioning System navigation signals, local and wide-area differential navigation correction signals, kinematic differential correction signals, and commercially available map products based on the Global Positioning System.

(B) The threat, if any, to civil aviation and other transportation operations that will result by the year 2000 from the signal jamming, deception, and other disruptive effects of Global Positioning System navigation signals.

(C) The actions, if any, that can be taken to eliminate or mitigate such threats.

(D) The modifications, if any, of the Global Positioning System and derivative systems that can be made to eliminate or significantly reduce such threats, or to increase the ability of the Department of Defense to mitigate such threats, without interfering with authorized and peaceful uses of the Global Positioning System.

(2) The report under paragraph (1) shall be prepared in coordination with the Director of Central Intelligence.

(3) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 153. RING LASER GYRO NAVIGATION SYSTEMS.

None of the funds appropriated for fiscal year 1993 or fiscal year 1994 for procurement for the Navy may be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole-source contract.

SEC. 154. OPERATIONAL SUPPORT AIRCRAFT.

(a) LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procure-

ment of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code) unless the Under Secretary of Defense for Acquisition and Technology certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of title 10, United States Code.

(b) AIRLIFT STUDY.—Of the funds appropriated pursuant to section 106, not more than $50,000,000 may be obligated to procure operational support airlift aircraft. None of those funds may be obligated until 60 days after the date on which the study required by subsection (c) is transmitted to the congressional defense committees.

(c) STUDY REQUIRED.—The Secretary of Defense shall undertake a study of operational support airlift aircraft and administrative transport airlift aircraft operated by reserve components of the Department of Defense.

(d) STUDY REQUIREMENTS.—The study required by subsection (c) shall include the following:

(1) An inventory of all operational support airlift aircraft and administrative transport airlift aircraft.

(2) The peacetime utilization rate of such aircraft.

(3) The wartime mission of such aircraft.

(4) The need for such aircraft for the future base force.

(5) The current age, projected service life, and programmed retirement date for such aircraft.

(6) A list of aircraft programmed in the current future-years defense program to be purchased or to be transferred from the active components to the reserve components.

(7) The funds programmed in the current future-years defense program for procurement of replacement operational support and administrative transport airlift aircraft, and the acquisition strategy proposed for each type of replacement aircraft so programmed.

(e) DEFINITION.—For purposes of this section, the term "future-years defense program" means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

SEC. 155. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) SUBMISSION OF REPORTS ON ALTERNATIVE TECHNOLOGIES.—Section 173(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2343) is amended by striking out the period at the end and inserting in lieu thereof "and a period of 60 days has passed following the submission of the report. During such 60-day period, each Chemical Demilitarization Citizens' Advisory Commission in existence on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994 may submit such comments on the report as it considers appropriate to the Committees on Armed Services of the Senate and House of Representatives.".

(b) EXTENSION OF DEADLINE FOR SUBMISSION OF REVISED CONCEPT PLAN.—Section 175(d) of such Act (106 Stat. 2344) is amended by striking out "not later than 180 days" and all that follows and inserting in lieu thereof "during the 120-day period beginning at the end of the 60-day period following the submission of the report of the Secretary required under section 173.".

SEC. 156. CHEMICAL MUNITIONS DISPOSAL FACILITIES, TOOELE ARMY DEPOT, UTAH.

(a) LIMITATION PENDING CERTIFICATION.—After January 1, 1994, none of the funds appropriated to the Department of Defense for fiscal year 1993 or 1994 may be obligated for the systemization of chemical munitions disposal facilities at Tooele Army Depot, Utah, until the Secretary of Defense submits to Congress a certification described in subsection (b).

(b) CERTIFICATION REQUIREMENT.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the operation of the chemical munitions disposal facilities at Tooele Army Depot will not jeopardize the health, safety, or welfare of the community surrounding Tooele Army Depot; and

(2) adequate base support, management, oversight, and security personnel to ensure the public safety in the operation of chemical munitions disposal facilities constructed and operated at Tooele Army Depot will remain at that depot while chemical munitions storage or disposal activities continue.

(c) SUPPORTING REPORT.—The Secretary of Defense shall include with a certification under this section a report specifying all base support, management, oversight, and security personnel to be retained at Tooele Army Depot after the realignment of that depot is completed.

SEC. 157. AUTHORITY TO CONVEY LOS ALAMOS DRY DOCK.

(a) AUTHORITY.—The Secretary of the Navy may convey to the Brownsville Navigation District of Brownsville, Texas, all right, title, and interest of the United States in and to the dry dock designated as Los Alamos (AFDB7).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Brownsville Navigation District shall permit the Secretary of the Navy—

(1) to use real property which is (A) located on and near a ship channel, (B) under the ownership or control of the Brownsville Navigation District, and (C) not used by the Brownsville Navigation District, except that such use shall be only for training purposes and shall be permitted for a five-year period beginning on the date of the transfer;

(2) to use such property under paragraph (1) without reimbursement from the Secretary of the Navy; and

(3) to use the dock for dockage services, without reimbursement from the Secretary of the Navy, except that such use shall be for not more than 45 days each year during the period referred to in paragraph (1) and shall be subject to all applicable Federal and State laws, including laws on maintenance and dredging.

(c) EXTENSION OF USE.—At the end of the five-year period referred to in subsection (b)(1), the Secretary of the Navy and the chief executive officer of the Brownsville Navigation District may enter into an agreement to extend the period during which the Secretary may use real property and dockage under subsection (b).

(d) CONDITION.—As a condition of the conveyance authorized by subsection (a), the Secretary shall enter into an agreement with the Brownsville Navigation District under which the Browns-

ville Navigation District agrees to hold the United States harmless for any claim arising with respect to the drydock after the conveyance of the drydock other than as a result of use of the dock by the Navy pursuant to subsection (b) or an agreement under subsection (c).

SEC. 158. SALES AUTHORITY OF CERTAIN WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE ARMY.

(a) IN GENERAL.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Regulations under section 2208(h) of this title shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured nondefense-related commercial articles or services to a person outside the Department of Defense if—

"(1) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(A) for use in developing new products;

"(B) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(C) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

"(D) for use in commercial products;

"(2) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(3) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

"(4) in the case of services, the services are related to an article authorized to be sold under this section and are to be performed in the United States for the purchaser.

"(b) ADDITIONAL REQUIREMENTS.—The regulations shall also—

"(1) require that the authority to sell articles or services under the regulations be exercised at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned;

"(2) authorize a purchaser of articles or services to use advance incremental funding to pay for the articles or services; and

"(3) in the case of a sale of commercial articles or commercial services in accordance with subsection (a) by a facility that manufactures large caliber cannons, gun mounts, or recoil mechanisms, or components thereof, authorize such facility—

"(A) to charge the buyer, at a minimum, the variable costs that are associated with the commercial articles or commercial services sold;

"(B) to enter into a firm, fixed-price contract or, if agreed by the buyer, a cost reimbursement contract for the sale; and

"(C) to develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the commercial articles or commercial services sold.

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

"(d) DEFINITIONS.—In this section:

"(1) The term 'commercial article' means an article that is usable for a nondefense purpose.

"(2) The term 'commercial service' means a service that is usable for a nondefense purpose.

"(3) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

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

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(4) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

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

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

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense.".

(b) CONFORMING AMENDMENT.—Subsection (i) of section 2208 of such title is amended to read as follows:

"(i) For provisions relating to sales outside the Department of Defense of manufactured articles and services by a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof, see section 4543 of this title.".

(c) DEADLINE FOR REGULATIONS.—Regulations under subsection (b) of section 4543 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 30 days after the date of the enactment of this Act.

SEC. 159. SPACE-BASED MISSILE WARNING AND SURVEILLANCE PROGRAMS.

(a) AMOUNT FOR PROGRAMS.—Of the amounts authorized to be appropriated by section 104, not to exceed $801,900,000 shall

be available for space-based missile warning and surveillance programs.

(b) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, during fiscal year 1994 funds may be transferred from the amount available for space-based missile warning and surveillance programs pursuant to subsection (a) to programs specified in subsection (c) as follows:

(1) Before March 1, 1994, up to $250,000,000.

(2) On or after March 1, 1994, any unobligated amount remaining for space-based missile warning and surveillance programs pursuant to subsection (a).

(c) PROGRAMS TO WHICH TRANSFERRED.—A transfer under subsection (b) may be made to any of the following programs:

(1) The Follow-on Early Warning System.

(2) The Defense Support Program.

(3) The Brilliant Eyes Program.

(4) The Cobra Ball Upgrade Program.

(d) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (b) is in addition to the authority provided in section 1101.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for research, development, test, and evaluation, as follows:

(1) For the Army, $5,197,467,000.

(2) For the Navy, $8,376,737,000.

(3) For the Air Force, $12,289,211,000.

(4) For Defense-wide activities, $9,042,949,000, of which—

(A) $242,592,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $4,283,935,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $150,000,000 shall be available for the Strategic Environmental Research and Development Program.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.

(a) CONVERSION OF PROGRAM.—The Secretary of Defense shall convert the Kinetic Energy Antisatellite (KE–ASAT) Program to a tactical antisatellite technologies program.

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

(c) DEVELOPMENT OF MOST CRITICAL TECHNOLOGIES.—The amount referred to in subsection (b) shall be available for engineering development of the most critical antisatellite technologies.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatillite (KE–ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

SEC. 212. B–1B BOMBER PROGRAM.

Of the amount authorized to be appropriated pursuant to section 201 for the Air Force for fiscal year 1994, not more than $49,000,000 shall be available for the B–1B bomber program.

SEC. 213. SPACE LAUNCH MODERNIZATION PLAN.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a plan that establishes and clearly defines priorities, goals, and milestones regarding modernization of space launch capabilities for the Department of Defense or, if appropriate, for the Government as a whole. The plan shall specify whether the Secretary intends to allocate funds for a new space launch vehicle or other major space launch development initiative in the next future-years defense program submitted pursuant to section 221 of title 10, United States Code.

(2) The plan shall be developed in consultation with the Director of the Office of Science and Technology Policy.

(3) The Secretary shall submit the plan to Congress at the same time in 1994 that the Secretary submits to Congress the next future-years defense program.

(b) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated in section 201, $35,000,000 shall be available through the Office of the Undersecretary of Defense for Acquisition and Technology for research, development, test, and evaluation of new non-man-rated space launch systems and technologies. None of that amount may be obligated or expended for any operational

United States space launch vehicle system in existence as of the date of the enactment of this Act. Of that amount—

(1) $17,000,000 shall be available for the single-stage rocket technology (SSRT) program, including—

(A) completion of phase one of the SSRT program begun in the Ballistic Missile Defense Office;

(B) concept studies for new reusable space launch vehicles;

(C) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and

(D) examination of reusable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs; and

(2) $18,000,000 shall be available for similar tasks related to expendable launch vehicles, including—

(A) concept studies for new expendable space launch vehicles;

(B) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and

(C) examination of expendable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs.

(c) REQUIREMENTS REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.—If the space launch plan under subsection (a) identifies a new, non-man-rated expendable or reusable launch vehicle technology for development or acquisition, the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(d) COST REDUCTION REQUIREMENT.—The plan shall provide for a means of reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for those production rates.

(e) STUDY OF DIFFERENCES BETWEEN UNITED STATES AND FOREIGN SPACE LAUNCH VEHICLES.—(1) The Secretary of Defense shall conduct a comprehensive study of the differences between existing United States and foreign expendable space launch vehicles in order—

(A) to identify specific differences in the design, manufacture, processing, and overall management and infrastructure of such space launch vehicles; and

(B) to determine the approximate effect of the differences on the relative cost, reliability, and operational efficiency of such space launch vehicles.

(2) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration and, as appropriate, the heads of other Federal agencies and appropriate personnel of United States industries and academic institutions in carrying out the study.

(3) The Secretary shall submit to Congress a report of the results of the study no later than October 1, 1994.

SEC. 214. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2370 the following new section:

"§ 2370a. Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats

"(a) ALLOCATION BETWEEN NEAR-TERM AND OTHER THREATS.—Of the funds appropriated or otherwise made available for any fiscal year for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense —

"(1) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

"(2) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term or far-term validated biowarfare threat agents.

"(b) DEFINITIONS.—In this section:

"(1) The term 'validated biowarfare threat agent' means a biological agent that—

"(A) is named in the biological warfare threat list published by the Defense Intelligence Agency; and

"(B) is identified as a biowarfare threat by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

"(2) The term 'near-term validated biowarfare threat agent' means a validated biowarfare threat agent that has been, or is being, developed or produced for weaponization within 5 years, as assessed and determined by the Defense Intelligence Agency.

"(3) The term 'mid-term validated biowarfare threat agent' means a validated biowarfare threat agent that is an emerging biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 5 years and less than 10 years, as assessed and determined by the Defense Intelligence Agency.

"(4) The term 'far-term validated biowarfare threat agent' means a validated biowarfare threat agent that is a future biowarfare threat, is the object of research by a foreign threat country, and could be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined by the Defense Intelligence Agency.

"(5) The term 'weaponization' means incorporation into usable ordnance or other militarily useful means of delivery.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2370 the following new item:

"2370a. Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats.".

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

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

(1) the name of each federally funded research and development center from which work is proposed to be procured for the Department of Defense for fiscal year 1994; and

(2) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1994.

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

(c) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated to obtain work from a federally funded research and development center until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense for research, development, test, and evaluation for fiscal year 1994 pursuant to section 201, not more than a total of $1,352,650,000 may be obligated to procure services from the federally funded research and development centers named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to a federally funded research and development center. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the congressional defense committees notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies the congressional defense committees of that determination and the reasons for the determination.

(f) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $200,000,000.

SEC. 216. DEMONSTRATION PROGRAM FOR BALLISTIC MISSILE POST-LAUNCH DESTRUCT MECHANISM.

(a) DEMONSTRATION PROGRAM.—The Secretary of Defense shall conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism. The program shall be carried out through the Advanced Research Projects Agency.

(b) FUNDING.—The amount expended for the demonstration program may not exceed $15,000,000. Subject to the provisions of appropriations Acts, the Secretary may provide $5,000,000 for the program from unexpended balances remaining available for obligation from funds appropriated to the Department of Defense for fiscal year 1993.

(c) WAIVER.—The Secretary of Defense may waive the requirement to conduct a demonstration program under subsection (a) if the Secretary certifies to the congressional defense committees that conducting such a program is not in the national security interest of the United States.

SEC. 217. HIGH PERFORMANCE COMPUTING AND COMMUNICATION INITIATIVE.

(a) INDEPENDENT STUDY.—Within 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the Office of Science and Technology Policy, shall request the National Research Council (NRC) to conduct a comprehensive study of the inter-agency High Performance Computing and Communications Initiative (HPCCI).

(b) MATTERS TO BE INCLUDED.—The study shall address (at a minimum) the following aspects of the High Performance Computing and Communications Initiative:

(1) The basic underlying rationale for the program, including the appropriate balance between Federal efforts and private sector efforts.

(2) The appropriateness of the goals and directions of the program.

(3) The balance between various elements of the program.

(4) The likelihood that the various goals of the program will be achieved.

(5) The effectiveness of the mechanisms for obtaining the views of industry and the views of users for the planning and implementation of the program.

(6) The management and coordination of the program.

(7) The relationship of the program to other Federal support of high performance computing and communications, including acquisition of high performance computers by Federal departments and agencies in support of the mission needs of such departments and agencies.

(c) COOPERATION WITH STUDY.—The Director of the Office of Science and Technology Policy shall direct all relevant Federal agencies to cooperate fully with the National Research Council in all aspects of this study. The heads of Federal agencies receiving the directive shall cooperate in accordance with the provisions of the directive.

(d) FUNDING.—The Secretary shall make available from funds available for the High Performance Computing and Communications Program of the Department of Defense amounts not to exceed $500,000 for the National Research Council to conduct the study under subsection (a).

(e) REPORTS.—The Secretary of Defense shall include in an agreement with the National Academy of Sciences that provides for the study, a requirement that the National Research Council submit an interim report and a final report on the results of the study to the Secretary of Defense and to the Director of the Office of Science and Technology Policy. The interim report shall

be submitted not later than July 1, 1994, and the final report shall be submitted not later than February 1, 1995. Promptly after receiving the reports, the Director of the Office of Science and Technology Policy shall submit the reports to Congress and may submit with the reports such additional comments as the Director considers appropriate. The reports shall be submitted to Congress in unclassified form with classified annexes as necessary.

SEC. 218. SUPERCONDUCTING MAGNETIC ENERGY STORAGE (SMES) PROGRAM.

(a) PROGRAM OFFICE.—The Secretary of Defense shall establish within the Department of the Navy a program office to facilitate research and design studies leading to possible construction of Superconducting Magnetic Energy Storage (SMES) test models.

(b) FUNDING.—Immediately upon enactment of this Act, the Secretary of Defense shall transfer from the Defense Nuclear Agency to the Department of the Navy any funds appropriated for fiscal years before fiscal year 1994 that were designated for the Superconducting Magnetic Energy Storage Project that remain available for obligation. Those funds shall be obligated for (1) continued work for experiments and studies described in section 218(b)(4) of the National Defense Authorization Act of 1993 (Public Law 102–484; 106 Stat. 2353), and (2) study of alternative SMES designs.

(c) COORDINATION WITH DEPARTMENT OF ENERGY.—Research work of the Department of the Navy described in subsection (a) shall be coordinated with emerging Superconducting Magnetic Energy Storage research being carried out within the Department of Energy.

(d) DEADLINE.—The office referred to in subsection (a) shall be created and staffed not later than 30 days after the date of the enactment of this Act.

SEC. 219. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

Notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2334), the Secretary of Defense may carry out material procurement, logistics support, and integration of existing Advanced Self Protection Jammer systems from Department of Defense inventory into the F–14D aircraft for testing and evaluation using funds appropriated to the Department of Defense for fiscal year 1993 and prior years.

SEC. 220. ELECTRONIC COMBAT SYSTEMS TESTING.

(a) DETAILED TEST AND EVALUATION BEFORE INITIAL LOW-RATE PRODUCTION.—The Secretary of Defense shall ensure that any electronic combat system and any command, control, and communications countermeasure system is authorized to proceed into the low-rate initial production stage only upon the completion of an appropriate, rigorous, and structured test and evaluation regime. Such a regime shall include testing and evaluation at each of the following types of facilities: computer simulation and modeling facilities, measurement facilities, system integration laboratories, simulated threat hardware-in-the-loop test facilities, installed system test facilities, and open air ranges.

(b) TIMELY TEST AND EVALUATION REQUIRED.—The Secretary shall ensure that test and evaluation of a system as required by subsection (a) is conducted sufficiently early in the development phase to allow—

(1) a correction-of-deficiency plan to be developed and in place for deficiencies identified by the testing before the system proceeds into low-rate initial production; and

(2) the deficiencies identified by test and evaluation to be corrected before the system proceeds beyond low-rate initial production.

(c) ANNUAL REPORT ON COMPLIANCE.—The Secretary of Defense shall include in the annual Department of Defense Electronic Warfare Plan report a description of compliance with this section during the preceding year. Such a report shall include a description of the test and evaluation process applied to each system, the results of that process, and the adequacy of test and evaluation resources to carry out that process.

(d) FUNDS USED FOR TESTING.—The costs of the testing necessary to carry out this section with respect to any system shall be paid from funds available for that system.

(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to any ACAT I level electronic combat system milestone I program and to any command, control, and communications countermeasure system milestone I program that is initiated after the date of the enactment of this Act.

SEC. 221. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) LIMITATION.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris within 50 miles of the Canyonlands National Park, Utah.

(b) DEFINITION OF DEBRIS.—For purposes of subsection (a), the term "debris" does not include particulate matter that is regulated for considerations of air quality.

SEC. 222. JOINT ADVANCED ROCKET SYSTEM.

(a) PROGRAM REQUIREMENT.—None of the funds appropriated pursuant to authorizations in section 201 or otherwise made available for fiscal year 1994 for research, development, test, and evaluation for the Department of Defense may be obligated for any technology for a 2.75-inch rocket or missile program that is inconsistent with the goals and objectives of the joint Advanced Rocket System program or that would otherwise not result in the use of a common 2.75-inch rocket motor by all components of the Department of Defense.

(b) ARMY PROGRAM.—Of the amount authorized for the Army under section 201, $5,500,000 shall be available for participation by the Department of the Army in the Advanced Rocket System program.

(c) FUNDING LIMITATION PENDING REPORT.—Of the amount appropriated pursuant to section 201 for the Department of the Navy for the Advanced Rocket System (program element 604603N) and for the Department of the Army for program element 603313A, not more than 75 percent may be obligated until the end of the 30-day period beginning on the date on which the Secretary of Defense submits to the congressional defense committees a report on the matters specified in subsection (d).

(d) REPORT CONTENTS.—The matters referred to in subsection (c) are the following:

(1) A cost and operational effectiveness analysis (COEA) of 2.75-inch hypervelocity rockets, jointly developed by the military services.

(2) If the analysis referred to in paragraph (1) validates the requirement for such hypervelocity rockets, an evaluation (prepared jointly by the Army and the Navy) of the feasibility of incorporating hypervelocity rocket technology into the Advanced Rocket System.

(3) A plan (prepared jointly by the Army and the Navy) for the transition of total responsibility for 2.75-inch rocket systems to the Rocket Management Office of the Army.

SEC. 223. STANDOFF AIR-TO-SURFACE MUNITIONS TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated pursuant to section 201, up to $2,000,000 of the amount for the Navy and up to $2,000,000 of the amount for the Air Force may be used for the conduct of a demonstration of nondevelopmental technology that would enable the use of a single adaptor kit for munitions described in paragraph (2) in order to give those munitions a standoff, near-precision guided capability.

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

(b) REQUEST FOR INFORMATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall issue a request for information for nondevelopmental munitions adaptor kits for the purpose described in subsection (a).

(c) CONTRACTOR SELECTION.—Not later than 30 days after the closing date of the request for information under subsection (b), the Secretary of the Navy shall determine whether any of the responses received have sufficient technical merit to justify the conduct of a technology demonstration. If the Secretary determines that the conduct of such a technology demonstration is justified, the Secretary shall select the single most promising technology offered, if applicable, for that demonstration.

(d) TECHNOLOGY DEMONSTRATION.—If the Secretary determines under subsection (c) that a technology demonstration is warranted, the Secretary shall require the contractor selected to complete a suitable nondevelopmental item demonstration of the contractor's adaptor kit proposal.

(e) REPORT.—If a contractor is selected in accordance with subsection (c) and a demonstration is accomplished in accordance with subsection (d), the Secretary of the Navy shall submit to the congressional defense committees a report detailing the results and costs of the demonstration and the applicability of the technology demonstrated in providing the Armed Forces with an inexpensive solution to providing near-precision guided munition capability to in-inventory munitions.

SEC. 224. STANDARD EXTREMELY HIGH FREQUENCY WAVEFORM.

The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, shall establish a single standard for all components of the Department of Defense for the set of waveforms to be used for medium data rate (MDR) communications using an extremely high frequency (EHF) band. The standard shall be established not later than June 1, 1994.

SEC. 225. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

Subtitle C—Missile Defense Programs

SEC. 231. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1994.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $2,638,992,000 may be obligated for programs managed by the Ballistic Missile Defense Organization.

(b) ALLOCATION TO PROGRAM ELEMENTS.—Of the amount specified in subsection (a)—

(1) not more than $1,450,992,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(2) not more than $650,000,000 shall be available for programs, projects, and activities within the Limited Defense System program element; and

(3) a total of not more than $538,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element, including funding for the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(c) TRANSFER AUTHORITIES.—(1) Notwithstanding the limitations set forth in paragraphs (1) through (3) of subsection (b), the Secretary of Defense may transfer funds among the program elements managed by the Ballistic Missile Defense Organization. The total amount that may be transferred pursuant to the preceding sentence—

(A) from any program element named in subsection (b) may not exceed 10 percent of the amount specified for that program element in subsection (b); and

(B) to any program element named in subsection (b) may not result in an increase by more than 10 percent of the amount specified for that program element in that subsection.

(2) The authority under paragraph (1) may not be used to transfer funds from the Theater Missile Defense program element.

(3) The authority under paragraph (1) may not be used to transfer funds from the Limited Defense System program element to the program element for Research and Support Activities.

(4) Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

(d) LIMITATIONS.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program. Such funds may be obligated for the Brilliant Pebbles program only within the Research and Support Activities program element and in an amount not in excess of $35,000,000.

(e) REPORT ON ALLOCATION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report—

(1) shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization; and

(2) shall list each ballistic missile defense program, project, and activity under the appropriate program element.

SEC. 232. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out "while deploying" and inserting in lieu thereof "while developing, and maintaining the option to deploy,"; and

(B) in paragraph (3), by inserting ", as appropriate," before "to friends and allies of the United States".

(2) Section 232(b) is amended—

(A) in paragraph (1), by striking out "the Soviet Union" and inserting in lieu thereof "other nuclear weapons states"; and

(B) in paragraph (2)—

(i) by striking out "the Soviet Union" and inserting in lieu thereof "Russia"; and

(ii) by striking out "Treaty, to include the downloading of multiple warhead ballistic missiles" and inserting in lieu thereof "Treaties, to include the downloading of multiple warhead ballistic missiles, as appropriate".

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting "in compliance with the ABM Treaty, including any protocol or amendment thereto" after "for deployment";

(B) in paragraph (2), by striking out "develop for deployment" and inserting in lieu thereof "conduct a research and development program to develop and maintain the option to deploy"; and

(C) by striking out paragraph (3).

(4) Subsection (c) of section 233 is amended to read as follows:

"(c) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue immediate discussions with Russia and other successor states of the former Soviet Union, as appropriate, on the feasibility of, and mutual interest in, amendments to the ABM Treaty to permit—

"(1) clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors, radars, and other sensors; and

"(2) increased use of space-based sensors for direct battle management.".

(5) Section 235 is amended—

(A) in the section heading, by striking out "**STRATEGIC DEFENSE INITIATIVE**" and inserting in lieu thereof "**BALLISTIC MISSILE DEFENSE PROGRAM**";

(B) in subsection (a)—

(i) by striking out "Strategic Defense Initiative" and inserting in lieu thereof "Ballistic Missile Defense program"; and

(ii) by striking out paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(C) in subsection (b), by striking out "Strategic Defense Initiative" and inserting in lieu thereof "Ballistic Missile Defense program".

(6) Section 236 is amended—

(A) in the section heading, by striking out "**SDI**" and inserting in lieu thereof "**BMD**";

(B) by striking out subsections (b) and (c); and

(C) by redesignating subsection (d) as subsection (b) and in paragraph (1) of that subsection by striking out "within the" and all that follows in that paragraph and inserting in lieu thereof "within the Limited Defense System program element.".

(7) Section 238 is amended by striking out "As deployment" and all that follows through "deployment date," and inserting in lieu thereof "Once development testing of components for a Limited Defense System has begun,".

SEC. 233. PATRIOT ADVANCED CAPABILITY–3 THEATER MISSILE DEFENSE SYSTEM.

(a) COMPETITION FOR MISSILE SELECTION.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of October 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability–3 (PAC–3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the weapon systems referred to in subsection (d), shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in October 1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability–3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

(c) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—If a decision is not made before February 28, 1994, to proceed into the Engineering and Manufacturing Development stage under a weapon system program referred to in subsection (d), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC–3 Missile program.

(d) COVERED WEAPON SYSTEM PROGRAMS.—For purposes of subsections (a) and (c), the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

SEC. 234. COMPLIANCE OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS WITH ABM TREATY.

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

(1) Section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) The Department of Defense has conducted no formal compliance review of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) The Department of Defense is continuing to obligate hundreds of millions of dollars for the development and testing of systems or components of ballistic missile defense systems before a determination has been made that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) The President requested the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iraq, Iran, and North Korea.

(6) Some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS–2) have capabilities equal to or greater than the capabilities of missiles which were determined to be strategic missiles more than 20 years ago under the SALT I Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(7) The ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(8) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles as soon as is technically possible.

(9) It is essential that the Secretary of Defense immediately undertake and complete a review for compliance with the ABM Treaty of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the current baseline configuration of each system or system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, or deployment of that system or system upgrade would be in compliance with the ABM Treaty, including the interpretation of the Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are the following:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR–T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile–2 (SM–2) interceptor of the Navy.

(3) If during the course of the compliance review under paragraph (1) (or any other such compliance review of a ballistic missile system or system upgrade), an issue arises that appears to indicate that a provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles, the Secretary of Defense shall immediately submit to the appropriate congressional committees a report on that issue.

(c) REPORT.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the appropriate congressional committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade. For any system or system upgrade determined not to be in compliance with the ABM Treaty, the Secretary shall indicate (A) what changes to the ABM Treaty would be required for the system to be deemed compliant with such modified ABM Treaty, and (B) what changes to the performance capability of the system or system upgrade would be required in order for it to become compliant with the existing Treaty, together with the effect of those performance capability changes on the effectiveness of the planned missile defense architecture.

(2) With regard to the Brilliant Eyes space-based sensor system, the Secretary shall include in the report findings on each of the following issues:

(A) Whether the current baseline configuration of the Brilliant Eyes space-based sensor system would comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota.

(B) If not, whether design changes or operational changes can be made to the Brilliant Eyes space-based sensor system that—

(i) will result in the sensor system, when employed in conjunction with the planned ground-based radar system and its ground-based interceptors, being in compliance with the ABM Treaty; and

(ii) will not prevent the sensor system from performing its strategic defense missions with a high degree of effectiveness.

(C) If not, whether the Brilliant Eyes space-based sensor system can be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty.

(D) If so, the extent to which deployment of the Brilliant Eyes space-based sensor system would enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively.

(d) LIMITATIONS ON FUNDING PENDING SUBMISSION OF REPORT.—(1) Not more than 50 percent of the funds reported pursuant to section 231(e) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) may be obligated for that system or system upgrade, or any of its components, until the Secretary completes the compliance review of such system or system upgrade required by subsection (b) and submits to the appropriate congressional committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c).

(2) Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(B) for the acquisition of any material or equipment (including long lead materials, components, piece parts, or test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(e) DEFINITIONS.—In this section:

(1) The term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the ABM Treaty and accompanied by an enclosure setting forth such interpretation.

(2) The term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

(3) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 235. THEATER MISSILE DEFENSE MASTER PLAN.

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

(b) TMD MASTER PLAN.—The Secretary of Defense shall submit to Congress a report (which shall constitute the TMD master plan) containing a thorough and complete analysis of the future of theater missile defense programs. The report shall include the following:

(1) A description of the mission and scope of Theater Missile Defense.

(2) A description of the role of each of the Armed Forces in Theater Missile Defense.

(3) A description of how those roles interact and complement each other.

(4) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.

(5) A detailed acquisition strategy which includes an analysis and comparison of the projected acquisition and life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each system).

(6) Specification of the baseline production rate for each year of the program through completion of procurement.

(7) An estimate of the unit cost and capabilities of each system.

(8) A description of plans for theater and tactical missile defense doctrine, training, tactics, and force structure.

(c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b)—

(1) a description of the current and projected testing program for Theater Missile Defense systems and major components; and

(2) an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from

decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Defense program will conform to all relevant arms control agreements. The report shall describe any potential noncompliance with any such agreement, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that agreement to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

(f) OBJECTIVES OF PLAN.—In preparing the master plan, the Secretary shall—

(1) seek to maximize the use of existing technologies (such as SM–2, AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

(g) REVIEW AND REPORT ON DEPLOYMENT OF BALLISTIC MISSILE DEFENSES.—(1) The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, testing, and deployment of theater ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency.

(2) In conducting the review, the Secretary shall obtain recommendations and advice from—

(A) the Defense Science Board;

(B) the faculty of the Industrial College of the Armed Forces; and

(C) federally funded research and development centers supporting the Office of the Secretary of Defense.

(3) Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on the Secretary's findings resulting from the review under paragraph (1), together with any recommendations of the Secretary for legislation. The Secretary shall submit the report in unclassified form, but may submit a classified version of the report if necessary to clarify any of the information in the findings or recommendations or any related information. The report may be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

SEC. 236. LIMITED DEFENSE SYSTEM DEVELOPMENT PLAN.

(a) REQUIREMENT FOR REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the development plan for a Limited Defense System covering the period of fiscal years 1994 through 1999.

(2) The report under paragraph (1) shall be submitted not later than May 30, 1994, and may be included in the next annual report on ballistic missile defenses submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

(b) ISSUES TO BE ADDRESSED IN REPORT.—The report under subsection (a) shall include discussion of the following matters:

(1) The proposed Limited Defense System architecture.

(2) The systems and components to be developed to implement that architecture.

(3) The extent to which those systems and components can be developed during the period referred to in subsection (a), assuming annual funding for the Limited Defense System averaging $600,000,000 per year.

(4) The additional funding required and the additional time required after fiscal year 1999 in order for initial deployment of a limited, ABM-Treaty-compliant capability at a single site to be implemented.

(5) The variations in both required funding and required time after fiscal year 1999 for the same initial deployment to be implemented—

(A) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages $750,000,000 per year; and

(B) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages $450,000,000 per year.

(6) The extent to which missile defense technologies and components that are developed for Theater Missile Defense systems to be deployed before fiscal year 2000 can reduce the development costs and lead-times for development and deployment of a Limited Defense System.

(7) The extent to which acquisition streamlining can be applied to the development of a Limited Defense System.

(8) The extent to which the testing and simulation infrastructure, the level of engineering and technical support, the extensive reliance on studies and analyses by contractors, and the substantial use of outside contractors for systems engineering and technical analysis which the Ballistic Missile Defense Organization has inherited from the Strategic Defense Initiative Organization can be reduced given the re-evaluation of the Ballistic Missile Defense program that has emerged from the Bottom-Up Review of the Secretary of Defense which was conducted during 1993.

(9) Such other matters as the Secretary considers important.

SEC. 237. THEATER AND LIMITED DEFENSE SYSTEM TESTING.

(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—Except for the acquisition of those production representative missiles required for the completion of developmental and operational testing, the Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone IIIA) acquisition stage until the Secretary certifies to the congressional defense committees that more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, have been conducted, the results of which demonstrate the achievement by the interceptors of the weapons

systems performance goals specified in the system baseline document established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered engineering and manufacturing systems development. The live-fire tests demonstrating such results shall involve multiple interceptors and multiple targets in the presence of realistic countermeasures.

(b) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS OF LIMITED DEFENSE SYSTEM PROGRAM PROJECTS.—A developmental test may not be conducted under the Limited Defense System program element of the Ballistic Missile Defense Program until the Secretary of Defense reviews and approves (or approves with changes) the test plan for such developmental test.

(c) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (b) by a group composed of persons who—

(A) by reason of education, training, or experience are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

SEC. 238. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101–510 (104 Stat. 1515) and section 241(a) of Public Law 102–190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) PROGRAM GOAL.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) ARROW CONTINUING EXPERIMENTS.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program in an amount not to exceed $56,400,000.

(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate funds appropriated pursuant to section 201 in an amount not to exceed $25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) (other than as required to satisfy the conditions set forth in this paragraph) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

SEC. 239. REPORT ON ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) REPORT REQUIRED.—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the Arrow Tactical Anti-Missile program. The Secretary shall design the report to provide those committees with the information they need in order to perform their oversight function. The Secretary shall obtain the information for the report from actual program data to which the United States Government has access, to the extent possible, or, if necessary, from the best estimates available to the United States Government.

(b) CONTENT OF REPORT.—The report shall include (at a minimum) the following:

(1) The development and procurement schedules for the program.

(2) The estimated annual and total cost of the program.

(3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.

(4) A detailed description of the contract types and cost estimating data for the program.

(5) An assessment of the performance of the Arrow interceptor and the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow interceptor and Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or planned United States weapon system.

(8) For each such alternative—

(A) an assessment of the cost effectiveness of undertaking the alternative;

(B) the technology transfer implications; and

(C) the weapon proliferation implications.

(c) FORM OF REPORT.—The Secretary shall submit the report in classified and unclassified versions.

(d) CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to endorse United States participation in any aspect of the Arrow program beyond the research and development programs authorized by law.

SEC. 240. TECHNICAL AMENDMENTS TO ANNUAL REPORT REQUIREMENT TO REFLECT CREATION OF BALLISTIC MISSILE DEFENSE ORGANIZATION.

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

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

(3) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and

(4) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.".

SEC. 241. CLEMENTINE SATELLITE PROGRAM.

(a) FINDING.—The Congress finds that the program of the Ballistic Missile Defense Organization that is known as the "Clementine" program, consisting of a satellite space project that will, among other matters, provide valuable information about asteroids in the vicinity of Earth, represents an important opportunity for transfer of Department of Defense technology for civilian purposes and should be supported.

(b) CONGRESSIONAL VIEWS.—The Congress urges the Secretary of Defense—

(1) to identify an appropriate management structure within either the Advanced Research Projects Agency or one of the military departments to which the Clementine program and related programs of general applicability to civilian, commercial, and military space programs might be transferred; and

(2) to consider funding for the Clementine program to be a priority within whatever agency or department is identified as described in paragraph (1) and to provide funds for that program at an appropriate level.

SEC. 242. COOPERATION OF UNITED STATES ALLIES ON DEVELOPMENT OF TACTICAL AND THEATER MISSILE DEFENSES.

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

(1) Systems to provide effective defense against theater and tactical ballistic missiles that may be developed and deployed by the United States have the potential to make contributions to the national security interests of nations that are allies of the United States that would be equal to or greater than the contributions such systems would make to the national security interests of the United States.

(2) The cost of developing and deploying a broad spectrum of such systems will be several tens of billions of dollars.

(3) A truly cooperative multinational approach to the development and deployment of such systems could substantially reduce the financial burden of such an undertaking on any

one country and would involve additional sources of technological expertise.

(4) While leaders of nations that are allies of the United States have stated an interest in becoming involved, or increasing involvement, in United States tactical missile defense programs, the governments of those nations are unlikely to support programs for theater missile defense development and deployment unless, at a minimum, they can participate in meaningful ways in the planning and execution of such programs, including active participation in research and development and production of the systems involved.

(5) Given the high cost of developing theater ballistic missile defense systems, the participation of United States allies in the efforts to develop tactical missile defenses would result in substantial savings to the United States.

(b) PLAN AND REPORTS.—(1) The Secretary of Defense shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the United States with theater missile defense programs of United States allies, with the goal of avoiding duplication of effort, increasing interoperability, and reducing costs. The plan shall set forth in detail any financial, in-kind, or other form of participation by each nation in cooperative efforts to plan, develop, produce, and deploy theater ballistic missile defenses for the mutual benefit of the countries involved.

(2) The Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall be submitted in both classified and unclassified versions, as appropriate, and may be submitted as a component of the next Theater Missile Defense Initiative report to Congress.

(3) The Secretary shall include in each annual Theater Missile Defense Initiative report to Congress a report on actions taken to implement the plan developed under paragraph (1). Each such report shall set forth the status of discussions between the United States and United States allies for the purposes stated in that paragraph and shall state the status of contributions by those allies to the Theater Missile Defense Cooperation Account, shown separately for each allied country covered by the plan.

(c) RESTRICTION ON FUNDS.—Of the total amount appropriated pursuant to authorizations in this Act for theater ballistic missile defense programs, not more than 80 percent may be obligated until—

(1) the report under subsection (b)(2) is submitted to Congress; and

(2) the President certifies in writing to Congress that representatives of the United States have formally submitted to each of the member nations of the North Atlantic Treaty Organization and to Japan, Israel, and South Korea a proposal concerning the matters described in the report.

The President may submit with such certification a report of similar formal contacts with any other country that the President considers appropriate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever the United States deploys theater ballistic missile defenses to protect another country, or the military forces of another country, that has not provided financial or in-kind support for development of theater ballistic missile defenses, the United States should consider whether it is appropriate to seek reimbursement

from that country to cover at least the incremental cost to the United States of such deployment.

(e) ALLIED PARTICIPATION IN TMD PROGRAMS.—Congress encourages allies of the United States, and particularly those allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States. Congress also encourages participation by the United States in cooperative theater missile defense efforts of allied nations as such programs emerge.

(f) FUND FOR ALLIED CONTRIBUTIONS.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account

"(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

"(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the 'Theater Missile Defense Cooperation Account'.

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense.

"(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.

"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(f) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.".

SEC. 243. TRANSFER OF FOLLOW-ON TECHNOLOGY PROGRAMS.

(a) MANAGEMENT RESPONSIBILITY.—Except as provided in subsection (b), the Secretary of Defense shall provide that management

and budget responsibility for research and development of any program, project, or activity to develop far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.

(b) WAIVER AUTHORITY.—The Secretary may waive the provisions of subsection (a) in the case of a particular program, project, or activity if the Secretary certifies to the congressional defense committees that it is in the national security interest of the United States to provide management and budget responsibility for that program, project, or activity through the Ballistic Missile Defense Organization.

(c) REPORT REQUIRED.—As a part of the report required by section 231(e), the Secretary shall submit to the congressional defense committees a report identifying—

(1) each program, project, and activity with respect to which the Secretary has transferred management and budget responsibility from the Ballistic Missile Defense Organization in accordance with subsection (a);

(2) the agency or military department to which each such transfer was made; and

(3) the date on which each such transfer was made.

(d) DEFINITION.—For the purposes of this section, the term "far-term follow-on technology" means a technology that is not incorporated into a ballistic missile defense architecture and is not likely to be incorporated within 15 years into a weapon system for ballistic missile defense.

(e) CONFORMING AMENDMENT.—Section 234 of the Missile Defense Act of 1991 is repealed.

Subtitle D—Women's Health Research

SEC. 251. DEFENSE WOMEN'S HEALTH RESEARCH CENTER.

(a) AUTHORITY TO ESTABLISH CENTER.—The Secretary of Defense may establish a Defense Women's Health Research Center (hereinafter in this section referred to as the "Center") at an existing Department of Defense medical center to serve as the coordinating agent for multidisciplinary and multi-institutional research within the Department of Defense on women's health issues related to service in the Armed Forces. The Secretary shall determine whether or not to establish the Center not later than May 1, 1994. If established, the Center shall also coordinate with research supported by the Department of Health and Human Services and other agencies that is aimed at improving the health of women.

(b) SUPPORT OF RESEARCH.—The Center shall support health research into matters relating to the service of women in the military, including the following matters:

(1) Combat stress and trauma.

(2) Exposure to toxins and other environmental hazards associated with military equipment.

(3) Psychology related stress in warfare situations.

(4) Mental health, including post-traumatic stress disorder and depression.

(5) Human factor studies related to women in combat areas.

(c) COMPETITION REQUIREMENT RELATING TO ESTABLISHMENT OF CENTER.—The Center may be established only pursuant to a competition among existing Department of Defense medical centers.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall prepare a plan for the implementation of subsection (a). The plan shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994.

(e) ACTIVITIES FOR FISCAL YEAR 1994.—During fiscal year 1994, the Center may address the following:

(1) Program planning, infrastructure development, baseline information gathering, technology infusion, and connectivity.

(2) Management and technical staffing.

(3) Data base development of health issues related to service by women on active duty as compared to service by women in the National Guard or Reserves.

(4) Research protocols, cohort development, health surveillance, and epidemiologic studies, to be developed in coordination with the Centers for Disease Control and the National Institutes of Health whenever possible.

(f) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, $20,000,000 shall be available for the establishment of the Center or for medical research at existing Department of Defense medical centers into matters relating to service by women in the military.

(g) REPORT.—(1) If the Secretary of Defense determines not to establish a women's health center under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than May 1, 1994, a report on the plans of the Secretary for the use of the funds described in subsection (f).

(2) If the Secretary determines to establish the Center, the Secretary shall, not less than 60 days before the establishment of the Center, submit to those committees a report describing the planned location for the Center and the competitive process used in the selection of that location.

SEC. 252. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.

(a) GENERAL RULE.—In conducting or supporting clinical research, the Secretary of Defense shall ensure that—

(1) women who are members of the Armed Forces are included as subjects in each project of such research; and

(2) members of minority groups who are members of the Armed Forces are included as subjects of such research.

(b) WAIVER AUTHORITY.—The requirement in subsection (a) regarding women and members of minority groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

(1) is inappropriate with respect to the health of the subjects;

(2) is inappropriate with respect to the purpose of the research; or

(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

(c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

Subtitle E—Other Matters

SEC. 261. NUCLEAR WEAPONS EFFECTS TESTING BY DEPARTMENT OF DEFENSE.

(a) LIMITATION ON OBLIGATION OF FUNDS.—The Secretary of Defense may not obligate funds in preparation for any activity of the Department of Defense, including the so-called "Mighty Uncle" test, to study the effects of a nuclear weapon explosion through underground nuclear weapons testing unless that test is permitted in accordance with the provisions of section 507 of Public Law 102–377 (106 Stat. 1343).

(b) CERTAIN ACTIONS NOT PROHIBITED.—Subsection (a) does not preclude the Secretary of Defense, acting through the Director of the Defense Nuclear Agency, from—

(1) proceeding with underground nuclear test tunnel deactivation and environmental cleanup; or

(2) expending funds for infrastructure activities not covered by the limitation in subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 for Defense-wide activities, not more than $38,000,000 may be used for activities described in subsection (b).

SEC. 262. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM TO THE DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.

Section 216(a) of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended by striking out "fiscal years 1994 through 1997" and inserting in lieu thereof "fiscal years 1995 through 1999".

SEC. 263. TERMINATION, REESTABLISHMENT, AND RECONSTITUTION OF AN ADVISORY COUNCIL ON SEMICONDUCTOR TECHNOLOGY.

(a) TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH.—The advisory council known as the Advisory Council on Federal Participation in Sematech, established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603), is hereby terminated.

(b) SEMICONDUCTOR TECHNOLOGY COUNCIL.—Section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended by striking out the heading and subsections (a) through (c) and inserting in lieu thereof the following:

"SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.

"(a) ESTABLISHMENT.—There is established the Semiconductor Technology Council.

"(b) PURPOSES AND FUNCTIONS.—(1) The purposes of the Council are the following:

"(A) To link assessment by the semiconductor industry of future market and national security needs to opportunities for technology development through cooperative public and private investment.

"(B) To seek ways to respond to the technology challenges for semiconductors by fostering precompetitive cooperation among industry, the Federal Government, and institutions of higher education.

"(C) To make available judgments, assessments, insights, and recommendations that relate to the opportunities for new research and development efforts and the potential to better rationalize and align industry and government contributions to semiconductor research and development.

"(2) The Council shall carry out the following functions:

"(A) Advise Sematech and the Secretary of Defense on appropriate technology goals and appropriate level of effort for the research and development activities of Sematech.

"(B) Review the emerging markets, technology developments, and core technology challenges for semiconductor research and development and semiconductor manufacturing and explore opportunities for improved coordination among industry, the Federal Government, and institutions of higher education regarding such developments and challenges.

"(C) Assess the effect on the appropriate role of Sematech of public and private sector international agreements in semiconductor research and development.

"(D) Exchange views regarding the competitiveness of United States semiconductor technology and new or emerging semiconductor technologies that could affect national economic and security interests.

"(E) Exchange and update information and identify overlaps and gaps regarding the efforts of industry, the Federal Government, and institutions of higher education in semiconductor research and development.

"(F) Assess technology progress relative to industry requirements and Federal Government requirements, responding as appropriate to the challenges in the national semiconductor technology roadmap developed by representatives of industry, the Federal Government, and institutions of higher education.

"(G) Make recommendations regarding the semiconductor technology development efforts that should be supported by Federal agencies and industry.

"(H) Appoint subgroups as appropriate in connection with the updating of the semiconductor technology roadmap.

"(I) Publish an annual report addressing the semiconductor technology challenges and developments for industry, government, and institutions of higher education and the relationship among the challenges and developments for each, including an evaluation of the role of Sematech.

"(c) MEMBERSHIP.—The Council shall be composed of 16 members as follows:

"(1) The Under Secretary of Defense for Acquisition and Technology, who shall be Cochairman of the Council.

"(2) The Under Secretary of Energy responsible for science and technology matters.

"(3) The Under Secretary of Commerce for Technology.

"(4) The Director of the Office of Science and Technology Policy.

"(5) The Assistant to the President for Economic Policy.

"(6) The Director of the National Science Foundation.

"(7) Ten members appointed by the President as follows:

"(A) Four individuals who are eminent in the semiconductor device industry, one of whom shall be Cochairman of the Council.

"(B) Two individuals who are eminent in the semiconductor equipment and materials industry.

"(C) Three individuals who are eminent in the semiconductor user industry, including representatives from the telecommunications and computer industries.

"(D) One individual who is eminent in an academic institution.".

(c) CONFORMING AMENDMENTS.—Part F of title II of such Act (15 U.S.C. 4601 et seq.) is amended as follows:

(1) Section 271(c)(1) (15 U.S.C. 4601(c)(1)) is amended by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council".

(2) Section 272(b)(1)(B) (15 U.S.C. 4602(b)(1)(B)) is amended by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council".

(3) Section 273 (15 U.S.C. 4603) is amended—

(A) in the first sentence of subsection (d)—

(i) by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(ii) by striking out "two shall be appointed for a term of two years" and inserting in lieu thereof "five shall be appointed for a term of two years";

(B) in the first sentence of subsection (e), by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(C) in subsection (f), by striking out "Seven members" and inserting in lieu thereof "Eleven members".

(d) AUTHORITY TO CALL MEETINGS.—Section 273(g) of such Act (15 U.S.C. 4603(g)) is amended by striking out "the Chairman or a majority of its members" and inserting in lieu thereof "a Cochairman".

(e) SOURCE OF SUPPORT FOR SEMATECH.—Section 273 of such Act (22 U.S.C. 4603) is further amended by adding at the end the following new subsection:

"(j) SUPPORT FOR COUNCIL.—The Council shall use Federal funds made available to Sematech as needed for general and administrative support in accomplishing the Council's purposes.".

(f) FIRST MEETING OF NEW COUNCIL.—The first meeting of the Semiconductor Technology Council shall be held not later than 45 days after the date of the enactment of this Act.

(g) REFERENCES TO TERMINATED COUNCIL.—A reference in any provision of law to the Advisory Council on Federal Participation in Sematech shall be deemed to refer to the Semiconductor Technology Council established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, as amended by subsection (b).

SEC. 264. NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

Amounts authorized to be appropriated pursuant to section 201 for the Navy shall be available to the Secretary of the Navy for the acquisition of real property under section 2819 of this Act (related to the Navy Large Cavitation Channel, Memphis, Tennessee).

SEC. 265. STRATEGIC ENVIRONMENTAL RESEARCH COUNCIL.

(a) MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively;

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

"(4) The Deputy Under Secretary of Defense responsible for environmental security."; and

(4) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph (6):

"(6) The Assistant Secretary of Energy responsible for environmental restoration and waste management.".

(b) EXTENSION OF AUTHORITY TO ESTABLISH EMPLOYEE PAY RATES.—Section 2903(d)(2) of title 10, United States Code, is amended by striking out "November 5, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 266. REPEAL OF REQUIREMENT FOR STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT.

Section 802(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.

SEC. 267. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study of cryptographic technologies and national cryptography policy.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study shall assess—

(1) the effect of cryptographic technologies on—

(A) national security interests of the United States Government;

(B) law enforcement interests of the United States Government;

(C) commercial interests of United States industry; and

(D) privacy interests of United States citizens; and

(2) the effect on commercial interests of United States industry of export controls on cryptographic technologies.

(c) INTERAGENCY COOPERATION WITH STUDY.—The Secretary of Defense shall direct the National Security Agency, the Advanced Research Projects Agency, and other appropriate agencies of the Department of Defense to cooperate fully with the National Research Council in its activities in carrying out the study under this section. The Secretary shall request all other appropriate Fed-

eral departments and agencies to provide similar cooperation to the National Research Council.

(d) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense-wide activities, $800,000 shall be available for the study under this section.

(e) REPORT.—(1) The National Research Council shall complete the study and submit to the Secretary of Defense a report on the study within approximately two years after full processing of security clearances under subsection (f). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures.

(2) The Secretary shall submit the report to the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate and to the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives not later than 120 days after the day on which the report is submitted to the Secretary. The report shall be submitted to those committees in unclassified form, with classified annexes as necessary.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

SEC. 268. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH AND DEVELOPMENT CATEGORIES.

(a) RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense to be responsible for conducting an annual review of program elements for proper categorization to the research and development categories of the Department of Defense designated as 6.1, 6.2, 6.3, 6.4, 6.5, and 6.6.

(b) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of the general content of the research and development categories specified in subsection (a), including a review of the criteria for assigning programs to those categories. The review shall examine the assignment of current programs to those categories for the purpose of ensuring that those programs are correctly categorized and assigned program element numbers in accordance with existing Department of Defense policy.

(c) REPORT.—The Secretary shall include with the budget justification materials for fiscal year 1995 submitted to Congress by the Secretary in support of the President's budget for that year a report on the implementation of this section. The report—

(1) shall specify the official designated under subsection (a); and

(2) shall include a certification (or an explanation of why the Secretary cannot certify) that current research and development programs are correctly categorized as described in subsection (b).

SEC. 269. AUTHORIZED USE FOR FACILITY CONSTRUCTED WITH PRIOR DEFENSE GRANT FUNDS.

The plasma arc facilities constructed using funds provided under grants made to the South Carolina Research Authority from amounts appropriated in the Department of Defense Appropriations Act, 1988 (Public Law 100–463), and the Department of Defense Appropriations Act, 1991 (Public Law 101–511), may be equipped and operated as prototype materials processing facilities.

SEC. 270. GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

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

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Reports indicate that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to hazardous agents, including chemical warfare agents, biotoxins, and other substances during such service.

(3) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—The Secretary of Defense is authorized to make a grant in the amount of $1,200,000 to a medical research institution for the purpose of constructing and equipping a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(c) FUNDING SOURCE.—Funds for the grant under subsection (b) shall be made from amounts appropriated to the Department of Defense for fiscal year 1994 for research, development, test, and evaluation.

(d) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (b), an institution must meet each of the following requirements:

(1) Be affiliated with an accredited hospital and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical

facilities and other relevant Federal personnel may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(e) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (b) any information possessed by that element on hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(f) REPORTS TO CONGRESS.—Not later than October 1, 1994, and annually thereafter for the period that research described in subsection (b) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

SEC. 271. RESEARCH ON EXPOSURE TO DEPLETED URANIUM BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) GRANT TO SUPPORT RESEARCH ON THE EFFECTS OF DEPLETED URANIUM.—From the funds appropriated or otherwise made available in fiscal year 1994 for research, development, test, and evaluation for the Department of Defense, the Secretary of Defense is authorized to make a competitive award of a grant in the amount of $1,700,000 to a medical research institution for the purpose of studying the possible health effects of battlefield exposure to depleted uranium, including exposure through ingestion, inhalation, or bodily injury. The selection of the institution to which the grant is awarded shall be made in accordance with established defense acquisition procedures.

(b) RESEARCH PROGRAM.—The research to be conducted at the facility for which a grant is made under subsection (a) shall explore the possible short-term and long-term health effects of exposure to depleted uranium, including exposure through ingestion, inhalation, or bodily injury, and the individual susceptibility of service personnel to such exposure. Such research shall focus on (but not be limited to) persons who may have been exposed to depleted uranium while serving on active duty in the theater of operations during the Persian Gulf War. The specific objectives of the study shall include investigation of the pathology of depleted uranium fragments under controlled conditions, including—

(1) assessment of the toxico-kinetic properties of the various chemical forms of depleted uranium that could be inhaled, ingested, or imbedded;

(2) examination of whether there are depleted uranium cancer induction mechanisms similar to those observed in Thorotrast-specific liver cancers;

(3) determination of whether the radiogenic effects described in paragraphs (1) and (2) occur and, if so, at what fragment densities and latent periods;

(4) assessment of long-term, low-dose-rate irradiation of specific tissues, such as those of the nervous system;

(5) determination of the potential for chronic nephrotoxicity as a function of the organ exposed to depleted uranium; and

(6) conduct of pathological studies of tissue surrounding depleted uranium particles.

(c) REPORTS TO CONGRESS.—Not later than October 1, 1994, and annually thereafter for the period that research described in subsection (a) is being carried out under the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results of such research during the year preceding the report.

SEC. 272. SENSE OF CONGRESS ON METALCASTING AND CERAMIC SEMICONDUCTOR PACKAGE INDUSTRIES.

(a) METALCASTING INDUSTRY.—It is the sense of Congress that—

(1) the health and viability of the metalcasting industry of the United States are at serious risk; and

(2) the Secretary of Defense should seriously consider providing funds, from the funds made available pursuant to section 201, for research and development activities of the metalcasting industry, including the following activities:

(A) Development of casting technologies and techniques.

(B) Improvement of technology transfer within the metalcasting industry in the United States.

(C) Improvement of training for the metalcasting industry workforce.

(b) CERAMIC SEMICONDUCTOR PACKAGE INDUSTRY.—It is the sense of Congress that—

(1) the health and viability of the ceramic semiconductor package industry of the United States are at serious risk, as demonstrated by the action plan relating to the ceramic semiconductor package industry issued by the Secretary of Commerce on August 15, 1993;

(2) advanced ceramic semiconductor packages are critical components under section 107 of the Defense Production Act (50 U.S.C. App. 2077);

(3) the technologies used in producing ceramic and advanced ceramic semiconductor packages are dual-use technologies; and

(4) the Secretary of Defense should provide funds for support of the domestic ceramic semiconductor package industry through the following types of activities:

(A) Research and development.

(B) Procurement by the Department of Defense of ceramic semiconductor packages made in the United States.

(C) Assistance to the industry in meeting qualification specifications of the Department of Defense for procurement solicitations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $15,907,246,000.

(2) For the Navy, $20,076,440,000.

(3) For the Marine Corps, $1,860,056,000.

(4) For the Air Force, $19,330,109,000.

(5) For Defense-wide activities, $9,235,461,000.

(6) For Medical Programs, Defense, $9,379,447,000.

(7) For the Army Reserve, $1,095,590,000.

(8) For the Naval Reserve, $772,706,000.

(9) For the Marine Corps Reserve, $82,950,000.

(10) For the Air Force Reserve, $1,346,292,000.

(11) For the Army National Guard, $2,216,544,000.

(12) For the Air National Guard, $2,639,204,000.

(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.

(14) For the Defense Inspector General, $161,001,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $868,200,000.

(16) For the Court of Military Appeals, $6,055,000.

(17) For Environmental Restoration, Defense, $1,962,400,000.

(18) For Humanitarian Assistance, $48,000,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1994 World Cup Games, $12,000,000.

(21) For Former Soviet Union Threat Reduction, $400,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $1,116,095,000.

(2) For the National Defense Sealift Fund, $290,800,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the

sum of $61,918,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.

During fiscal year 1994, $24,000,000 is authorized to be obligated from the National Security Education Trust Fund established by section 804(a) of the David L. Boren National Security Education Act of 1991 (Public Law 102–183; 50 U.S.C. 1904(a)).

SEC. 305. TRANSFER FROM NATIONAL DEFENSE STOCKPILE FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $500,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1994 in amounts as follows:

(1) For the Army, $150,000,000.

(2) For the Navy, $150,000,000.

(3) For the Air Force, $200,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

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

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1101.

SEC. 306. FUNDS FOR CLEARING LANDMINES.

(a) LIMITATION.—Of the funds authorized to be appropriated in section 301, not more than $10,000,000 shall be available for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of subsection (a). The report shall specify the following:

(1) The amount of the funds made available under subsection (a) that are to be expended.

(2) The purposes for which the funds are to be expended.

(3) The location of the landmine clearing activity.

(4) Any use of United States military personnel or employees of the Department of Defense in the activity.

(5) Any use of non-Federal Government organizations in the activity.

(6) The relationship between the activity and the missions of the Department of Defense.

Subtitle B—Limitations

SEC. 311. PROHIBITION ON OPERATION OF NAVAL AIR STATION, BERMUDA.

(a) PROHIBITION.—No funds available to the Department of Defense for operation and maintenance may be used to operate Naval Air Station, Bermuda after September 1, 1995.

(b) REPORT.—Not later than March 1, 1994, the Secretary of Defense shall submit to the Congress a report that contains a plan for the termination of the operation of Naval Air Station, Bermuda.

(c) OPERATION ON REIMBURSABLE BASIS.—The Secretary of Defense may provide support for airfield operations at Naval Air Station, Bermuda after September 1, 1995, except that any such support shall be provided only on a reimbursable basis.

SEC. 312. LIMITATION ON THE USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2246. Department of Defense golf courses: limitation on use of appropriated funds

"(a) LIMITATION.—Except as provided in subsection (b), funds appropriated to the Department of Defense may not be used to equip, operate, or maintain a golf course at a facility or installation of the Department of Defense.

"(b) EXCEPTIONS.—(1) Subsection (a) does not apply to a golf course at a facility or installation outside the United States or at a facility or installation inside the United States at a location designated by the Secretary of Defense as a remote and isolated location.

"(2) The Secretary of Defense shall prescribe regulations governing the use of appropriated funds under this subsection.".

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

"2246. Department of Defense golf courses: limitation on use of appropriated funds.".

SEC. 313. PROHIBITION ON THE USE OF CERTAIN COST COMPARISON STUDIES.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not, during the period beginning on the date of the enactment of this Act and ending on April 1, 1994, enter into a contract for the performance of a commercial activity if the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A–76 (or any successor administrative regulation or policy).

(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) does not apply to—

(1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would otherwise have to be used for the performance of an activity

described in subsection (a) at the expense of unit readiness; or

(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

SEC. 314. LIMITATION ON CONTRACTS WITH CERTAIN SHIP REPAIR COMPANIES FOR SHIP REPAIR.

(a) LIMITATION.—The Secretary of the Navy may not enter into a contract having a value greater than $250,000 with a ship repair company referred to in subsection (b) for the overhaul, repair, or maintenance of a naval vessel until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives the certification referred to in subsection (c).

(b) COVERED SHIP REPAIR COMPANY.—A ship repair company referred to in subsection (a) is a ship repair company located outside the United States that was the subject of a court inquiry into fatalities resulting from ship repairs performed by that company in fiscal year 1990, 1991, 1992, or 1993.

(c) CERTIFICATION.—The certification referred to in subsection (a) is a certification that a ship repair company referred to in subsection (b) has initiated legal proceedings, or other proceedings, to compensate the survivors of each member of the Navy killed as a result of faulty ship repair performed by that company during a fiscal year referred to in such subsection.

(d) WAIVER.—A contract referred to in subsection (a) may be entered into pursuant to a waiver of the limitation in such subsection only after the Secretary of the Navy submits to the Committees on Armed Services of the Senate and House of Representatives a certification that—

(1) the work is for voyage repairs; or

(2) there is a compelling national security reason for the work to be done by the ship repair company.

SEC. 315. REQUIREMENT OF PERFORMANCE IN THE UNITED STATES OF CERTAIN REFLAGGING OR REPAIR WORK.

(a) REQUIREMENT.—Section 2631 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Only vessels"; and

(2) by adding at the end the following new subsection:

"(b)(1) In each request for proposals to enter into a time-charter contract for the use of a vessel for the transportation of supplies under this section, the Secretary of Defense shall require that any reflagging or repair work on a vessel for which a proposal is submitted in response to the request for proposals be performed in the United States (including any territory of the United States).

"(2) In paragraph (1), the term 'reflagging or repair work' means work performed on a vessel—

"(A) to enable the vessel to meet applicable standards to become a vessel of the United States; or

"(B) to convert the vessel to a more useful military configuration.

"(3) The Secretary of Defense may waive the requirement described in paragraph (1) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such waiver and the reasons for such waiver.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a vessel for which reflagging or repair work is

necessary to be performed after the date of the enactment of this Act.

SEC. 316. PROHIBITION ON JOINT CIVIL AVIATION USE OF SELFRIDGE AIR NATIONAL GUARD BASE, MICHIGAN.

The Secretary of the Air Force may not enter into any agreement that would provide for or permit civil aircraft to regularly use Selfridge Air National Guard Base, Michigan.

SEC. 317. LOCATION OF CERTAIN PREPOSITIONING FACILITIES.

(a) SITE FOR ARMY PREPOSITIONING MAINTENANCE FACILITY.—The Secretary of the Army shall establish the Army Prepositioning Maintenance Facility at Charleston, South Carolina.

(b) LIMITATION.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall ensure that separate but complementary prepositioning facilities are maintained in Charleston, South Carolina, and Blount Island, Jacksonville, Florida, for the Army and Marine Corps, respectively.

(c) REPORT BEFORE SUBSEQUENT RELOCATION.—After the end of such two-year period, the Secretary of the Navy may not relocate the Marine Prepositioning Forces from Blount Island, Jacksonville, Florida, until the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and House of Representatives a detailed cost analysis and operational analysis explaining the basis of the decision for such relocation.

Subtitle C—Defense Business Operations Fund

SEC. 331. EXTENSION OF AUTHORITY FOR USE OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "December 31, 1994".

SEC. 332. IMPLEMENTATION OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out subsections (d), (e), and (f) and inserting in lieu thereof the following new subsections (d), (e), and (f):

"(d) COMPREHENSIVE MANAGEMENT PLAN.—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of Defense shall submit to the congressional defense committees a comprehensive management plan for the Defense Business Operations Fund. The Secretary shall identify in the plan the actions the Secretary will take to improve the implementation and operation of the Defense Business Operations Fund.

"(2)(A) The plan shall also include the following matters:

"(i) The specific tasks to be performed to address the serious shortcomings that exist in the Fund's implementation and operation.

"(ii) Milestones for starting and completing each task.

"(iii) A statement of the resources needed to complete each task.

"(iv) The specific organizations within the Department of Defense that are responsible for accomplishing each task.

"(v) Department of Defense plans to monitor the implementation of all corrective actions.

"(B) The plan shall also address the following specific areas:

"(i) The management and organizational structure of the Fund.

"(ii) The development and implementation of the policies and procedures, including cash management and internal controls, applicable to the Fund.

"(iii) Management reporting, including financial and operational reporting.

"(iv) Accuracy and reliability of cost accounting data.

"(v) Development and use of performance indicators to measure the efficiency and effectiveness of Fund operations.

"(vi) The status of efforts to develop and implement new financial systems for the Fund.

"(e) PROGRESS REPORT ON IMPLEMENTATION.—Not later than February 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made in implementing the comprehensive management plan required by subsection (d). The report shall describe the progress made in reaching the milestones established in the plan and provide an explanation for the failure to meet any of the milestones. The Secretary shall submit a copy of the report to the Comptroller General of the United States at the same time the Secretary submits the report to the congressional defense committees.

"(f) RESPONSIBILITIES OF THE COMPTROLLER GENERAL.—(1) The Comptroller General shall monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan required by subsection (d).

"(2) Not later than March 1, 1994, the Comptroller General shall submit to the congressional defense committees a report containing the following:

"(A) The findings and conclusions of the Comptroller General resulting from the monitoring and evaluation conducted under paragraph (1).

"(B) An evaluation of the progress report submitted to the congressional defense committees by the Secretary of Defense pursuant to subsection (e).

"(C) Any recommendations for legislation or administrative action concerning the Fund that the Comptroller General considers appropriate.".

SEC. 333. CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE DEFENSE BUSINESS OPERATIONS FUND.

(a) IN GENERAL.—Charges for goods and services provided through the Defense Business Operations Fund—

(1) shall include amounts necessary to recover the full costs of—

(A) the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense; and

(B) the use of military personnel in the provision of the goods and services, as computed by calculating, to the maximum extent practicable, such costs if employees of the Department of Defense were used in the provision of the goods and services; and

(2) shall not include amounts necessary to recover the costs of a military construction project (as such term is defined in section 2801(b) of title 10, United States Code), other than a minor construction project financed by the Defense Business Operations Fund pursuant to section 2805(c)(1) of such title.

(b) DEFENSE FINANCE ACCOUNTING SERVICES.—The full cost of the operation of the Defense Finance Accounting Service shall be financed within the Defense Business Operations Fund through charges for goods and services provided through the Fund.

(c) MODIFICATION OF CAPITAL ASSET SUBACCOUNT.—Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2208 note) is amended—

(1) in subsection (a), by striking out the third sentence;

(2) in subsection (b), by striking out ", to the extent provided for in appropriations Acts"; and

(3) in subsection (d), by striking out ", during fiscal year 1993 and until April 15, 1994,".

SEC. 334. LIMITATION ON OBLIGATIONS AGAINST THE DEFENSE BUSINESS OPERATIONS FUND.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund during fiscal year 1994 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1994, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment and spare parts in support of repair, direct vendor deliveries, foreign military sales, initial outfitting requiring equipment furnished by the Federal Government, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is necessary in order to maintain the readiness and combat effectiveness of the Armed Forces. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle D—Depot-Level Activities

SEC. 341. DEPARTMENT OF DEFENSE DEPOT TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a task force to assess the overall performance and management of depot-level activities of the Department of Defense. The assessment shall include the following:

(1) The identification of the depot-level maintenance workloads that were performed during each of fiscal years 1990 through 1993 for the military departments and the Defense Agencies by employees of the Department of Defense and by non-Federal Government personnel.

(2) An estimate of the current capacity to carry out the performance of depot-level maintenance workloads by employees of the Department of Defense and by non-Federal Government personnel.

(3) An identification of the rationale used by the Department of Defense to support a decision to provide for the performance of a depot-level maintenance workload by employees of the Department of Defense or by non-Federal Government personnel.

(4) An evaluation of the cost, manner, and quality of performance of the depot-level maintenance workload by employees of the Department of Defense and by non-Federal Government personnel.

(5) An evaluation of the manner of determining the core workload requirements for depot-level maintenance workloads performed by employees of the Department of Defense.

(6) A comparison of the methods by which the rates and prices for depot-level maintenance workloads performed by employees of the Department of Defense are determined with the methods by which such rates and prices are determined for depot-level maintenance workloads performed by non-Federal Government personnel.

(7) A discussion of the issues involved in determining the balance between the amount of depot-level maintenance workloads assigned for performance by employees of the Department of Defense and the amount of depot-level maintenance workloads assigned for performance by non-Federal Government personnel, including the preservation of surge capabilities and essential industrial base capabilities needed in the event of mobilization.

(8) An identification of the depot-level functions and activities that are suitable for performance by employees of the Department of Defense and the depot-level functions and activities that are suitable for performance by non-Federal Government personnel.

(9) An identification of the management and organizational structure of the Department of Defense necessary for the Department to provide the optimal management of depot-level maintenance and the allocation of related resources.

(b) MEMBERSHIP.—The task force established pursuant to subsection (a) shall be composed of individuals from the Department of Defense and the private sector who—

(1) have expertise in the management of depot-level activities;

(2) have expertise in acquisition;

(3) have expertise in the management of relevant items and weapon systems; and

(4) are or have been users of depot-level maintenance products produced by employees of the Department of Defense and by non-Federal Government personnel.

(c) PAY AND TRAVEL EXPENSES.—(1) Except as provided in paragraph (3), each member of the task force shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the task force.

(2) Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) Except as provided in paragraph (2), a member of the task force who is an employee of the Department of Defense or a member of the Armed Forces may not receive additional pay, allowances, or benefits by reason of such individual's service on the task force.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall provide the task force with the administrative, professional, and technical support required by the task force to carry out its duties under this section.

(e) REPORT.—Not later than April 1, 1994, the task force shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment conducted under subsection (a) and the recommendations of the task force for any legislative and administrative action the task force considers to be appropriate.

(f) TERMINATION.—The task force shall terminate not later than 60 days after submitting its report pursuant to subsection (e).

SEC. 342. LIMITATION ON CONSOLIDATION OF MANAGEMENT OF DEPOT-LEVEL MAINTENANCE WORKLOAD.

The Secretary of Defense may not, during fiscal year 1994, consolidate the management of the depot-level maintenance workload of the Department of Defense under a single Defense-wide entity.

SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

The Secretary of Defense shall ensure that the percentage limitations applicable to the depot-level maintenance workload performed by non-Federal Government personnel set forth in section 2466 of title 10, United States Code, are adhered to.

SEC. 344. SENSE OF CONGRESS ON THE PERFORMANCE OF CERTAIN DEPOT-LEVEL WORK BY FOREIGN CONTRACTORS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense should not contract for the performance by a person or organization described in subsection (b) of any depot-level maintenance work on equipment located in the United States if the Secretary determines that the work could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the Armed Forces.

(b) COVERED PERSONS AND ORGANIZATIONS.—A person or organization referred to in subsection (a) is a person or organization which is not part of the national technology and industrial base, as such term is defined in section 2491(1) of title 10, United States Code.

SEC. 345. SENSE OF CONGRESS ON THE ROLE OF DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

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

(1) The depot-level maintenance and repair activities of the Department of Defense provide the Armed Forces with a critical capacity to respond to the needs of the Armed Forces for depot-level maintenance and repair of weapon systems and equipment.

(2) The depot-level maintenance and repair activities of the Department of Defense provide the Department with capabilities that are uniquely suited to responding to the increased need for repair and maintenance of weapon systems and equipment which may arise in times of national crisis.

(3) The skilled employees and equipment of the depot-level maintenance and repair activities of the Department of Defense are an essential component of the overall defense industrial base of the United States.

(4) The critical role of the depot-level maintenance and repair activities of the Department of Defense is recognized in section 2466 of title 10, United States Code, which provides that the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may not contract for the performance by non-Federal Government personnel of more than 40 percent of the depot-level maintenance workload for the military department or the Defense Agency.

(5) Maintenance of this critical industrial capability in the Department of Defense requires that an appropriate level of the depot-level maintenance and repair of new weapon systems be assigned to depot-level maintenance and repair activities of the Department of Defense.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, in order to maintain the critical depot-level maintenance and repair capability for military weapon systems and equipment, the Secretary of Defense shall, to the maximum extent practicable, ensure that a sufficient amount of the depot-level maintenance and repair of new weapon systems and equipment is assigned to depot-level maintenance and repair activities of the Department of Defense, consistent with the requirements of section 2466 of title 10, United States Code.

SEC. 346. CONTRACTS TO PERFORM WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 2469 of title 10, United States Code, is amended—

(1) by inserting "(a) REQUIREMENT FOR COMPETITION.—" before "The Secretary of Defense";

(2) by striking out "threshold";

(3) by striking out "unless" and all that follows and inserting in lieu thereof "to performance by a contractor unless the Secretary uses competitive procedures for the selection of the contractor to perform such workload."; and

(4) by adding at the end the following new subsection:

"(b) INAPPLICABILITY OF OMB CIRCULAR A–76.—The use of Office of Management and Budget Circular A–76 shall not apply to a performance change under subsection (a).".

SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE UNITED STATES.

(a) DESCRIPTION OF CLAIMS INVOLVED.—This section applies with respect to any claim of the United States against an individual which relates to a bonus or other payment awarded to such individual under a productivity gainsharing program based on work performed by such individual as an employee of Naval Aviation Depot, Norfolk, Virginia, or as an employee of Naval Aviation Depot, Jacksonville, Florida, after September 30, 1988, and before October 1, 1992.

(b) WAIVER AUTHORITY AVAILABLE WITHOUT REGARD TO AMOUNT INVOLVED.—Notwithstanding the limitation set forth in section 2774(a)(2)(A) of title 10, United States Code, any waiver authority under section 2774(a)(2) of such title may be exercised, with respect to any claim described in subsection (a) of this section, without regard to the amount involved.

(c) REPORT.—Not later than March 1, 1994, the Secretary of the Navy shall submit to the congressional defense committees a report that specifies—

(1) the circumstances under which each overpayment of a bonus or other payment referred to in subsection (a) was made;

(2) the number of individuals to whom such an overpayment was made;

(3) the total amount of such overpayments; and

(4) any action planned or initiated by the Secretary to prevent the occurrence of similar overpayments in the future.

(d) DEFINITION.—In this section, the term "productivity gainsharing program" means a productivity gainsharing program established under chapter 45 or section 5407 of title 5, United States Code, or Executive Order No. 12637 (31 U.S.C. 501 note).

Subtitle E—Commissaries and Military Exchanges

SEC. 351. PROHIBITION ON OPERATION OF COMMISSARY STORES BY ACTIVE DUTY MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§ 977. Operation of commissary stores: assignment of active duty members generally prohibited

"(a) GENERAL RULE.—A member of the armed forces on active duty may not be assigned to the operation of a commissary store.

"(b) EXCEPTION FOR DCA DIRECTOR.—The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

"(c) EXCEPTION FOR CERTAIN ADDITIONAL MEMBERS.—Beginning on October 1, 1996, not more than 18 members (in addition to the officer referred to in subsection (b)) of the armed forces on active duty may be assigned to the Defense Commissary Agency. Members who may be assigned under this subsection to regional headquarters of the agency shall be limited to enlisted members assigned to duty as advisors in the regional headquarters responsible for overseas commissaries and to veterinary specialists.

"(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—(1) The Secretary of the Navy may assign to the Defense Commissary Agency a member of the Navy on active duty whose assignment afloat is part of the operation of a ship's food service or a ship's store. Any such assignment shall be on a nonreimbursable basis.

"(2) The number of such members assigned to the Defense Commissary Agency during any period before October 1, 1996, may not exceed the number of such members so assigned on October 1, 1993. After September 30, 1996, the number of such members so assigned may not exceed the lesser of (A) the number of members so assigned on October 1, 1993, and (B) 400.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 976 the following new item:

"977. Operation of commissary stores: assignment of active duty members generally prohibited.".

SEC. 352. MODERNIZATION OF AUTOMATED DATA PROCESSING CAPABILITY OF THE DEFENSE COMMISSARY AGENCY.

In order to perform inside the Defense Commissary Agency all automated data processing functions of the Agency as soon as possible, the Secretary of Defense shall, consistent with other applicable law, take any action necessary to expedite the modernization of the automated data processing capability of the Agency, including the adoption of the use of commercial grocery industry practices and financial management programs with respect to such processing.

SEC. 353. OPERATION OF STARS AND STRIPES BOOKSTORES OVERSEAS BY THE MILITARY EXCHANGES.

(a) REQUIREMENT.—The Secretary of Defense shall provide for the commencement, not later than October 1, 1994, of the operation of Stars and Stripes bookstores outside of the United States by the military exchanges.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subsection (a).

SEC. 354. AVAILABILITY OF FUNDS FOR RELOCATION EXPENSES OF THE NAVY EXCHANGE SERVICE COMMAND.

Of funds authorized to be appropriated under section 301(2), not more than $10,000,000 shall be available to provide for the payment of expenses incurred by the Navy Exchange Service Command to relocate functions and activities from Naval Station, Staten Island, New York, to Norfolk, Virginia.

Subtitle F—Other Matters

SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 127 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", the Inspector General of the Department of Defense," after "the Secretary of Defense";

(B) in the second sentence, by inserting "or the Inspector General" after "the Secretary concerned"; and

(C) in the third sentence, by inserting "or the Inspector General" after "The Secretary concerned";

(2) in subsection (b), by inserting ", by the Inspector General to any person in the Office of the Inspector General," after "the Department of Defense"; and

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following new paragraph:

"(2) The amount of funds expended by the Inspector General of the Department of Defense under subsections (a) and (b) during a fiscal year may not exceed $400,000.".

SEC. 362. AUTHORITY FOR CIVILIAN EMPLOYEES OF THE ARMY TO ACT ON REPORTS OF SURVEY.

Section 4835 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or any civilian employee of the Department of the Army" after "any officer of the Army"; and

(2) in subsection (b), by striking out "an officer of the Army designated by him." and inserting in lieu thereof "the Secretary's designee. The Secretary may designate officers of the Army or civilian employees of the Department of the Army to approve such action.".

SEC. 363. EXTENSION OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "during fiscal year 1993" and inserting in lieu thereof "during a fiscal year"; and

(2) in subsection (b), by striking out "for fiscal year 1993".

(b) UPDATE OF MASTER PLAN.—Section 1597(c) of such title is amended—

(1) in paragraph (1), by striking out "for fiscal year 1994" and inserting in lieu thereof "for each fiscal year";

(2) in subparagraph (A) of paragraph (3), by adding at the end the following new clause:

"(vii) The total number of individuals employed by contractors and subcontractors of the Department of Defense under a contract or subcontract entered into pursuant to Office of Management and Budget Circular A–76 to perform commercial activities for the Department of Defense, a military department, a defense agency, or other component."; and

(3) by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall include in the materials referred to in paragraph (1) a report on the implementation of the master plan for the fiscal year immediately preceding the fiscal year for which such materials are submitted.".

SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.

Paragraph (1) of section 3401(a) of title 39, United States Code, is amended—

(1) in the matter before subparagraph (A)—

(A) by inserting "an individual who is" before "a member"; and

(B) by inserting "or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander," after "section 101 of title 10,"; and

(2) in subparagraphs (A) and (B), by striking "the member" and inserting "such individual".

SEC. 365. EXTENSION AND MODIFICATION OF PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) PILOT PROGRAM.—Subsection (a) of section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 501 note) is amended—

(1) by striking out "Under regulations prescribed by the Secretary of Defense, the" and inserting in lieu thereof "The";

(2) by inserting ", approved by the Secretary of Defense," after "enter into an agreement"; and

(3) by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993, 1994, and 1995".

(b) FUNDING ASSISTANCE.—Subsection (b) of such section is amended to read as follows:

"(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance allotments and the pay and allowances allotments for the National Guard of the State for that fiscal year.".

(c) SUPPLIES AND EQUIPMENT.—Such section is further amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

"(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, a private agency, or an individual may be used to carry out the pilot program.".

(d) SERVICE OF PARTICIPANTS.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

"(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard shall be considered training in the member's Federal status as a member of the National Guard of a State under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.".

(e) REPORT.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1995".

(f) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—In this section:

"(1) The term 'health care' includes medical care services and dental care services.

"(2) The term 'Governor', with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIREMENT HOME ACT OF 1991.

(a) SUPPORT FOR HOME BY DEPARTMENT OF DEFENSE.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 411) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense may make available to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act.".

(b) AUTHORITY OF RETIREMENT HOME CHAIRMAN.—Paragraph (1) of section 1515(d) of such Act (24 U.S.C. 415(d)) is amended to read as follows:

"(1)(A) The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman shall be five years. At the discretion of the Secretary a chairman may serve a second five-year term of office as chairman.

"(B) The chairman shall act as the chief executive officer of the Armed Forces Retirement Home and while so acting shall not be responsible to the Secretary of Defense or to the Secretaries of the military departments for direction and management of the Retirement Home or each facility maintained as a separate facility of the Retirement Home.

"(C) The chairman may appoint, in addition to such ad hoc committees as the chairman determines to be appropriate, a standing executive committee to act for, and in the name of, the Retirement Home Board at such times and on such matters as the chairman considers necessary to expedite the efficient and timely management of each facility maintained as a separate facility of the Retirement Home.

"(D) The chairman may appoint an administrative staff to assist the chairman in the performance of the duties of the chairman. The chairman shall determine the rates of pay applicable to such staff, except that a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States shall receive no additional pay by reason of service on the administrative staff.".

(c) HOSPITAL CARE FOR HOME RESIDENTS.—Section 1513(b) of such Act (24 U.S.C. 413(b)) is amended by striking out the second sentence and inserting in lieu thereof the following: "Secondary and tertiary hospital care for residents that is not available at a facility maintained as a separate establishment of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense

in a facility administered by such Secretary. The Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care.".

(d) DISPOSITION OF ESTATES OF DECEASED PERSONS.—Subsection (a) of section 1520 of such Act (24 U.S.C. 420) is amended to read as follows:

"(a) DISPOSITION OF EFFECTS OF DECEASED PERSONS.—The Director of each facility that is maintained as a separate establishment of the Retirement Home shall safeguard and dispose of the estate and personal effects of deceased residents, including effects delivered to such facility under sections 4712(f) and 9712(f) of title 10, United States Code, and shall ensure the following:

"(1) A will or other instrument of a testamentary nature involving property rights executed by a resident shall be promptly delivered, upon the death of the resident, to the proper court of record.

"(2) If a resident dies intestate and the heirs or legal representative of the deceased cannot be immediately ascertained, the Director shall retain all property left by the decedent for a three-year period beginning on the date of the death. If entitlement to such property is established to the satisfaction of the Director at any time during the three-year period, the Director shall distribute the decedent's property, in equal pro-rata shares when multiple beneficiaries have been identified, to the highest following categories of identified survivors (listed in the order of precedence indicated):

"(A) The surviving spouse or legal representative.

"(B) The children of the deceased.

"(C) The parents of the deceased.

"(D) The siblings of the deceased.

"(E) The next-of-kin of the deceased.".

(e) SALE OF EFFECTS.—Subsection (b) of such section 1520 is amended to read as follows:

"(b) SALE OF EFFECTS.—(1)(A) If the disposition of the estate of a resident of the Retirement Home cannot be accomplished under subsection (a)(2) or if a resident dies testate and the nominated fiduciary, legatees, or heirs of the resident cannot be immediately ascertained, the entirety of the deceased resident's domiciliary estate and the entirety of any ancillary estate that is unclaimed at the end of the three-year period beginning on the date of the death of the resident shall escheat to the Retirement Home.

"(B) Upon the sale of any such unclaimed estate property, the proceeds of the sale shall be deposited in the Retirement Home Trust Fund.

"(C) If a personal representative or other fiduciary is appointed to administer a deceased resident's estate and the administration is completed before the end of such three-year period, the balance of the entire net proceeds of the estate, less expenses, shall be deposited directly in the Retirement Home Trust Fund. The heirs or legatees of the deceased resident may file a claim made with the Comptroller General of the United States to reclaim such proceeds. A determination of the claim by the Comptroller General shall be subject to judicial review exclusively by the United States Court of Federal Claims.

"(2)(A) The Director of a facility maintained as a separate establishment of the Retirement Home may designate an attorney

to serve as attorney or agent for the facility in any probate proceeding in which the Retirement Home may have a legal interest as nominated fiduciary, testamentary legatee, escheat legatee, or in any other capacity.

"(B) An attorney designated under this paragraph may, in the domiciliary jurisdiction of the deceased resident and in any ancillary jurisdiction, petition for appointment as fiduciary. The attorney shall have priority over any petitioners (other than the deceased resident's nominated fiduciary, named legatees, or heirs) to serve as fiduciary. In a probate proceeding in which the heirs of an intestate deceased resident cannot be located and in a probate proceeding in which the nominated fiduciary, legatees, or heirs of a testate deceased resident cannot be located, the attorney shall be appointed as the fiduciary of the deceased resident's estate.

"(3) The designation of an employee or representative of a facility of the Retirement Home as personal representative of the estate of a resident of the Retirement Home or as a legatee under the will or codicil of the resident shall not disqualify an employee or staff member of that facility from serving as a competent witness to a will or codicil of the resident.

"(4) After the end of the three-year period beginning on the date of the death of a resident of a facility, the Director of the facility shall dispose of all property of the deceased resident that is not otherwise disposed of under this subsection, including personal effects such as decorations, medals, and citations to which a right has not been established under subsection (a). Disposal may be made within the discretion of the Director by—

"(A) retaining such property or effects for the facility;

"(B) offering such items to the Secretary of Veterans Affairs, a State, another military home, a museum, or any other institution having an interest in such items; or

"(C) destroying any items determined by the Director to be valueless.".

(f) APPLICABILITY.—Section 1541 of such Act (24 U.S.C. 401 note) is amended by adding at the end the following new subsection:

"(d) APPLICABILITY.—Section 1520 of this Act shall apply to the estate of each resident of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home, who dies after November 29, 1989.".

SEC. 367. MODIFICATION OF RESTRICTION ON REPAIR OF CERTAIN VESSELS THE HOMEPORT OF WHICH IS PLANNED FOR REASSIGNMENT.

Subsection (b) of section 7310 of title 10, United States Code, as inserted by section 824(b), is amended to read as follows:

"(b) VESSEL CHANGING HOMEPORTS.—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

"(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the

United States (or a territory of the United States) perform in the United States (or a territory of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled—

"(A) to begin during the 15-month period; and

"(B) to be for a period of more than six months.".

SEC. 368. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES WHO DIE WHILE SERVING IN AN ARMED CONFLICT WITH THE ARMED FORCES.

(a) IN GENERAL.—Chapter 75 of title 10, United States Code, is amended by inserting after section 1482 the following new section:

"§ 1482a. Expenses incident to death: Civilian employees serving with an armed force

"(a) PAYMENT OF EXPENSES.—The Secretary concerned may pay the expenses incident to the death of a civilian employee who dies of injuries incurred in connection with the employee's service with an armed force in a contingency operation, or who dies of injuries incurred in connection with a terrorist incident occurring during the employee's service with an armed force, as follows:

"(1) Round-trip transportation and prescribed allowances for one person to escort the remains of the employee to the place authorized under section 5742(b)(1) of title 5.

"(2) Presentation of a flag of the United States to the next of kin of the employee.

"(3) Presentation of a flag of equal size to the flag presented under paragraph (2) to the parents or parent of the employee, if the person to be presented a flag under paragraph (2) is other than the parent of the employee.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. The Secretary of Transportation shall prescribe regulations to implement this section with regard to civilian employees of the Department of Transportation. Regulations under this subsection shall be uniform to the extent possible and shall provide for the Secretary's consideration of the conditions and circumstances surrounding the death of an employee and the nature of the employee's service with the armed force.

"(c) DEFINITIONS.—In this section:

"(1) The term 'civilian employee' means a person employed by the Federal Government, including a person entitled to basic pay in accordance with the General Schedule provided in section 5332 of title 5 or a similar basic pay schedule of the Federal Government.

"(2) The term 'contingency operation' includes humanitarian operations, peacekeeping operations, and similar operations.

"(3) The term 'parent' has the meaning given such term in section 1482(a)(11) of this title.

"(4) The term 'Secretary concerned' includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of such title is amended by inserting after the item relating to section 1482 the following new item:

"1482a. Expenses incident to death: Civilian employees serving with an armed force.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the payment of incidental expenses for civilian employees who die while serving in a contingency operation that occurs after the date of the enactment of this Act.

SEC. 369. MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

(b) FUNDING.—Of the amounts authorized to be appropriated to the Marine Corps for operation and maintenance in a fiscal year, not more than $15,000 may be made available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, $150,000 may be made available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of United States military personnel during World War II.

SEC. 370. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out "terminate at the end of the two-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "terminate on December 5, 1994".

(2) Section 343(e) of such Act is amended by striking out "60 days after the end of the two-year period described in subsection (d)" and inserting in lieu thereof "February 3, 1995".

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 371. SHIPS' STORES.

(a) CONVERSION TO OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITIES.—Not later than October 1, 1994, the Secretary of the Navy shall convert the operation of all ships' stores from operation as an activity funded by direct appropriations to operation by the Navy Exchange Service Command as an activity funded from sources other than appropriated funds.

(b) TRANSFER OF FUNDS.—To facilitate the conversion required under subsection (a), the Secretary of the Navy shall transfer to the Navy Exchange Service Command, without cost to the Navy Exchange Service Command, from—

(1) the Navy Stock Fund, an amount equal to the value of existing ships' stores assets in that Fund; and

(2) the Ships' Stores Profits, Navy Fund, residual cash in that Fund.

(c) CODIFICATION.—Section 7604 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under such regulations"; and

(2) by adding at the end the following new subsections:

"(b) INCIDENTAL SERVICES.—The Secretary of the Navy may provide financial services, space, utilities, and labor to ships' stores on a nonreimbursable basis.

"(c) ITEMS SOLD.—Merchandise sold by ship stores afloat shall include items in the following categories:

"(1) Health, beauty, and barber items.

"(2) Prerecorded music and videos.

"(3) Photographic batteries and related supplies.

"(4) Appliances and accessories.

"(5) Uniform items, emblematic and athletic clothing, and equipment.

"(6) Luggage and leather goods.

"(7) Stationery, magazines, books, and supplies.

"(8) Sundry, games, and souvenirs.

"(9) Beverages and related food and snacks.

"(10) Laundry, tailor, and cleaning supplies.

"(11) Tobacco products.".

(d) EFFECTIVE DATE.—Subsections (b) and (c) of section 7604 of title 10, United States Code, as added by subsection (c), shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a).

SEC. 372. PROMOTION OF CIVILIAN MARKSMANSHIP.

Section 4308(c) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, such amounts shall remain available until expended.".

SEC. 373. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) there has been a significant increase, as determined by the Secretary of Defense, in the number of military dependent students in average daily attendance in the schools of that agency as a result of a relocation of Armed Forces personnel or civilian employees of the Department of Defense or

as a result of a realignment of one or more military installations; or"; and

(4) in paragraph (3), as redesignated by paragraph (2), by inserting "or (2)" before the period at the end.

(b) TECHNICAL CORRECTION.—Section 386 of such Act is amended—

(1) by redesignating the second subsection (e), relating to definitions, as subsection (h); and

(2) by transferring such subsection, as so redesignated, to the end of such section.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall take effect as of October 23, 1992, as if section 386 of Public Law 102–484 had been enacted as amended by such subsections.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated pursuant to section 301(5)—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b) of section 386 of Public Law 102–484; and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d) of such section.

(e) NOTIFICATION AND DISBURSAL.—(1) On or before June 30, 1994, the Secretary of Defense (with respect to assistance provided in subsection (b) of section 386 of Public Law 102–484) and the Secretary of Education (with respect to payments made under subsection (d) of such section) shall notify each local educational agency eligible for assistance under subsections (b) and (d) of such section, respectively, for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary of Defense (with respect to funds made available under subsection (d)(1)) and the Secretary of Education (with respect to funds made available under subsection (d)(2)) shall disburse such funds not later than 30 days after notification to eligible local education agencies.

SEC. 374. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary of Defense shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment or appointment into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing.

"(2) The appropriation accounts from which such costs are to be paid.

"(3) The estimated average total annual cost of recruiting a person for enlistment or appointment into the armed forces for the fiscal year covered by the budget, determined and shown separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

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

"227. Recruiting costs.".

SEC. 375. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 376. ANNUAL ASSESSMENT OF FORCE READINESS.

(a) ANNUAL ASSESSMENT REQUIRED.—Not later than March 1 of each of 1994, 1995, and 1996, the Chairman of the Joint Chiefs of Staff shall submit to the Congress an assessment of—

(1) the readiness and capability of the Armed Forces to carry out the full range of the missions assigned to the Armed Forces; and

(2) the associated level or degree of risk for the Armed Forces in responding to current and anticipated threats to national security interests of the United States.

(b) CONTENT OF ASSESSMENT.—Each assessment shall include, for the five-year period described in subsection (c), the following matters:

(1) An unclassified description of the current and projected readiness and capability of the Armed Forces taking into consideration each of the following areas:

(A) Personnel.

(B) Training and exercises.

(C) Logistics, including equipment maintenance and supply availability.

(D) Equipment modernization.

(E) Installations, real property, and facilities.

(F) Munitions.

(G) Mobility.

(H) Wartime sustainability.

(2) The personal assessment of the Chairman of the Joint Chiefs of Staff regarding the readiness and capabilities of the Armed Forces, together with the Chairman's personal judgment on whether there are significant problems or risks regarding the readiness and capabilities of the Armed Forces.

(3) Any factors that the Chairman or any other member of the Joint Chiefs of Staff believes may lead to a decrease in force readiness or a degradation in the overall capability of the Armed Forces.

(4) Any recommended actions that the Chairman of the Joint Chiefs of Staff considers appropriate.

(5) Any classified annexes that the Chairman of the Joint Chiefs of Staff considers appropriate.

(c) PERIOD ASSESSED.—The assessment shall include information for the fiscal year in which the assessment is submitted, the three preceding fiscal years, and projections for the subsequent fiscal year.

(d) INTERIM ASSESSMENTS.—If, at any time between submissions of assessments to the Congress under subsection (a), the Chairman of the Joint Chiefs of Staff determines that there is a significant change in the projected readiness or capability of the Armed Forces from the readiness or capability projected in the most recent annual assessment, the Chairman shall submit to the Congress a revised assessment that reflects each such significant change.

SEC. 377. REPORTS ON TRANSFERS OF CERTAIN FUNDS.

(a) ANNUAL REPORTS.—In each of 1994, 1995, and 1996, the Secretary of Defense shall submit to the congressional defense committees, not later than the date on which the President submits the budget pursuant to section 1105 of title 31, United States Code, in that year, a report on each transfer of funds that was made from an operation and maintenance account of the Department of Defense for operating forces during the preceding fiscal year. The report shall include the reason for the transfer.

(b) MIDYEAR REPORTS.—On May 1 of each of 1994, 1995, and 1996, the Secretary of Defense shall submit to the congressional defense committees a report on each transfer of funds that was made from an operation and maintenance account of the Department of Defense for operating forces during the first six months of the fiscal year in which such report is submitted. The report shall include the reason for the transfer.

SEC. 378. REPORT ON REPLACEMENT SITES FOR ARMY RESERVE FACILITY IN MARCUS HOOK, PENNSYLVANIA.

Not later than March 1, 1994, the Secretary of the Army shall submit to the Congress a report evaluating the suitability of each site within a 100-mile radius of the Army Reserve Facility in Marcus Hook, Pennsylvania, that may be considered by the Secretary as a replacement facility for the Army Reserve Facility. The report shall include a detailed accounting of—

(1) the pier and building space required at the replacement facility and the pier and building space available at each alternative site;

(2) the cost of operating a facility comparable to the Army Reserve Facility at each alternative site;

(3) the other entities, if any, carrying out activities at each alternative site and the pier and building space required by such entities at each alternative site; and

(4) the advantages and disadvantages of locating the facility at each alternative site.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000.

(2) The Navy, 480,800.

(3) The Marine Corps, 177,000.

(4) The Air Force, 425,700.

SEC. 402. TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR MARINE CORPS MAJORS AND LIEUTENANT COLONELS.

(a) VARIATION AUTHORIZED.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1994 and 1995, the numbers applicable to officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel shall be the numbers set forth for that fiscal year in subsection (b) (rather than the numbers determined in accordance with the table in that section).

(b) NUMBERS FOR FISCAL YEARS 1994 AND 1995.—The numbers referred to in subsection (a) are as follows:

Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,578
1995	3,157	1,634.

SEC. 403. ARMY END STRENGTH.

(a) TIMING OF REDUCTION.—The number of active duty members of the Army may not be reduced (from the number as of the date of the enactment of this Act) to a number below 555,000 until after April 30, 1994.

(b) CONDITIONS ON REDUCTION.—After April 30, 1994, the number of active duty members of the Army may be reduced below 555,000 only if—

(1) the Secretary of Defense has submitted to Congress a report setting forth in detail—

(A) the method by which the force structure of the Army in the Bottom Up Review was derived and the projected active duty end strength for the Army for each of fiscal years 1995 through 1999;

(B) how the forces recommended in the Bottom Up Review for the Army for future fiscal years will be able to carry out the two major regional conflicts strategy; and

(C) what effect peacekeeping operations, peace making operations, peace enforcing operations, disaster relief operations, and other operations other than war have on the ability of the Army to carry out the two major regional conflicts strategy;

(2) the President (after receiving a report from the Secretary of the Army containing the assessment of the Secretary on the capabilities of the Army) has submitted to Congress a report—

(A) containing a certification that the Army is capable of providing sufficient forces (excluding forces engaged in peacekeeping operations and other operations other than war) to carry out two major regional conflicts nearly simultaneously, in accordance with the National Military Strategy;

(B) specifying the active Army units anticipated to deploy within the first 75 days in response to a major regional conflict that are at the time of the submission of the report engaged in peacekeeping operations and other operations other than war; and

(C) containing the President's estimate of the time required to redeploy and retrain the forces specified in subparagraph (B) and subsequently to commit them to combat in a major regional contingency; and

(3) the President has submitted the report on multinational peacekeeping and peace enforcement required by section 1502.

(c) LIMITATION ON REDUCTIONS.—If the conditions specified in subsection (b) are met, the number of active duty members of the Army may not during fiscal year 1994 be reduced below the end strength for the Army specified in section 401.

(d) CERTIFICATION UPON PARTICIPATION IN PEACETIME CONTINGENCY OPERATIONS.—Whenever, at a time when the number of active duty members of the Army is below 555,000, the President makes a decision to commit elements of the Army to (1) a peacekeeping operation, a peace making operation, or a peace enforcing operation, or (2) any other operation during peacetime that would require assignment of a large contingent of personnel or that would consume significant resources, the President shall submit to Congress a report containing a certification specified in subsection

(b)(2)(A). Any such report shall be submitted not later than the date on which the execution of the operation begins.

(e) END STRENGTH WITHOUT CERTIFICATION.—If the conditions specified in subsection (b) have not been met as of September 30, 1994, the limitation as of that date for the Army under section 401 shall be 555,000 (rather than the number specified in that section for the Army).

(f) ACTIVE DUTY MEMBERS OF THE ARMY.—For purposes of this section, active duty members of the Army are those members of the Army who are on active duty and are counted for purposes of the active duty end strength limitation under section 401.

(g) BOTTOM UP REVIEW.—For purposes of this section, the term "Bottom Up Review" means the internal study of the Department of Defense conducted during 1993 at the direction of the Secretary of Defense, the results of which were published in October 1993 in the report entitled "Report on the Bottom-Up Review".

SEC. 404. REPORT ON END STRENGTHS NECESSARY TO MEET LEVELS ASSUMED IN BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the personnel management actions programmed to be carried out in order to reach the military force strength levels assumed as of the end of fiscal year 1999 in the Bottom Up Review study carried out in the Department of Defense during 1993.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following, shown separately for each of the Army, Navy, Air Force, and Marine Corps:

(1) The active-duty and Selected Reserve end strengths programmed for each fiscal year through fiscal year 1999.

(2) The number of accessions (shown by type of accession) programmed for each fiscal year through fiscal year 1999.

(3) The number of separations, shown by category of separation for both voluntary and involuntary separations, and shown separately for officers and enlisted personnel, programmed for each fiscal year through fiscal year 1999.

(4) A description of any other personnel management action programmed for the purpose stated in subsection (a).

(c) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than February 15, 1994.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 118,000.

(4) The Marine Corps Reserve, 42,200.

(5) The Air National Guard of the United States, 117,700.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

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

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.
(2) The Army Reserve, 12,542.
(3) The Naval Reserve, 19,718.
(4) The Marine Corps Reserve, 2,285.
(5) The Air National Guard of the United States, 9,389.
(6) The Air Force Reserve, 648.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	328	14
E–8	2,585	429	840	74".

(b) OFFICERS.—The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110

"Grade	Army	Navy	Air Force	Marine Corps
Lieutenant Colonel or Commander	1,524	520	636	75
Colonel or Navy Captain	372	188	274	25".

SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NATIONAL GUARD.

(a) MINIMUM FORCE STRUCTURE LEVEL.—The force structure allowance for the Army National Guard of the United States for fiscal year 1994 shall be not less than 420,000.

(b) FORCE STRUCTURE ALLOWANCE DEFINED.—For purposes of this section, the force structure allowance for a reserve component is the allowance prescribed for that reserve component by the Secretary of the military department concerned pursuant to section 413 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2400).

SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

(a) FISCAL YEAR 1994.—The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission.

(b) PERMANENT STAFFING LEVEL.—The number of personnel authorizations assigned to the Craft of Opportunity mission shall be maintained during fiscal year 1994 and thereafter at not less than the level in effect on September 30, 1991.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.
(2) The Navy, 45,269.
(3) The Marine Corps, 22,753.
(4) The Air Force, 33,439.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,183,770,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPARATION PAY FOR REGULAR OFFICERS INVOLUNTARILY DISCHARGED.

(a) PERIOD OF SERVICE REQUIRED FOR ELIGIBILITY.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to any regular officer who is discharged after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not apply with respect to an officer who on the date of the enactment of this Act has five or more, but less than six, years of active service in the Armed Forces.

SEC. 502. EXPANSION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AND SPECIAL SEPARATION BENEFITS PROGRAMS.

Sections 1174a(c)(2) and 1175(d)(1) of title 10, United States Code, are amended by striking out "before December 5, 1991".

SEC. 503. MEMBERS ELIGIBILE FOR INVOLUNTARY SEPARATION BENEFITS.

Section 1141 of title 10, United States Code, is amended by inserting "or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994" after "September 30, 1990,".

SEC. 504. TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

"§ 580a. Enhanced authority for selective early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the period beginning on the date of the enactment of this section and ending on October 1, 1999, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 505. DETERMINATION OF SERVICE FOR WARRANT OFFICER RETIREMENT SANCTUARY.

(a) EQUITY WITH OTHER MEMBERS.—Section 580(a)(4) of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subparagraph (C))" in subparagraph (A) after "shall be separated"; and

(2) by adding at the end the following new subparagraph:

"(C) If on the date on which a warrant officer is to be separated under subparagraph (A) the warrant officer has at least 18 years of creditable active service, the warrant officer shall be retained on active duty until retired under paragraph (3) in the same manner as if the warrant officer had had at least 18 years of service on the applicable date under subparagraph (A) or (B) of that paragraph.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to warrant officers who have not been separated pursuant to section 580(a)(4) of title 10, United States Code, before the date of enactment of this Act.

SEC. 506. OFFICERS INELIGIBLE FOR CONSIDERATION BY EARLY RETIREMENT BOARDS.

Section 638(e)(2)(B) of title 10, United States Code, is amended—

(1) by inserting "(i)" after "grade and competitive category";

(2) by inserting "(ii)" after "of this title, or"; and

(3) by striking out the comma after "any provision of law".

SEC. 507. REMEDY FOR INEFFECTIVE COUNSELING OF OFFICERS DISCHARGED FOLLOWING SELECTION BY EARLY DISCHARGE BOARDS.

(a) PROCEDURE FOR REVIEW.—(1) The Secretary of each military department shall establish a procedure for the review of the individual circumstances of an officer described in paragraph (2) who is discharged, or who the Secretary concerned approves for discharge, following the report of a selection board convened by the Secretary to select officers for separation. The procedure established by the Secretary of a military department under this section shall provide that each review under that procedure be carried out by the Board for the Correction of Military Records of that military department.

(2) This section applies in the case of any officer (including a warrant officer) who, having been offered the opportunity to be discharged or otherwise separated from active duty through the programs provided under section 1174a and 1175 of title 10, United States Code—

(A) elected not to accept such discharge or separation; and

(B) submits an application under subsection (b) during the two-year period beginning on the later of the date of the enactment of this Act and the date of such discharge or separation.

(b) APPLICATION.—A review under this section shall be conducted in any case submitted to the Secretary concerned by application from the officer or former officer under regulations prescribed by the Secretary.

(c) PURPOSE OF REVIEW.—(1) The review under this section shall be designed to evaluate the effectiveness of the counseling of the officer before the convening of the board to ensure that the officer was properly informed that selection for discharge or other separation from active duty was a potential result of being within the group of officers to be considered by the board and

that the officer was not improperly informed that such selection in that officer's personal case was unlikely.

(2) The Board for the Correction of Military Records of a military department shall render a decision in each case under this section not later than 60 days after receipt by the Secretary concerned of an application under subsection (b).

(d) REMEDY.—Upon a finding of ineffective counseling under subsection (c), the Secretary shall provide the officer the opportunity to participate, at the officer's option, in any one of the following programs for which the officer meets all eligibility criteria:

(1) The Special Separation Benefits program under section 1174a of title 10, United States Code.

(2) The Voluntary Separation Incentive program under section 1175 of such title.

(3) Retirement under the authority provided by section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2702; 10 U.S.C. 1293).

(e) EFFECTIVE DATE.—This section shall apply with respect to officers separated after September 30, 1990.

SEC. 508. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS.

(a) EXTENSION.—Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1993.

SEC. 509. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION UPON ORIGINAL APPOINTMENT AS AN OFFICER.

(a) CREDIT UPON APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(b) CREDIT UPON APPOINTMENT AS RESERVE OFFICER IN THE ARMY.—Section 3353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(c) CREDIT UPON APPOINTMENT AS OFFICER IN NAVAL RESERVE OR MARINE CORPS RESERVE.—Section 5600(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(d) CREDIT UPON APPOINTMENT AS RESERVE OFFICER IN THE AIR FORCE.—Section 8353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(e) RATIFICATION OF PRIOR CREDIT.—To the extent that service credit awarded before the date of the enactment of this Act under section 533, 3353, 5600, or 8353 of title 10, United States Code, based on advanced education in medicine or dentistry was awarded consistent with that section as amended by this section (whether or not properly awarded under that section as in effect before such amendment), the awarding of that service credit is hereby ratified.

SEC. 510. ORIGINAL APPOINTMENT AS REGULAR OFFICERS OF CERTAIN RESERVE OFFICERS IN HEALTH PROFESSIONS.

Section 532(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A reserve commissioned officer appointed in a medical skill other than as a medical officer or dental officer (as defined in regulations prescribed by the Secretary of Defense) is not subject to clause (2) of subsection (a).".

Subtitle B—Reserve Components

SEC. 511. EXCEPTION FOR HEALTH CARE PROVIDERS TO REQUIREMENT FOR 12 WEEKS OF BASIC TRAINING BEFORE ASSIGNMENT OUTSIDE UNITED STATES.

Section 671 of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subsection (c))" in subsection (b) after "may not"; and

(2) by adding at the end the following new subsection:

"(c)(1) A period of basic training (or equivalent training) shorter than 12 weeks may be established by the Secretary concerned

for members of the armed forces who have been credentialed in a medical profession or occupation and are serving in a health-care occupational specialty, as determined under regulations prescribed under paragraph (2). Any such period shall be established under regulations prescribed under paragraph (2) and may be established notwithstanding section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)).

"(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations for the purposes of paragraph (1). The regulations prescribed by the Secretary of Defense shall apply uniformly to the military departments.".

SEC. 512. NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended by striking out "may not exceed 200" and inserting in lieu thereof "may not exceed 275".

SEC. 513. REPEAL OF MANDATED REDUCTION IN ARMY RESERVE COMPONENT FULL-TIME MANNING END STRENGTH.

Section 412 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 261 note) is amended by striking out subsections (b) and (c).

SEC. 514. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) The Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 515. ACTIVE COMPONENT SUPPORT FOR RESERVE TRAINING.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of the Army shall, not later than September 30, 1995, establish one or more active-component units of the Army with the primary mission of providing training support to reserve units. Each such unit shall be part of the active Army force structure and shall have a commander who is on the active-duty list of the Army.

(b) IMPLEMENTATION PLAN.—The Secretary of the Army shall during fiscal year 1994 submit to the Committees on Armed Services of the Senate and House of Representatives a plan to meet the requirement in subsection (a). The plan shall include a proposal for any statutory changes that the Secretary considers to be necessary for the implementation of the plan.

SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEUVER UNIT INTEGRATION.

(a) PLAN FOR TEST PROGRAM.—The Secretary of the Army shall prepare a plan for carrying out a test program to determine the feasibility and advisability of applying the roundout and roundup models for integration of active and reserve component Army units at the battalion and company levels.

(b) PURPOSE OF TEST PROGRAM.—The purpose of the test program shall be to evaluate whether the roundout and roundup concepts if applied at the battalion and company levels would—

(1) decrease post-mobilization training time;

(2) increase the capabilities of reserve component leaders;

(3) improve the integration of the active and reserve components; and

(4) provide a more efficient means for future expansion of the Army in a period of emergency or increasing international threats to the vital interests of the United States.

(c) REPORT ON PLAN.—The Secretary of the Army shall submit to Congress not later than March 31, 1994, a report that includes the plan for the test program required under subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms "roundout" and "roundup" refer to two approaches for integrating Army National Guard and Army Reserve combat units into active Army corps, divisions, brigades, and battalions after mobilization. The roundout approach is the method of bringing an incomplete active unit up to full strength by assigning one or more reserve component units to it. The roundup approach is the use of reserve component units to augment or expand active units that are already at full strength.

SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.

(a) ACTIVE COMPONENT ADVISERS.—(1) Subsection (c) of section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note) is amended to read as follows:

"(c) PERSONNEL TO BE ASSIGNED.—The Secretary shall assign not less than 2,000 active component personnel to serve as advisers under the program. After September 30, 1994, the number under the preceding sentence shall be increased to not less than 5,000.".

(2) Subsection (d) of such section is amended by striking out the period at the end of the second sentence and inserting in lieu thereof ", together with a proposal for any statutory changes

that the Secretary considers necessary to implement the program on a permanent basis.".

(b) ANNUAL REPORT ON IMPLEMENTATION.—(1) The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a presentation relating to the implementation of the Pilot Program for Active Component Support of the Reserves under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note), as amended by subsection (a).

(2) Each such presentation shall include, with respect to the period covered by the report, the following information:

(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the Army.

(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared in the same manner as specified in subparagraph (A).

SEC. 518. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out "other than" and all that follows through "level." and inserting in lieu thereof a period; and

(2) by adding at the end the following new subsection:

"(i) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.".

SEC. 519. FREQUENCY OF PHYSICAL EXAMINATIONS OF MEMBERS OF THE READY RESERVE.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out "four years" and inserting in lieu thereof "five years".

SEC. 520. REVISION OF CERTAIN DEADLINES UNDER ARMY NATIONAL GUARD COMBAT READINESS REFORM ACT.

(a) DELAY IN MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.—(1) Subsection (b) of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note; 106 Stat. 2537) is amended by striking out "fiscal years 1993 through 1997" and inserting in lieu thereof "fiscal years 1994 through 1997".

(2) Subsection (d) of such section is amended by striking out "March 15, 1993" and "April 1, 1993" and inserting in lieu thereof "December 15, 1993" and "January 15, 1994", respectively.

(b) REPORT ON DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.—Section 1118(b) of such Act (106 Stat. 2539) is amended by striking out "February 15, 1993" and inserting in lieu thereof "December 1, 1993".

SEC. 521. ANNUAL REPORT ON IMPLEMENTATION OF ARMY NATIONAL GUARD COMBAT READINESS REFORM ACT.

(a) IN GENERAL.—Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3082. Army National Guard combat readiness reform: annual report

"(a) IN GENERAL.—The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a detailed presentation concerning the Army National Guard, including particularly information relating to the implementation of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 106 Stat. 2536) (hereinafter in this section referred to as 'ANGCRRA').

"(b) MATTERS TO BE INCLUDED IN REPORT.—Each presentation under subsection (a) shall include, with respect to the period covered by the report, the following information concerning the Army National Guard:

"(1) The number and percentage of officers with at least two years of active-duty before becoming a member of the Army National Guard.

"(2) The number and percentage of enlisted personnel with at least two years of active-duty before becoming a member of the Army National Guard.

"(3) The number of officers who are graduates of one of the service academies and were released from active duty before the completion of their active-duty service obligation and, of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA, together with the reason for each waiver.

"(4) The number of officers who were commissioned as distinguished Reserve Officers' Training Corps graduates and were released from active duty before the completion of their active-duty service obligation and, of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA, together with the reason for each waiver.

"(5) The number of officers who are graduates of the Reserve Officers' Training Corps program and who are performing their minimum period of obligated service in accordance with section 1112(b) of ANGCRRA by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation served in the National Guard and, of those officers, the number for whom permission to perform their minimum period of obligated service in accordance with that section was granted during the preceding fiscal year.

"(6) The number of officers for whom recommendations were made during the preceding fiscal year for a unit vacancy promotion to a grade above first lieutenant and, of those recommendations, the number and percentage that were concurred in by an active-duty officer under section 1113(a) of ANGCRRA, shown separately for each of the three categories of officers set forth in section 1113(b) of ANGCRRA.

"(7) The number of waivers during the preceding fiscal year under section 1114(a) of ANGCRRA of any standard prescribed by the Secretary establishing a military education requirement for noncommissioned officers and the reason for each such waiver.

"(8) The number and distribution by grade, shown for each State, of personnel in the initial entry training and nondeployability personnel accounting category established under section 1115 of ANGCRRA for members of the Army National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment.

"(9) The number of members of the Army National Guard, shown for each State, that were discharged during the previous fiscal year pursuant to section 1115(c)(1) of ANGCRRA for not completing the minimum training required for deployment within 24 months after entering the National Guard.

"(10) The number of waivers, shown for each State, that were granted by the Secretary during the previous fiscal year under section 1115(c)(2) of ANGCRRA of the requirement in section 1115(c)(1) of ANGCRRA described in paragraph (9), together with the reason for each waiver.

"(11) The number of members, shown for each State, who were screened during the preceding fiscal year to determine whether they meet minimum physical profile standards required for deployment and, of those members—

"(A) the number and percentage who did not meet minimum physical profile standards required for deployment; and

"(B) the number and percentage who were transferred pursuant to section 1116 of ANGCRRA to the personnel accounting category described in paragraph (8).

"(12) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a medical screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(13) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a dental screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(14) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, over the age of 40 who underwent a full physical examination during the previous fiscal year for purposes of section 1117 of ANGCRRA.

"(15) The number of units of the Army National Guard that are scheduled for early deployment in the event of a mobilization and, of those units, the number that are dentally ready for deployment in accordance with section 1118 of ANGCRRA.

"(16) The estimated post-mobilization training time for each Army National Guard combat unit, and a description, displayed in broad categories and by State, of what training would need to be accomplished for Army National Guard combat units in a post-mobilization period for purposes of section 1119 of ANGCRRA.

"(17) A description of the measures taken during the preceding fiscal year to comply with the requirement in section 1120 of ANGCRRA to expand the use of simulations, simulators, and advanced training devices and technologies for members and units of the Army National Guard.

"(18) Summary tables of unit readiness, shown for each State, and drawn from the unit readiness rating system as required by section 1121 of ANGCRRA, including the personnel readiness rating information and the equipment readiness assessment information required by that section, together with—

"(A) explanations of the information shown in the table; and

"(B) based on the information shown in the tables, the Secretary's overall assessment of the deployability of units of the Army National Guard, including a discussion of personnel deficiencies and equipment shortfalls in accordance with such section 1121.

"(19) Summary tables, shown for each State, of the results of inspections of units of the Army National Guard by inspectors general or other commissioned officers of the Regular Army under the provisions of section 105 of title 32, together with explanations of the information shown in the tables, and including display of—

"(A) the number of such inspections;

"(B) identification of the entity conducting each inspection;

"(C) the number of units inspected; and

"(D) the overall results of such inspections, including the inspector's determination for each inspected unit of whether the unit met deployability standards and, for those units not meeting deployability standards, the reasons for such failure and the status of corrective actions.

"(20) A listing, for each Army National Guard combat unit, of the active-duty combat unit associated with that Army National Guard unit in accordance with section 1131(a) of ANGCRRA, shown by State and to be accompanied, for each such National Guard unit, by—

"(A) the assessment of the commander of that associated active-duty unit of the manpower, equipment, and training resource requirements of that National Guard unit in accordance with section 1131(b)(3) of ANGCRRA; and

"(B) the results of the validation by the commander of that associated active-duty unit of the compatibility of that National Guard unit with active duty forces in accordance with section 1131(b)(4) of ANGCRRA.

"(21) A specification of the active-duty personnel assigned to units of the Selected Reserve pursuant to section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note), shown (A) by State, (B) by rank of officers, warrant officers, and enlisted members

assigned, and (C) by unit or other organizational entity of assignment.

"(c) IMPLEMENTATION.—The requirement to include in a presentation required by subsection (a) information under any paragraph of subsection (b) shall take effect with respect to the year following the year in which the provision of ANGCRRA to which that paragraph pertains has taken effect. Before then, in the case of any such paragraph, the Secretary shall include any information that may be available concerning the topic covered by that paragraph.

"(d) DEFINITION.—In this section, the term 'State' includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.".

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

"3082. Army National Guard combat readiness reform: annual report.".

SEC. 522. FFRDC STUDY OF STATE AND FEDERAL MISSIONS OF THE NATIONAL GUARD.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center. The study shall consider both the separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions.

(b) MATTERS TO BE INCLUDED.—The Secretary shall require that the matters to be considered under the study include the following:

(1) Whether the currently projected size for the National Guard after the completion of the reductions in the national defense structure planned through fiscal year 1999 will be adequate for the National Guard to fulfill both its State and Federal missions.

(2) Whether the system of assigning Federal missions to State Guard units could be altered to optimize the Federal as well as the State capabilities of the National Guard.

(3) Whether alternative arrangements, such as cooperative development of National Guard capabilities among the States grouped as regions, are advisable and feasible.

(4) Whether alternative Federal-State cost-sharing arrangements should be implemented for National Guard units whose principal function is to support State missions.

(5) Such other matters related to the missions of the National Guard and the corresponding requirements related to those missions as the Secretary may specify or the center carrying out the study may determine necessary.

(c) FFRDC REPORTS.—(1) The Secretary shall require the center carrying out the study to submit an interim report not later than May 1, 1994, and a final report not later than November 15, 1994. Each report shall include the findings, conclusions, and recommendations of the center concerning each of the matters referred to in subsection (b).

(2) The Secretary shall submit each such report to the Committees on Armed Services of the Senate and House of Representatives not later than 15 days after the date on which it is received by the Secretary.

(d) EVALUATION AND REPORT OF FINAL FFRDC REPORT.—(1) After the center carrying out the study submits its final report, the Secretary of Defense, together with the Secretary of the Army and the Secretary of the Air Force, shall conduct an evaluation of the assumptions, analysis, findings, and recommendations of that study.

(2) Not later than February 1, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under paragraph (1). The report shall be accompanied by any recommendations for legislative action that the Secretary considers necessary as a result of the study and evaluation required by this section.

(e) COOPERATION.—The Secretary shall ensure that the center carrying out the study under this section has full access to such information as the center requires for the purposes of the study and that the center otherwise receives full cooperation from all officials and entities of the Department of Defense, including the National Guard, in carrying out the study.

SEC. 523. CONSISTENCY OF TREATMENT OF NATIONAL GUARD TECHNICIANS AND OTHER MEMBERS OF THE NATIONAL GUARD.

(a) FEDERAL RECOGNITION QUALIFICATIONS FOR TECHNICIANS.—Section 709 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

(b) MILITARY EDUCATION.—The following provisions of law are repealed:

(1) Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1974; 32 U.S.C. 709 note).

(2) Section 506 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1438; 32 U.S.C. 709 note).

(c) SAVINGS PROVISION.—A civilian technician of the Army National Guard serving in an active status on the date of the enactment of this Act who under the provisions of law repealed by subsection (b) (or under other Department of the Army policy in effect on the day before such date of enactment) was granted credit on the technician's military record for the completion of certain education and training courses shall retain such credit, notwithstanding the provisions of subsections (a) and (b), for a period determined by the Secretary of the Army. Such a period may not terminate, in the case of any such civilian technician, before the effective date of such civilian technician's next mililitary promotion.

SEC. 524. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION REGARDING FEMALE MEMBERS OF THE NATIONAL GUARD AS MEMBERS OF THE MILITIA.—Section 311(a) of title 10, United States Code, is amended by striking out "commissioned officers" and inserting in lieu thereof "members".

(b) INCREASED PERIOD FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30 consecutive days" in the second sentence and inserting in lieu thereof "90 consecutive days".

(c) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF TECHNICIANS.—Section 709(e)(6) of title 32, United States Code, is amended by inserting after "termination of employment as a technician and" the following: ", unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment,".

(d) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS EMPLOYED CONCURRENTLY.—Section 709(h) of title 32, United States Code, is repealed.

(e) PERSONNEL AUTHORIZED TO MAKE UNSERVICEABILITY FINDINGS.—Section 710(f) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) by striking out "subsections (b)-(d)" and inserting in lieu thereof "subsections (b), (c), and (d)";

(3) by striking out "of the Regular Army or the Regular Air Force, as the case may be,"; and

(4) by adding at the end the following:

"(2) In designating an officer to conduct inspections and make findings for purposes of paragraph (1), the Secretary concerned shall designate—

"(A) in the case of the Army National Guard, a commissioned officer of the Regular Army or a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States; and

"(B) in the case of the Air National Guard, a commissioned officer of the Regular Air Force or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States.".

Subtitle C—Service Academies

SEC. 531. CONGRESSIONAL NOMINATIONS.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are each amended—

(1) in the sentence following paragraph (9), by striking out "a principal candidate and nine alternates" and inserting in lieu thereof "10 persons"; and

(2) by inserting after such sentence the following: "Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.".

SEC. 532. TECHNICAL AMENDMENT RELATED TO CHANGE IN NATURE OF COMMISSION OF SERVICE ACADEMY GRADUATES.

Section 702(a) of title 10, United States Code, is amended by striking out "regular" in the first sentence.

SEC. 533. MANAGEMENT OF CIVILIAN FACULTY AT MILITARY AND AIR FORCE ACADEMIES.

(a) RECODIFICATION OF MILITARY ACADEMY AUTHORITY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4337 the following new section:

"§ 4338. Civilian faculty: number; compensation

"(a) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(b) The compensation of persons employed under this section is as prescribed by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4337 the following new item:

"4338. Civilian faculty: number; compensation.".

(3) Section 4331 of such title is amended by striking out subsection (c).

(b) RECODIFICATION OF AIR FORCE ACADEMY AUTHORITY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9337 the following new section:

"§ 9338. Civilian faculty: number; compensation

"(a) The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(b) The compensation of persons employed under this section is as prescribed by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9337 the following new item:

"9338. Civilian faculty: number; compensation.".

(3) Section 9331 of such title is amended by striking out subsection (c).

(c) CONFORMING AMENDMENT.—Section 5102(c)(10) of title 5, United States Code, is amended by striking out "at the Naval Academy whose pay is fixed under section 6952 of title 10" and inserting in lieu thereof "at the Military Academy, the Naval Academy, and the Air Force Academy whose pay is fixed under sections 4338, 6952, and 9338, respectively, of title 10".

SEC. 534. EVALUATION OF REQUIREMENT THAT OFFICERS AND CIVILIAN FACULTY MEMBERS REPORT VIOLATIONS OF NAVAL ACADEMY REGULATIONS.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating the administration of section 6965 of title 10, United States Code. The report shall include any recommendations of the Secretary as to amendments or repeal of that section or whether the provisions of that section should be applied to the United States Military Academy and the United States Air Force Academy.

(b) SUBMISSION OF REPORT.—The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 535. PROHIBITION OF TRANSFER OF NAVAL ACADEMY PREPARATORY SCHOOL.

During fiscal year 1994, the Secretary of the Navy may not transfer the Naval Academy Preparatory School from Newport, Rhode Island, to Annapolis, Maryland, or expend any funds for any work (including preparation of an architectural engineering study, design work, or construction or modification of any structure) in preparation for such a transfer.

SEC. 536. TEST PROGRAM TO EVALUATE USE OF PRIVATE PREPARATORY SCHOOLS FOR SERVICE ACADEMY PREPARATORY SCHOOL MISSION.

(a) TEST PROGRAM.—The Secretary of Defense shall conduct a test program to determine the efficiency and cost effectiveness of using schools in the private sector as an alternative to the existing schools used for the mission of operating a military preparatory school program for one or more of the service academies. The Secretary shall carry out the test program through the Under Secretary of Defense for Personnel and Readiness.

(b) PRIORITY.—The test program shall be carried out so as to give priority to the goal of enhancing opportunities for minorities, women, and prior enlisted personnel to attend service academies.

(c) EXCLUSION FROM ACADEMY STRENGTH LIMITATIONS.—Any individual who is admitted to one of the three service academies following completion of a program of instruction at a private sector preparatory school under the test program shall be excluded from the computation of the size of the corps of cadets or brigade of midshipmen, as the case may be, for purposes of strength ceilings imposed by law.

Subtitle D—Women in the Service

SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—Section 6015 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 555 of such title is amended by striking out the item relating to section 6015.

SEC. 542. NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO WHICH FEMALE MEMBERS MAY BE ASSIGNED.

(a) IN GENERAL.—(1) Except in a case covered by subsection (b), whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.

(2) If before the date of the enactment of this Act the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the

Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.

(b) SPECIAL RULE FOR GROUND COMBAT EXCLUSION POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either—

(A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members; or

(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(3) The Secretary shall include in any report under paragraph (1)—

(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(4) For purposes of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

SEC. 543. GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS.

(a) GENDER NEUTRALITY REQUIREMENT.—In the case of any military occupational career field that is open to both male and female members of the Armed Forces, the Secretary of Defense—

(1) shall ensure that qualification of members of the Armed Forces for, and continuance of members of the Armed Forces in, that occupational career field is evaluated on the basis of common, relevant performance standards, without differential standards or evaluation on the basis of gender;

(2) may not use any gender quota, goal, or ceiling except as specifically authorized by law; and

(3) may not change an occupational performance standard for the purpose of increasing or decreasing the number of women in that occupational career field.

(b) REQUIREMENTS RELATING TO USE OF SPECIFIC PHYSICAL REQUIREMENTS.—(1) For any military occupational specialty for which the Secretary of Defense determines that specific physical requirements for muscular strength and endurance and cardiovascular capacity are essential to the performance of duties, the Secretary shall prescribe specific physical requirements for members in that specialty and shall ensure (in the case of an occupational specialty that is open to both male and female members of the Armed Forces) that those requirements are applied on a gender-neutral basis.

(2) Whenever the Secretary establishes or revises a physical requirement for an occupational specialty, a member serving in that occupational specialty when the new requirement becomes effective, who is otherwise considered to be a satisfactory performer, shall be provided a reasonable period, as determined under regulations prescribed by the Secretary, to meet the standard established by the new requirement. During that period, the new physical requirement may not be used to disqualify the member from continued service in that specialty.

(c) NOTICE TO CONGRESS OF CHANGES.—Whenever the Secretary of Defense proposes to implement changes to the occupational standards for a military occupational field that are expected to result in an increase, or in a decrease, of at least 10 percent in the number of female members of the Armed Forces who enter, or are assigned to, that occupational field, the Secretary of Defense shall submit to Congress a report providing notice of the change and the justification and rationale for the change. Such changes may then be implemented only after the end of the 60-day period beginning on the date on which such report is submitted.

Subtitle E—Victims' Rights and Family Advocacy

SEC. 551. RESPONSIBILITIES OF MILITARY LAW ENFORCEMENT OFFICIALS AT SCENES OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—(1) Section 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Responsibilities of military law enforcement officials at scenes of domestic violence

"(a) IMMEDIATE ACTIONS REQUIRED.—Under regulations prescribed pursuant to subsection (c), the Secretary concerned shall ensure, in any case of domestic violence in which a military law enforcement official at the scene determines that physical injury has been inflicted or a deadly weapon or dangerous instrument has been used, that military law enforcement officials—

"(1) take immediate measures to reduce the potential for further violence at the scene; and

"(2) within 24 hours of the incident, provide a report of the domestic violence to the appropriate commander and to a local military family advocacy representative exercising responsibility over the area in which the incident took place.

"(b) FAMILY ADVOCACY COMMITTEE.—Under regulations prescribed pursuant to subsection (c), the Secretary concerned shall ensure that, whenever a report is provided to a commander under subsection (a)(2), a multidisciplinary family advocacy committee meets, with all due practicable speed, to review the situation and to make recommendations to the commander for appropriate action.

"(c) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe by regulation the definition of 'domestic violence' for purposes of this section and such other regulations as may be necessary for purposes of this section.

"(d) MILITARY LAW ENFORCEMENT OFFICIAL.—In this section, the term 'military law enforcement official' means a person author-

ized under regulations governing the armed forces to apprehend persons subject to this chapter or to trial thereunder.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1058. Responsibilities of military law enforcement officials at scenes of domestic violence.".

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe procedures to carry out section 1058 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF VICTIMS AND WITNESSES OF STATUS OF PRISONERS IN MILITARY CORRECTIONAL FACILITIES.

(a) IN GENERAL.—The Secretary of Defense shall prescribe procedures and implement a centralized system for notice of the status of offenders confined in military correctional facilities to be provided to victims and witnesses. Such procedures shall, to the maximum extent practicable, be consistent with procedures of the Federal Bureau of Prisons for victim and witness notification.

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense—

(1) shall prescribe the procedures required by subsection (a) not later than six months after the date of the enactment of this Act; and

(2) shall implement the centralized system required by that section not later than six months after those procedures are prescribed.

(c) NOTIFICATION AND REPORTING REQUIREMENT.—(1) Upon implementation of the centralized system of notice under subsection (a), the Secretary shall notify Congress of such implementation.

(2) After such system has been in operation for one year, the Secretary shall submit to Congress a report detailing the lessons learned during the first year of operation.

(d) TERMINATION OF REQUIREMENT.—The requirement to establish procedures and implement a centralized system of notice under subsection (a) shall expire 90 days after the receipt of the report required by subsection (c)(2).

SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO UCMJ.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the problem of stalking by persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code). In the report, the Secretary shall describe the scope of the problem of stalking within the Armed Forces and shall address whether existing procedures and punitive articles under the Uniform Code of Military Justice adequately protect members of the Armed Forces, and dependents of members of the Armed Forces, who are threatened with stalking. The Secretary shall include in the report such recommendations for changes to law and regulations as the Secretary determines to be necessary.

(b) STALKING.—For purposes of the report under subsection (a), stalking shall be considered to include actions of a person

in repeatedly following or harassing another person in a manner to induce in a reasonable person a fear of sexual battery, bodily injury, or death of that person or a member of that person's immediate family.

SEC. 554. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Dependents of members separated for dependent abuse: transitional compensation

"(a) AUTHORITY TO PAY COMPENSATION.—The Secretary of Defense, with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy), and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may each establish a program to pay monthly transitional compensation in accordance with this section to dependents or former dependents of a member of the armed forces described in subsection (b).

"(b) PUNITIVE AND OTHER ADVERSE ACTIONS COVERED.—This section applies in the case of a member of the armed forces on active duty for a period of more than 30 days—

"(1) who is convicted of a dependent-abuse offense (as defined in subsection (c)) and whose conviction results in the member—

"(A) being separated from active duty pursuant to a sentence of a court-martial; or

"(B) forfeiting all pay and allowances pursuant to a sentence of a court-martial; or

"(2) who is administratively separated from active duty in accordance with applicable regulations if the basis for the separation includes a dependent-abuse offense.

"(c) DEPENDENT-ABUSE OFFENSES.—For purposes of this section, a dependent-abuse offense is conduct by an individual while a member of the armed forces on active duty for a period of more than 30 days—

"(1) that involves abuse of the spouse or a dependent child of the member; and

"(2) that is a criminal offense specified in regulations prescribed by the Secretary of Defense under subsection (j).

"(d) RECIPIENTS OF PAYMENTS.—In any case of a separation from active duty as described in subsection (b), the Secretary shall pay such compensation to dependents or former dependents of the former member as follows:

"(1) If the former member was married at the time of the commission of the dependent-abuse offense resulting in the separation, such compensation shall (except as otherwise provided in this subsection) be paid to the spouse or former spouse to whom the member was married at that time.

"(2) If there is a spouse or former spouse who (but for subsection (g)) would be eligible for compensation under this section and if there is a dependent child of the former member who does not reside in the same household as that spouse or former spouse, such compensation shall be paid to each

such dependent child of the former member who does not reside in that household.

"(3) If there is no spouse or former spouse who is (or but for subsection (g) would be) eligible under paragraph (1), such compensation shall be paid to the dependent children of the former member.

"(4) For purposes of paragraphs (2) and (3), an individual's status as a 'dependent child' shall be determined as of the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(2), as of the date on which the member is separated from active duty.

"(e) COMMENCEMENT AND DURATION OF PAYMENT.—(1) Payment of transitional compensation under this section shall commence as of the date of the discontinuance of the member's pay and allowances pursuant to the separation or sentencing of the member and, except as provided in paragraph (2), shall be paid for a period of 36 months.

"(2) If as of the date on which payment of transitional compensation commences the unserved portion of the member's period of obligated active duty service is less than 36 months, the period for which transitional compensation is paid shall be equal to the greater of—

"(A) the unserved portion of the member's period of obligated active duty service; or

"(B) 12 months.

"(f) AMOUNT OF PAYMENT.—(1) Payment to a spouse or former spouse under this section for any month shall be at the rate in effect for that month for the payment of dependency and indemnity compensation under section 1311(a)(1) of title 38.

"(2) If a spouse or former spouse to whom compensation is paid under this section has custody of a dependent child or children of the member, the amount of such compensation paid for any month shall be increased for each such dependent child by the amount in effect for that month under section 1311(b) of title 38.

"(3) If compensation is paid under this section to a child or children pursuant to subsection (d)(2) or (d)(3), such compensation shall be paid in equal shares, with the amount of such compensation for any month determined in accordance with the rates in effect for that month under section 1313 of title 38.

"(g) SPOUSE AND FORMER SPOUSE FORFEITURE PROVISIONS.—(1) If a former spouse receiving compensation under this section remarries, the Secretary shall terminate payment of such compensation, effective as of the date of such marriage. The Secretary may not renew payment of compensation under this section to such former spouse in the event of the termination of such subsequent marriage.

"(2) If after a punitive or other adverse action is executed in the case of a former member as described in subsection (b) the former member resides in the same household as the spouse or former spouse, or dependent child, to whom compensation is otherwise payable under this section, the Secretary shall terminate payment of such compensation, effective as of the time the former member begins residing in such household. Compensation paid for a period after the former member's separation, but before the former member resides in the household, shall not be recouped. If the former member subsequently ceases to reside in such house-

hold before the end of the period of eligibility for such payments, the Secretary may not resume such payments.

"(3) In a case in which the victim of the dependent-abuse offense resulting in a punitive or other adverse action described in subsection (b) was a dependent child, the Secretary concerned may not pay compensation under this section to a spouse or former spouse who would otherwise be eligible to receive such compensation if the Secretary determines (under regulations prescribed under subsection (j)) that the spouse or former spouse was an active participant in the conduct constituting the dependent-abuse offense.

"(h) EFFECT OF CONTINUATION OF MILITARY PAY.—In the case of payment of transitional compensation by reason of a total forfeiture of pay and allowances pursuant to a sentence of a court-martial, payment of transitional compensation shall not be made for any period for which an order—

"(1) suspends, in whole or in part, that part of a sentence that includes forfeiture of the member's pay and allowance; or

"(2) otherwise results in continuation, in whole or in part, of the member's pay and allowances.

"(i) COORDINATION OF BENEFITS.—The Secretary concerned may not make payments to a spouse or former spouse under both this section and section 1408(h)(1) of this title. In the case of a spouse or former spouse for whom a court order provides for payments by the Secretary pursuant to section 1408(h)(1) of this title and to whom the Secretary offers payments under this section, the spouse or former spouse shall elect which to receive.

"(j) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy). The Secretary of Transportation shall prescribe regulations to carry out this section with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) Regulations prescribed under paragraph (1) shall include the criminal offenses, or categories of offenses, under the Uniform Code of Military Justice (chapter 47 of this title), Federal criminal law, the criminal laws of the States and other jurisdictions of the United States, and the laws of other nations that are to be considered to be dependent-abuse offenses for the purposes of this section.

"(k) DEPENDENT CHILD DEFINED.—In this section, the term 'dependent child', with respect to a member or former member of the armed forces referred to in subsection (b), means an unmarried child, including an adopted child or a stepchild, who was residing with the member at the time of the dependent-abuse offense resulting in the separation of the former member and—

"(1) who is under 18 years of age;

"(2) who is 18 years of age or older and is incapable of self-support because of a mental or physical incapacity that existed before the age of 18 and who is (or, at the time a punitive or other adverse action was executed in the case of the former member as described in subsection (b), was) dependent on the former member for over one-half of the child's support; or

"(3) who is 18 years of age or older but less than 23 years of age, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of

Defense and who is (or, at the time a punitive or other adverse action was executed in the case of the former member as described in subsection (b), was) dependent on the former member for over one-half of the child's support.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1056 the following new item:

"1058. Dependents of members separated for dependent abuse: transitional compensation.".

(b) EFFECTIVE DATE.—(1) Section 1058 of title 10, United States Code, as added by subsection (a), shall apply with respect to a member of the Armed Forces who, on or after the date of the enactment of this Act—

(A) is separated from active duty as described in subsection (b) of such section; or

(B) forfeits all pay and allowances as described in such subsection.

(2) Notwithstanding paragraph (1), no payment may be made under such section 1058 with respect to any period before April 1, 1994.

SEC. 555. CLARIFICATION OF ELIGIBILITY FOR BENEFITS FOR DEPENDENT VICTIMS OF ABUSE BY MEMBERS OF THE ARMED FORCES PENDING LOSS OF RETIRED PAY.

(a) PAYMENT REQUIRED.—Subsection (h) of section 1408 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

"(10)(A) For purposes of this subsection, in the case of a member of the armed forces who has been sentenced by a court-martial to receive a punishment that will terminate the eligibility of that member to receive retired pay if executed, the eligibility of that member to receive retired pay may, as determined by the Secretary concerned, be considered terminated effective upon the approval of that sentence by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice).

"(B) If each form of the punishment that would result in the termination of eligibility to receive retired pay is later remitted, set aside, or mitigated to a punishment that does not result in the termination of that eligibility, a payment of benefits to the eligible recipient under this subsection that is based on the punishment so vacated, set aside, or mitigated shall cease. The cessation of payments shall be effective as of the first day of the first month following the month in which the Secretary concerned notifies the recipient of such benefits in writing that payment of the benefits will cease. The recipient may not be required to repay the benefits received before that effective date (except to the extent necessary to recoup any amount that was erroneous when paid).".

(b) ADMINISTRATION FOR THE COAST GUARD.—Such subsection is further amended—

(1) in paragraph (2)(A), by inserting after "Secretary of Defense" the following: "or, for the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation"; and

(2) in paragraph (8), by inserting before the period at the end the following: "or, in the case of the Coast Guard, out of funds appropriated to the Department of Transportation for payment of retired pay for the Coast Guard".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 23, 1992, and shall apply as if the provisions of the paragraph (10) of section 1408(h) of title 10, United States Code, added by such subsection were included in the amendment made by section 653(a)(2) of Public Law 102–484 (106 Stat. 2426).

Subtitle F—Force Reduction Transition

SEC. 561. EXTENSION THROUGH FISCAL YEAR 1999 OF CERTAIN FORCE DRAW-DOWN TRANSITION AUTHORITIES RELATING TO PERSONNEL MANAGEMENT AND BENEFITS.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE DUTY MEMBERS.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2704; 10 U.S.C. 1293 note) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(b) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(c) REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are each amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(d) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(e) RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.—Sections 633 and 634, and subsection (a)(5) and (i) of section 6383, of title 10, United States Code, are each amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(f) GUARD AND RESERVE TRANSITION INITIATIVES.—(1) Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2712; 10 U.S.C. 1162 note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1999".

(2) Section 4416 of such Act (106 Stat. 2714; 10 U.S.C. 1162 note) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking out "the period referred to in subsection (c)" and inserting in lieu thereof "the force reduction transition period";

(ii) in paragraph (1), by striking out "October 1, 1995," and inserting in lieu thereof "October 1, 1999,"; and

(iii) in paragraph (3), by striking out "Retired Reserve—" and all that follows in that paragraph and inserting in lieu thereof "Retired Reserve."; and

(B) by striking out subsection (c).

(3) Section 4418(a) of such Act (106 Stat. 2717; 10 U.S.C. 1162 note) is amended by inserting "during the force reduction transition period" before "is entitled to separation pay".

(4) Section 1331a of title 10, United States Code, is amended—

(A) in subsection (a)(1)(B), by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999";

(B) in subsection (a)(2), by striking out "within one year after the date of the notification referred to in paragraph (1)"; and

(C) in subsection (b), by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(g) SPECIAL SEPARATION BENEFIT.—Section 1174a(h) of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1999".

(h) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (d)(3) and (h)(6), by striking out "September 30, 1995" each place it appears and inserting in lieu thereof "September 30, 1999"; and

(2) in subsection (h)(7)(A), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1999".

(i) HEALTH, COMMISSARY, AND FAMILY HOUSING BENEFITS.—Sections 1145(a)(1), 1145(c)(1), 1146, and 1147(a) of title 10, United States Code, are each amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(j) GUARD AND RESERVE AFFILIATION PREFERENCE.—Section 1150(a) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(k) ASSISTANCE TO OBTAIN EMPLOYMENT AS TEACHER.—Section 1151(c)(1)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "seven-year period".

(l) TRAVEL AND TRANSPORTATION ALLOWANCES AND STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN MEMBERS BEING INVOLUNTARILY SEPARATED.—(1) Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, are each amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(2) Section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 37 U.S.C. 406 note) is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(m) WAIVER OF SERVICE REQUIREMENT FOR CERTAIN RESERVISTS UNDER MONTGOMERY GI BILL.—Section 2133(b)(1)(B) of title 10, United States Code, and section 3012(b)(1)(B)(iii) of title 38, United States Code, are each amended by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1999,".

(n) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(o) PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (106 Stat. 2741;

10 U.S.C. 1143a note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1999".

SEC. 562. RETENTION IN AN ACTIVE STATUS OF ENLISTED RESERVES WITH BETWEEN 18 AND 20 YEARS OF SERVICE.

(a) SANCTUARY FOR RESERVE MEMBERS.—Section 1176 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) RESERVE MEMBERS IN ACTIVE STATUS.—A reserve enlisted member serving in an active status who is selected to be involuntarily separated (other than for physical disability or for cause), or whose term of enlistment expires and who is denied reenlistment (other than for physical disability or for cause), and who on the date on which the member is to be discharged or transferred from an active status is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged, denied reenlistment, or transferred from an active status without the member's consent before the earlier of the following:

"(1) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the third anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(2) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the second anniversary of the date on which the member would otherwise be discharged or transferred from an active status.".

(b) EFFECTIVE DATE.—Subsection (b) of section 1176 of title 10, United States Code, as added by subsection (a), shall take effect as of October 23, 1992.

SEC. 563. AUTHORITY TO ORDER EARLY RESERVE RETIREES TO ACTIVE DUTY.

Section 688(a) of title 10, United States Code, is amended by striking out "who has completed at least 20 years of active service" and inserting in lieu thereof "who was retired under section 1293, 3911, 3914, 6323, 8911, or 8914 of this title".

SEC. 564. APPLICABILITY TO COAST GUARD RESERVE OF CERTAIN RESERVE COMPONENTS TRANSITION INITIATIVES.

(a) APPLICABILITY OF CERTAIN BENEFITS.—The Secretary of Transportation shall prescribe such regulations as necessary so as to apply to the members of the Coast Guard Reserve the provisions of subtitle B of title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2712), including the amendments made

by those provisions. For purposes of the application of any of such provisions to the Coast Guard Reserve, any reference in those provisions to the Secretary of Defense or Secretary of a military department shall be treated as referring to the Secretary of Transportation.

(b) REGULATIONS.—Regulations prescribed for the purposes of this section shall to the extent practicable be identical to the regulations prescribed by the Secretary of Defense under those provisions.

(c) TEMPORARY SPECIAL RETIREMENT AUTHORITY.—Section 1331a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Secretary of a military department" and inserting in lieu thereof "Secretary concerned"; and

(2) in subsection (c), by striking out "of the military department"; and

(3) in subsection (e), by striking out the period at the end and inserting in lieu thereof "and by the Secretary of Transportation with respect to the Coast Guard.".

Subtitle G—Other Matters

SEC. 571. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 654. Policy concerning homosexuality in the armed forces

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

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a long-standing element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

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

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a), may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 572. CHANGE IN TIMING OF REQUIRED DRUG AND ALCOHOL TESTING AND EVALUATION OF APPLICANTS FOR APPOINTMENT AS CADET OR MIDSHIPMAN AND FOR ROTC GRADUATES.

Section 978(a)(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "during the physical examination given the applicant before such appointment" and inserting in lieu thereof "within 72 hours of such appointment"; and

(2) in the second sentence, by striking out "during the precommissioning physical examination given such person" and inserting in lieu thereof "before such an appointment is executed".

SEC. 573. REIMBURSEMENT REQUIREMENTS FOR ADVANCED EDUCATION ASSISTANCE.

(a) IN GENERAL.—Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(g)(1) In any case in which the Secretary concerned determines that a person who entered into an agreement under this section failed to complete the period of active duty specified in the agreement (or failed to fulfill any other term or condition prescribed in the agreement) and, by reason of the provision of the agreement required under subsection (a)(3), may owe a debt to the United States and in which that person disputes that such a debt is owed, the Secretary shall designate a member of the armed forces

or a civilian employee under the jurisdiction of the Secretary to investigate the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. That official shall report the official's findings and recommendations to the Secretary concerned. If the justification for the debt investigated includes an allegation of misconduct, the investigating official shall state in the report the official's assessment as to whether the individual behavior that resulted in the separation of the person who may owe the debt qualifies as misconduct under subsection (a)(3).

"(2) The Secretary of each military department shall ensure that a member of the armed forces who may be subject to a reimbursement requirement under this section is advised of such requirement before (1) submitting a request for voluntary separation, or (2) making a decision on a course of action regarding personal involvement in administrative, nonjudicial, and judicial action resulting from alleged misconduct.

"(h) The Secretary concerned may, at any time before October 1, 1998, modify an agreement described in subsection (a) to reduce the active duty service obligation specified in the agreement if the Secretary determines that it is in the best interests of the United States to do so. In such a case, the Secretary shall reduce the amount required to be reimbursed to the United States proportionately with the reduction in the period of obligated active duty service.".

(b) EFFECTIVE DATES.—(1) Subsection (g) of section 2005 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the end of the six-month period beginning on the date of the enactment of this Act.

(2) Subsection (h) of such section, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the date of the enactment of this Act.

SEC. 574. RECOGNITION BY STATES OF MILITARY POWERS OF ATTORNEY.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044a the following new section:

"§ 1044b. Military powers of attorney: requirement for recognition by States

"(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—A military power of attorney—

"(1) is exempt from any requirement of form, substance, formality, or recording that is provided for powers of attorney under the laws of a State; and

"(2) shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the State concerned.

"(b) MILITARY POWER OF ATTORNEY.—For purposes of this section, a military power of attorney is any general or special power of attorney that is notarized in accordance with section 1044a of this title or other applicable State or Federal law.

"(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, each military power of attorney

shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a military power of attorney that does not include a statement described in that paragraph.

"(d) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044a the following:

"1044b. Military powers of attorney: requirement for recognition by States.".

SEC. 575. FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM.

(a) TEST PROGRAM.—The Secretary of Defense shall develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other measures. The test program shall be designed to evaluate the findings and recommendations of—

(1) the June 1993 inspection report of the Inspector General of the Department of Defense on the Defense Foreign Language Program (report numbered 93–INS–10);

(2) the report of the Sixth Quadrennial Review of Military Compensation (August 1988); and

(3) any other recent study of the foreign language proficiency program of the Department of Defense.

(b) EVALUATION OF PRIOR RECOMMENDATIONS.—The test program shall include an evaluation of the following possible changes to current practice identified in the reports referred to in subsection (a):

(1) Management of linguist billets and personnel for the active and reserve components from a Total Force perspective.

(2) Improvement of linguist training programs, both resident and nonresident, to provide greater flexibility, to accommodate missions other than signals intelligence, and to improve the provision of resources for nonresident programs.

(3) Centralized responsibility within the Office of the Secretary of Defense to provide coordinated oversight of all foreign language issues and programs, including a centralized process for determination, validation, and documentation of foreign language requirements for different services and missions.

(4) Revised policies of each of the military departments to foster maintenance of highly perishable linguistic skills through improved management of the careers of language-trained personnel, including more effective use of language skills, improved career opportunities within the linguistics field, and specific linkage of language proficiency to promotions.

(5) In the case of language-trained members of the reserve components—

(A) the use of additional training assemblies (ATAs) as a means of sustaining linguistic proficiency and enhancing retention; and

(B) the use of larger enlistment and reenlistment bonuses, Special Duty Assignment Pay, and educational incentives.

(6) Such other management changes as the Secretary may consider necessary.

(c) EVALUATION OF ADJUSTMENT IN FOREIGN LANGUAGE PROFICIENCY PAY.—(1) The Secretary shall include in the test program an evaluation of adjustments in foreign language proficiency pay for active and reserve component personnel (which may be adjusted for purposes of the test program without regard to section 316(b) of title 37, United States Code).

(2) Before any adjustment in foreign language proficiency pay is included in the test program as authorized by paragraph (1), the Secretary shall submit to the committees named in subsection (d)(2) the following information related to proficiency pay adjustments:

(A) The response of the Secretary to the findings of the Inspector General in the report on the Defense Foreign Language Program referred to in subsection (a)(1), specifically including the following matters raised in that report:

(i) Inadequate centralized oversight of planning, policy, roles, responsibilities, and funding for foreign language programs.

(ii) Inadequate management and validation of the requirements process for foreign language programs.

(iii) Inadequate uniform career management of language-trained personnel, including failure to take sufficient advantage of language skills and to recoup investment of training dollars.

(iv) Inadequate training programs, both resident and nonresident.

(B) The current manning of linguistic billets (shown by service, by active or reserve component, and by career field).

(C) The rates of retention in the service for language-trained personnel (shown by service, by active or reserve component, and by career field).

(D) The rates of retention by career field for language-trained personnel (shown by service and by active or reserve component).

(E) The rates of language proficiency for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(F) Trends in performance ratings for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(G) Promotion rates for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(H) The estimated cost of foreign language proficiency pay as proposed to be paid at the adjusted rates for the test program under paragraph (1)—

(i) for each year of the test program; and

(ii) for five years, if those rates are subsequently applied to the entire Department of Defense.

(3) The rates for adjusted foreign language proficiency pay as proposed to be paid for the test program under paragraph (1) may not take effect for the test program unless the senior official responsible for personnel matters in the Office of the Secretary of Defense determines that—

(A) the foreign language proficiency pay levels established for the test program are consistent with proficiency pay levels for other functions throughout the Department of Defense; and

(B) the terms and conditions for receiving foreign language proficiency pay conform to current policies and practices within the Department of Defense.

(d) REPORT ON PLAN FOR TEST PROGRAM.—(1) The Secretary of Defense shall submit to the committees named in paragraph (2) a report containing a plan for the test program required in subsection (a), an explanation of the plan, and a discussion of the matters stated in subsection (c)(2). The report shall be submitted not later than April 1, 1994.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(e) PERIOD OF TEST PROGRAM.—(1) The test program required by subsection (a) shall begin on October 1, 1994. However, if the report required by subsection (d) is not submitted by the date specified in that subsection for the submission of the report, the test program shall begin at the end of a period of 180 days (as computed under paragraph (2)) beginning on the date on which such report is submitted.

(2) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 180-day period.

(3) The test program shall terminate two years after it begins.

SEC. 576. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) CLARIFICATION.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places such term appears.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102–484 on October 23, 1992.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

SEC. 602. CONTINUATION OF RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.

(a) CONTINUATION OF RATE.—Section 4402 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2701; 37 U.S.C. 1009 note) is amended—

(1) in subsection (a)—

(A) by striking out "TEMPORARY" in the subsection heading; and

(B) by striking out "**Temporary**" in the heading of the table; and

(2) in subsection (b)—

(A) by striking out "TEMPORARY" in the subsection heading; and

(B) by striking out "December 31, 1992," and all that follows through the period at the end and inserting in lieu thereof "December 31, 1992.".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"SEC. 4402. RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.".

(2) The item relating to such section in the table of contents in section 2(b) of such Act (Public Law 102–484; 106 Stat. 2329) is amended to read as follows:

"Sec. 4402. Rate of basic pay applicable to certain members with over 24 years of service.".

SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) RATES OF PAY.—Section 203 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School who was selected to attend the preparatory school from civilian life is entitled to monthly student pay at the same rate as provided for cadets and midshipmen under subsection (c).

"(2) A student at a preparatory school referred to in paragraph (1) who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the uniformed services on active duty for a period of more than 30 days shall continue to receive monthly basic pay at the rate prescribed for the student's pay grade and years of service as an enlisted member.

"(3) The monthly student pay of a student described in paragraph (1) shall be treated for purposes of the accrual charge for the Department of Defense Military Retirement Fund established under section 1461 of title 10 in the same manner as monthly cadet pay or midshipman pay under subsection (c).".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to students entering the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School on or after the date of the enactment of this Act.

SEC. 604. VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS WHO ARE REQUIRED TO PAY CHILD SUPPORT AND WHO ARE ASSIGNED TO SEA DUTY.

Section 403a(b)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or"; and

(2) in subparagraph (B), by inserting "or" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(C) the member is assigned to sea duty and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above E–6;".

SEC. 605. EVACUATION ADVANCE PAY.

(a) DESIGNATION OF EVACUATION LOCATION.—Section 1006(c) of title 37, United States Code, is amended by striking out "the President" in the first sentence and inserting in lieu thereof "the Secretary of Defense".

(b) TREATMENT OF HOMESTEAD AIR FORCE BASE EVACUATION.—The advance payments of pay for permanent change of station that were received by members of the uniformed services who were evacuated in August 1992 from Homestead Air Force Base, Florida, because of Hurricane Andrew, shall be treated as having been paid as evacuation advance pay under the authority of section 1006(c) of title 37, United States Code.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF AUTHORITY FOR BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(d) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of a person described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the accession bonus, monthly stipend, or special pay authorized under the agreement as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendments made by this section taken effect on October 1, 1993.

(2) A person referred to in paragraph (1) is a person described in section 2130a(b) of title 10, United States Code, or section 302d(a)(1) or 302e(b) of title 37, United States Code, who, during

the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by this section taken effect on October 1, 1993.

(3) An agreement referred to in this subsection is an agreement with the Secretary concerned that is a condition for the payment of an accession bonus and monthly stipend under section 2130a of title 10, United States Code, an accession bonus under section 302d of title 37, United States Code, or incentive special pay under section 302e of title 37, United States Code.

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c of title 37, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out "$2,000" in the material preceding paragraph (1) and inserting in lieu thereof "$5,000"; and

(B) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount not to exceed one-half of the bonus may be paid";

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995"; and

(3) by adding at the end the following new subsection:

"(f) The total amount of expenditures under this section may not exceed $37,024,000 during fiscal year 1994.".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e of title 37, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking out "fifth anniversary" in the second sentence and inserting in lieu thereof "sixth anniversary"; and

(B) by adding at the end the following new paragraph:

"(3) In lieu of the procedures set out in paragraph (2), the Secretary concerned may pay the bonus in monthly installments in such amounts as may be determined by the Secretary. Monthly payments under this paragraph shall begin after the first month of satisfactory service of the person and are payable only for those months in which the person serves satisfactorily. Satisfactory service shall be determined under regulations prescribed by the Secretary of Defense."; and

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (a), (b), (d), and (e) shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section 308b, 308c, 308h, or 308i of title 37, United States Code, occurring on or after that date.

(g) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of a person described in paragraph (2) who executes a reserve affiliation agreement under section 308e of title 37, United States Code, during the 90-day period beginning on the date of the enactment of this Act, the Secretary of the military department concerned may treat the agreement for purposes of the bonus authorized under such section as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendment made by subsection (c)(2) taken effect on October 1, 1993.

(2) A person referred to in paragraph (1) is a person described in section 308e(a) of title 37, United States Code, who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for a reserve affiliation agreement under such section had the amendment made by subsection (c)(2) taken effect on October 1, 1993.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) ARMY ENLISTMENT BONUS.—Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(f) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1995".

(g) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(h) APPLICATION OF CERTAIN AMENDMENTS.—(1) The amendments made by subsections (b) and (c) shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section

308 or 308a of title 37, United States Code, occurring on or after that date.

(2) The amendment made by subsection (d) shall take effect as of September 30, 1993, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.

(3) The amendment made by subsection (e) shall take effect as of September 30, 1992, and shall apply with respect to an enlistment in the Army described in section 308f of title 37, United States Code, occurring on or after that date.

(i) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of an officer described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus or special pay authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

(2) An officer referred to in paragraph (1) is an officer described in section 301b(b) of title 37, United States Code, or in section 613(a)(2) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

(3) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code, or special pay under section 613 of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note).

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REIMBURSEMENT OF TEMPORARY LODGING EXPENSES.

(a) PERIODS COVERED.—Subsection (a) of section 404a of title 37, United States Code, is amended—

(1) in the second sentence, by striking out "four days" and inserting in lieu thereof "10 days"; and

(2) in the third sentence, by striking out "two days" and inserting in lieu thereof "five days".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Subsection (d) of such section is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1994.

SEC. 622. PAYMENT OF LOSSES INCURRED OR COLLECTION OF GAINS REALIZED DUE TO FLUCTUATIONS IN FOREIGN CURRENCY IN CONNECTION WITH HOUSING MEMBERS IN PRIVATE HOUSING ABROAD.

(a) PAYMENT OR COLLECTION AUTHORIZED.—Section 405(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses—

"(A) incurred by the member in occupying private housing outside of the United States; and

"(B) authorized or approved under regulations prescribed by the Secretary concerned.

"(2) Nonrecurring expenses for which a member may be reimbursed under paragraph (1) may include losses sustained by the member on the refund of a rental deposit (or other deposit made by the member to secure housing) as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which such housing is located.

"(3) The Secretary concerned shall recoup the full amount of a refunded deposit referred to in paragraph (2) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.

"(4) Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to nonrecurring expenses and currency fluctuation gains described in section 405(d) of title 37, United States Code, that are incurred by members of the uniformed services on or after October 1, 1993.

Subtitle D—Other Matters

SEC. 631. REVISION OF DEFINITION OF DEPENDENTS FOR PURPOSES OF ALLOWANCES.

(a) EXPANSION OF DEFINITION.—Section 401(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) An unmarried person who—

"(A) is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the United States (or Puerto Rico or a possession of the United States) for a period of at least 12 consecutive months;

"(B) either—

"(i) has not attained the age of 21;

"(ii) has not attained the age of 23 years and is enrolled in a full time course of study at an institution of higher learning approved by the Secretary concerned; or

"(iii) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or

former member under this paragraph pursuant to clause (i) or (ii);

"(C) is dependent on the member for over one-half of the person's support;

"(D) resides with the member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the Secretary concerned may by regulation prescribe; and

"(E) is not a dependent of a member under any other paragraph.".

(b) APPLICATION OF AMENDMENT.—Section 401(a)(4) of title 37, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION ASSISTANCE.

Section 2007 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Subsection (c)(3) may not be construed to prohibit the Secretary of a military department from exercising any authority that the Secretary may have to pay charges of an educational institution (within the limits set forth in subsection (a)) in the case of—

"(1) a warrant officer on active duty or full-time National Guard duty;

"(2) a commissioned officer on full-time National Guard duty; or

"(3) a commissioned officer on active duty who satisfies the condition in subsection (a)(3) relating to an agreement to remain on active duty.".

SEC. 633. SENSE OF CONGRESS REGARDING THE PROVISION OF EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR MEMBERS FROM OUTSIDE THE CONTINENTAL UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure that a member of the Armed Forces whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member will be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(b) DEFINITION.—For purposes of this section, the term "continental United States" means the 48 contiguous States and the District of Columbia.

SEC. 634. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.

(a) FEMALE MEMBERS AND RETIREES OF THE UNIFORMED SERVICES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

"§ 1074d. Primary and preventive health care services for women

"(a) SERVICES AVAILABLE.—Female members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to primary and preventive health care services for women as part of such medical care.

"(b) DEFINITION.—In this section, the term 'primary and preventive health care services for women' means health care services, including related counseling services, provided to women with respect to the following:

"(1) Papanicolaou tests (pap smear).

"(2) Breast examinations and mammography.

"(3) Comprehensive obstetrical and gynecological care, including care related to pregnancy and the prevention of pregnancy.

"(4) Infertility and sexually transmitted diseases, including prevention.

"(5) Menopause, including hormone replacement therapy and counseling regarding the benefits and risks of hormone replacement therapy.

"(6) Physical or psychological conditions arising out of acts of sexual violence.

"(7) Gynecological cancers.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

"1074d. Primary and preventive health care services for women.".

(b) FEMALE DEPENDENTS.—Section 1077(a) of such title is amended by adding at the end the following new paragraph:

"(13) Primary and preventive health care services for women (as defined in section 1074d(b) of this title).".

SEC. 702. REVISION OF DEFINITION OF DEPENDENTS FOR PURPOSES OF HEALTH BENEFITS.

(a) EXPANSION OF DEFINITION.—Section 1072(2) of title 10, United States Code, is amended—

(1) in subparagraph (G), by striking out "; and" and inserting in lieu thereof a semicolon;

(2) in subparagraph (H), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) an unmarried person who—

"(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months;

"(ii) either—

"(I) has not attained the age of 21;

"(II) has not attained the age of 23 and is enrolled in a full time course of study at an institution of higher learning approved by the administering Secretary; or

"(III) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (I) or (II);

"(iii) is dependent on the member or former member for over one-half of the person's support;

"(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary may by regulation prescribe; and

"(v) is not a dependent of a member or a former member under any other subparagraph.".

(b) APPLICATION OF AMENDMENT.—Section 1072(2)(I) of title 10, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 703. AUTHORIZATION TO EXPAND ENROLLMENT IN THE DEPENDENTS' DENTAL PROGRAM TO CERTAIN MEMBERS RETURNING FROM OVERSEAS ASSIGNMENTS.

(a) AUTHORITY TO EXPAND PROGRAM.—After March 31, 1994, the Secretary of Defense may expand the dependents' dental program established under section 1076a of title 10, United States Code, to permit a member of the uniformed services described in subsection (b) to enroll dependents described in subsection (a) of such section in a dental benefits plan under the program without regard to the length of the uncompleted portion of the member's period of obligated service.

(b) COVERED MEMBERS.—A member referred to in subsection (a) is a member of the uniformed services who is—

(1) on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code); and

(2) reassigned from a permanent duty station where a dental benefits plan under the dependents' dental program is not available to a permanent duty station where such a plan is available.

(c) REPORT ON ADVISABILITY OF EXPANSION.—Not later than February 28, 1994, the Secretary shall submit to Congress a report evaluating the advisability of expanding the enrollment eligibility of members of the uniformed services in the dependents' dental program in the manner authorized in subsection (a). The report shall include an analysis of the cost implications for such an expansion to the Federal Government, beneficiaries under the dependents' dental program, and contractors under the program.

(d) NOTIFICATION OF EXERCISE OF AUTHORITY.—The Secretary shall notify Congress of any decision to expand the enrollment eligibility of dependents in the dependents' dental program as provided in subsection (a) not later than 30 days before such expansion takes effect.

SEC. 704. AUTHORIZATION TO APPLY SECTION 1079 PAYMENT RULES FOR THE SPOUSE AND CHILDREN OF A MEMBER WHO DIES WHILE ON ACTIVE DUTY.

(a) AUTHORITY TO USE SECTION 1079 PAYMENT RULES.—In the case of a dependent described in subsection (b) of a member of a uniformed service who died while on active duty for a period of more than 30 days, the administering Secretary may apply the payment provisions set forth in section 1079(b) of title 10, United States Code (in lieu of the payment provisions set forth in section 1086(b) of such title), with respect to health benefits received by the dependent under section 1086 of such title in connection with an illness or medical condition for which the dependent was receiving treatment under chapter 55 of such title at the time of the death of the member.

(b) ELIGIBLE DEPENDENTS DESCRIBED.—A dependent referred to in this section is a dependent who—

(1) is the unremarried widow, unremarried widower, or child of a member of a uniformed service who died on or after January 1, 1993, while on active duty for a period of more than 30 days; and

(2) was a covered beneficiary under chapter 55 of title 10, United States Code, at the time of the death of the member by reason of being the spouse or child of the member.

(c) PERIOD OF APPLICATION OF SPECIAL PAYMENT RULE.—The special payment rule authorized by subsection (a) for a dependent described in subsection (b) shall expire upon the earlier of—

(1) the end of the one-year period beginning on the date of the death of the member; and

(2) the termination of the illness or condition for which the dependent was receiving treatment under chapter 55 of title 10, United States Code, at the time of the death of the member.

(d) DEFINITIONS.—For purposes of this section, the term "administering Secretary" means—

(1) the Secretary of Defense, with respect to the Armed Forces under the jurisdiction of the Secretary;

(2) the Secretary of Transportation, with respect to the Coast Guard when the Coast Guard is not operating as a service in the Navy; and

(3) the Secretary of Health and Human Services with respect to the National Oceanic and Atmospheric Administration and the Public Health Service.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

SEC. 711. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(o)(1) Health care services provided pursuant to this section or section 1086 of this title (or pursuant to any other contract or project under the Civilian Health and Medical Program of the Uniformed Services) may not include services determined under the CHAMPUS Peer Review Organization program to be not medically or psychologically necessary.

"(2) The Secretary of Defense, after consulting with the other administering Secretaries, may adopt or adapt for use under the CHAMPUS Peer Review Organization program, as the Secretary considers appropriate, any of the quality and utilization review requirements and procedures that are used by the Peer Review Organization program under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).".

SEC. 712. INCREASED FLEXIBILITY FOR PERSONAL SERVICE CONTRACTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) PERSONAL SERVICES CONTRACTS AUTHORIZED.—(1) Section 1091 of title 10, United States Code, is amended to read as follows:

"**§ 1091. Personal services contracts**

"(a) AUTHORITY.—The Secretary of Defense may enter into personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense, as determined to be necessary by the Secretary. The authority provided in this subsection is in addition to any other contract authorities of the Secretary, including authorities relating to the management of such facilities and the administration of this chapter.

"(b) LIMITATION ON AMOUNT OF COMPENSATION.—In no case may the total amount of compensation paid to an individual in

any year under a personal services contract entered into under subsection (a) exceed the amount of annual compensation (excluding the allowances for expenses) specified in section 102 of title 3.

"(c) PROCEDURES.—(1) The Secretary shall establish by regulation procedures for entering into personal services contracts with individuals under subsection (a). At a minimum, such procedures shall assure—

"(A) the provision of adequate notice of contract opportunities to individuals residing in the area of the medical treatment facility involved; and

"(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

"(2) Upon the establishment of the procedures under paragraph (1), the Secretary may exempt contracts covered by this section from the competitive contracting requirements specified in section 2304 of this title or any other similar requirements of law.

"(d) EXCEPTIONS.—The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).".

(2) The item relating to section 1091 in the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended to read as follows:

"1091. Personal services contracts.".

(b) REPORT REQUIRED.—Not later than 30 days after the end of the 180-day period beginning on the date on which the Secretary of Defense first uses the authority provided under section 1091 of title 10, United States Code (as amended by subsection (a)(1)), the Secretary shall submit to Congress a report specifying—

(1) the compensation, by medical specialty, provided by the Secretary to individuals agreeing to enter into a personal services contract under such section during that period;

(2) the extent to which the amounts of such compensation exceed the amounts previously provided by the Secretary for individuals in such medical specialties;

(3) the total number and medical specialties of individuals serving in military medical treatment facilities during that period pursuant to such a contract; and

(4) the number of such individuals (and their medical specialties) who are receiving compensation under such a contract in an amount in excess of the maximum amount authorized under such section, as such section was in effect on the day before the date of the enactment of this Act.

SEC. 713. EXPANSION OF THE PROGRAM FOR THE COLLECTION OF HEALTH CARE COSTS FROM THIRD-PARTY PAYERS.

(a) COLLECTION CHANGES.—Subsection (g) of section 1095 of title 10, United States Code, is amended—

(1) by inserting after "collected under this section from a third party payer" the following: "or under any other provision of law from any other payer"; and

(2) by inserting before the period the following: "and shall not be taken into consideration in establishing the operating budget of the facility".

(b) DEFINITIONS.—Subsection (h) of such section is amended—

(1) in paragraph (2), by inserting after "includes" the following: "a preferred provider organization and"; and

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

"(3) The term 'health care services' includes products provided or purchased through a facility of the uniformed services.".

(c) REPORT ON COLLECTIONS.—Subsection (g) of such section (as amended by subsection (a)) is further amended—

(1) by inserting "(1)" after "(g)"; and

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

"(2) Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report specifying for each facility of the uniformed services the amount credited to the facility under this subsection during the preceding fiscal year.".

SEC. 714. ALTERNATIVE RESOURCE ALLOCATION METHOD FOR MEDICAL FACILITIES OF THE UNIFORMED SERVICES.

(a) INCLUSION OF CAPITATION METHOD.—Section 1101 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "DRGs" in the subsection heading and inserting in lieu thereof "CAPITATION OR DRG METHOD"; and

(B) by inserting "capitation or" before "diagnosis-related groups";

(2) in subsection (b), by striking out "Diagnosis-related groups" and inserting in lieu thereof "Capitation or diagnosis-related groups"; and

(3) in subsection (c)—

(A) by striking out "shall" both places it appears and inserting in lieu thereof "may"; and

(B) by adding at the end the following new paragraph:

"(4) An appropriate method for calculating or estimating the annual per capita costs of providing comprehensive health care services to members of the uniformed services on active duty and covered beneficiaries.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1101. Resource allocation methods: capitation or diagnosis-related groups".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1101. Resource allocation methods: capitation or diagnosis-related groups.".

SEC. 715. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE.

(a) PREEMPTION.—Section 1103 of title 10, United States Code, is amended to read as follows:

"§ 1103. Contracts for medical and dental care: State and local preemption

"(a) OCCURRENCE OF PREEMPTION.—A law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery or financing methods shall not apply to any contract entered into pursuant to this chapter

by the Secretary of Defense or the administering Secretaries to the extent that the Secretary of Defense or the administering Secretaries determine that—

"(1) the State or local law or regulation is inconsistent with a specific provision of the contract or a regulation promulgated by the Secretary of Defense or the administering Secretaries pursuant to this chapter; or

"(2) the preemption of the State or local law or regulation is necessary to implement or administer the provisions of the contract or to achieve any other important Federal interest.

"(b) EFFECT OF PREEMPTION.—In the case of the preemption under subsection (a) of a State or local law or regulation regarding financial solvency, the Secretary of Defense or the administering Secretaries shall require an independent audit of the prime contractor of each contract that is entered into pursuant to this chapter and covered by the preemption. The audit shall be performed by the Defense Contract Audit Agency.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each Territory and possession of the United States.".

(b) APPLICATION OF AMENDMENT.—Section 1103 of title 10, United States Code, as amended by subsection (a), shall apply with respect to any contract entered into under chapter 55 of such title before, on, or after the date of the enactment of this Act.

SEC. 716. SPECIALIZED TREATMENT FACILITY PROGRAM AUTHORITY AND ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.

(a) AUTHORITY.—(1) Section 1105 of title 10, United States Code, is amended to read as follows:

"§ 1105. Specialized treatment facility program

"(a) PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a specialized treatment facility program pursuant to regulations prescribed by the Secretary of Defense. The Secretary shall consult with the other administering Secretaries in prescribing regulations for the program and in conducting the program.

"(b) FACILITIES AUTHORIZED TO BE USED.—Under the specialized treatment facility program, the Secretary may designate health care facilities of the uniformed services and civilian health care facilities as specialized treatment facilities.

"(c) WAIVER OF NONEMERGENCY HEALTH CARE RESTRICTION.—Under the specialized treatment facility program, the Secretary may waive, with regard to the provision of a particular service, the 40-mile radius restriction set forth in section 1079(a)(7) of this title if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service.

"(d) CIVILIAN FACILITY SERVICE AREA.—For purposes of the specialized treatment facility program, the service area of a civilian health care facility designated pursuant to subsection (b) shall be comparable in size to the service areas of facilities of the uniformed services.

"(e) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—A covered beneficiary who resides within the service area

of a specialized treatment facility designated under the specialized treatment facility program may be required to obtain a nonavailability of health care statement in the case of a specialized service offered by the facility in order for the covered beneficiary to receive the service outside of the program.

"(f) PAYMENT OF COSTS RELATED TO CARE IN SPECIALIZED TREATMENT FACILITIES.—(1) Subject to paragraph (2), in connection with the treatment of a covered beneficiary under the specialized treatment facility program, the Secretary may provide the following benefits:

"(A) Full or partial reimbursement of a member of the uniformed services for the reasonable expenses incurred by the member in transporting a covered beneficiary to or from a health care facility of the uniformed services or a civilian health care facility at which specialized health care services are provided pursuant to this chapter.

"(B) Full or partial reimbursement of a person (including a member of the uniformed services) for the reasonable expenses of transportation, temporary lodging, and meals (not to exceed a per diem rate determined in accordance with implementing regulations) incurred by such person in accompanying a covered beneficiary as a nonmedical attendant to a health care facility referred to in subparagraph (A).

"(C) In-kind transportation, lodging, or meals instead of reimbursements under subparagraph (A) or (B) for transportation, lodging, or meals, respectively.

"(2) The Secretary may make reimbursements for or provide transportation, lodging, and meals under paragraph (1) in the case of a covered beneficiary only if the total cost to the Department of Defense of doing so and of providing the health care in such case is less than the cost to the Department of providing the health care to the covered beneficiary by other means authorized under this chapter.

"(g) COVERED BENEFICIARY DEFINED.—In this section, the term 'covered beneficiary' means a person covered under section 1079 or 1086 of this title.

"(h) EXPIRATION OF PROGRAM.—The Secretary may not carry out the specialized treatment facility program authorized by this section after September 30, 1995.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1105 and inserting in lieu thereof the following:

"1105. Specialized treatment facility program.".

(b) CLARIFICATION OF DETERMINATION TO ISSUE NONAVAILABILITY OF HEALTH CARE STATEMENTS.—(1) Section 1080 of title 10, United States Code, is amended—

(A) by inserting "(a) ELECTION.—" before "A dependent"; and

(B) by adding at the end the following new subsection:

"(b) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—In determining whether to issue a nonavailability of health care statement for a dependent described in subsection (a), the commanding officer of a facility of the uniformed services may consider the availability of health care services for the dependent pursuant to any contract or agreement entered into under this chapter for the provision of health care services.".

(2) Section 1086(e) of such title is amended by adding at the end the following new sentence: "In addition, section 1080(b) of this title shall apply in making the determination whether to issue a nonavailability of health care statement for a person covered by this section.".

(c) CONFORMING AMENDMENT.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that—" and all that follows through the semicolon at the end of subparagraph (B) and inserting in lieu thereof the following: "except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services;".

SEC. 717. DELAY OF TERMINATION AUTHORITY REGARDING STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TERMINATION AUTHORITY.—Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 31, 1993" in the first sentence and inserting in lieu thereof "December 31, 1996".

(b) EVALUATION OF DOD-USTF PARTICIPATION AGREEMENTS.—(1) The Comptroller General of the United States and the Director of the Congressional Budget Office shall jointly prepare a report evaluating the participation agreements entered into between Uniformed Services Treatment Facilities and the Secretary of Defense under the authority of section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587).

(2) The report required under this subsection shall include an evaluation of the following:

(A) The cost-effectiveness of the agreements compared to other components of the military health care delivery system, including the Civilian Health and Medical Program of the Uniformed Services.

(B) The impact of the agreements, during the four-year term of the agreements, on the budget and expenditures of the Department of Defense for health care programs.

(C) The cost and other implications of terminating the agreements before their expiration.

(D) The health care services available through the Uniformed Services Treatment Facilities under the agreements compared to the health care services available through other components of the military health care delivery system.

(E) The beneficiary cost-sharing requirements of the Uniformed Services Treatment Facilities under the agreements compared to the beneficiary cost-sharing requirements of other components of the military health care delivery system.

(3) The report required under this subsection shall be submitted to Congress not later than six months after the date of the enactment of this Act.

(4) For purposes of this subsection:

(A) The term "Uniformed Services Treatment Facilities" means those facilities described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

(B) The term "Civilian Health and Medical Program of the Uniformed Services" has the meaning given that term in section 1072(4) of title 10, United States Code.

SEC. 718. MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL FOR THE UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR OPERATION OF MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—Subsection (c) of section 718 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

(1) by striking out the first sentence; and

(2) by inserting before the second sentence the following:

"(1) TIME FOR OPERATION.—Not later than the date of the enactment of this Act, the Secretary of Defense shall begin operation of a managed-care delivery and reimbursement model that will continue to utilize the Uniformed Services Treatment Facilities in the military health services system.".

(b) COPAYMENTS, EVALUATION, AND DEFINITION.—Such subsection is further amended by adding at the end the following new paragraphs:

"(2) COPAYMENTS.—A Uniformed Services Treatment Facility for which there exists a managed-care plan developed as part of the model required by this subsection may impose reasonable charges for inpatient and outpatient care provided to all categories of beneficiaries enrolled in the plan. The schedule and application of such charges shall be in accordance with the terms and conditions specified in the plan.

"(3) EVALUATION OF PERFORMANCE UNDER THE MODEL.—(A) The Secretary of Defense shall utilize a federally funded research and development center to conduct an independent evaluation of the performance of each Uniformed Services Treatment Facility operating under a managed-care plan developed as part of the model required by this subsection. The evaluation shall include an assessment of the efficiency of the Uniformed Services Treatment Facility in providing health care under the plan. The assessment shall be made in the same manner as provided in section 712(a) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1073 note) for expansion of the CHAMPUS reform initiative.

"(B) Not later than December 31, 1995, the center conducting the evaluation and assessment shall submit to the Secretary of Defense and to Congress a report on the results of the evaluation and assessment. The report shall include such recommendations regarding the managed-care delivery and reimbursement model under this subsection as the entity considers to be appropriate.

"(4) DEFINITION.—For purposes of this subsection, the term 'Uniformed Services Treatment Facility' means a facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).".

SEC. 719. FLEXIBLE DEADLINE FOR CONTINUATION OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.

Section 713(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1073 note) is amended by striking out "not later than August 1, 1993." and inserting in lieu thereof "as soon as practicable after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

SEC. 720. CLARIFICATION OF CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) IN GENERAL.—Subsection (a) of section 712 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1073 note) is amended—

(1) by inserting "(1)" after "CONDITION.—";

(2) in the second sentence, by inserting after "cost-effectiveness of the initiative" the following: "(while assuring that the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services will not be increased as a result of the expansion)"; and

(3) by adding at the end the following new paragraph:

"(2) To the extent any revision of the CHAMPUS reform initiative is necessary in order to make the certification required by this subsection, the Secretary shall assure that enrolled covered beneficiaries may obtain health care services with reduced out-of-pocket costs, as compared to standard CHAMPUS.".

(b) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The terms 'Civilian Health and Medical Program of the Uniformed Services' and 'CHAMPUS' have the meaning given the term 'Civilian Health and Medical Program of the Uniformed Services' in section 1072(4) of title 10, United States Code.".

SEC. 721. REPORT REGARDING DEMONSTRATION PROGRAMS FOR THE SALE OF PHARMACEUTICALS.

Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1079 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL REPORT REGARDING PROGRAMS.—Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report containing—

"(1) an evaluation of the feasibility and advisability of increasing the size of those areas determined by the Secretary under subsection (c)(2) to be adversely affected by the closure of a health care facility of the uniformed services in order to increase the number of persons described in such subsection who will be eligible to participate in the demonstration project for pharmaceuticals by mail or in the retail pharmacy network under this section;

"(2) an evaluation of the feasibility and advisability of expanding the demonstration project and the retail pharmacy network under this section to include all covered beneficiaries under chapter 55 of title 10, United States Code, including those persons currently excluded from participation in the Civilian Health and Medical Program of the Uniformed Services by operation of section 1086(d)(1) of such title;

"(3) an estimation of the costs that would be incurred, and any savings that would be achieved by improving efficiencies of operation, as a result of undertaking the increase or expansion described in paragraph (1) or (2); and

"(4) such recommendations as the Secretary considers to be appropriate.".

Subtitle C—Other Matters

SEC. 731. USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

(a) USE OF MODEL.—The Secretary of Defense shall prescribe and implement a health benefit option (and accompanying cost-sharing requirements) for covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code, that is modelled on health maintenance organization plans offered in the private sector and other similar Government health insurance programs. The Secretary shall include, to the maximum extent practicable, the health benefit option required under this subsection as one of the options available to covered beneficiaries in all managed health care initiatives undertaken by the Secretary after the date of the enactment of this Act.

(b) ELEMENTS OF OPTION.—The Secretary shall offer covered beneficiaries who enroll in the health benefit option required under subsection (a) reduced out-of-pocket costs and a benefit structure that is as uniform as possible throughout the United States. The Secretary shall allow enrollees to seek health care outside of the option, except that the Secretary may prescribe higher out-of-pocket costs than are provided under section 1079 or 1086 of title 10, United States Code, for enrollees who obtain health care outside of the option.

(c) GOVERNMENT COSTS.—The health benefit option required under subsection (a) shall be administered so that the costs incurred by the Secretary under each managed health care initiative that includes the option are no greater than the costs that would otherwise be incurred to provide health care to the covered beneficiaries who enroll in the option.

(d) COVERED BENEFICIARY DEFINED.—For purposes of this section, the term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(e) REGULATIONS.—Not later than February 1, 1994, the Secretary shall prescribe final regulations to implement the health benefit option required by subsection (a).

SEC. 732. CLARIFICATION OF AUTHORITY FOR GRADUATE STUDENT PROGRAM OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) DISTINCTION BETWEEN MEDICAL AND GRADUATE STUDENTS.—Section 2114 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Students" in the first sentence and inserting in lieu thereof "Medical students";

(2) in subsection (b), by striking out "Students" both places it appears and inserting in lieu thereof "Medical students";

(3) in subsection (d)—

(A) by striking out "member of the program" in the first sentence and inserting in lieu thereof "medical student"; and

(B) by striking out "any such member" in the second sentence both places it appears and inserting in lieu thereof "any such student"; and

(4) by adding at the end the following new subsection:

"(g) The Secretary of Defense shall establish such selection procedures, service obligations, and other requirements as the Secretary considers appropriate for graduate students (other than medical students) in a postdoctoral, postgraduate, or technological institute established pursuant to section 2113(h) of this title.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to students attending the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act.

SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE OF PATHOLOGY TO OBTAIN ADDITIONAL DISTINGUISHED PATHOLOGISTS AND SCIENTISTS.

Section 176(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense.".

SEC. 734. AUTHORIZATION FOR AUTOMATED MEDICAL RECORD CAPABILITY TO BE INCLUDED IN MEDICAL INFORMATION SYSTEM.

(a) AUTOMATED MEDICAL RECORD CAPABILITY.—In carrying out the acquisition of the Department of Defense medical information system referred to in section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3900), the Secretary of Defense may permit an automated medical record capability to be included in the system. The Secretary may make such modifications to existing contracts, and include such specifications in future contracts, as the Secretary considers necessary to include such a capability in the system.

(b) PLAN.—The Secretary of Defense shall develop a plan to test the use of automated medical records at one or more military medical treatment facilities. Not later than January 15, 1994, the Secretary shall submit the plan to the Committees on Armed Services of the Senate and House of Representatives.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "medical information system" means a computer-based information system that—

(A) receives data normally recorded concerning patients;

(B) creates and maintains from such data a computerized medical record for each patient; and

(C) provides access to data for patient care, hospital administration, research, and medical care resource planning.

(2) The term "automated medical record" means a computer-based information system that—

(A) is available at the time and place of interaction between a patient and a health care provider;

(B) receives, stores, and provides access to relevant patient and other medical information in a single, logical patient record that is appropriately organized for clinical decisionmaking; and

(C) maintains patient confidentiality in conformance with all applicable laws and regulations.

SEC. 735. REPORT ON THE PROVISION OF PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the provision of primary and preventive health care services through military medical treatment facilities and the Civilian Health and Medical Program of the Uniformed Services to female members of the uniformed services and female covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code.

(b) CONTENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the number and types of health care providers who are providing health care services in military medical treatment facilities or through the Civilian Health and Medical Program of the Uniformed Services to female members and female covered beneficiaries.

(2) A description of the health care programs implemented (or planned) by the administering Secretaries to assess the health needs of women or to meet the special health needs of women.

(3) A description of the demographics of the population of female members and female covered beneficiaries and the leading categories of morbidity and mortality among such members and beneficiaries.

(4) A description of any actions, including the use of special pays and incentives, undertaken by the Secretary during fiscal year 1993—

(A) to ensure the retention of health care providers who are providing health care services to female members and female covered beneficiaries;

(B) to recruit additional health care providers to provide such health care services; and

(C) to replace departing health care providers who provided such health care services.

(5) A description of any existing or proposed programs to encourage specialization of health care providers in fields related to primary and preventive health care services for women.

(6) An assessment of any difficulties experienced by military medical treatment facilities or health care providers under the Civilian Health and Medical Program of the Uniformed Services in furnishing primary and preventive health care services for women and a description of the actions taken by the Secretary to resolve such difficulties.

(7) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to female members of the uniformed services and female covered beneficiaries.

(c) STUDY OF THE NEEDS OF FEMALE MEMBERS AND FEMALE COVERED BENEFICIARIES FOR HEALTH CARE SERVICES.—(1) As part of the report required by subsection (a), the Secretary shall conduct a study to determine the needs of female members of the uniformed services and female covered beneficiaries for health care services, including primary and preventive health care services for women.

(2) The study shall examine the health care needs of current female members and female covered beneficiaries and anticipated future female members and female covered beneficiaries, taking

into consideration the anticipated size and composition of the Armed Forces in the year 2000 and the demographics of the entire United States.

(d) SUBMISSION AND REVISION.—The Secretary shall submit to Congress the report required by subsection (a) not later than October 1, 1994. The Secretary shall revise and resubmit the report to Congress not later than October 1, 1999.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "primary and preventive health care services for women" has the meaning given that term in section 1074d(b) of title 10, United States Code, as added by section 701(a)).

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of such title.

SEC. 736. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory, Ladd Air Force Base, Alaska. The series of medical studies referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) CONDUCT OF REQUIRED STUDY.—The independent study required by subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization. The study shall, at a minimum, include the consideration of the following matters:

(1) Whether the series of medical studies referred to in subsection (a) was conducted in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages in the series of medical studies were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of medical studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the conduct of the independent study required by subsection (a) either—

(1) by entering into an agreement with an independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government the funds necessary to carry out the study in accordance with subsection (b).

(d) REPORT.—The Secretary of Defense or the head of the department or agency of the Federal Government who provides for carrying out the independent study required by subsection (a), as the case may be, shall submit to Congress a report on the results of the study, including the matters referred to in subsection (b).

SEC. 737. AVAILABILITY OF REPORT REGARDING THE CHAMPUS CHIROPRACTIC DEMONSTRATION.

(a) AVAILABILITY OF REPORT.—Subject to subsection (b), the Secretary of Defense shall make available to interested persons upon request the report prepared by the Secretary evaluating the chiropractic demonstration that was conducted under the Civilian Health and Medical Program of the Uniformed Services and completed on March 31, 1992. The Secretary shall include with the report all data and analyses related to the demonstration.

(b) CHARGES.—The cost of making the report and related information available under subsection (a) shall be borne by the recipients at the discretion of the Secretary.

SEC. 738. SENSE OF CONGRESS REGARDING THE PROVISION OF ADEQUATE MEDICAL CARE TO COVERED BENEFICIARIES UNDER THE MILITARY MEDICAL SYSTEM.

(a) SENSE OF CONGRESS.—In order to provide covered beneficiaries under chapter 55 of title 10, United States Code, especially retired military personnel, with greater access to health care in medical facilities of the uniformed services, it is the sense of Congress that the Secretary of Defense should encourage the increased use in such facilities of physicians, dentists, or other health care professionals who are members of the reserve components of the Armed Forces and who are performing active duty, full-time National Guard duty, or inactive-duty training, if service in such facilities is consistent with the other military training requirements of these members.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "retired military personnel" means persons who are eligible for health care in medical facilities of the uniformed services under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard duty", and "inactive-duty training" have the meanings given such terms in section 101(d) of such title.

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

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

SEC. 801. INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2525. Industrial Preparedness Manufacturing Technology Program

"The Secretary of Defense shall establish an Industrial Preparedness Manufacturing Technology program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following:

"2525. Industrial Preparedness Manufacturing Technology Program.".

(b) FUNDING.—Of the amounts authorized to be appropriated under section 201(d), $112,500,000 shall be available for the Industrial Preparedness Manufacturing Technology Program under section 2525 of title 10, United States Code, as added by subsection (a).

SEC. 802. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, through the Director of Defense Research and Engineering, shall establish a University Research Initiative Support Program.

(b) PURPOSE.—Under the program, the Director shall award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of $2,000,000 in grants and contracts from the Department of Defense in the two fiscal years before the fiscal year in which the institution submits a proposal for such grant or contract.

(d) COMPETITION REQUIRED.—The Director shall use competitive procedures in awarding grants and contracts under the program.

(e) SELECTION PROCESS.—In awarding grants and contracts under the program, the Director shall use a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code. Such selection process shall require that each person selected to participate in such a merit-based selection process be a member of the faculty or staff of an institution of higher education that is a member of the National Association of State Universities and Land Grant Colleges or the American Association of State Colleges and Universities.

(f) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Director shall prescribe regulations for carrying out the program.

(g) FUNDING.—Of the amounts authorized to be appropriated under section 201, $20,000,000 shall be available for the University Research Initiative Support Program.

SEC. 803. OPERATING COMMITTEE OF THE CRITICAL TECHNOLOGIES INSTITUTE.

Section 822(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686(c)) is amended to read as follows:

"(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of six members as follows:

"(A) The Director of the Office of Science and Technology Policy, who shall chair the committee.

"(B) The Director of the National Institutes of Health.

"(C) The Under Secretary of Commerce for Technology.

"(D) The Director of the Advanced Research Projects Agency.

"(E) The Director of the National Science Foundation.

"(F) The Under Secretary of Energy having responsibility for science and technology matters.

"(2) The Operating Committee shall meet not less than four times each year.".

Subtitle B—Acquisition Assistance Programs

SEC. 811. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) SCOPE OF REFERENCE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Subparagraph (B) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(B) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986;".

(b) DEFINITION OF MINORITY INSTITUTION.—Subparagraph (C) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(C) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d–5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)).".

(c) AWARD ELIGIBILITY.—Section 2323(f)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of Defense shall prescribe regulations that prohibit awarding a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

(d) IMPLEMENTING REGULATIONS.—(1) The Secretary of Defense shall propose amendments to the Department of Defense Supplement to the Federal Acquisition Regulation that address the matters described in subsection (g) and subsection (h)(2) of section 2323 of title 10, United States Code.

(2) Not later than 15 days after the date of the enactment of this Act, the Secretary shall publish such proposed amendments in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). The Secretary shall provide a period of at least 60 days for public comment on the proposed amendments.

(3) The Secretary shall publish the final regulations not later than 120 days after the date of the enactment of this Act.

(e) INFORMATION ON PROGRESS IN PROVIDING INFRASTRUCTURE ASSISTANCE REQUIRED IN ANNUAL REPORT.—Section 2323(i)(3) of title 10, United States Code, is amended by adding at the end the following:

"(D) A detailed description of the infrastructure assistance provided under subsection (c) during the preceding fiscal year and of the plans for providing such assistance during the fiscal year in which the report is submitted.".

(f) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

SEC. 812. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) PROCUREMENT TECHNICAL ASSISTANCE PROGRAM FUNDING.—Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amount made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 813. PILOT MENTOR-PROTEGE PROGRAM FUNDING AND IMPROVEMENTS.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title I of this Act, $50,000,000 shall be available for conducting the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note).

(b) REGULATIONS.—(1) The fifth sentence of section 831(k) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows: "The Department of Defense policy regarding the pilot Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.".

(2) The Secretary of Defense shall ensure that, within 30 days after the date of the enactment of this Act, the Department of Defense policy regarding the pilot Mentor-Protege Program, as in effect on September 30, 1993, is incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation as an appendix. Revisions to such policy (or any successor policy) shall be published and maintained in such supplement as an appendix.

(c) EXTENSION OF PROGRAM ADMISSIONS.—Section 831(j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

Subtitle C—Provisions to Revise and Consolidate Certain Defense Acquisition Laws

SEC. 821. REPEAL AND AMENDMENT OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY LAWS APPLICABLE TO DEPARTMENT OF DEFENSE GENERALLY.

(a) REPEALS.—The following provisions of law are repealed:

(1) Chapter 135 of title 10, United States Code (relating to encouragement of aviation).

(2) Section 2317 of title 10, United States Code (relating to encouragement of competition and cost savings).

(3) Section 2362 of title 10, United States Code (relating to testing requirements for wheeled or tracked vehicles).

(4) Section 2389 of title 10, United States Code (relating to purchases from the Commodity Credit Corporation and price adjustments for contracts for procurement of milk).

(5) Sections 2436 and 2437 of title 10, United States Code (relating to defense enterprise programs).

(6) Section 821 of Public Law 101–189 (103 Stat. 1503) (relating to certificate of independent price determination in certain Department of Defense contract solicitations).

(b) DELETION OF EXPIRING REPORT REQUIREMENT.—Effective February 1, 1994, section 2361 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 822. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

(a) INDUSTRIAL MOBILIZATION.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations

"(a) ORDERING AUTHORITY.—In time of war or when war is imminent, the President, through the Secretary of Defense, may order from any person or organized manufacturing industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

"(b) COMPLIANCE WITH ORDER REQUIRED.—A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

"(c) SEIZURE OF MANUFACTURING PLANTS UPON NONCOMPLIANCE.—In time of war or when war is imminent, the President, through the Secretary of Defense, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of Defense is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the armed forces if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

"(1) to give precedence to the order as prescribed in subsection (b);

"(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies, as ordered by the Secretary; or

"(3) to furnish them at a reasonable price as determined by the Secretary.

"(d) USE OF SEIZED PLANT.—The President, through the Secretary of Defense, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

"(e) COMPENSATION REQUIRED.—Each person or industry from whom products or materials are ordered under subsection (a) is entitled to fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

"(f) CRIMINAL PENALTY.—Whoever fails to comply with this section shall be imprisoned for not more than three years and fined under title 18.

"§ 2539. Industrial mobilization: plants; lists

"(a) LIST OF PLANTS EQUIPPED TO MANUFACTURE ARMS OR AMMUNITION.—The Secretary of Defense may maintain a list of all privately owned plants in the United States, and the territories, Commonwealths, and possessions of the United States, that are equipped to manufacture for the armed forces arms or ammunition, or parts thereof, and may obtain complete information of the kinds of those products manufactured or capable of being manufactured by each of those plants, and of the equipment and capacity of each of those plants.

"(b) LIST OF PLANTS CONVERTIBLE INTO AMMUNITION FACTORIES.—The Secretary of Defense may maintain a list of privately owned plants in the United States, and the territories, Commonwealths, and possessions of the United States, that are capable of being readily transformed into factories for the manufacture of ammunition for the armed forces and that have a capacity sufficient to warrant conversion into ammunition plants in time of war or when war is imminent, and may obtain complete information as to the equipment of each of those plants.

"(c) CONVERSION PLANS.—The Secretary of Defense may prepare comprehensive plans for converting each plant listed pursuant to subsection (b) into a factory for the manufacture of ammunition or parts thereof.

"§ 2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness

"The President may appoint a nonpartisan Board on Mobilization of Industries Essential for Military Preparedness, and may provide necessary clerical assistance, to organize and coordinate operations under sections 2538 and 2539 of this title.".

(2) Sections 4501, 4502, 9501, and 9502 of title 10, United States Code, are repealed.

(b) AVAILABILITY OF SAMPLES, DRAWINGS, INFORMATION, EQUIPMENT, MATERIALS, AND CERTAIN SERVICES.—(1) Subchapter V of chapter 148 of title 10, United States Code, is further amended by adding at the end the following:

"§ 2541. Availability of samples, drawings, information, equipment, materials, and certain services

"(a) AUTHORITY.—The Secretary of Defense and the secretaries of the military departments, under regulations prescribed by the Secretary of Defense and when determined by the Secretary of Defense or the Secretary concerned to be in the interest of national defense, may each—

"(1) sell, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any person or entity;

"(2) sell or lend government equipment or materials to any person or entity—

"(A) for use in independent research and development programs, subject to the condition that the equipment or material be used exclusively for such research and development; or

"(B) for use in demonstrations to a friendly foreign government; and

"(3) make available to any person or entity, at an appropriate fee, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items.

"(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a)(3) are confidential and may not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

"(c) FEES.—Fees for services made available under subsection (a)(3) shall be established in the regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

"(d) USE OF FEES.—Fees received for services made available under subsection (a)(3) may be credited to the appropriations or other funds of the activity making such services available.".

(2) Section 2314 of title 10, United States Code, is amended by inserting "or sale" after "procurement".

(3) Sections 4506, 4507, 4508, 9506, and 9507 of title 10, United States Code, are repealed.

(c) PROCUREMENT FOR EXPERIMENTAL PURPOSES.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2373. Procurement for experimental purposes

"(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may each buy ordnance, signal, and chemical activity supplies, including parts and accessories, and designs thereof, that the Secretary of Defense or the Secretary concerned considers necessary for experimental or test purposes in the development of the best supplies that are needed for the national defense.

"(b) PROCEDURES.—Purchases under this section may be made inside or outside the United States and by contract or otherwise. Chapter 137 of this title applies when such purchases are made in quantity.".

(2) Sections 4504 and 9504 of title 10, United States Code, are repealed.

(d) ACCEPTANCE OF GRATUITOUS SERVICES OF CERTAIN RESERVE OFFICERS.—(1) Chapter 11 of title 10, United States Code, is amended by inserting after section 278 the following new section:

"§ 279. Authority to accept certain gratuitous services of officers

"Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

"(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

"(2) in consultation upon matters relating to the armed forces.".

(2) Sections 4541 and 9541 of title 10, United States Code, are repealed.

SEC. 823. REPEAL OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

The following provisions of subtitles B and D of title 10, United States Code, are repealed:

(1) Sections 4505 and 9505 (relating to procurement of production equipment).

(2) Sections 4531 and 9531 (relating to procurement authorization).

(3) Section 4533 (relating to Army rations).

(4) Sections 4534 and 9534 (relating to subsistence supplies, contract stipulations, and place of delivery on inspection).

(5) Sections 4535 and 9535 (relating to purchase of exceptional subsistence supplies without advertising).

(6) Sections 4537 and 9537 (relating to assistance of United States mapping agencies with military surveys and maps).

(7) Sections 4538 and 9538 (relating to exchange and reclamation of unserviceable ammunition).

SEC. 824. CONSOLIDATION, REPEAL, AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE NAVY.

(a) REPEALS.—The following provisions of subtitle C of title 10, United States Code, are repealed:

(1) Section 7201 (relating to research and development, procurement, and construction of guided missiles).

(2) Section 7210 (relating to purchase of patents, patent applications, and licenses).

(3) Section 7213 (relating to relief of contractors and their employees from losses by enemy action).

(4) Section 7230 (relating to sale of degaussing equipment).

(5) Section 7296 (relating to availability of appropriations for other purposes).

(6) Section 7298 (relating to conversion of combatants and auxiliaries).

(7) Section 7301 (relating to estimates required for bids on construction).

(8) Section 7310 (relating to constructing combatant vessels).

(9) Chapter 635 (relating to naval aircraft).

(10) Section 7366 (relating to limitation on appropriations for naval salvage facilities).

(b) REVISION AND STREAMLINING OF CERTAIN PROVISIONS RELATING TO NAVAL VESSELS.—Chapter 633 of such title is amended by striking out sections 7304, 7305, 7306, 7307, 7308, and 7309 and inserting in lieu thereof the following:

"§ 7304. Examination of vessels; striking of vessels from Naval Vessel Register

"(a) BOARDS OF OFFICERS TO EXAMINE NAVAL VESSELS.—The Secretary of the Navy shall designate boards of naval officers to examine naval vessels, including unfinished vessels, for the purpose of making a recommendation to the Secretary as to which vessels, if any, should be stricken from the Naval Vessel Register. Each vessel shall be examined at least once every three years if practicable.

"(b) ACTIONS BY BOARD.—A board designated under subsection (a) shall submit to the Secretary in writing its recommendations as to which vessels, if any, among those it examined should be stricken from the Naval Vessel Register.

"(c) ACTION BY SECRETARY.—If the Secretary concurs with a recommendation by a board that a vessel should be stricken from the Naval Vessel Register, the Secretary shall strike the name of that vessel from the Naval Vessel Register.

"§ 7305. Vessels stricken from Naval Vessel Register: sale

"(a) APPRAISAL OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.—The Secretary of the Navy shall appraise each vessel stricken from the Naval Vessel Register under section 7304 of this title.

"(b) AUTHORITY TO SELL VESSEL.—If the Secretary considers that the sale of the vessel is in the national interest, the Secretary may sell the vessel. Any such sale shall be in accordance with regulations prescribed by the Secretary for the purposes of this section.

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section. In such a case, the Secretary may sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after the vessel is publicly advertised for sale for a period of not less than 30 days.

"(2) If the Secretary determines that the bid prices for a vessel received after advertising under paragraph (1) are not acceptable and that readvertising will serve no useful purpose, the Secretary may sell the vessel by negotiation to the highest acceptable bidder if—

"(A) each responsible bidder has been notified of intent to negotiate and has been given a reasonable opportunity to negotiate; and

"(B) the negotiated price is—

"(i) higher than the highest rejected price of any responsible bidder; or

"(ii) reasonable and in the national interest.

"(d) APPLICABILITY.—This section does not apply to a vessel the disposal of which is authorized by the Federal Property and

Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), if it is to be disposed of under that Act.

"§ 7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise

"(a) AUTHORITY TO MAKE TRANSFER.—Subject to subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register, or any captured vessel, to—

"(1) any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof;

"(2) the District of Columbia; or

"(3) any not-for-profit or nonprofit entity.

"(b) VESSEL TO BE MAINTAINED IN CONDITION SATISFACTORY TO SECRETARY.—An agreement for the transfer of a vessel under subsection (a) shall include a requirement that the transferee will maintain the vessel in a condition satisfactory to the Secretary.

"(c) TRANSFERS TO BE AT NO COST TO UNITED STATES.—Any transfer of a vessel under this section shall be made at no cost to the United States.

"(d) NOTICE TO CONGRESS.—(1) No transfer under this section takes effect unless—

"(A) notice of the proposal to make the transfer is sent to Congress; and

"(B) 60 days of continuous session of Congress have expired following the date on which such notice is sent to Congress.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

"§ 7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes

"(a) AUTHORITY.—The Secretary of the Navy may use for experimental purposes any vessel stricken from the Naval Vessel Register.

"(b) STRIPPING VESSEL.—(1) Before using a vessel for an experimental purpose pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to appropriations available for the procurement of scrapping services needed for such stripping. Amounts received which are in excess of amounts needed for procuring such services shall be deposited into the general fund of the Treasury.

"§ 7307. Disposals to foreign nations

"(a) LARGER OR NEWER VESSELS.—A naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) unless the disposition of that vessel is approved by law enacted after August 5, 1974. A lease or loan of such a vessel under such a law may be made only in accordance with the provisions of chapter 6 of the Arms Export

Control Act (22 U.S.C. 2796 et seq.) or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).

"(b) OTHER VESSELS.—(1) A naval vessel not subject to subsection (a) may be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) in accordance with applicable provisions of law, but only after—

"(A) the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives in writing of the proposed disposition; and

"(B) 30 days of continuous session of Congress have expired following the date on which such notice is sent to those committees.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

"§ 7308. Chief of Naval Operations: certification required for disposal of combatant vessels

"Notwithstanding any other provision of law, no combatant vessel of the Navy may be sold, transferred, or otherwise disposed of unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

"§ 7309. Construction of vessels in foreign shipyards: prohibition

"(a) PROHIBITION.—Except as provided in subsection (b), no vessel to be constructed for any of the armed forces, and no major component of the hull or superstructure of any such vessel, may be constructed in a foreign shipyard.

"(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

"(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.

"(c) EXCEPTION FOR INFLATABLE BOATS.—An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).

"§ 7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions

"(a) VESSELS WITH HOMEPORT IN UNITED STATES.—A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States may not be overhauled, repaired, or maintained in a shipyard outside the United States, other than in the case of voyage repairs.

"(b) VESSEL CHANGING HOMEPORTS.—In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment

of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.''.

SEC. 825. ADDITIONAL AUTHORITY TO CONTRACT FOR FUEL STORAGE AND MANAGEMENT.

(a) REVISION OF AUTHORITY.—Section 2388 of title 10, United States Code, is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

''(a) AUTHORITY TO CONTRACT.—The Secretary of Defense and the Secretary of a military department may each contract for storage facilities for, or the storage, handling, or distribution of, liquid fuels and natural gas.

''(b) PERIOD OF CONTRACT.—The period of a contract entered into under subsection (a) may not exceed 5 years. However, the contract may provide options for the Secretary to renew the contract for additional periods of not more than 5 years each, but not for more than a total of 20 years.''; and

(2) in subsection (c), by inserting ''OPTION TO PURCHASE FACILITY.—'' after ''(c)''.

(b) SECTION HEADING AMENDMENT.—The heading of section 2388 of such title is amended to read as follows:

''§ 2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution''.

SEC. 826. ADDITIONAL AUTHORITY RELATING TO THE ACQUISITION OF PETROLEUM AND NATURAL GAS.

(a) ACQUISITION, SALE, AND EXCHANGE OF NATURAL GAS.—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter above paragraph (1), by inserting ''or natural gas'' after ''petroleum'';

(B) in paragraph (1)—

(i) by inserting ''or natural gas market conditions, as the case may be,'' after ''petroleum market conditions''; and

(ii) by inserting ''or acquisition of natural gas, respectively,'' after ''acquisition of petroleum''; and

(C) in paragraph (2), by inserting ''or natural gas, as the case may be,'' after ''petroleum''; and

(2) in subsection (b), by inserting ''or natural gas'' in the second sentence after ''petroleum''.

(b) EXPANSION OF EXCHANGE AUTHORITY.—Subsection (c) of such section is amended to read as follows:

''(c) EXCHANGE AUTHORITY.—The Secretary of Defense may acquire petroleum, petroleum-related services, natural gas, or natural gas-related services by exchange of petroleum, petroleum-related services, natural gas, or natural gas-related services.''.

(c) SALE OF PETROLEUM AND NATURAL GAS.—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) AUTHORITY TO SELL.—The Secretary of Defense may sell petroleum or natural gas of the Department of Defense if the

Secretary determines that the sale would be in the public interest. The proceeds of such a sale shall be credited to appropriations of the Department of Defense for the acquisition of petroleum, petroleum-related services, natural gas, or natural gas-related services. Amounts so credited shall be available for obligation for the same period as the appropriations to which the amounts are credited.".

(d) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) SUBSECTION CAPTIONS.—Section 2404 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "WAIVER AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "SCOPE OF WAIVER.—" after "(b)"; and

(C) in subsection (e), as redesignated by subsection (c)(1), by inserting "PETROLEUM DEFINED.—" after "(e)".

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2404. Acquisition of petroleum and natural gas: authority to waive contract procedures; acquisition by exchange; sales authority".

SEC. 827. AMENDMENT OF RESEARCH AUTHORITIES.

(a) AUTHORITY TO CONDUCT BASIC, ADVANCED, AND APPLIED RESEARCH.—Section 2358 of title 10, United States Code, is amended to read as follows:

"§ 2358. Research projects

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may engage in basic, advanced, and applied research and development projects that—

"(1) are necessary to the responsibilities of such Secretary's department in the field of basic, advanced, and applied research and development; and

"(2) either—

"(A) relate to weapons systems and other military needs; or

"(B) are of potential interest to such department.

"(b) AUTHORIZED MEANS.—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

"(1) by contract, cooperative agreement, or other transaction with, or by grant to, educational or research institutions, private businesses, or other agencies of the United States;

"(2) by using employees and consultants of the Department of Defense; or

"(3) through one or more of the military departments.

"(c) REQUIREMENT OF POTENTIAL MILITARY INTEREST.—Funds appropriated to the Department of Defense or to a military department may not be used to finance any research project or study unless the project or study is, in the opinion of the Secretary of Defense or the Secretary of that military department, respectively, of potential interest to the Department of Defense or to such military department, respectively.".

(b) AUTHORITY RELATED TO ADVANCED RESEARCH PROJECTS.—

(1) REPEAL OF REDUNDANT AUTHORITY.—Section 2371 of such title is amended—

(A) by striking out subsection (a);

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (a), (b), (c), (d), (e), and (f), respectively;

(C) in subsection (a), as redesignated by subparagraph (B)—

(i) in paragraph (1), by striking out "subsection (a)" and inserting in lieu thereof "section 2358 of this title"; and

(ii) in paragraph (2), by striking out "subsection (e)" and inserting in lieu thereof "subsection (d)";

(D) in subsection (d), as redesignated by subparagraph (B), by striking out "subsection (a)" and inserting in lieu thereof "section 2358 of this title"; and

(E) in subsection (e), as redesignated by subparagraph (B)—

(i) in paragraph (4), by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)"; and

(ii) in paragraph (5), by striking out "subsection (e)" and inserting in lieu thereof "subsection (d)".

(2) CONSISTENCY OF TERMINOLOGY.—Such section, as amended by paragraph (1), is further amended—

(A) in subsection (c)(1), by inserting "and development" after "research" both places it appears;

(B) in subsections (d) and (e)(3), by striking out "advanced research" and inserting in lieu thereof "research and development"; and

(C) in subsection (e)(1), by striking out "advanced research is" and inserting in lieu thereof "research and development are".

(c) REDUNDANT AND OBSOLETE AUTHORITY FOR THE ARMY AND THE AIR FORCE.—Sections 4503 and 9503 of title 10, United States Code, are repealed.

SEC. 828. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO ACQUISITION LAWS.

(a) AMENDMENTS TO TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of title 10, United States Code, listed in the following paragraphs is amended by striking out the items relating to the sections listed in such paragraphs:

(1) Chapter 137: section 2317.

(2) Chapter 139: section 2362.

(3) Chapter 141: section 2389.

(4) Chapter 144: sections 2436 and 2437.

(5) Chapter 433: sections 4531, 4533, 4534, 4535, 4537, 4538, and 4541.

(6) Chapter 631: sections 7201, 7210, 7213, and 7230.

(7) Chapter 633: sections 7296, 7298, and 7301.

(8) Chapter 637: section 7366.

(9) Chapter 933: sections 9531, 9534, 9535, 9537, 9538, and 9541.

(b) AMENDMENTS TO TABLES OF CHAPTERS.—

(1) The tables of chapters at the beginning of subtitle A, and part IV of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 135.

(2) The tables of chapters at the beginning of subtitle B, and part IV of subtitle B, of such title are amended by striking out the item relating to chapter 431.

(3) The tables of chapters at the beginning of subtitle C, and part IV of subtitle C, of such title are amended by striking out the item relating to chapter 635.

(c) ADDITIONAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 11 of title 10, United States Code, is amended by inserting after the item relating to section 278 the following new item:

"279. Authority to accept certain gratuitous services of officers.".

(2) The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

"2373. Procurement for experimental purposes.".

(3) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2388 and inserting in lieu thereof the following:

"2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution.".

(4) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the item relating to section 2404 and inserting in lieu thereof the following:

"2404. Acquisition of petroleum and natural gas: authority to waive contract procedures; acquisition by exchange; sales authority.".

(5) The table of sections at the beginning of subchapter V of chapter 148 of such title is amended by adding at the end the following new items:

"2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations.
"2539. Industrial mobilization: plants; lists.
"2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness.
"2541. Availability of samples, drawings, information, equipment, materials, and certain services.".

(6) Chapter 431 of such title is amended by striking out the chapter heading and the table of sections.

(7) The table of sections at the beginning of chapter 633 of such title is amended by striking out the items relating to sections 7304, 7305, 7306, 7307, 7308, 7309, and 7310 and inserting in lieu thereof the following:

"7304. Examination of vessels; striking of vessels from Naval Vessel Register.
"7305. Vessels stricken from Naval Vessel Register: sale.
"7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise.
"7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes.
"7307. Disposals to foreign nations.
"7308. Chief of Naval Operations: certification required for disposal of combatant vessels.
"7309. Construction of vessels in foreign shipyards: prohibition.
"7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions.".

(8)(A) Chapter 931 of such title is amended—

(i) by striking out the table of sections for subchapter I;

(ii) by striking out the headings for subchapters I and II;

(iii) by striking out the table of subchapters; and

(iv) by amending the chapter heading to read as follows:

"CHAPTER 931—CIVIL RESERVE AIR FLEET".

(B) The tables of chapters at the beginning of subtitle D, and part IV of subtitle D, of such title are amended by striking out the item relating to chapter 931 and inserting in lieu thereof the following:

"931. Civil Reserve Air Fleet ..... 9511".

(d) CROSS-REFERENCE AMENDMENTS.—(1) Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 415(a)(2)(B)(i)) is amended by striking out "section 7307(b)(1)" and inserting in lieu thereof "section 7307(a)".

(2) Section 2366(d) of title 10, United States Code, is amended by striking out "to the defense committees of Congress (as defined in section 2362(e)(3) of this title)." and inserting in lieu thereof "to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.".

Subtitle D—Defense Acquisition Pilot Programs

SEC. 831. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 832. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively; and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition and Technology, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support, should usually be completed within 6 to 36 months, and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent specific authorization is provided for any defense acquisition program designated for participation in the Defense Acquisition Pilot Program, as required by section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), in a law authorizing appropriations for such program enacted after the date of the enactment of this Act, and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for such defense acquisition program such sums as are necessary to carry out the next phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) ENCOURAGEMENT OF EXCELLENCE.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition work force of the Department of Defense and should provide an enhanced system of incentives, in accordance with the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101–510) and other applicable law, for the encouragement of excellence in the work force of a program participating in the Defense Acquisition Pilot Program.

(b) INCENTIVES.—The Secretary of Defense may consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

Subtitle E—Other Matters

SEC. 841. REIMBURSEMENT OF INDIRECT COSTS OF INSTITUTIONS OF HIGHER EDUCATION UNDER DEPARTMENT OF DEFENSE CONTRACTS.

(a) PROHIBITION.—The Secretary of Defense may not by regulation place a limitation on the amount that the Department of Defense may reimburse an institution of higher education for allowable indirect costs incurred by the institution for work performed for the Department of Defense under a Department of Defense contract unless that same limitation is applied uniformly to all other organizations performing similar work for the Department of Defense under Department of Defense contracts.

(b) WAIVER.—The Secretary of Defense may waive the application of the prohibition in subsection (a) in the case of a particular institution of higher education if the governing body of the institution requests the waiver in order to simplify the overall management by that institution of cost reimbursements by the Department of Defense for contracts awarded by the Department to the institution.

(c) DEFINITIONS.—In this section:

(1) The term "allowable indirect costs" means costs that are generally considered allowable as indirect costs under regulations that establish the cost reimbursement principles applicable to an institution of higher education for purposes of Department of Defense contracts.

(2) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 842. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO ENTITIES CONTROLLED BY A FOREIGN GOVERNMENT.

(a) TERMINOLOGY AMENDMENT.—Subsection (a) of section 2536 of title 10, United States Code, is amended—

(1) by striking out "a company owned by"; and

(2) by striking out "that company" and inserting in lieu thereof "that entity".

(b) EXCLUSION FROM DEFINITION OF ENTITY CONTROLLED BY FOREIGN GOVERNMENT.—Subsection (c)(1) of such section is amended by adding at the end the following: "Such term does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2536. Award of certain contracts to entities controlled by a foreign government: prohibition".

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

"2536. Award of certain contracts to entities controlled by a foreign government: prohibition.".

SEC. 843. REPORTS BY DEFENSE CONTRACTORS OF DEALINGS WITH TERRORIST COUNTRIES.

(a) REPORT REQUIREMENT.—(1) Whenever the Secretary of Defense proposes to enter into a contract with any person for an amount in excess of $5,000,000 for the provision of goods or services to the Department of Defense, the Secretary shall require that person—

(A) before entering into the contract, to report to the Secretary each commercial transaction which that person has conducted with the government of any terrorist country during the preceding three years or the period since the effective date of this section, whichever is shorter; and

(B) to report to the Secretary each such commercial transaction which that person conducts during the course of the contract (but not after the date specified in subsection (h)) with the government of any terrorist country.

(2) The requirement contained in paragraph (1)(B) shall be included in the contract with the Department of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this section.

(c) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense shall submit to the Congress each year by December 1 a report setting forth those persons conducting commercial transactions with terrorist countries that are included in the reports made pursuant to subsection (a) during the preceding fiscal year, the terrorist countries with which those transactions were conducted, and the nature of those transactions. The version of the report made available for public release shall exclude information exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(d) LIABILITY.—This section shall not be interpreted as imposing any liability on a person for failure to comply with the reporting requirement of subsection (a) if the failure to comply is caused solely by an act or omission of a third party.

(e) PERSON DEFINED.—For purposes of this section, the term "person" means a corporate or other business entity proposing to enter or entering into a contract covered by this section. The term does not include an affiliate or subsidiary of the entity.

(f) TERRORIST COUNTRY DEFINED.—A country shall be considered to be a terrorist country for purposes of a contract covered by this section if the Secretary of State has determined pursuant to law, as of the date that is 60 days before the date on which the contract is signed, that the government of that country is a government that has repeatedly provided support for acts of international terrorism.

(g) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act, or after the expiration of the 30-day period beginning on the date of publication in the Federal Register of the final regulations referred to in subsection (b), whichever is earlier.

(h) TERMINATION.—This section expires on September 30, 1996.

SEC. 844. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense

shall prescribe regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations prescribed pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of the enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations prescribed pursuant to subsection (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

SEC. 845. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out prototype projects that are directly

relevant to weapons or weapon systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (c)(2) and (c)(3) of such section 2371, as redesignated by section 827(b)(1)(B), shall not apply to projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, use competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

SEC. 846. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of Defense may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the Secretary of Defense may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the Secretary of Defense certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the Department of Defense for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract. In addition, the contract may include a provision that requires the commercial entity to reimburse the Department of Defense for such indirect costs related to the use of the installation as the Secretary of Defense considers to be appropriate. The Secretary may delegate to the commander of the Major Range and Test Facility Installation the authority to determine the appropriateness of the amount of indirect costs included in such a contract provision.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Department of Defense and designated as a Major Range and Test Facility Installation by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for a commercial entity to conduct test and evaluation activities.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of Defense by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

SEC. 847. CONTRACT BUNDLING.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study regarding the impact of contract bundling on the participation of small business concerns (including small business concerns owned and controlled by socially and economically disadvantaged individuals) in procurement by the Department of Defense.

(b) PURPOSES OF STUDY.—In addition to such other matters as the Comptroller General considers appropriate, the study required by subsection (a) shall—

(1) catalog the benefits and adverse effects of contract bundling on Department of Defense contracting activities;

(2) catalog the benefits and adverse effects of contract bundling on small business concerns seeking to sell goods or services to the Department of Defense;

(3) catalog and assess the adequacy of the policy guidance applicable to procurement personnel of the Department of Defense regarding the bundling of contract requirements;

(4) review and analyze the data compiled pursuant to subsection (c) regarding the extent to which procuring activities of the Department of Defense have been bundling their requirements for the procurement of goods and services (including construction);

(5) review and assess the adequacy of the statements submitted by procuring activities of the Department of Defense pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) regarding bundling of contract requirements; and

(6) assess whether small business specialists of the Department of Defense or procurement center representatives of the Small Business Administration have adequate policy guidance and effective authority to make an independent assessment regarding proposed bundling of contract requirements.

(c) DATA ON CONTRACT BUNDLING.—

(1) DATA TO BE COMPILED.—For purposes of conducting the study required by subsection (a), the Secretary of Defense shall compile and furnish to the Comptroller General data regarding contracts awarded during fiscal years 1988, 1992, and 1993 that reflect the bundling of the types of contract requirements that were previously solicited and awarded as separate contract actions. With respect to such bundled contracts, the Secretary shall seek to furnish data regarding—

(A) the number and dollar value of such contract awards and the types of goods or services (including construction) that were procured;

(B) the number and estimated dollar value of requirements previously procured through separate contract actions which were included in each of the contract actions identified under subparagraph (A);

(C) any justifications (including estimates of cost savings) for the bundled contract actions identified under subparagraph (A); and

(D) the extent of participation by small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals under subcontracting plans pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(2) SUBMISSION TO THE COMPTROLLER GENERAL.—The Secretary of Defense shall furnish the data described in paragraph (1) to the Comptroller General not later than February 1, 1994.

(d) REPORT.—Not later than April 1, 1994, the Comptroller General shall submit to the Committees on Armed Services and Small Business of the Senate and House of Representatives a report containing the results of the study required by subsection (a). The report shall include recommendations for appropriate changes to statutes, regulations, policy, or practices that would ameliorate any identified adverse effects of contract bundling on the participation of small business concerns in procurements by the Department of Defense.

(e) DEFINITION.—For the purposes of this section, the terms "contract bundling" and "bundling of contract requirements" means the practice of consolidating two or more procurement requirements of the type that were previously solicited and awarded as separate smaller contracts into a single large contract solicitation likely to be unsuitable for award to a small business concern due to—

(1) the diversity and size of the elements of performance specified;

(2) the aggregate dollar value of the anticipated award;

(3) the geographical dispersion of the contract performance sites; or

(4) any combination of the factors described in paragraphs (1), (2), and (3).

SEC. 848. PROHIBITION ON COMPETITION BETWEEN DEPARTMENT OF DEFENSE AND SMALL BUSINESSES FOR CERTAIN MAINTENANCE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new section:

"§ 2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities

"(a) EXCLUSION.—In any case in which the Secretary of Defense plans to use competitive procedures for a procurement, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude the Department of Defense from competing in the procurement.

"(b) PROCUREMENT DESCRIPTION.—The requirement to exclude the Department of Defense under subsection (a) applies in the case of a procurement to be conducted by excluding from competition entities in the private sector other than—

"(1) small business concerns in furtherance of section 8 or 15 of the Small Business Act (15 U.S.C. 637 or 644); or

"(2) entities described in subsection (a)(1) of section 2323 of this title in furtherance of the goal specified in that subsection.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2304 the following new item:

"2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities.".

(b) EFFECTIVE DATE.—Section 2304a of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

SEC. 849. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated pursuant to this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act.

(b) PROHIBITION OF CONTRACTS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) BUY AMERICAN ACT WAIVER RESCISSIONS.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(d) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for

the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 850. CLARIFICATION TO SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM ACT.

The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) in section 732, by striking out the second sentence; and

(2) in section 717, by adding at the end the following new subsection:

"(f) SIZE STANDARDS.—

"(1) IN GENERAL.—Any numerical size standard that is assigned to a standard industrial classification code (or a subdivision of such a code) for any of the designated industry groups described in subsections (b), (c), and (d) of this section and that was in effect on September 30, 1988, shall remain in effect for the duration of the Program (as specified in section 711(c)).

"(2) ENGINEERING SERVICES OTHER THAN ARCHITECTURAL AND ENGINEERING SERVICES.—The limitation imposed by paragraph (1) does not preclude modification to the numerical size standard assigned to those subdivisions of standard industrial classification code 8711 that are not subject to the Program, including—

"(A) engineering services—military and aerospace equipment and military weapons;

"(B) engineering services—marine engineering and naval architecture; or

"(C) any successor to a subdivision described in subparagraph (A) or (B).".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating sections 135, 136, 138, 139, 140, and 141 as sections 137, 138, 139, 140, 141, and 142, respectively; and

(2) by transferring section 137 (relating to the Comptroller) so as to appear after section 134a, redesignating that section as section 135, and amending that section by adding at the end the following new subsection:

"(d) The Comptroller takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Policy the following:

"Comptroller of the Department of Defense.".

(c) CONFORMING AMENDMENT.—Subsection (d) of section 138 of title 10, United States Code, as redesignated by subsection (a), is amended by inserting "and Comptroller" after "Under Secretaries of Defense".

SEC. 902. ADDITIONAL RESPONSIBILITIES OF THE COMPTROLLER.

(a) CHIEF FINANCIAL OFFICER.—(1) Section 135 of title 10, United States Code, as redesignated and amended by section 901, is further amended in subsection (b)—

(A) by inserting after "(b)" the following: "The Comptroller is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31."; and

(B) by inserting "additional" after "shall perform such".

(2) Section 5315 of title 5, United States Code, is amended by striking out the following:

"Chief Financial Officer, Department of Defense.".

(b) CONGRESSIONAL INFORMATION RESPONSIBILITIES.—Such section is further amended by adding after subsection (d), as added by section 901(a)(2), the following new subsection:

"(e) The Comptroller shall ensure that the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each informed, in a timely manner, regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Comptroller.".

SEC. 903. NEW POSITION OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135, as transferred and redesignated by section 901(a), the following new section:

"§ 136. Under Secretary of Defense for Personnel and Readiness

"(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary, and nonappropriated fund activities, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Comptroller.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Comptroller of the Department of Defense, as added by section 901(b), the following:

"Under Secretary of Defense for Personnel and Readiness.".

(c) OFFSETTING REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Subsection (a) of section 138 of title 10, United States Code, as redesignated by section 901(a),

is amended by striking out "eleven" and inserting in lieu thereof "ten".

(2) Section 5315 of title 5, United States Code, is amended by striking out "Assistant Secretaries of Defense (11)" and inserting in lieu thereof "Assistant Secretaries of Defense (10)".

SEC. 904. REDESIGNATION OF POSITIONS OF UNDER SECRETARY AND DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

(a) REDESIGNATIONS.—The office of Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Under Secretary of Defense for Acquisition and Technology. The office of Deputy Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Deputy Under Secretary of Defense for Acquisition and Technology.

(b) USD CHARTER AMENDMENTS.—(1) Section 133 of title 10, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition and Technology".

(c) DUSD CHARTER AMENDMENTS.—(1) Section 133a of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" in subsections (a) and (b) and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§ 133a. Deputy Under Secretary of Defense for Acquisition and Technology".

(d) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) The following sections of title 10, United States Code, are amended by striking out "Under Secretary of Defense for Acquisition" each place such term appears (including section headings) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology": sections 134(c), 137(b) (as redesignated by section 901(a)), 139 (as redesignated by section 901(a)), 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722, 1735(c), 1737(c), 1741(b), 1746(a), 1761(b)(4), 1762(a), 1763, 2304(f), 2308(b), 2325(b), 2329, 2350a, 2369, 2399(b)(3), 2435(b)(2)(B), 2438(c), 2523(a), and 2534(b)(2).

(2) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 of such title is amended to read as follows:

"1702. Under Secretary of Defense for Acquisition and Technology: authorities and responsibilities.".

(3) Section 171(a)(8) of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(e) CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5313 of title 5, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" and

inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) Section 5314 of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(f) REFERENCES IN OTHER LAWS.—Any reference to the Under Secretary of Defense for Acquisition or the Deputy Under Secretary of Defense for Acquisition in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense for Acquisition and Technology or the Deputy Under Secretary of Defense for Acquisition and Technology, respectively.

SEC. 905. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

Section 138(b) of title 10, United States Code, as redesignated by section 901(a)(1), is amended by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.".

SEC. 906. FURTHER CONFORMING AMENDMENTS TO CHAPTER 4 OF TITLE 10, UNITED STATES CODE.

(a) COMPOSITION OF OSD.—Subsection (b) of section 131 of title 10, United States Code, is amended to read as follows:

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretary of Defense for Acquisition and Technology.

"(3) The Under Secretary of Defense for Policy.

"(4) The Comptroller.

"(5) The Under Secretary of Defense for Personnel and Readiness.

"(6) The Director of Defense Research and Engineering.

"(7) The Assistant Secretaries of Defense.

"(8) The Director of Operational Test and Evaluation.

"(9) The General Counsel of the Department of Defense.

"(10) The Inspector General of the Department of Defense.

"(11) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"Sec.
"131. Office of the Secretary of Defense.
"132. Deputy Secretary of Defense.
"133. Under Secretary of Defense for Acquisition and Technology.
"133a. Deputy Under Secretary of Defense for Acquisition and Technology.
"134. Under Secretary of Defense for Policy.
"134a. Deputy Under Secretary of Defense for Policy.
"135. Comptroller.
"136. Under Secretary of Defense for Personnel and Readiness.
"137. Director of Defense Research and Engineering.
"138. Assistant Secretaries of Defense.
"139. Director of Operational Test and Evaluation.

"140. General Counsel.
"141. Inspector General.
"142. Assistant to the Secretary of Defense for Atomic Energy.".

SEC. 907. DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Subsection (c) of section 139 of title 10, United States Code, as redesignated by section 901(a)(1), is amended—

(1) by striking out the first sentence;

(2) by striking out "Director of Defense Research and Engineering" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(3) by striking out "research and development" and inserting in lieu thereof "acquisition".

Subtitle B—Professional Military Education

SEC. 921. CONGRESSIONAL FINDINGS CONCERNING PROFESSIONAL MILITARY EDUCATION SCHOOLS.

The Congress finds that—

(1) the primary mission of the professional military education schools of the Army, Navy, Air Force, and Marine Corps is to provide military officers with expertise in their particular warfare specialties and a broad and deep understanding of the major elements of their own service;

(2) the primary mission of the joint professional military education schools is to provide military officers with expertise in the integrated employment of land, sea, and air forces, including matters relating to national security strategy, national military strategy, strategic planning and contingency planning, and command and control of combat operations under unified command; and

(3) there is a continuing need to maintain professional military education schools for the Armed Forces and separate joint professional military education schools.

SEC. 922. AUTHORITY FOR AWARD BY NATIONAL DEFENSE UNIVERSITY OF CERTAIN MASTER OF SCIENCE DEGREES.

(a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2163. National Defense University: masters of science in national security strategy and in national resource strategy

"(a) NATIONAL WAR COLLEGE DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the National War College, may confer the degree of master of science of national security strategy upon graduates of the National War College who fulfill the requirements for the degree.

"(b) ICAF DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the Industrial College of the Armed Forces, may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who fulfill the requirements for the degree.

"(c) REGULATIONS.—The authority provided by subsections (a) and (b) shall be exercised under regulations prescribed by the Secretary of Defense.".

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

"2163. National Defense University: masters of science in national security strategy and in national resource strategy.".

SEC. 923. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—(1) Section 1595 of title 10, United States Code, is amended to read as follows:

"§ 1595. Civilian faculty members at certain Department of Defense schools: employment and compensation

"(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the institutions specified in subsection (c) as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) COVERED INSTITUTIONS.—This section applies with respect to the following institutions of the Department of Defense:

"(1) The National Defense University.

"(2) The Foreign Language Center of the Defense Language Institute.

"(3) The George C. Marshall European Center for Security Studies.

"(d) APPLICATION TO FACULTY MEMBERS AT NDU.—(1) In the case of the National Defense University, this section applies with respect to persons selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after February 27, 1990.

"(2) For purposes of this section, the National Defense University includes the National War College, the Armed Forces Staff College, the Institute for National Strategic Study, and the Industrial College of the Armed Forces.

"(e) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT GEORGE C. MARSHALL CENTER.—In the case of the George C. Marshall European Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. Civilian faculty members at certain Department of Defense schools: employment and compensation.".

(b) CONFORMING AMENDMENT.—Section 5102(c)(10) of title 5, United States Code, as amended by section 533(c), is amended by inserting "(and, in the case of the George C. Marshall European Center for Security Studies, the Director and the Deputy Director)" after "professional military education school".

Subtitle C—Joint Officer Personnel Policy

SEC. 931. REVISION OF GOLDWATER-NICHOLS REQUIREMENT OF SERVICE IN A JOINT DUTY ASSIGNMENT BEFORE PROMOTION TO GENERAL OR FLAG GRADE.

(a) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 619 the following new section:

"§ 619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions

"(a) GENERAL RULE.—An officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may not be appointed to the grade of brigadier general or rear admiral (lower half) unless the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title).

"(b) EXCEPTIONS.—Subject to subsection (c), the Secretary of Defense may waive subsection (a) in the following circumstances:

"(1) When necessary for the good of the service.

"(2) In the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

"(3) In the case of—

"(A) a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;

"(B) a chaplain; or

"(C) a judge advocate.

"(4) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general or rear admiral (lower half) while serving in a joint duty assignment if—

"(A) at least 180 days of that joint duty assignment have been completed on the date of the convening of that selection board; and

"(B) the officer's total consecutive service in joint duty assignments within that immediate organization is not less than two years.

"(5) In the case of an officer who served in a joint duty assignment that began before January 1, 1987, if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

"(c) WAIVER TO BE INDIVIDUAL.—A waiver may be granted under subsection (b) only on a case-by-case basis in the case of an individual officer.

"(d) SPECIAL RULE FOR GOOD-OF-THE-SERVICE WAIVER.—In the case of a waiver under subsection (b)(1), the Secretary shall provide that the first duty assignment as a general or flag officer of the officer for whom the waiver is granted shall be in a joint duty assignment.

"(e) LIMITATION ON DELEGATION OF WAIVER AUTHORITY.—The authority of the Secretary of Defense to grant a waiver under subsection (b) (other than under paragraph (1) of that subsection) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (b)(2) those categories of officers for which selection for promotion to brigadier general or, in the case of the Navy, rear admiral (lower half) is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

"(g) TRANSITION WAIVER AUTHORITIES.—(1)(A) Until January 1, 1999, the Secretary of Defense may waive subsection (a) in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

"(B) Of the total number of appointments to the grades of brigadier general and rear admiral (lower half) for officers on the active-duty lists of the Army, Navy, Air Force, and Marine Corps during each of the years 1995 through 1999, the number in any such year that are made using a waiver under subparagraph (A) may not exceed the applicable percentage of such total determined as follows:

"Year:	**Applicable Percentage:**
1995	20
1996	15
1997	10
1998	5.

"(C) The provisions of subsections (c) and (e) apply to waivers under this paragraph in the same manner as to waivers under subsection (b).

"(2) Until January 1, 1999, the Secretary of Defense may waive subsection (d) in the case of an officer granted a waiver of subsection (a) under the authority of subsection (b)(1).

"(3)(A) An officer described in subparagraph (B) may not be appointed to the grade of lieutenant general or vice admiral until the officer completes a full tour of duty in a joint duty assignment.

"(B) Subparagraph (A) applies to an officer—

"(i) who is promoted after January 1, 1994, to the grade of brigadier general or rear admiral (lower half) and who receives a waiver of subsection (a) under the authority of paragraph (1) of this subsection; or

"(ii) who receives a waiver of subsection (d) under the authority of paragraph (2) of this subsection.

"(h) SPECIAL TRANSITION RULES FOR NUCLEAR PROPULSION OFFICERS.—(1) Until January 1, 1997, an officer of the Navy designated as a qualified nuclear propulsion officer may be appointed to the grade of rear admiral (lower half) without regard to subsection (a). An officer so appointed may not be appointed to the grade of rear admiral until the officer completes a full tour of duty in a joint duty assignment.

"(2) Not later than March 1 of each year from 1994 through 1997, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation during the preceding calendar year of the transition plan developed by the Secretary pursuant to section

1305(b) of Public Law 100–180 (10 U.S.C. 619a note) with respect to service by qualified nuclear propulsion officers in joint duty assignments.".

(b) CONFORMING REPEAL.—Section 619 of title 10, United States Code, is amended by striking out subsection (e).

(c) CLERICAL AMENDMENTS.—(1) The heading of section 619 is amended to read as follows:

"§ 619. Eligibility for consideration for promotion: time-in-grade and other requirements.

(2) The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking out the item relating to section 619 and inserting in lieu thereof the following new items:

"619. Eligibility for consideration for promotion: time-in-grade and other requirements.
"619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions.".

(d) REPORT ON PLANS FOR COMPLIANCE WITH SECTION 619a.—Not later than February 1, 1994, the Secretary of Defense shall certify to Congress that the Army, Navy, Air Force, and Marine Corps have each developed and implemented a plan for their officer personnel assignment and promotion policies so as to ensure compliance with the requirements of section 619a of title 10, United States Code, as added by subsection (a). Each such plan should particularly ensure that by January 1, 1999, the service covered by the plan shall have enough officers who have completed a full tour of duty in a joint duty assignment so as to permit the orderly promotion of officers to brigadier general or, in the case of the Navy, rear admiral (lower half) pursuant to the requirements of chapter 38 of title 10, United States Code.

(e) ADDITIONAL INFORMATION TO BE INCLUDED IN NEXT FIVE ANNUAL JOINT OFFICER POLICY REPORTS.—The Secretary of Defense shall include as part of the information submitted to Congress pursuant to section 667 of title 10, United States Code, for each of the next five years after the date of the enactment of this Act the following:

(1) The degree of progress made toward meeting the requirements of section 619a of title 10, United States Code.

(2) The compliance achieved with each of the plans developed pursuant to subsection (d).

(f) EXTENSION OF TRANSITION PLAN FOR NUCLEAR PROPULSION OFFICERS.—(1) Section 1305(b) of Public Law 101–180 (10 U.S.C. 619a note) is amended by striking out "January 1, 1994" each place it appears and inserting in lieu thereof "January 1, 1997".

(2) The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall revise the transition plan developed pursuant to section 1305(b) of Public Law 101–180 to take account of the amendments made by subsection (a) and by paragraph (1) of this subsection. The Secretary shall include with the next report of the Secretary after the date of the enactment of this Act under section 619a(h)(2) of title 10, United States Code, as added by subsection (a), a report on the actions of the Secretary in revising such transition plan.

(3) Such section is further amended by striking out "nuclear populsion" in paragraph (1)(B) and inserting in lieu thereof "nuclear propulsion".

SEC. 932. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—(1) An officer described in paragraph (2) may (subject to paragraph (3)) be given credit for service in a joint duty assignment pursuant to the provisions of section 933 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 664 note), notwithstanding the expiration (under subsection (e) of that section) of authority to give such credit under that section.

(2) Paragraph (1) applies—

(A) in the case of an officer who was recommended for such credit under subsection (a)(3) of that section before the expiration (under subsection (e) of that section) of authority to give such credit, but for whom such credit either was denied or was granted as credit for less than a full tour of duty in a joint duty assignment; and

(B) in the case of an officer who did not submit a timely request for consideration for such credit.

(3)(A) In the case of an officer described in paragraph (2)(A), joint duty credit may be granted by reason of this subsection only if the Secretary determines that the decision not to give the credit or not to give greater credit, as the case may be, to that officer was incorrect.

(B) In the case of an officer described in paragraph (2)(B), joint duty credit may be granted by reason of this subsection only if the Secretary determines that the officer's ability to submit a timely request was impaired by involvement of the officer in an operational assignment and, as a result of the failure to submit such a timely request, the officer was not recommended for such credit.

(b) DURATION OF AUTHORITY.—Subsection (a) expires at the end of the 90-day period beginning on the date of the enactment of this Act.

(c) CLARIFICATION OF INTENDED RELATIONSHIP BETWEEN CREDIT AND PROMOTIONS.—(1) Section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 644 note) is amended by striking out "chapter 38 of" and inserting in lieu thereof "any provision of".

(2) Any joint duty service credit given to an officer under section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 before the date of the enactment of this Act may be applied to any provision of title 10, United States Code.

SEC. 933. FLEXIBILITY FOR REQUIRED POST-EDUCATION JOINT DUTY ASSIGNMENT.

(a) IN GENERAL.—Subsection (d) of section 663 of title 10, United States Code, is amended to read as follows:

"(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

"(2)(A) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a joint professional military education school who do not have the joint specialty shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized in subparagraph (B), as their second duty assignment after such graduation.

"(B) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the joint duty assignment requirement in subparagraph (A) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a joint professional military education school.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 941. ARMY RESERVE COMMAND.

Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1620; 10 U.S.C. 3074 note) is amended—

(1) in subsection (a), by striking out "shall be a major subordinate command of Forces Command" and inserting in lieu thereof "shall be a separate command of the Army commanded by the Chief, Army Reserve";

(2) in subsection (b)(2), by striking out "Commander-in-Chief, Forces Command" and inserting in lieu thereof "Commander-in-Chief, United States Atlantic Command"; and

(3) by striking out subsections (c) through (e).

SEC. 942. FLEXIBILITY IN ADMINISTERING REQUIREMENT FOR ANNUAL FOUR PERCENT REDUCTION IN NUMBER OF PERSONNEL ASSIGNED TO HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

Section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1622) is amended by adding at the end the following: "If the number by which the number of such personnel is reduced during any of fiscal years 1991, 1992, 1993, or 1994 is greater than the number required under the preceding sentence, the excess number from that fiscal year may be applied by the Secretary toward the required reduction during a subsequent fiscal year (so that the total reduction under this section need not exceed the number equal to five times the required reduction number specified under the preceding sentence).".

SEC. 943. REPORT ON DEPARTMENT OF DEFENSE BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit, in classified and unclassified forms, to the Committees on Armed Services of the Senate and House of Representatives a report on aspects of the comprehensive review of Department of Defense activities ordered by the Secretary of Defense and identified as the "Bottom Up Review" (hereinafter in this section referred to

as the "Review") that were not included in the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review". The report shall include the following information:

(1) A presentation of the process, structure, and scope of the Review, including all programs and policies examined by the Review.

(2) The various force structure, strategy, budgetary, and programmatic options considered as part of the Review.

(3) A description of any threat assessment or defense planning scenario used in conducting the Review.

(4) The criteria used in the development, review, and selection of the alternative strategy, force structure, programmatic, budgetary, and other options considered in the Review.

(5) A detailed description and break out of the resource savings and costs resulting from the recommendations stated in the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review".

(6) Presentation of changes as a result of the Review in each of the following:

(A) The National Security Strategy of the United States, as described in the January 1993 report entitled "National Security Strategy of the United States", issued by former President Bush.

(B) The National Military Strategy of the United States, as described in the January 1993 report entitled "Annual Report to the President and the Congress" from former Secretary of Defense Cheney.

(C) The military force structure and active and reserve personnel end strength, as described in the January 1993 report entitled "Annual Report to the President and the Congress" from former Secretary of Defense Cheney.

(D) The roles and functions of the military departments and the roles and functions of the unified commands as set out in the Unified Command Plan.

(E) Cost, schedule, and inventory objectives for major defense acquisition programs (as defined in section 2430 of title 10, United States Code) altered as a result of the Review.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than the date on which the budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code.

SEC. 944. REPEAL OF TERMINATION OF REQUIREMENT FOR A DIRECTOR OF EXPEDITIONARY WARFARE IN THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.

Subsection (e) of section 5038 of title 10, United States Code, is repealed.

SEC. 945. CINC INITIATIVE FUND.

Of the amounts authorized to be appropriated pursuant to section 301 for Defense-wide activities, $30,000,000 shall be made available for the CINC Initiative Fund.

Subtitle E—Commission on Roles and Missions of the Armed Forces

SEC. 951. FINDINGS.

Congress makes the following findings:

(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

(2) Many analysts believe that a realignment of those roles and mission is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has not produced the comprehensive review envisioned by Congress.

(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

SEC. 952. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Roles and Missions of the Armed Forces (hereinafter in this subtitle referred to as the "Commission").

(b) COMPOSITION AND QUALIFICATIONS.—(1) The Commission shall be composed of seven members. Members of the Commission shall be appointed by the Secretary of Defense.

(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

(3) The Secretary shall designate one of the members as chairman of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL ORGANIZATIONAL REQUIREMENTS.—(1) The Secretary shall make all appointments to the Commission within 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 953. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

(2) evaluate and report on alternative allocations of those roles, missions, and functions; and

(3) make recommendations for changes in the current definition and distribution of those roles, missions, and functions.

(b) REVIEW OF POTENTIAL MILITARY OPERATIONS.—The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

(1) Defense of the United States.

(2) Warfare against other national military forces.

(3) Participation in peacekeeping, peace enforcement, and other nontraditional activities.

(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

(5) Support of law enforcement.

(6) Other types of operations as specified by the chairman of the Commission.

(c) COMMISSION TO DEFINE BROAD MISSION AREAS AND KEY SUPPORT REQUIREMENTS.—As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

(d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR ORGANIZATIONAL ALLOCATIONS.—The Commission shall develop a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider—

(1) static efficiency (such as duplicative overhead and economies of scale);

(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

(5) division of responsibility on the battlefield;

(6) exploitation of new technology and operational concepts;

(7) the degree of disruption that a change in roles and missions would entail; and

(8) the experience of other nations.

(e) RECOMMENDATIONS CONCERNING MILITARY ROLES AND MISSIONS.—Based upon the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend—

(1) the functions for which each military department should organize, train, and equip forces;

(2) the missions of combatant commands; and

(3) the roles that Congress should assign to the various military elements of the Department of Defense.

(f) RECOMMENDATIONS CONCERNING CIVILIAN ELEMENTS OF DEPARTMENT OF DEFENSE.—The Commission may address the roles, missions, and functions of civilian portions of the Department of

Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, missions, and functions.

(g) RECOMMENDATIONS CONCERNING PROCESS FOR FUTURE CHANGES.—The Commission shall also recommend a process for continuing to adapt the roles, missions, and functions of the Armed Forces to future changes in technology and in the international security environment.

SEC. 954. REPORTS.

(a) IMPLEMENTATION PLAN.—Not later than three months after the date on which all members of the Commission have been appointed, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth its plan for the work of the Commission. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

(b) COMMISSION REPORT.—The Commission shall, not later than one year after the date of its first meeting, submit to the committees named in subsection (a) and to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislation that the Commission considers advisable.

(c) ACTION BY SECRETARY OF DEFENSE.—The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit comments on the Commission's report to the committees referred to in subsection (b) not later than 90 days following receipt of the report.

SEC. 955. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 956. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the chairman.

(b) QUORUM.—(1) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission.

Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 957. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 958. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a

reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) TRAVEL.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 959. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 960. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the last day of the sixteenth month that begins after the date of its first meeting, but not earlier than 30 days after the date of the Secretary of Defense's submission of comments on the Commission's report.

TITLE X—ENVIRONMENTAL PROVISIONS

SEC. 1001. ANNUAL ENVIRONMENTAL REPORTS.

(a) REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—Subsection (a) of section 2706 of title 10, United States Code, is amended to read as follows:

"(a) REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental restoration activities at military installations.

"(2) Each such report shall include, with respect to environmental restoration activities for each military installation, the following:

"(A) A statement of the number of sites at which a hazardous substance has been identified.

"(B) A statement of the status of response actions proposed for or initiated at the military installation.

"(C) A statement of the total cost estimated for such response actions.

"(D) A statement of the amount of funds obligated by the Secretary for such response actions, and the progress made in implementing the response actions during the fiscal year preceding the year in which the report is submitted, including an explanation of—

"(i) any cost overruns for such response actions, if the amount of funds obligated for those response actions exceeds the estimated cost for those response actions by the greater of 15 percent of the estimated cost or $10,000,000; and

"(ii) any deviation in the schedule (including a milestone schedule specified in an agreement, order, or mandate) for such response actions of more than 180 days.

"(E) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, such response actions during the fiscal year in which the report is submitted.

"(F) A statement of the amount of funds requested for such response actions for the five fiscal years following the fiscal year in which the report is submitted, and the anticipated progress in implementing such response actions for the fiscal year for which the budget is submitted.

"(G) A statement of the total costs incurred for such response actions as of the date of the submission of the report.

"(H) A statement of the estimated cost of completing all environmental restoration activities required with respect to the military installation, including, where relevant, the estimated cost of such activities in each of the five fiscal years following the fiscal year in which the report is submitted.

"(I) A statement of the estimated schedule for completing all environmental restoration activities at the military installation.

(b) REPORT ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.—Subsection (b) of section 2706 of such title is amended to read as follows:

"(b) REPORT ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental compliance activities at military installations.

"(2) Each such report shall include the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted, setting forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

"(B) A statement of the funding levels and full-time personnel requested for such purposes in the budget submitted by the President at the same time as the report, including—

"(i) an explanation of any differences between the funding level and personnel requirements and the funding level and personnel requests in the budget; and

"(ii) a statement setting forth separately the funding levels and full-time personnel requested for the Department of Defense as a whole and for each military installation.

"(C) A projection of the funding levels and the number of full-time personnel that will be required over the five fiscal years following the fiscal year in which the report is submitted for the Department of Defense to comply with applicable environmental laws, setting forth separately such projections

for the Department of Defense as a whole and for each military installation.

"(D) An analysis of the effect that compliance with such environmental laws may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

"(E) A statement of the funding levels requested in the budget submitted by the President at the same time as the report for carrying out research, development, testing, and evaluation for environmental purposes or environmental activities of the Department of Defense. The statement shall set forth separately the funding levels requested for the Department of Defense as a whole and for each military department and Defense Agency.

"(F) A description of the number and duties of all current full-time civilian and military personnel who carry out environmental activities (including research) for the Department of Defense, including a description of the organizational structure of such personnel from the Secretary of Defense down to the military installation level.

"(G) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted.".

(c) REPORT ON CONTRACTOR REIMBURSEMENT COSTS.—Section 2706 of such title is amended by adding at the end the following new subsection:

"(c) REPORT ON CONTRACTOR REIMBURSEMENT COSTS.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on payments made by the Secretary to defense contractors for the costs of environmental response actions.

"(2) Each such report shall include, for the fiscal year preceding the year in which the report is submitted, the following:

"(A) An estimate of the payments made by the Secretary to any defense contractor (other than a response action contractor) for the costs of environmental response actions at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.

"(B) A statement of the amount and current status of any pending requests by any defense contractor (other than a response action contractor) for payment of the costs of environmental response actions at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.".

(d) DEFINITIONS.—Section 2706 of such title, as amended by subsection (c), is further amended by adding at the end the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'defense contractor'—

"(A) means an entity (other than an entity referred to in subparagraph (B)) that is one of the top 100 entities receiving the largest dollar volume of prime contract

awards by the Department of Defense during the fiscal year covered by the report; and

"(B) does not include small business concerns, commercial companies (or segments of commercial companies) providing commercial items to the Department of Defense.

"(2) The term 'military installation' has the meaning given such term in section 2687(e) of this title, except that such term does not include a homeport facility for any ship and includes—

"(A) each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense;

"(B) each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances; and

"(C) each facility or site at which the Secretary is conducting environmental restoration activities.

"(3) The term 'response action contractor' has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)).".

(e) TIME OF SUBMISSION OF CERTAIN REPORTS.—(1) A report submitted in 1994 under subsection (a) of section 2706 of title 10, United States Code, as amended by subsection (a), and under subsection (b) of such section, as amended by subsection (b), shall be submitted not later than March 31, 1994.

(2) A report under subsection (c) of section 2706 of such title, as added by subsection (c), shall be submitted for fiscal years beginning with fiscal year 1993. Any such report that is submitted for fiscal year 1993 or fiscal year 1994 shall be submitted not later than February 1, 1995.

SEC. 1002. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY FOR RELEASES OF PETROLEUM AND PETROLEUM DERIVATIVES.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2687 note) is amended by striking out "hazardous substance or pollutant or contaminant" in subsections (a) and (d) and inserting in lieu thereof "hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative".

SEC. 1003. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) COMPLIANCE BY NAVY SHIPS WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof "as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(b) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface ships owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V to the Convention.

"(2) Not later than 3 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of the Navy shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all ships owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain ships under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(c) COMPLIANCE MEASURES.—Section 3 of such Act is amended by inserting after subsection (d), as redesignated by subsection (b)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V to the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3) Except when necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea, it shall be a violation of this Act for a ship referred to in subsection (b)(1)(A) of this section that is owned or operated by the Department of the Navy:

"(A) With regard to a submersible, to discharge buoyant garbage or garbage that contains more than the minimum amount practicable of plastic.

"(B) With regard to a surface ship, to discharge plastic contaminated by food during the last 3 days before the ship enters port.

"(C) With regard to a surface ship, to discharge plastic, except plastic that is contaminated by food, during the last 20 days before the ship enters port.

"(4) The Secretary of Defense shall publish in the Federal Register:

"(A) Beginning on October 1, 1994, and each year thereafter until October 1, 2000, the amount and nature of the discharges in special areas, not otherwise authorized under Annex V to the Convention, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.

"(B) Beginning on October 1, 1996, and each year thereafter until October 1, 1998, a list of the names of such ships equipped with plastic processors pursuant to section 1003(e) of the National Defense Authorization Act for Fiscal Year 1994.".

(d) WAIVER AUTHORITY.—Section 3 of such Act, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsection (c) of this section and in subsection 1003(e) of the National Defense Authorization Act for Fiscal Year 1994 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of one year. The President shall submit to the Congress each January a report on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(e) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships owned or operated by the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a ship owned or operated by the Navy.

(3) Not later than March 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 25 percent of the ships owned or operated by the Navy that require plastics processors to comply with section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (a), (b), and (c) of this section.

(4) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(5) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(6) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(f) DEFINITION.—Section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph (9):

"(9) 'submersible' means a submarine, or any other vessel designed to operate under water; and".

SEC. 1004. EXTENSION OF APPLICABILITY PERIOD FOR REIMBURSEMENT FOR CERTAIN LIABILITIES ARISING UNDER HAZARDOUS WASTE CONTRACTS.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out "and 1993" and inserting in lieu thereof "through 1996".

SEC. 1005. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

TITLE XI—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1101. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

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

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1102. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Department of Justice.

SEC. 1103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the bill H.R. 2401 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for that program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1104. REVISION OF DATE FOR SUBMITTAL OF JOINT REPORT ON SCORING OF BUDGET OUTLAYS.

Section 226(a) of title 10, United States Code, is amended—

(1) by striking out "Not later than" and all that follows through "section 1105 of title 31", and inserting in lieu thereof "Not later than December 15 of each year"; and

(2) in paragraph (1), by striking out "that budget" and inserting in lieu thereof "the budget to be submitted to Congress in the following year pursuant to section 1105 of title 31".

SEC. 1105. COMPTROLLER GENERAL AUDITS OF ACCEPTANCE BY DEPARTMENT OF DEFENSE OF PROPERTY, SERVICES, AND CONTRIBUTIONS.

(a) PROPERTY AND SERVICES FROM FOREIGN COUNTRIES IN CONNECTION WITH CERTAIN AGREEMENTS.—Subsection (d) of section 2350g of title 10, United States Code, is amended to read as follows:

"(d) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.".

(b) DEFENSE COOPERATION ACCOUNT.—(1) Subsection (i) of section 2608 of such title is amended to read as follows:

"(i) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.".

(2) The heading of such section is amended to read as follows:

"§ 2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account".

(3) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account.".

SEC. 1106. LIMITATION ON TRANSFERRING DEFENSE FUNDS TO OTHER DEPARTMENTS AND AGENCIES.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2214 the following new section:

"§ 2215. Transfer of funds to other departments and agencies: limitation

"Funds available for military functions of the Department of Defense may not be made available to any other department or agency of the Federal Government pursuant to a provision of law enacted after November 29, 1989, unless, not less than 30 days before such funds are made available to such other department or agency, the Secretary of Defense submits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a certification that making those funds available to such other department or agency is in the national security interest of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2214 the following new item:

"2215. Transfer of funds to other departments and agencies: limitation.".

(b) CONFORMING REPEAL.—Section 1604 of Public Law 101–189 (103 Stat. 1598) is repealed.

SEC. 1107. SENSE OF CONGRESS CONCERNING DEFENSE BUDGET PROCESS.

It is the sense of Congress that any future-years defense plan prepared after the date of the enactment of this Act—

(1) should be based on an objective assessment of United States national security requirements and include funding proposals at a level capable of protecting and promoting the Nation's interests; and

(2) should be based on financial integrity and accountability to ensure a fully funded defense program necessary to maintain a ready and capable force.

SEC. 1108. FUNDING STRUCTURE FOR CONTINGENCY OPERATIONS.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

"§ 127a. Expenses for contingency operations

"(a) DESIGNATION OF NATIONAL CONTINGENCY OPERATIONS.—The funding procedures prescribed by this section apply with respect to any operation involving the armed forces that is designated by the Secretary of Defense as a National Contingency Operation. Whenever the Secretary designates an operation as a National Contingency Operation, the Secretary shall promptly transmit notice of that designation in writing to Congress. This section does not provide authority for the President or the Secretary of Defense to carry out an operation, but applies to the Department of Defense mechanisms by which funds are provided for operations that the armed forces are required to carry out under some other authority.

"(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) When an operating unit of the armed forces participating in a National Contingency Operation receives support services from a support unit of the armed forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit need not reimburse that support unit for the incremental costs incurred by the support unit in providing such support, notwithstanding any other provision of law or Government accounting practice.

"(2) The amounts which but for paragraph (1) would be required to be reimbursed to a support unit shall be recorded as an expense attributable to the operation and shall be accounted for separately.

"(3) The total of the unreimbursed sums for all National Contingency Operations may not exceed $300,000,000 at any one time.

"(c) FINANCIAL PLAN FOR CONTINGENCY OPERATIONS.—(1) Within two months of the beginning of any National Contingency Operation, the Secretary of Defense shall submit to Congress a financial plan for the operation that sets forth the manner by which the Secretary proposes to obtain funds for the full cost to the United States of the operation.

"(2) The plan shall specify in detail how the Secretary proposes to make the Defense Business Operations Fund (or a successor fund) whole again.

"(d) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs that are directly attributable to the operation and that are otherwise chargeable to accounts available for operation and maintenance or for military personnel. Any costs which are otherwise chargeable to accounts available for procurement may not be considered to be incremental costs for purposes of this section.

"(e) INCREMENTAL PERSONNEL COSTS ACCOUNT.—There is hereby established in the Department of Defense a reserve fund to be known as the 'National Contingency Operation Personnel Fund'. Amounts in the fund shall be available for incremental military personnel costs attributable to a National Contingency Operation. Amounts in the fund remain available until expended.

"(f) COORDINATION WITH WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War

Powers Resolution. This section does not provide authority to conduct a National Contingency Operation or any other operation.

"(g) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense contingency funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

"(h) DEFINITION.— In this section, the term 'National Contingency Operation' means a military operation that is designated by the Secretary of Defense as an operation the cost of which, when considered with the cost of other ongoing or potential military operations, is expected to have a negative effect on training and readiness.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

"127a. Expenses for contingency operations.".

(b) FIRST YEAR FUNDING.—There is hereby authorized to be appropriated for fiscal year 1994 to the fund established under section 127a(e) of title 10, United States Code, as added by subsection (a), the sum of $10,000,000.

Subtitle B—Fiscal Year 1993 Authorization Matters

SEC. 1111. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $5,148,730,000 may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1993 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1993 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1993 defense authorizations.

(c) DEFINITIONS.—For the purposes of this subtitle:

(1) FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.—The term "fiscal year 1993 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993 in the Department of Defense Appropriations Act, 1993 (Public Law 102–396).

(2) FISCAL YEAR 1993 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1993 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1993 in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484).

SEC. 1112. OBLIGATION OF CERTAIN APPROPRIATIONS.

In obligating amounts for fiscal year 1993 defense appropriations that were provided for specific non-Federal government entities (in the total amount of $176,450,000) for the University Research Initiatives program under research, development, test, and evaluation for Defense Agencies, the Secretary of Defense shall

have the discretion to make the award of any grant or contract from those amounts under that program using merit-based selection procedures.

SEC. 1113. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 for covering the incremental costs arising from Operation Restore Hope, Operation Provide Comfort, and Operation Southern Watch, and deficiencies in funding of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and for repairing flood damage at Camp Pendleton, California, $1,246,928 as follows:

(1) For Military Personnel:

For the Navy, $7,100,000.

(2) For Operation and Maintenance:

(A) For the Army, $149,800,000.

(B) For the Navy, $46,356,000.

(C) For the Marine Corps, $122,192,000.

(D) For the Air Force, $226,400,000.

(E) For the Defense Agencies, $2,000,000.

(F) For the Naval Reserve, $237,000.

(G) For Humanitarian Assistance, $23,000,000.

(H) For Real Property Maintenance, Defense, $29,098,000.

(I) For the Defense Health Program, $299,900,000.

(3) For Military Construction:

(A) For the Navy inside the United States, $3,000,000.

(B) For the Navy for family housing inside the United States, $4,345,000.

(4) For Working Capital Funds:

For the Defense Business Operations Fund, $293,500,000.

(b) NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.—There is authorized to be appropriated for fiscal year 1993 from the National Security Education Trust Fund the amount of $10,000,000.

Subtitle C—Counter-Drug Activities

SEC. 1121. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out "fiscal years 1991, 1992, 1993, and 1994," and inserting in lieu thereof "fiscal years 1991 through 1995,".

(b) ADDITIONAL TYPE OF SUPPORT AUTHORIZED.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(10) Aerial and ground reconnaissance.".

(c) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1994 under section 301(15) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004

of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1122. REQUIREMENT TO ESTABLISH PROCEDURES FOR STATE AND LOCAL GOVERNMENTS TO BUY LAW ENFORCEMENT EQUIPMENT SUITABLE FOR COUNTER-DRUG ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense

"(a) PROCEDURES.—(1) The Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase law enforcement equipment suitable for counter-drug activities through the Department of Defense. The procedures shall require the following:

"(A) Each State desiring to participate in a procurement of equipment suitable for counter-drug activities through the Department of Defense shall submit to the Department, in such form and manner and at such times as the Secretary prescribes, the following:

"(i) A request for law enforcement equipment.

"(ii) Advance payment for such equipment, in an amount determined by the Secretary based on estimated or actual costs of the equipment and administrative costs incurred by the Department.

"(B) A State may include in a request submitted under subparagraph (A) only the type of equipment listed in the catalog produced under subsection (c).

"(C) A request for law enforcement equipment shall consist of an enumeration of the law enforcement equipment that is desired by the State and units of local government within the State. The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for law enforcement equipment from units of local government within the State.

"(D) A State requesting law enforcement equipment shall be responsible for arranging and paying for shipment of the equipment to the State and localities within the State.

"(2) In establishing the procedures, the Secretary of Defense shall coordinate with the General Services Administration and other Federal agencies for purposes of avoiding duplication of effort.

"(b) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—In the case of any purchase made by a State or unit of local government under the procedures established under subsection (a), the Secretary of Defense shall require the State or unit of local government to reimburse the Department of Defense for the administrative costs to the Department of such purchase.

"(c) GSA CATALOG.—The Administrator of General Services, in coordination with the Secretary of Defense, shall produce and maintain a catalog of law enforcement equipment suitable for counter-drug activities for purchase by States and units of local government under the procedures established by the Secretary under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(2) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

"(3) The term 'law enforcement equipment suitable for counter-drug activities' has the meaning given such term in regulations prescribed by the Secretary of Defense. In prescribing the meaning of the term, the Secretary may not include any equipment that the Department of Defense does not procure for its own purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense.".

(b) DEADLINE.—The Secretary of Defense shall establish procedures under section 381(a) of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the procedures established pursuant to section 381 of title 10, United States Code, as added by subsection (a). The report shall include, at a minimum, a list of the law enforcement equipment that will be covered under such procedures.

Subtitle D—Matters Relating to Reserve Components

SEC. 1131. REVIEW OF AIR FORCE PLANS TO TRANSFER HEAVY BOMBERS TO RESERVE COMPONENTS UNITS.

(a) REVIEW OF AIR FORCE PLANS.—(1) The Secretary of Defense shall review Air Force plans to transfer certain heavy bomber units from the active component of the Air Force to the reserve components of the Air Force.

(2) In carrying out the review, the Secretary shall consider the following matters:

(A) The compatibility of Air Force plans with the relevant results of the internal review of the Department of Defense (known as the "Bottom-Up Review") being conducted during 1993 by direction of the Secretary of Defense.

(B) The effect that the transfer will have on the immediate availability of substantial numbers of heavy bombers for combat operations.

(C) The levels of full-time and part-time employees that will be necessary at reserve components units in order to pro-

vide adequate logistics and maintenance support for intensive and sustained heavy bomber operations.

(D) The requirements for additional military construction funding that will result from the transfer and relocation of heavy bomber operations.

(b) SECRETARY OF DEFENSE PLAN REQUIRED.—(1) The Secretary of Defense, in consultation with the Secretary of the Air Force, shall develop a comprehensive plan for proposed transfers of heavy bomber units from the active component of the Air Force to the reserve components of the Air Force. The plan shall cover the period beginning on the date of the enactment of this Act and ending January 1, 2000.

(2) The plan shall include the following matters:

(A) The unit designation of each active component unit from which heavy bombers are to be transferred.

(B) The unit designation of each reserve component unit to which such heavy bombers are to be transferred.

(C) The proposed date of inactivation of each active component unit transferring heavy bombers.

(D) The proposed date of activation of each reserve component unit receiving heavy bombers.

(E) The requirements at each reserve component unit receiving heavy bombers for additional Armed Forces personnel and civilian personnel, additional facilities for the bomber aircraft, additional military construction funds other than for facilities construction, additional spare parts, and additional logistics, maintenance, and test equipment beyond such resources that become available by reason of the inactivation of the active component unit.

(c) REPORTING REQUIREMENTS.—Not later than March 31, 1994, the Secretary shall submit to the congressional defense committees—

(1) a report on the results of the review required under subsection (a), and

(2) the plan required under subsection (b).

Subtitle E—Awards and Decorations

SEC. 1141. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

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

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

SEC. 1142. SENSE OF CONGRESS RELATING TO AWARD OF THE NAVY EXPEDITIONARY MEDAL TO NAVY MEMBERS SUPPORTING DOOLITTLE RAID ON TOKYO.

Congress hereby reaffirms the sense of Congress (previously expressed in section 1084 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2517)) that individuals who served in the naval service during April 1942 in Task Force 16, culminating in the air-raid commonly known as the "Doolittle Raid on Tokyo", should be awarded the Navy Expeditionary Medal for such service and urges the President or the Secretary of the Navy, as appropriate, to award such medal to those individuals.

SEC. 1143. AWARD OF GOLD STAR LAPEL BUTTONS TO SURVIVORS OF SERVICE MEMBERS KILLED BY TERRORIST ACTS.

(a) ELIGIBILITY.—Subsection (a) of section 1126 of title 10, United States Code, is amended—

(1) by striking out "of the United States" in the matter preceding paragraph (1);

(2) by striking out "or" at the end of paragraph (1);

(3) in paragraph (2)—

(A) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking out the period at the end and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new paragraph:

"(3) who lost or lose their lives after March 28, 1973, as a result of—

"(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or

"(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.".

(b) DEFINITIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

"(7) The term 'military operations' includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

"(8) The term 'peacekeeping force' includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.".

Subtitle F—Recordkeeping and Reporting Requirements

SEC. 1151. TERMINATION OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS DETERMINED BY SECRETARY OF DEFENSE TO BE UNNECESSARY OR INCOMPATIBLE WITH EFFICIENT MANAGEMENT OF THE DEPARTMENT OF DEFENSE.

(a) TERMINATION OF REPORT REQUIREMENTS.—Unless otherwise provided by a law enacted after the date of the enactment of this Act, each provision of law requiring the submittal to Congress (or any committee of Congress) of any report specified in the list submitted under subsection (b) shall, with respect to that requirement, cease to be effective on October 30, 1995.

(b) PREPARATION OF LIST.—(1) The Secretary of Defense shall submit to Congress a list of each provision of law that, as of the date specified in subsection (c), imposes upon the Secretary of Defense (or any other officer of the Department of Defense) a reporting requirement described in paragraph (2). The list of provisions of law shall include a statement or description of the report required under each such provision of law.

(2) Paragraph (1) applies to a requirement imposed by law to submit to Congress (or specified committees of Congress) a report on a recurring basis, or upon the occurrence of specified events, if the Secretary determines that the continued requirement to submit that report is unnecessary or incompatible with the efficient management of the Department of Defense.

(3) The Secretary shall submit with the list an explanation, for each report specified in the list, of the reasons why the Secretary considers the continued requirement to submit the report to be unnecessary or incompatible with the efficient management of the Department of Defense.

(c) SUBMISSION OF LIST.—The list under subsection (a) shall be submitted not later than April 30, 1994.

(d) SCOPE OF SECTION.—For purposes of this section, the term "report" includes a certification, notification, or other characterization of a communication.

(e) INTERPRETATION OF SECTION.—This section does not require the Secretary of Defense to review each report required of the Department of Defense by law.

SEC. 1152. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to Congress a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal

year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to Congress a report that, with respect to each new special access program of that department or agency, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification, as applicable, of existing programs or technologies that are similar to the technology, or that have a mission similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to Congress a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the

proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify Congress of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, to Congress.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated by a covered department or agency until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—For purposes of this section:

(1) COVERED DEPARTMENT OR AGENCY.—(A) Except as provided in subparagraph (B), the term ''covered department or agency'' means any department or agency of the Federal Government that carries out a special access program.

(B) Such term does not include—

(i) the Department of Defense (which is required to submit reports on special access programs under section 119 of title 10, United States Code);

(ii) the Department of Energy, with respect to special access programs carried out under the atomic energy defense activities of that department (for which the Secretary of Energy is required to submit reports under section 93 of the Atomic Energy Act of 1954); or

(iii) an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a)).

(2) SPECIAL ACCESS PROGRAM.—The term ''special access program'' means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original ''secret'' or ''top secret'' classification authority that imposes ''need-to-know'' controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as ''confidential'', ''secret'', or ''top secret''.

SEC. 1153. IDENTIFICATION OF SERVICE IN VIETNAM IN THE COMPUTERIZED INDEX OF THE NATIONAL PERSONNEL RECORDS CENTER.

(a) ASSISTANCE.—The Secretary of Defense shall provide to the National Personnel Records Center in St. Louis, Missouri, such information and technical assistance as the Secretary considers to be appropriate to assist the Center in establishing an indicator in the computerized index of the Center that will facilitate searches for, and the selection of, military records of military personnel based upon service in a theater of operations during the Vietnam conflict.

(b) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing a plan to establish the indicator described in subsection (a). The Secretary shall prepare the report in consultation with the Secretary of Veterans Affairs and the Archivist of the United States.

(c) VIETNAM CONFLICT DEFINED.—For purposes of this section, the term "Vietnam conflict" has the meaning given that term in section 1035(g)(2) of title 10, United States Code.

SEC. 1154. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

(a) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress named in subsection (c) a joint report on manpower required to implement export controls on certain weapons transfers.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A statement of the role of the Department of Defense, and a statement of the role of the Department of Energy, in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(2) A discussion of the number and skills of personnel currently available in the Department of Defense and in the Department of Energy to perform the respective roles of those departments.

(3) An assessment of the adequacy of the number and skills of those personnel for the effective performance of those roles.

(4) For each of fiscal years 1988, 1989, 1990, 1991, 1992, 1993, and 1994, the total number of Department of Defense and Department of Energy full-time employees and military personnel who, in the implementation of export controls on goods and technology related to nuclear, chemical, and biological weapons, carry out the following activities of such department:

(A) Review of private sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technical review.

(5) For each fiscal year referred to in paragraph (4), the grades of the personnel referred to in that paragraph and

the special knowledge, experience, and expertise of those personnel that enable them to carry out the activities referred to in that paragraph.

(6) An assessment of the adequacy of the staffing in each of the categories specified in subparagraphs (A) through (E) of paragraph (4).

(7) Recommendations concerning measures, including any legislation necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(8) All Department of Defense activities undertaken during fiscal years 1989, 1990, 1991, 1992, and 1993 in fulfillment of the responsibilities of the Department of Defense under section 602(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 96–280; 22 U.S.C. 3282(c)) with respect to nuclear weapons proliferation threats and the role of the department in addressing such threats.

(c) SUBMISSION OF REPORT.—The committees to which the report is to be submitted are—

(1) the Committee on Armed Services and the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

(d) FORM OF REPORT.—The report shall be submitted in unclassified form but may also be submitted in classified form if the Secretary of Defense and the Secretary of Energy consider it necessary to include classified information in order to satisfy fully the requirements of this section.

SEC. 1155. REPORT ON FOOD SUPPLY AND DISTRIBUTION PRACTICES OF THE DEPARTMENT OF DEFENSE.

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

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency, purchases more than 90 percent of the food supplied to military end-users, including dining halls, hospitals, and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four depots of the Defense Logistics Agency, and perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private sector end-users, including independent restaurants, hospitals, and hotels, obtain food through direct delivery from commercial distributors of food.

(4) In a comprehensive inventory reduction plan issued in May 1990, the Secretary of Defense concluded that there was no benefit to using the food supply system of the Department of Defense in circumstances in which the food requirements of the Department could be met through the use of commercial distributors of food.

(5) In a report published in June 1993, the General Accounting Office determined that the Department of Defense could achieve substantial cost savings by expanding the use of commercial distributors of food and related commercial practices in the food supply system of the Department.

(b) REVIEW.—The Secretary of Defense shall conduct a review of the food supply and distribution practices of the Department of Defense. The review shall include the following:

(1) An evaluation of the feasibility of, and the economic advantages and disadvantages of, the expanded use of full-line commercial distributors of food to deliver food directly to military end-users.

(2) An evaluation of the potential for the expanded use of such commercial distributors to reduce the need for the storage of food (except for war reserve stocks and items bound for overseas) directly by the Department of Defense and to eliminate the requirement for Defense Subsistence Offices and certain warehouse activities at military installations.

(3) A comparison of the cost of using the Department of Defense food supply and distribution system to meet the Department of Defense food requirements with the cost of using commercial distributors of food to meet such requirements.

(4) A consideration of any obstacles that would hinder the ability of the Department of Defense to procure commercial food items and to institute commercial practices with respect to food supply and distribution.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on the findings, conclusions, and recommendations of the Secretary as a result of the review conducted under subsection (b).

Subtitle G—Congressional Findings, Policies, Commendations, and Commemorations

SEC. 1161. SENSE OF CONGRESS REGARDING JUSTIFICATION FOR CONTINUING THE EXTREMELY LOW FREQUENCY (ELF) COMMUNICATION SYSTEM.

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

(1) There is a need to re-evaluate all defense spending in light of the changed circumstances of the post-Cold War era and budget and fiscal constraints.

(2) The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union.

(3) The threat of nuclear war has greatly diminished since the collapse of the Soviet Union.

(4) The ELF System is increasingly in use for communications with attack submarines in addition to ballistic missile submarines.

(5) There have been questions raised about the effects of ELF operations on human health and the environment and ongoing studies of those effects are due to be concluded during 1994.

(b) EVALUATION AND REPORT BY SECRETARY OF DEFENSE.—The Secretary of Defense shall submit to the congressional defense committees, before consideration by Congress of the fiscal year 1995 defense budget, a report containing the results of an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and the benefits and costs

of any alternatives to that system. The report shall be based upon an evaluation conducted by the Secretary after the date of the enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the bases at which the Extremely Low Frequency Communication System is located, having been considered for closure or realignment in the 1993 base closure process, should again be considered for closure or realignment in the round of military base closures to take place in 1995.

SEC. 1162. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF NAVAL OCEANOGRAPHIC SURVEY AND RESEARCH IN THE POST-COLD WAR PERIOD.

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

(1) Oceanographic research and survey work is a critical element to the ability of the Navy to conduct successful operations in littoral waters of the world.

(2) Over the five-year period of fiscal years 1989 through 1993, the Navy experienced a significant diminution in its oceanographic research and survey capability due to budget reductions that resulted in (A) a reduction in the level of effort for Navy oceanographic research and survey activities by almost 50 percent, and (B) a reduction from 12 to 7 in the number of Navy ships dedicated to oceanographic survey and research activities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) reductions in the funding, activities, and capability of the Navy to conduct oceanographic survey and research work, in addition to the reductions referred to in subsection (a)(2), would further reduce the level of oceanographic survey and research work of the Navy and should be avoided; and

(2) funding for oceanographic survey and research activities of the Navy should be maintained at levels sufficient to ensure that the Navy can exploit every opportunity to survey and research littoral waters critical to the operational needs of the Navy.

SEC. 1163. SENSE OF CONGRESS REGARDING UNITED STATES POLICY ON PLUTONIUM.

(a) FINDING.—The Congress finds that reprocessing spent nuclear fuel referred to in subsection (c) to recover plutonium may pose serious environmental hazards and increase the risk of proliferation of weapons-usable plutonium.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take action to encourage the reduction or cessation of the reprocessing of spent nuclear fuel referred to in subsection (c) to recover plutonium until the environmental and proliferation concerns related to such reprocessing are resolved.

(c) COVERED SPENT NUCLEAR FUEL.—The spent nuclear fuel referred to in subsections (a) and (b) is spent nuclear fuel used in a commercial nuclear power reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

SEC. 1164. SENSE OF SENATE ON ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2,

1990, through February 28, 1991, and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act should be granted entry into the United States under the Immigration and Nationality Act unless the President certifies to Congress before such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

SEC. 1165. U.S.S. INDIANAPOLIS MEMORIAL, INDIANAPOLIS, INDIANA.

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

(1) On July 30, 1945, during the closing days of World War II, the U.S.S. Indianapolis (CA–35) was sunk as a result of a torpedo attack on that ship.

(2) The memorial to the U.S.S. Indianapolis (CA–35) to be located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, will honor the personal sacrifice of the 1,197 servicemen who were aboard the U.S.S. Indianapolis (CA–35) on that day, 881 of whom died as one of the greatest single combat losses suffered by the United States Navy in World War II.

(3) The memorial will pay fitting tribute to that gallant ship and her final crew and will forever commemorate the place of the U.S.S. Indianapolis in United States Navy history as the last major ship lost in World War II.

(4) The memorial to the U.S.S. Indianapolis symbolizes the devoted service of the United States Navy and Marine Corps personnel, particularly those who lost their lives at sea in the Pacific Theater during World War II, whose dedication and sacrifice in the cause of liberty and freedom were instrumental in the triumph of the United States and its allies in that war.

(5) The citizens of the United States have a continuing obligation to educate future generations about the military and other historic endeavors of the United States.

(b) RECOGNITION AS A NATIONAL MEMORIAL.—The memorial to the U.S.S. Indianapolis (CA–35) in Indianapolis, Indiana, is hereby recognized as the national memorial to the U.S.S. Indianapolis (CA–35) and to the final crew of that historic warship.

Subtitle H—Other Matters

SEC. 1171. PROCEDURES FOR HANDLING WAR BOOTY.

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2579. War booty: procedures for handling and retaining battlefield objects

"(a) POLICY.—The United States recognizes that battlefield souvenirs have traditionally provided military personnel with a valued memento of service in a national cause. At the same time, it is the policy and tradition of the United States that the desire for souvenirs in a combat theater not blemish the conduct of combat operations or result in the mistreatment of enemy personnel, the

dishonoring of the dead, distraction from the conduct of operations, or other unbecoming activities.

"(b) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the handling of battlefield objects that are consistent with the policies expressed in subsection (a) and the requirements of this section.

"(2) When forces of the United States are operating in a theater of operations, enemy material captured or found abandoned shall be turned over to appropriate United States or allied military personnel except as otherwise provided in such regulations. A member of the armed forces (or other person under the authority of the armed forces in a theater of operations) may not (except in accordance with such regulations) take from a theater of operations as a souvenir an object formerly in the possession of the enemy.

"(3) Such regulations shall provide that a member of the armed forces who wishes to retain as a souvenir an object covered by paragraph (2) may so request at the time the object is turned over pursuant to paragraph (2).

"(4) Such regulations shall provide for an officer to be designated to review requests under paragraph (3). If the officer determines that the object may be appropriately retained as a war souvenir, the object shall be turned over to the member who requested the right to retain it.

"(5) Such regulations shall provide for captured weaponry to be retained as souvenirs, as follows:

"(A) The only weapons that may be retained are those in categories to be agreed upon jointly by the Secretary of Defense and the Secretary of the Treasury.

"(B) Before a weapon is turned over to a member, the weapon shall be rendered unserviceable.

"(C) A charge may be assessed in connection with each weapon in an amount sufficient to cover the full cost of rendering the weapon unserviceable.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2579. War booty: procedures for handling and retaining battlefield objects.".

(b) INITIAL REGULATIONS.—The initial regulations required by section 2579 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 270 days after the date of enactment of this Act. Such regulations shall specifically address the following, consistent with section 2579 of title 10, United States Code, as added by subsection (a):

(1) The general procedures for collection and disposition of weapons and other enemy material.

(2) The criteria and procedures for evaluation and disposition of enemy material for intelligence, testing, or other military purposes.

(3) The criteria and procedures for determining when retention of enemy material by an individual or a unit in the theater of operations may be appropriate.

(4) The criteria and procedures for disposition of enemy material to a unit or other Department of Defense entity as a souvenir.

(5) The criteria and procedures for disposition of enemy material to an individual as an individual souvenir.

(6) The criteria and procedures for determining when demilitarization or the rendering unserviceable of firearms is appropriate.

(7) The criteria and procedures necessary to ensure that servicemembers who have obtained battlefield souvenirs in a manner consistent with military customs, traditions, and regulations have a reasonable opportunity to obtain possession of such souvenirs, consistent with the needs of the service.

SEC. 1172. BASING FOR C–130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C–130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1173. TRANSPORTATION OF CARGOES BY WATER.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2631 the following new section:

"§ 2631a. Contingency planning: sealift and related intermodal transportation requirements

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2631 the following new item:

"2631a. Contingency planning: sealift and related intermodal transportation requirements.".

SEC. 1174. MODIFICATION OF AUTHORITY TO CONDUCT NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.

(a) LOCATION OF PROGRAM.—Subsection (c) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended to read as follows:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate.".

(b) DEFINITION OF STATE.—Subsection (l) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.".

(c) PROGRAM AGREEMENTS.—Subsection (d)(3) of such section is amended by striking out "reimburse" and inserting in lieu thereof "provide funds to".

SEC. 1175. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

SEC. 1176. ELIGIBILITY OF FORMER PRISONERS OF WAR FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY FOR BURIAL.—Former prisoners of war described in subsection (b) are eligible for burial in Arlington National Cemetery, Arlington, Virginia.

(b) ELIGIBLE FORMER POWS.—A former prisoner of war referred to in subsection (a) is a former prisoner of war—

(1) who dies on or after the date of the enactment of this Act; and

(2) who, while a prisoner of war, served honorably in the active military, naval, or air service, as determined under regulations prescribed by the Secretary of the military department concerned.

(c) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery a former prisoner of war who is eligible to be buried in that cemetery under another provision of law.

(d) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of the Army. Those regulations may prescribe a minimum period of internment as a prisoner of war for purposes of eligibility under this section for burial in Arlington National Cemetery.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

(2) The term "active military, naval, or air service" has the meaning given such term in section 101(24) of such title.

SEC. 1177. REDESIGNATION OF HANFORD ARID LANDS ECOLOGY RESERVE.

(a) REDESIGNATION.—The Hanford Arid Lands Ecology Reserve in Richland, Washington, is redesignated as the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the ecology reserve referred to in subsection (a) is deemed to be a reference to the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

SEC. 1178. AVIATION LEADERSHIP PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The training in the United States of pilots from the air forces of friendly foreign nations furthers the interests of the United States, promotes closer relations with such nations, and advances the national security.

(2) Many friendly foreign nations cannot afford to reimburse the United States for the cost of such training.

(3) It is in the interest of the United States that the Secretary of the Air Force establish a program to train in the United States pilots from the air forces of friendly, less developed foreign nations.

(b) ESTABLISHMENT OF PROGRAM.—Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following new chapter:

"CHAPTER 905—AVIATION LEADERSHIP PROGRAM

"Sec.
"9381. Establishment of program.
"9382. Supplies and clothing.
"9383. Allowances.

"§ 9381. Establishment of program

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may establish and maintain an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, less-developed foreign nations. Training under this chapter shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

"§ 9382. Supplies and clothing

"(a) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this chapter—

"(1) transportation incident to the training;

"(2) supplies and equipment to be used during the training;

"(3) flight clothing and other special clothing required for the training; and

"(4) billeting, food, and health services.

"(b) The Secretary of the Air Force may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this chapter.

"§ 9383. Allowances

"The Secretary of the Air Force may pay to a person receiving training under this chapter a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.".

(c) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle D of title 10, United States Code, and at the beginning of part III of such subtitle are each amended by inserting after the item relating to chapter 903 the following new item:

"905. Aviation Leadership Program ..... 9381".

SEC. 1179. ADMINISTRATIVE IMPROVEMENTS IN THE GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

(a) TERMS OF OFFICE OF FOUNDATION MEMBERS.—Section 1404(c)(1) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4703(c)(1)) is amended—

(1) by striking out ", and" at the end of subparagraph (A) and inserting in lieu thereof a semicolon;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) notwithstanding the term limitation provided for under this paragraph, a member appointed under subsection (b) may continue to serve under such appointment until the successor to the member is appointed.".

(b) LEASE AUTHORITY.—Section 1411(a)(7) of such Act (20 U.S.C. 4710(a)(7)) is amended by striking out "the District of Columbia" and inserting in lieu thereof "the Washington, District of Columbia, metropolitan area".

SEC. 1180. TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by section (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1181. TRANSFER OF OBSOLETE HEAVY CRUISER U.S.S. SALEM.

(a) TRANSFER WITHOUT REGARD TO NOTICE AND WAIT REQUIREMENTS.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy, upon making the determinations described in subsection (b) of this section, may transfer the obsolete heavy cruiser U.S.S. Salem (CA–139) to the United States Naval Shipbuilding Museum, Quincy, Massachusetts.

(b) DETERMINATIONS REQUIRED.—The transfer referred to in subsection (a) may be made only if the Secretary of the Navy determines—

(1) by appropriate tests, including tests administered by the Environmental Protection Agency, that the U.S.S. Salem is in environmentally safe condition;

(2) that the museum referred to in subsection (a) has adequate financial resources to maintain the cruiser in a condition satisfactory to the Secretary; and

(3) the U.S.S. Salem is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—(1) In exercising the authority provided in subsection (a), the Secretary shall deliver the vessel—

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

(B) in its condition on that date; and

(C) at no cost to the United States.

(2) The Secretary may require such additional terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1182. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(6) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(7) Section 2469 is amended by striking out ", prior to any such change,".

(8)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(9) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(10) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(11) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" in the second sentence and all that follows through the period and inserting in lieu thereof "for the uniformed services.".

(12) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "USE OF PROGRAMS.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102–484.—Public Law 102–484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101–533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

(e) REORGANIZATION OF TITLE 10 PROVISION.—Section 1401a(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) PRE-AUGUST 1, 1986 MEMBERS.—

"(A) GENERAL RULE.—The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986, by the percent (adjusted to the nearest one-tenth of 1 percent) by which—

"(i) the price index for the base quarter of that year, exceeds

"(ii) the base index.

"(B) SPECIAL RULES FOR FISCAL YEARS 1994 THROUGH 1998.—

"(i) FISCAL YEAR 1994.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1993, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1994.

"(ii) FISCAL YEARS 1995 THROUGH 1998.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1 of 1994, 1995, 1996, or 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September of the following year.

"(C) INAPPLICABILITY TO DISABILITY RETIREES.—Subparagraph (B) does not apply with respect to the retired pay of a member retired under chapter 61 of this title."; and

(2) by striking out paragraph (6).

(f) EXTENSION OF AUTHORITY FOR PAYMENTS FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.—Section 554 of Public Law 102–190 (105 Stat. 1371) is amended—

(1) in subsection (a)—

(A) by inserting "and who submits a request for such payment to the Secretary not later than September 30, 1993" in the first sentence after "prisoner of war"; and

(B) by inserting "or fiscal year 1994" in the second sentence after "fiscal year 1993"; and

(2) in subsection (d), by striking out "not later than September 30, 1993" and inserting in lieu thereof "not later than September 30, 1994".

(g) CORRECTIONS OF AMENDMENTS MADE BY PUBLIC LAW 102–484.—Title 10, United States Code, is amended as follows:

(1) Section 2031(a)(1) is amended by striking out "Not more than 200 units may be established by all of the military departments each year, and the" in the second sentence and inserting in lieu thereof "The".

(2) Section 2513(c)(2)(B)(ii) is amended by striking out "two" and inserting in lieu thereof "one";

(h) COORDINATION WITH OTHER PROVISIONS OF ACT.—For purposes of applying the amendments made by provisions of this Act other than this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1183. SECURITY CLEARANCES FOR CIVILIAN EMPLOYEES.

(a) REVIEW OF SECURITY CLEARANCE PROCEDURES.—(1) The Secretary of Defense shall conduct a review of the procedural safeguards available to Department of Defense civilian employees who are facing denial or revocation of security clearances.

(2) Such review shall specifically consider—

(A) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to Department of Defense contractor employees;

(B) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to similarly situated employees in those Government agencies that provide greater rights than the Department of Defense; and

(C) whether there should be a difference between the rights provided to both Department of Defense civilian and contractor employees with respect to security clearances and the rights provided with respect to sensitive compartmented information and special access programs.

(b) REPORT.—The Secretary shall submit to Congress a report on the results of the review required by subsection (a) not later than March 1, 1994.

(c) REGULATIONS.—The Secretary shall revise the regulations governing security clearance procedures for Department of Defense civilian employees not later than May 15, 1994.

SEC. 1184. VIDEOTAPING OF INVESTIGATIVE INTERVIEWS.

Of the amounts authorized to be appropriated pursuant to section 301 of this Act, $2,500,000 shall be available for use in connection with videotaping of interviews conducted in the course of Department of Defense investigations.

SEC. 1185. INVESTIGATIONS OF DEATHS OF MEMBERS OF THE ARMED FORCES FROM SELF-INFLICTED CAUSES.

(a) SECRETARY OF DEFENSE TO REVIEW DEATH INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall review the procedures of the military departments for investigating deaths of members of the Armed Forces that may have resulted from self-inflicted

causes. The Secretary shall complete the review not later than June 30, 1994.

(2) Not later than July 15, 1994, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of such review. The report may include any recommendations for legislation that the Secretary considers appropriate.

(3) Not later than October 1, 1994, the Secretary shall prescribe regulations governing the investigation of deaths of members of the Armed Forces that may have resulted from self-inflicted causes. The regulations shall include a date by which the Secretaries of the military departments are required to implement the regulations.

(b) INSPECTOR GENERAL TO REVIEW CERTAIN DEATH INVESTIGATIONS.—(1) Upon a request that meets the requirements of paragraph (3), the Inspector General of the Department of Defense shall review each investigation conducted by a Department of Defense investigative organization of the death of a member of the Armed Forces who, while serving on active duty during the period described in paragraph (2), died from a cause determined to be self-inflicted.

(2) The period referred to in paragraph (1) is the period that—

(A) begins on January 1, 1982; and

(B) ends on the date specified in the regulations prescribed under subsection (a)(3) as the deadline for the implementation of such regulations by the Secretaries of the military departments.

(3) Any of the family members of a member of the Armed Forces referred to in paragraph (1) may request a review under paragraph (1). The request must be received by the Secretary of the military department concerned not later than one year after the date referred to in paragraph (2)(B) and shall contain or describe specific evidence of a material deficiency in the previous investigation.

(4) If the Inspector General determines that a previous investigation of a death was deficient in a material respect, the Inspector General shall conduct any additional investigation that the Inspector General considers necessary to determine the cause of that death.

(5) The Inspector General shall submit to the Secretary of the military department concerned a report on the results of each review conducted under paragraph (1) and each additional investigation conducted under paragraph (4) as a result of that review.

(6) The Secretary of the military department concerned, consistent with other applicable law, shall take such corrective actions with regard to matters contained in the report as the Secretary considers appropriate.

(7) To the same extent that fatality reports may be furnished to family members under section 1072 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2508; 10 U.S.C. 113 note), the Inspector General, after consultation with the Secretary of the military department concerned, shall provide a copy of the Inspector General's report on the review of a death investigation to each of the family members who requested the review.

(c) DEFINITIONS.—In this section:

(1) The term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code.

(2) The term "family members" has the meaning given such term in section 1072(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2510; 10 U.S.C. 133 note).

(d) APPLICABILITY TO COAST GUARD.—The Secretary of Transportation shall implement with respect to the Coast Guard the requirements that are imposed by this section on the Secretary of Defense and the Inspector General of the Department of Defense.

SEC. 1186. EXPORT LOAN GUARANTEES.

(a) AUTHORITY TO PROVIDE LOAN GUARANTEES.—Subject to subsection (b) and subject to the availability of appropriations for this purpose, the President may carry out a program to issue guarantees during fiscal year 1994 against the risk of nonpayment arising out of loan financing of the sale of defense articles and defense services to any member nation of the North Atlantic Treaty Organization (other than the United States), Israel, Australia, Japan, or the Republic of Korea. The aggregate amount guaranteed under this section in such fiscal year may not exceed $1,000,000,000.

(b) CERTIFICATION OF INTENT TO USE AUTHORITY.—The President may not issue guarantees under the loan guarantee program unless, not later than the end of the 180-day period beginning on the date of the enactment of this Act, the President certifies to Congress that—

(1) the President intends to issue loan guarantees under the loan guarantee program;

(2) the exercise of the authority provided under the program is consistent with the objectives of the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(3) the exercise of the authority provided under the program is consistent with the policy of the United States regarding conventional arms sales and nonproliferation goals.

(c) PROHIBITION ON USE OF CERTAIN FUNDS.—None of the funds authorized to be appropriated in this Act and made available for defense conversion, reinvestment, and transition assistance programs (as defined in section 1302(c)) may be used to finance the subsidy cost of loan guarantees issued under this section.

(d) TERMS AND CONDITIONS.—(1) In issuing guarantees under the loan guarantee program for medium- and long-term loans for sales of defense articles or defense services, the President may not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(2) The issuance of loan guarantees for exports under the loan guarantee program shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

(e) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1994, $25,000,000 for the subsidy cost of the loan guarantees issued under this section.

(2) Funds authorized to be available for the Export-Import Bank of the United States may not be used for the execution of the loan guarantee program.

(f) EXECUTIVE AGENCY.—The Department of Defense shall be the executive agency responsible for administration of the loan

guarantee program unless the President, in consultation with Congress, designates another department or agency to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as are necessary with other departments or agencies to process the applications and otherwise to implement the loan guarantee program.

(g) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the loan guarantee program. All fees collected in connection with guarantees issued under the program under this section shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(h) NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (d)(2), the National Security Council shall review each proposed sale for which a guarantee is proposed to be issued under the loan guarantee program to determine whether the sale is in accord with United States security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

(i) DEFINITIONS.—For purposes of this section, the terms "defense article", "defense service", and "defense articles and defense services" have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1202. FINDINGS ON COOPERATIVE THREAT REDUCTION.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third world countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1203. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Programs to assist in the environmental restoration of former military sites and installations when such restoration is necessary to the demilitarization or conversion programs authorized in paragraph (5).

(7) Programs to provide housing for former military personnel of the former Soviet Union released from military service in connection with the dismantlement of strategic nuclear weapons, when provision of such housing is necessary for dismantlement of strategic nuclear weapons and when no other funds are available for such housing.

(8) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 5901 et seq.).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this title, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 590(b)), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1204. DEMILITARIZATION ENTERPRISE FUND.

(a) DESIGNATION OF FUND.—The President is authorized to designate a Demilitarization Enterprise Fund for the purposes of this section. The President may designate as the Demilitarization Enterprise Fund any organization that satisfies the requirements of subsection (e).

(b) PURPOSE OF FUND.—The purpose of the Demilitarization Enterprise Fund is to receive grants pursuant to this section and to use the grant proceeds to provide financial support under programs described in subsection (b)(5) for demilitarization of industries and conversion of military technologies and capabilities into civilian activities.

(c) GRANT AUTHORITY.—The President may make one or more grants to the Demilitarization Enterprise Fund.

(d) RISK CAPITAL FUNDING OF DEMILITARIZATION.—The Demilitarization Enterprise Fund shall use the proceeds of grants received under this section to provide financial support in accordance with subsection (b) through transactions as follows:

(1) Making loans.

(2) Making grants.

(3) Providing collateral for loan guaranties by the Export-Import Bank of the United States.

(4) Taking equity positions.

(5) Providing venture capital in joint ventures with United States industry.

(6) Providing risk capital through any other form of transaction that the President considers appropriate for supporting programs described in subsection (b)(5).

(e) ELIGIBLE ORGANIZATION.—An organization is eligible for designation as the Demilitarization Enterprise Fund if the organization—

(1) is a private, nonprofit organization;

(2) is governed by a board of directors consisting of private citizens of the United States; and

(3) provides assurances acceptable to the President that it will use grants received under this section to provide financial support in accordance with this section.

(f) OPERATIONAL PROVISIONS.—The following provisions of section 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179; 22 U.S.C. 5421) shall apply with respect to the Demilitarization Enterprise Fund in the same manner as such provisions apply to Enterprise Funds designated pursuant to subsection (d) of such section:

(1) Subsection (d)(5), relating to the private character of Enterprise Funds.

(2) Subsection (h), relating to retention of interest earned in interest bearing accounts.

(3) Subsection (i), relating to use of United States private venture capital.

(4) Subsection (k), relating to support from Executive agencies.

(5) Subsection (l), relating to limitation on payments to Fund personnel.

(6) Subsections (m) and (n), relating to audits.

(7) Subsection (o), relating to record keeping requirements.

(8) Subsection (p), relating to annual reports.

In addition, returns on investments of the Demilitarization Enterprise Fund and other payments to the Fund may be reinvested in projects of the Fund.

(g) EXPERIENCE OF OTHER ENTERPRISE FUNDS.—To the maximum extent practicable, the Board of Directors of the Demilitarization Enterprise Fund should adopt for that Fund practices and procedures that have been developed by Enterprise Funds for which funding has been made available pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179; 22 U.S.C. 5421).

(h) CONSULTATION REQUIREMENT.—In the implementation of this section, the Secretary of State and the Administrator of the Agency for International Development shall be consulted to ensure that the Articles of Incorporation of the Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund), the terms of United States Government grant agreements with the Fund, and United States Government oversight of the Fund are, to the maximum extent practicable, consistent with the Articles of Incorporation of, the terms of grant agreements with, and the oversight of the Enterprise Funds established pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) and comparable provisions of law.

(i) INITIAL IMPLEMENTATION.—The Board of Directors of the Demilitarization Enterprise Fund shall publish the first annual report of the Fund not later than January 31, 1995.

(j) TERMINATION OF DESIGNATION.—A designation of an organization as the Demilitarization Enterprise Fund under subsection (a) shall be temporary. When making the designation, the

President shall provide for the eventual termination of the designation.

SEC. 1205. FUNDING FOR FISCAL YEAR 1994.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds authorized to be appropriated under section 301(21) shall be available for cooperative threat reduction with states of the former Soviet Union under this title.

(b) LIMITATIONS.—(1) Not more than $15,000,000 of the funds referred to in subsection (a) may be made available for programs authorized in subsection (b)(6) of section 1203.

(2) Not more than $20,000,000 of such funds may be made available for programs authorized in subsection (b)(7) of section 1203.

(3) Not more than $40,000,000 of such funds may be made available for grants to the Demilitarization Enterprise Fund designated pursuant to section 1204 and for related administrative expenses.

(c) AUTHORIZATION OF EXTENSION OF AVAILABILITY OF PRIOR YEAR FUNDS.—To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1928), and in section 108 of Public Law 102–229 (105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

SEC. 1206. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds for programs under section 1203, the President shall transmit to the appropriate congressional committees as defined in section 1208 a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) REPORTS ON DEMILITARIZATION OR CONVERSION PROJECTS.—Any report under subsection (a) that covers proposed demilitarization or conversion projects under paragraph (5) or (6) of section 1203(b) shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military activities and production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1207. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under this title. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation, if any, of each department and agency of the United States Government in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the private sector of the United States has participated in the activities for which amounts were obligated and expended under this title.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under this title, including, with respect to proposed demilitarization or conversion projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1208. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

SEC. 1209. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR 1993 ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1993 for "Operation and Maintenance, Defense Agencies" the additional sum of $979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) AUTHORIZATION OF TRANSFER OF FUNDS.—The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from the account "Operation and Maintenance, Defense Agencies" for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) ADMINISTRATIVE PROVISIONS.—(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) COORDINATION OF PROGRAMS.—The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this title and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511) so as to optimize the contribution such programs make to the national interests of the United States.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1301. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993".

SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1994.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1994, the sum of $2,553,315,000 shall be available from the sources specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs.

(b) SOURCES OF FUNDS.—The amount set forth in subsection (a) shall be derived from the following sources in amounts as follows:

(1) $147,000,000 of the amounts authorized to be appropriated pursuant to section 108 to carry out subtitle D.

(2) $2,071,315,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $335,000,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term "defense conversion, reinvestment, and transition assistance programs" includes the following programs and activities of the Department of Defense:

(1) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2658) and the amendments made by that Act.

(2) The programs and activities authorized by this title and the amendments made by this title.

SEC. 1303. REPORTS ON DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—During each of the fiscal years 1994, 1995, and 1996, the Secretary of Defense shall prepare a report that assesses the effectiveness of all defense conversion, reinvestment, and transition assistance programs (as defined in section 1302) during the preceding fiscal year.

(b) CONTENTS OF REPORT.—To the maximum extent practicable, each report required under subsection (a) shall include an assessment of each of the following:

(1) The status of the obligation of appropriated funds for each defense conversion, reinvestment, and transition assistance program.

(2) With respect to each component of the dual-use partnership program element specified in paragraphs (1) through (10) of section 1311(b)—

(A) the extent to which the component meets the objectives set forth in section 2501 of title 10, United States Code;

(B) the technology benefits of the component to the national technology and industrial base;

(C) any evidence of commercialization of technologies developed under the component;

(D) the extent to which the investments under the component have affected levels of employment;

(E) the number of defense firms participating in cooperative agreements or other arrangements under the component;

(F) the extent to which matching fund requirements of the component were met by cash contributions by the non-Federal Government participants;

(G) the extent to which defense technology reinvestment projects under the component have met milestones and financial and technical requirements;

(H) the extent to which the component is integrated with technology programs conducted by other Federal agencies; and

(I) the number of proposals under the component that were received from small business concerns and the number of awards made to small business concerns.

(3) With respect to each personnel assistance program conducted under subtitle C of this title, title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2701), and the amendments made by that subtitle or title—

(A) the extent to which the program meets the objectives set forth in section 2501(b) of title 10, United States Code;

(B) the number of individuals eligible for transition assistance under the program;

(C) the number of individuals directly receiving transition assistance under the program and the projected number of individuals who will directly receive transition assistance;

(D) in the case of a job training program, an estimate of the number of individuals who have secured permanent employment as a result of participation in the program; and

(E) the extent to which the transition assistance activities under the program duplicated other transition assistance provided or administered outside the Department of Defense.

(c) SUBMISSION OF REPORT.—The report required under subsection (a) for a particular fiscal year shall be submitted to Congress at the same time that the Secretary of Defense submits the annual report required under section 113(c) of title 10, United States Code, for that fiscal year.

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

SEC. 1311. FUNDING OF DEFENSE DUAL-USE PARTNERSHIPS PROGRAM FOR FISCAL YEAR 1994.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated under section 201 for Defense-wide activities and specified in section 1302(b) as a source of funds for defense conversion, reinvestment, and transition assistance programs, $624,000,000 shall be available for activities described in the dual-use partnerships program element of the budget of the Department of Defense for fiscal year 1994.

(b) ALLOCATION OF FUNDS.—The funds made available under subsection (a) shall be allocated as follows:

(1) $250,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code.

(2) $75,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title.

(3) $75,000,000 shall be available for defense regional technology alliances under section 2513 of such title.

(4) $50,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title.

(5) $30,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title;

(6) $30,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) not more than $15,000,000 shall be available for assistance pursuant to subsection (c)(3) of such section; and

(B) not more than $15,000,000 shall be available for loan guarantees pursuant to subsection (b)(3) of such section.

(7) $24,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title.

(8) $10,000,000 shall be available for grants under section 2198 of such title to United States institutions of higher edu-

cation and other United States not-for-profit organizations to support the management training program in Japanese language and culture.

(9) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program.

(10) $50,000,000 shall be available for the agile manufacturing/enterprise integration program.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1993 PROJECTS.—Funds made available under subsection (a) may also be used to make awards to projects of the types described in subsection (b) that were solicited in fiscal year 1993.

SEC. 1312. DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION PLANNING.

(a) ABOLISHMENT OF DEFENSE ECONOMIC ADJUSTMENT CENTER.—(1) Section 2504 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the item relating to section 2504.

(b) NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502 of such title is amended by adding at the end the following new subsection:

"(d) ALTERNATIVE PERFORMANCE OF RESPONSIBILITIES.—Notwithstanding subsection (c), the President may assign the responsibilities of the Council to another interagency organization of the Executive branch that includes among its members the officials specified in paragraphs (1) through (4) of subsection (b).".

SEC. 1313. CONGRESSIONAL DEFENSE POLICY CONCERNING DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Furthering the missions of the Department of Defense through the support of policy objectives and programs relating to the defense reinvestment, diversification, and conversion objectives specified in subsection (b).".

SEC. 1314. EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN GUARANTEES UNDER THE DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524 of title 10, United States Code, is amended—

(1) in subsection (b)(3), by striking out "small businesses" and inserting in lieu thereof "small business concerns and medium-sized business concerns";

(2) by redesignating subsection (g) as subsection (h); and

(3) by adding at the end the following new subsection:

"(g) DEFINITION.—In this section, the 'medium-sized business concern' means a business concern that is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing a product or service is a small business concern.".

SEC. 1315. CONSISTENCY IN FINANCIAL COMMITMENT REQUIREMENTS OF NON-FEDERAL GOVERNMENT PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 2511(c) of title 10, United States Code, is amended to read as follows:

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary of Defense shall ensure that the amount of funds provided by the Federal Government to a partnership does not exceed 50 percent of the total cost of partnership activities.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.".

(b) COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.—Section 2512(c)(3) of such title is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.".

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

"(3) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a regional technology alliance for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of a regional technology alliance. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the regional technology alliance from non-Federal sources.".

(d) MANUFACTURING EXTENSION PROGRAMS.—Section 2523(b)(3) of such title is amended—

(1) in subparagraph (A), by striking out the first sentence and inserting in lieu thereof the following: "The Secretary shall ensure that the amount of financial assistance furnished by the Federal Government to a manufacturing extension program under this subsection may not exceed 50 percent of the total cost of the program."; and

(2) by adding at the end the following new subparagraph:

"(D) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a manufacturing extension program for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources.".

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524(d) of such title is amended to read as follows:

"(d) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Secretary to a program under this section does not exceed 50 percent of the total cost of the program.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a program under this section for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources.".

(f) DEFINITIONS.—Section 2491 of such title is amended by adding at the end the following new paragraphs:

"(13) The term 'Small Business Innovation Research Program' means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) through (l).

"(14) The term 'Small Business Technology Transfer Program' means the program established under the following provisions of such section:

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) and (n) through (p).

"(15) The term 'significant equity percentage' means—

"(A) a level of contribution and participation sufficient, when compared to the other non-Federal participants in the partnership or other cooperative arrangement involved,

to demonstrate a comparable long-term financial commitment to the product or process development involved; and

"(B) any other criteria the Secretary may consider necessary to ensure an appropriate equity mix among the participants.".

(g) APPLICATION OF AMENDMENTS TO EXISTING PROJECTS.—In the case of a project funded under section 2511, 2512, 2513, 2523, or 2524 of title 10, United States Code, using funds appropriated for a fiscal year beginning before October 1, 1993, the amendments made by this section shall not alter the financial commitment requirements in effect on the day before the date of the enactment of this Act for the non-Federal Government participants in the project.

SEC. 1316. ADDITIONAL CRITERIA FOR THE SELECTION OF REGIONAL TECHNOLOGY ALLIANCES.

Section 2513(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5) The potential for the regional technology alliance to increase industrial competitiveness.

"(6) The potential for the regional technology alliance to meet the needs of small- and medium-sized defense-dependent companies across multiple activity areas including—

"(A) outreach;

"(B) manufacturing education and training;

"(C) technology development;

"(D) technology deployment; and

"(E) business counseling.".

SEC. 1317. CONDITIONS ON FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) BENEFITS TO UNITED STATES ECONOMY.—In providing for the establishment or financial support of partnerships or other cooperative arrangements under chapter 148 of title 10, United States Code, using funds made available under section 1311(a), the Secretary of Defense shall ensure that the principal economic benefits of such partnerships and other arrangements accrue to the economy of the United States.

(b) USE OF COMPETITIVE SELECTION PROCEDURES.—Funds made available under subsection (a) of section 1311 for programs of the type described in subsection (b) of such section shall only be provided to projects selected using competitive procedures pursuant to a solicitation incorporating cost-sharing requirements for the non-Federal Government participants in the projects.

(c) CONFORMING AMENDMENT.—Section 2511(e) of title 10, United States Code, is amended by striking out ", except that" and all that follows through "applies".

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1321. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $69,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

(b) PREPARATION ASSISTANCE.—The Secretary of Defense may use up to five percent of the amount specified in subsection (a) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under section 2391(b) of title 10, United States Code.

SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.

(a) ASSISTANCE AVAILABLE.—Not less than 25 percent of the funds made available for fiscal year 1994 to carry out subsection (b) of section 2391 of title 10, United States Code, but not to exceed 50 percent of such funds, shall be used by the Secretary of Defense under paragraphs (1) and (4) of such subsection to make grants, conclude cooperative agreements, and supplement funds available under other Federal programs in order to assist State and local governments in planning and carrying out community adjustments and economic diversification in any community determined by the Secretary—

(1) to be likely to experience a loss of not less than five percent of the total number of civilian jobs in the community as a result of the realignment or closure of a military installation; or

(2) to be adversely affected by the realignment or closure of more than one military installation.

(b) AMOUNT OF PLANNING ASSISTANCE.—In providing assistance on behalf of communities described in subsection (a) under section 2391(b)(1) of title 10, United States Code, the Secretary of Defense shall ensure, to the greatest extent practicable, that the amount of such assistance provided on behalf of each such community for planning community adjustments and economic diversification is not less than $1,000,000 during fiscal year 1994.

(c) ADDITIONAL ADJUSTMENT ASSISTANCE.—In providing adjustment assistance (in addition to the planning assistance provided under subsection (b)) on behalf of communities described in subsection (a), to the maximum extent practicable, favorable consideration shall be given to proposals for economic adjustment implementation assistance of not more than $5,000,000 to be provided in accordance with established criteria, programs, and procedures governing the provision of such assistance.

SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) CONTINUATION OF PROGRAM.—Subsection (a) of section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2391

note) is amended by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1993 and 1994".

(b) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a) for defense conversion, reinvestment, and transitional assistance programs, not more than $1,000,000 shall be made available to continue the pilot project required under section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2391 note) with respect to those projects involving relieving the adverse effects upon a community from a combination of the closure or realignment of a military installation and changes in the mission of a national laboratory.

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

(a) EXPANDED COVERAGE OF CERTAIN MEMBERS OF THE ARMED FORCES.—Subsection (e)(1) of section 1151 of title 10, United States Code, is amended by striking out "before the date of the discharge or release" in the first sentence and inserting in lieu thereof "not later than one year after the date of the discharge or release".

(b) ELIGIBILITY OF MEMBERS NOT EDUCATIONALLY QUALIFIED FOR TEACHER PLACEMENT ASSISTANCE.—(1) Subsection (c) of such section is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within five years after discharge or release from active duty.".

(2) Subsection (e) of such section is amended—

(A) in paragraph (1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the date on which the applicant becomes educationally qualified"; and

(B) by adding at the end the following new paragraph:

"(4)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify

in accordance with subsection (c)(2) for teacher placement assistance under the program.".

(c) EXTENSION OF PERIOD OF REQUIRED SERVICE.—(1) Section 1151 of such title is further amended—

(A) in subsection (f)(2), by striking out "two school years" both places it appears and inserting in lieu thereof "five school years";

(B) in subsection (h)(3)(A), by striking out "two consecutive school years" and inserting in lieu thereof "five consecutive school years";

(C) in subsection (h)(5), by striking out "two years" both places it appears and inserting in lieu thereof "five years"; and

(D) in subsection (i)(1), by striking out "two years" both places it appears and inserting in lieu thereof "five years".

(2) Section 1598(d)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(3) Section 2410j(f)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(d) GRANT PAYMENTS.—Subsection (h)(3)(B) of section 1151 of such title is amended by striking out "equal to the lesser of—" and all that follows through "$50,000." and inserting in lieu thereof the following: "based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher's aide. The rate of payment by the Secretary shall be as follows:

"(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.".

(e) INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.—Subsection (h) of such section is amended in paragraphs (1) and (2) by striking out "shall" both places it appears and inserting in lieu thereof "may".

(f) AGREEMENTS WITH STATES.—Subsection (h) of such section is further amended by adding at the end the following new paragraph:

"(7)(A) In addition to the agreements referred to in paragraphs (1) and (2), the Secretary may enter into an agreement directly with a State identified pursuant to subsection (b)(1) to allow the State to arrange the placement of participants in the placement program with local educational agencies identified pursuant to subsection (b)(2) or (b)(3). The Secretary shall consult with the Secretary of Education in entering into agreements with States under this paragraph.

"(B) With respect to an agreement under this paragraph with a State, nothing in this paragraph shall be construed to negate or supersede the authority of any appropriate official or entity of the State to approve those portions of the agreement that are not under the jurisdiction of the chief executive officer of the State.

"(C) The Secretary may reserve up to 10 percent of the funds made available to carry out the placement program for a fiscal year for the placement of participants through agreements entered into under this paragraph. Paragraphs (3) through (6) shall apply with respect to any placement made through such an agreement.".

(g) CLARIFICATION OF STIPEND EXCEPTION.—Subsection (g) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) A member who is separated under the special separation benefits program under section 1174a of this title, receives voluntary separation payments under section 1175 of this title, or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note) shall not be paid a stipend under paragraph (1).".

(h) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (c) and (d) shall not apply with respect to—

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher's aide placement programs established pursuant to sections 1151, 1598, and 2410j of title 10, United States Code; or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.

(a) PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1152. Assistance to separated members to obtain employment with law enforcement agencies

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment as law enforcement officers with State and local law enforcement agencies upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993; and

"(B) has a military occupational specialty, training, or experience related to law enforcement (such as service as a

member of the military police) or satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment as law enforcement officers with these agencies. Under such an agreement, a law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense

may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with State and local law enforcement agencies. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including police, corrections, probation, parole, and judicial officers.".

(b) PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

"§ 1153. Assistance to separated members to obtain employment with health care providers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment with health care providers upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) has a military occupational specialty, training, or experience related to health care, is likely to be able to obtain such training in a short period of time (as determined by the Secretary), or satisfies such other criteria for selection as the Secretary may prescribe.

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B) for placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within five years after discharge or release from active duty.

"(3) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (b)(2), not later than one year after the date on which the applicant becomes educationally qualified. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(3)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (b)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently in employment positions with health care providers, but who do not satisfy the minimum educational qualification criterion under subsection (b)(1)(B) for placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify in accordance with subsection (b)(2) for placement assistance under the program.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under such an agreement, a health care provider shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with health care providers. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section, the term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.".

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out "program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides." and inserting in lieu thereof "programs established under sections 1151, 1152, and 1153 of this title.".

(d) STUDY ON EXPANSION OF THE LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE THE BORDER PATROL.—(1) The Secretary of Defense, in consultation with the Commissioner of the Immigration and Naturalization Service, shall conduct a study regarding the feasibility of expanding the law enforcement placement program established under section 1152 of title 10, United States Code, as added by subsection (a), to include the placement of members of the Armed Forces who are discharged or released from active duty with the Border Patrol of the Immigration and Naturalization Service.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"1152. Assistance to separated members to obtain employment with law enforcement agencies.

"1153. Assistance to separated members to obtain employment with health care providers.".

SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE EDUCATION AND TRAINING IN ENVIRONMENTAL RESTORATION TO DISLOCATED DEFENSE WORKERS AND YOUNG ADULTS.

(a) GRANT PROGRAM AUTHORIZED.—(1) The Secretary of Defense may establish a program to provide demonstration grants to institutions of higher education to assist such institutions in providing education and training in environmental restoration and hazardous waste management to eligible dislocated defense workers and young adults described in subsection (d). The Secretary shall award the grants pursuant to a merit-based selection process.

(2) A grant provided under this subsection may cover a period of not more than three fiscal years, except that the payments under the grant for the second and third fiscal year shall be subject to the approval of the Secretary and to the availability of appropriations to carry out this section in that fiscal year.

(b) APPLICATION.—To be eligible for a grant under subsection (a), an institution of higher education shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. The application shall include the following:

(1) An assurance by the institution of higher education that it will use the grant to supplement and not supplant non-Federal funds that would otherwise be available for the education and training activities funded by the grant.

(2) A proposal by the institution of higher education to provide expertise, training, and education in hazardous materials and waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities.

(c) USE OF GRANT FUNDS.—(1) An institution of higher education receiving a grant under subsection (a) shall use the grant to establish a consortium consisting of the institution and one or more of each of the entities described in paragraph (2) for the purpose of establishing and conducting a program to provide education and training in environmental restoration and waste management to eligible individuals described in subsection (d). To the extent practicable, the Secretary shall authorize the consortium to use a military installation closed or selected to be closed under a base closure law in providing on-site basic skills training to participants in the program.

(2) The entities referred to in paragraph (1) are the following:

(A) Appropriate State and local agencies.

(B) Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512)).

(C) Community-based organizations (as defined in section 4(5) of such Act (29 U.S.C. 1503(5)).

(D) Businesses.

(E) Organized labor.

(F) Other appropriate educational institutions.

(d) ELIGIBLE INDIVIDUALS.—A program established or conducted using funds provided under subsection (a) may provide education and training in environmental restoration and waste management to—

(1) individuals who have been terminated or laid off from employment (or have received notice of termination or lay off) as a consequence of reductions in expenditures by the United

States for defense, the cancellation, termination, or completion of a defense contract, or the closure or realignment of a military installation under a base closure law, as determined in accordance with regulations prescribed by the Secretary; or

(2) individuals who have attained the age of 16 but not the age of 25.

(e) ELEMENTS OF EDUCATION AND TRAINING PROGRAM.—In establishing or conducting an education and training program using funds provided under subsection (a), the institution of higher education shall meet the following requirements:

(1) The institution of higher education shall establish and provide a work-based learning system consisting of education and training in environmental restoration—

(A) which may include basic educational courses, on-site basic skills training, and mentor assistance to individuals described in subsection (d) who are participating in the program; and

(B) which may lead to the awarding of a certificate or degree at the institution of higher education.

(2) The institution of higher education shall undertake outreach and recruitment efforts to encourage participation by eligible individuals in the education and training program.

(3) The institution of higher education shall select participants for the education and training program from among eligible individuals described in paragraph (1) or (2) of subsection (d).

(4) To the extent practicable, in the selection of young adults described in subsection (d)(2) to participate in the education and training program, the institution of higher education shall give priority to those young adults who—

(A) have not attended and are otherwise unlikely to be able to attend an institution of higher education; or

(B) have, or are members of families who have, received a total family income that, in relation to family size, is not in excess of the higher of—

(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

(ii) 70 percent of the lower living standard income level.

(5) To the extent practicable, the institution of higher education shall select instructors for the education and training program from institutions of higher education, appropriate community programs, and industry and labor.

(6) To the extent practicable, the institution of higher education shall consult with appropriate Federal, State, and local agencies carrying out environmental restoration programs for the purpose of achieving coordination between such programs and the education and training program conducted by the consortium.

(f) SELECTION OF GRANT RECIPIENTS.—To the extent practicable, the Secretary shall provide grants to institutions of higher education under subsection (a) in a manner which will equitably distribute such grants among the various regions of the United States.

(g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE RECIPIENT.—The amount of a grant under subsection (a) that may be made

to a single institution of higher education in a fiscal year may not exceed ⅓ of the amount made available to provide grants under such subsection for that fiscal year.

(h) REPORTING REQUIREMENTS.—(1) The Secretary may provide a grant to an institution of higher education under subsection (a) only if the institution agrees to submit to the Secretary, in each fiscal year in which the Secretary makes payments under the grant to the institution, a report containing—

(A) a description and evaluation of the education and training program established by the consortium formed by the institution under subsection (c); and

(B) such other information as the Secretary may reasonably require.

(2) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the President and Congress an interim report containing—

(A) a compilation of the information contained in the reports received by the Secretary from each institution of higher education under paragraph (1); and

(B) an evaluation of the effectiveness of the demonstration grant program authorized by this section.

(3) Not later than January 1, 1997, the Secretary shall submit to the President and Congress a final report containing—

(A) a compilation of the information described in the interim report; and

(B) a final evaluation of the effectiveness of the demonstration grant program authorized by this section, including a recommendation as to the feasibility of continuing the program.

(i) DEFINITIONS.—For purposes of this section:

(1) BASE CLOSURE LAW.—The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) ENVIRONMENTAL RESTORATION.—The term "environmental restoration" means actions taken consistent with a permanent remedy to prevent or minimize the release of hazardous substances into the environment so that such substances do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(j) CONFORMING REPEAL.—Section 4452 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2701 note) is repealed.

SEC. 1334. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) AUTHORITY.—The Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may establish a scholarship program in order to enable eligible individuals described in subsection (d) to undertake the educational training or activities relating to environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup described in subsection (b) at the institutions of higher education described in subsection (c).

(b) EDUCATIONAL TRAINING OR ACTIVITIES.—(1) The program established under subsection (a) shall be limited to educational training or activities related to—

(A) site remediation;

(B) site characterization;

(C) hazardous waste management;

(D) hazardous waste reduction;

(E) recycling;

(F) process and materials engineering;

(G) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(H) environmental engineering with respect to the construction of facilities to address the items described in subparagraphs (A) through (G).

(2) The program established under subsection (a) shall be limited to educational training or activities designed to enable individuals to achieve specialization in the following fields:

(A) Earth sciences.

(B) Chemistry.

(C) Chemical Engineering.

(D) Environmental engineering.

(E) Statistics.

(F) Toxicology.

(G) Industrial hygiene.

(H) Health physics.

(I) Environmental project management.

(c) ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION.—Scholarship funds awarded under this section shall be used by individuals awarded scholarships to enable such individuals to attend institutions of higher education associated with hazardous substance research centers to enable such individuals to undertake a program of educational training or activities described in subsection (b) that leads to an undergraduate degree, a graduate degree, or a degree or certificate that is supplemental to an academic degree.

(d) ELIGIBLE INDIVIDUALS.—Individuals eligible for scholarships under the program established under subsection (a) are the following:

(1) Any member of the Armed Forces who—

(A) was on active duty or full-time National Guard duty on September 30, 1990;

(B) during the 5-year period beginning on that date—

(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title; and

(C) is not entitled to retired or retainer pay incident to that separation.

(2) Any civilian employee of the Department of Energy or the Department of Defense (other than an employee referred to in paragraph (3)) who—

(A) is terminated or laid off from such employment during the five-year period beginning on September 30, 1990, as a result of reductions in defense-related spending (as determined by the appropriate Secretary); and

(B) is not entitled to retired or retainer pay incident to that termination or lay off.

(3) Any civilian employee of the Department of Defense whose employment at a military installation approved for closure or realignment under a base closure law is terminated as a result of such closure or realignment.

(e) AWARD OF SCHOLARSHIP.—(1)(A) The Secretary of Defense shall award scholarships under this section to such eligible individuals as the Secretary determines appropriate pursuant to regulations or policies promulgated by the Secretary.

(B) In awarding a scholarship under this section, the Secretary shall—

(i) take into consideration the extent to which the qualifications and experience of the individual applying for the scholarship prepared such individual for the educational training or activities to be undertaken; and

(ii) award a scholarship only to an eligible individual who has been accepted for enrollment in the institution of higher education described in subsection (c) and providing the educational training or activities for which the scholarship assistance is sought.

(2) The Secretary of Defense shall determine the amount of the scholarships awarded under this section, except that the amount of scholarship assistance awarded to any individual under this section may not exceed—

(A) $10,000 in any 12-month period; and

(B) a total of $20,000.

(f) APPLICATION; PERIOD FOR SUBMISSION.—(1) Each individual desiring a scholarship under this section shall submit an application to the Secretary of Defense in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(2) A member of the Armed Forces described in subsection (d)(1) who desires to apply for a scholarship under this section shall submit an application under this subsection not later than 180 days after the date of the separation of the member. In the case of members described in subsection (d)(1) who were separated before the date of the enactment of this Act, the Secretary shall accept applications from these members submitted during the 180-day period beginning on the date of the enactment of this Act.

(3) A civilian employee described in paragraph (2) or (3) of subsection (d) who desires to apply for a scholarship under this section, but who receives no prior notice of such termination or

lay off, may submit an application under this subsection at any time after such termination or lay off. A civilian employee described in paragraph (1) or (2) of subsection (d) who receives a notice of termination or lay off shall submit an application not later than 180 days before the effective date of the termination or lay off. In the case of employees described in such paragraphs who were terminated or laid off before the date of the enactment of this Act, the Secretary shall accept applications from these employees submitted during the 180-day period beginning on the date of the enactment of this Act.

(g) REPAYMENT.—(1) Any individual receiving scholarship assistance from the Secretary of Defense under this section shall enter into an agreement with the Secretary under which the individual agrees to pay to the United States the total amount of the scholarship assistance provided to the individual by the Secretary under this section, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational training or activities for which such assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or such individual's estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of scholarship assistance provided to an individual under this section, for purposes of repayment under this subsection, shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(h) COORDINATION OF BENEFITS.—Any scholarship assistance provided to an individual under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(i) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit to the Congress a report describing the activities undertaken under the program authorized by subsection (a) and containing recommendations for future activities under the program.

(j) FUNDING.—(1) To carry out the scholarship program authorized by subsection (a), the Secretary of Defense may use the unobligated balance of funds made available pursuant to section 4451(k) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2701 note) for fiscal year 1993 for environmental scholarship and fellowship programs for the Department of Defense.

(2) The cost of carrying out the program authorized by subsection (a) may not exceed $8,000,000 in any fiscal year.

(k) DEFINITIONS.—For purposes of this section:

(1) The term "base closure law" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 1335. TRAINING AND EMPLOYMENT OF DEPARTMENT OF DEFENSE EMPLOYEES TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) TRAINING PROGRAM.—The Secretary of Defense may establish a program to provide such training to eligible civilian employees of the Department of Defense as the Secretary considers to be necessary to qualify such employees to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed.

(b) EMPLOYMENT OF GRADUATES.—In the case of eligible civilian employees of the Department of Defense who successfully complete the training program established pursuant to subsection (a), the Secretary may—

(1) employ such employees to carry out environmental assessment, remediation, and restoration activities at military installations referred to in subsection (a); or

(2) require, as a condition of a contract for the private performance of such activities at such an installation, the contractor to be engaged in carrying out such activities to employ such employees.

(c) ELIGIBLE EMPLOYEES.—Eligibility for selection to participate in the training program under subsection (a) shall be limited to those civilian employees of the Department of Defense whose employment would be terminated by reason of the closure of a military installation if not for the selection of the employees to participate in the training program.

(d) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under this section to eligible civilian employees employed at a military installation the closure of which will directly result in the termination of the employment of at least 1,000 civilian employees of the Department of Defense.

(e) EFFECT ON OTHER ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations closed or to be closed.

SEC. 1336. REVISION TO IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

Section 141(s) of the Job Training Partnership Act (29 U.S.C. 1551(s)) is amended to read as follows:

"(s)(1) Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

"(2) The property described in this paragraph is both real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.".

SEC. 1337. DEMONSTRATION PROGRAM FOR THE TRAINING OF RECENTLY DISCHARGED VETERANS FOR EMPLOYMENT IN CONSTRUCTION AND IN HAZARDOUS WASTE REMEDIATION.

(a) ESTABLISHMENT.—The Secretary of Defense may establish a demonstration program to promote the training and employment of veterans in the construction and hazardous waste remediation industries. Using funds made available to carry out this section the Secretary shall make grants under the demonstration program to organizations that meet the eligibility criteria specified in subsection (b).

(b) GRANT ELIGIBILITY CRITERIA.—An organization is eligible to receive a grant from the Secretary under subsection (a) if it—

(1) demonstrates, to the satisfaction of the Secretary, an ability to recruit and counsel veterans for participation in the demonstration program under this section;

(2) has entered into an agreement with a joint labor-management training fund established consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) to implement and operate a training and employment program for veterans;

(3) agrees under the agreement referred to in paragraph (2) to use grant funds to carry out a program that will provide eligible veterans with training for employment in the construction and hazardous waste remediation industries;

(4) provides such training for an eligible veteran for not more than 18 months;

(5) demonstrates actual experience in providing training for veterans under an agreement referred to in paragraph (2);

(6) agrees to make, along with all subgrantees, a substantial in-kind contribution (as determined by the Secretary of Defense) from non-Federal sources to the demonstration program under this section; and

(7) gives its assurances, to the satisfaction of the Secretary, that full time, permanent jobs will be available for individuals

successfully completing the training program, with a special emphasis on jobs with employers in construction and hazardous waste remediation on Department of Defense facilities.

(c) ELIGIBLE VETERANS.—An individual is an eligible veteran for the purposes of this section if the individual—

(1)(A) served in the active military, naval, or air service for a period of at least two years;

(B) was discharged or released from active duty because of a service-connected disability; or

(C) is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more; and

(2) was discharged or released on or after August 2, 1990, under conditions other than dishonorable.

(d) PREFERENCE.—In carrying out the demonstration program under this section, the Secretary shall ensure that a preference is given to eligible veterans who had a primary or secondary occupational specialty in the Armed Forces that (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) is not readily transferable to the civilian work force.

(e) HAZARDOUS WASTE OPERATIONS TRAINING GOAL.—It is the sense of Congress that at least 20 percent of the total number of veterans completing training under the demonstration program under this section should complete the training required—

(1) for certification under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (29 U.S.C. 655 note); and

(2) under any other Federal law which requires certification for employees engaged in hazardous waste remediation operations.

(f) USE OF FUNDS.—Funds made available to carry out this section may only be used for tuition and stipends to cover the living and travel expenses of participants, except that the Secretary may provide that not more than a total of four percent of all the funds made available under this section may be used for administrative expenses of grantees and subgrantees.

(g) LIMITATION ON TUITION CHARGED.—The amount of tuition charged eligible veterans participating in a training program funded under the demonstration program may not exceed the amount of tuition charged to nonveterans participating in programs substantially similar to that training program.

(h) LIMITATION ON EXPENDITURES PER PARTICIPANT.—Of the funds made available to carry out this section—

(1) not more than $1,000 may be expended with respect to each veteran participating in the construction phase of the demonstration program; and

(2) not more than an additional $1,000 may be expended with respect to each veteran participating in the hazardous waste remediation phase of the demonstration program, except that the Secretary may authorize an additional $300 for the training of a veteran participating in such phase if the Secretary determines that such additional amount is necessary because of the type of training needed for the particular kind of hazardous waste remediation involved.

(i) REPORTS.—(1) Not later than November 1, 1994, the Secretary shall submit to Congress an interim report describing the manner in which the demonstration program under this section is being carried out, including a detailed description of the number of grants made, the number of veterans involved, the kinds of training received, and any job placements that have occurred or that are anticipated.

(2) Not later than December 31, 1995, the Secretary shall submit to Congress a final report containing a description of the results of the demonstration program with a detailed description of the number of grants made, the number of veterans involved, the number of veterans who completed the program, the number of veterans who were placed in jobs, the number of veterans who failed to complete the program along with the reasons for such failure, and any recommendations the Secretary considers to be appropriate.

(j) DEFINITIONS.—For purposes of this section, the terms "veteran", "service-connected", "active duty", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (16), (21), and (24), respectively, of section 101 of title 38, United States Code.

(k) TERMINATION.—Not later than October 1, 1994, the Secretary shall obligate, in accordance with the provisions of this section, the funds made available to carry out the demonstration program under this section.

SEC. 1338. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.

(a) AUTHORIZATION FOR FISCAL YEAR 1994.—Section 4495(a)(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 106 Stat. 2768; 10 U.S.C. 1143 note) is amended by inserting after the first sentence the following: "Of the amounts made available pursuant to section 1302(a) of the National Defense Authorization Act for Fiscal Year 1994, $25,000,000 shall be made available for the purpose of making payments to employers under this subtitle.".

(b) TIME PERIOD FOR APPLICATION AND INITIATION OF TRAINING.—Section 4496 of such Act (106 Stat. 2769) is amended—

(1) in paragraph (1), by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996"; and

(2) in paragraph (2), by striking out "March 31, 1996" and inserting in lieu thereof "March 31, 1997".

(c) PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.—Section 4489 of such Act (106 Stat. 2764) is amended in the first sentence by inserting "or any other institution offering a program of job training, as approved by the Secretary of Veterans Affairs," after "United States Code,".

SEC. 1339. AMENDMENTS TO DEFENSE DIVERSIFICATION PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.

(a) EXPANDED ELIGIBILITY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—Section 325A(b)(2)(B)(ii) of the Job Training Partnership Act (29 U.S.C. 1662d–1(b)(2)(B)(ii)) is amended—

(1) in subclause (I), by striking out "and" after the semicolon;

(2) in subclause (II), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subclauses:

"(III) section 2687 of title 10, United States Code; and

"(IV) any other similar law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

(b) DEMONSTRATION PROJECTS.—Section 325A(k)(1) of the Job Training Partnership Act (29 U.S.C. 1662d–1(k)(1)) is amended—

(1) in subparagraph (B), by striking out "and" after the semicolon;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) projects involving teams of transition assistance specialists from Federal, State, and local agencies to provide onsite services, including assisting affected communities in short-term and long-term planning and assisting affected individuals through counseling and referrals to appropriate services, at the site of such reductions or closures within 60 days of the announcement of such reductions or closures;

"(E) projects to assist in establishing transition assistance centers at the installations where large dislocations occur to provide comprehensive services to individuals affected by such dislocations;

"(F) projects involving the joint efforts of Federal agencies, such as the Department of Labor, the Department of Defense, the Department of Commerce, and the Small Business Administration, to assist communities affected by such reductions or closures in developing integrated community planning processes to facilitate the retraining of affected individuals and the conversion of installations to commercial uses;

"(G) projects to develop new information and data systems to assist individuals and communities affected by such reductions or closures, including the development of data bases with the capability to provide an affected individual with a civilian economy skills profile which takes into account the skills acquired while working on defense-related matters; and

"(H) projects to assist small and medium-sized firms affected by such reductions or closures in the formation of learning consortia, which will promote joint efforts for staff training, human resource development, product development, and the marketing of products.".

(c) STAFF TRAINING, ADMINISTRATION, AND COORDINATION.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d–1) is amended—

(1) by redesignating subsection (l) as subsection (o); and

(2) by adding the following new subsections after subsection (k):

"(l) STAFF TRAINING AND TECHNICAL ASSISTANCE.—In carrying out the grant program established under subsection (a), the Secretary of Defense may provide staff training and technical assistance services to States, communities, businesses, and labor organizations, and other entities involved in providing adjustment assistance to workers.

"(m) ADMINISTRATIVE EXPENSES.—Not more than 2 percent of the funds available to the Secretary of Defense to carry out this section for any fiscal year may be retained by the Secretary of Defense for the administration of activities authorized under this section.

"(n) COORDINATION WITH TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of Defense, in consultation with the Secretary of Labor, shall ensure that activities carried out under this section are coordinated with relevant activities carried out pursuant to title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1890).".

Subtitle D—National Shipbuilding Initiative

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "National Shipbuilding and Shipyard Conversion Act of 1993".

SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.

(a) ESTABLISHMENT OF PROGRAM.—There shall be a National Shipbuilding Initiative program, to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient, internationally competitive industry.

(b) ADMINISTERING DEPARTMENTS.—The program shall be carried out—

(1) by the Secretary of Defense, with respect to programs under the jurisdiction of the Secretary of Defense; and

(2) by the Secretary of Transportation, with respect to programs under the jurisdiction of the Secretary of Transportation.

(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:

(1) FINANCIAL INCENTIVES PROGRAM.—A financial incentives program to provide loan guarantees to initiate commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity.

(2) TECHNOLOGY DEVELOPMENT PROGRAM.—A technology development program, to be carried out within the Department of Defense by the Advanced Research Projects Agency, to improve the technology base for advanced shipbuilding technologies and related dual-use technologies through activities including a development program for innovative commercial ship design and production processes and technologies.

(3) NAVY'S AFFORDABILITY THROUGH COMMONALITY PROGRAM.—Enhanced support by the Secretary of Defense for the shipbuilding program of the Department of the Navy known as the Affordability Through Commonality (ATC) program, to include enhanced support (A) for the development of common modules for military and commercial ships, and (B) to foster civil-military integration into the next generation of Naval surface combatants.

(4) NAVY'S MANUFACTURING TECHNOLOGY AND TECHNOLOGY BASE PROGRAMS.—Enhanced support by the Secretary of Defense for, and strengthened funding for, that portion of the

Manufacturing Technology program of the Navy, and that portion of the Technology Base program of the Navy, that are in the areas of shipbuilding technologies and ship repair technologies.

SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGEMENT THROUGH ADVANCED RESEARCH PROJECTS AGENCY.

The Secretary of Defense shall designate the Advanced Research Projects Agency of the Department of Defense as the lead agency of the Department of Defense for activities of the Department of Defense which are part of the National Shipbuilding Initiative program. Those activities shall be carried out as part of defense conversion activities of the Department of Defense.

SEC. 1354. ADVANCED RESEARCH PROJECTS AGENCY FUNCTIONS AND MINIMUM FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.

(a) ARPA FUNCTIONS.—The Secretary of Defense, acting through the Director of the Advanced Research Projects Agency, shall carry out the following functions with respect to the National Shipbuilding Initiative program:

(1) Consultation with the Maritime Administration, the Office of Economic Adjustment, the National Economic Council, the National Shipbuilding Research Project, the Coast Guard, the National Oceanic and Atmospheric Administration, appropriate naval commands and activities, and other appropriate Federal agencies on—

(A) development and transfer to the private sector of dual-use shipbuilding technologies, ship repair technologies, and shipbuilding management technologies;

(B) assessments of potential markets for maritime products; and

(C) recommendation of industrial entities, partnerships, joint ventures, or consortia for short- and long-term manufacturing technology investment strategies.

(2) Funding and program management activities to develop innovative design and production processes and the technologies required to implement those processes.

(3) Facilitation of industry and Government technology development and technology transfer activities (including education and training, market assessments, simulations, hardware models and prototypes, and national and regional industrial base studies).

(4) Integration of promising technology advances made in the Technology Reinvestment Program of the Advanced Research Projects Agency into the National Shipbuilding Initiative to effect full defense conversion potential.

(b) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—

(1) MAXIMUM DEPARTMENT OF DEFENSE SHARE.—The Secretary of Defense shall ensure that the amount of funds provided by the Secretary to a non-Federal government participant does not exceed 50 percent of the total cost of technology development and technology transfer activities.

(2) REGULATIONS.—The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that

has been or is being undertaken by such participants. In prescribing the regulations, the Secretary may determine that a participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be included in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity contribution in the program from non-Federal sources.

SEC. 1355. AUTHORITY FOR SECRETARY OF TRANSPORTATION TO MAKE LOAN GUARANTEES.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

"SEC. 1111. (a) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—The Secretary may guarantee obligations for eligible export vessels—

"(1) in accordance with the terms and conditions of this title applicable to loan guarantees in the case of vessels documented under the laws of the United States; or

"(2) in accordance with such other terms as the Secretary determines to be more favorable than the terms otherwise provided in this title and to be compatible with export credit terms offered by foreign governments for the sale of vessels built in foreign shipyards.

"(b) INTERAGENCY COUNCIL.—

"(1) ESTABLISHMENT; COMPOSITION.—There is hereby established an interagency council for the purposes of this section. The council shall be composed of the Secretary of Transportation, who shall be chairman of the Council, the Secretary of the Treasury, the Secretary of State, the Assistant to the President for Economic Policy, the United States Trade Representative, and the President and Chairman of the United States Export-Import Bank, or their designees.

"(2) PURPOSE OF THE COUNCIL.—The council shall—

"(A) obtain information on shipbuilding loan guarantees, on direct and indirect subsidies, and on other favorable treatment of shipyards provided by foreign governments to shipyards in competition with United States shipyards; and

"(B) provide guidance to the Secretary in establishing terms for loan guarantees for eligible export vessels under subsection (a)(2).

"(3) CONSULTATION WITH U.S. SHIPBUILDERS.—The council shall consult regularly with United States shipbuilders to obtain the essential information concerning international shipbuilding competition on which to set terms and conditions for loan guarantees under subsection (a)(2).

"(4) ANNUAL REPORT.—Not later than January 31 of each year (beginning in 1995), the Secretary of Transportation shall submit to Congress a report on the activities of the Secretary under this section during the preceding year. Each report shall include documentation of sources of information on assistance provided by the governments of other nations to shipyards in those nations and a summary of recommendations made to the Secretary during the preceding year regarding applications submitted to the Secretary

during that year for loan guarantees under this title for construction of eligible export vessels.".

(b) IMPLEMENTATION.—

(1) INITIAL DESIGNATION OF COUNCIL MEMBERS.—Each member of the council established under section 1111(b) of the Merchant Marine Act, 1936, as added by subsection (a), shall name a designee for service on the council not later than 30 days after the date of the enactment of this Act. Each such member shall promptly notify the Secretary of Transportation of that designation.

(2) DESIGNATION OF SENIOR MARAD OFFICIAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall designate a senior official within the Maritime Administration to have the responsibility and authority to carry out the terms and conditions set forth under section 1111 of title XI the Merchant Marine Act, 1936, as added by subsection (a). The Secretary shall make the designation of that official known through a public announcement in a national periodical.

SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

(1) ELIGIBLE EXPORT VESSEL DEFINED.—Section 1101 is amended by adding at the end the following new subsection:

"(o) The term 'eligible export vessel' means a vessel constructed, reconstructed, or reconditioned in the United States for use in world-wide trade which will, upon delivery or redelivery, be placed under or continued to be documented under the laws of a country other than the United States.".

(2) LIMITATIONS ON GUARANTEE OBLIGATIONS.—Section 1103 is amended—

(A) by amending the first sentence of subsection (f) to read as follows: "The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed $12,000,000,000, of which (1) $850,000,000 shall be limited to obligations pertaining to guarantees of obligations for fishing vessels and fishery facilities made under this title, and (2) $3,000,000,000 shall be limited to obligations pertaining to guarantees of obligations for eligible export vessels."; and

(B) by adding at the end the following new subsection:

"(g)(1) The Secretary may not issue a commitment to guarantee obligations for an eligible export vessel unless, after considering—

"(A) the status of pending applications for commitments to guarantee obligations for vessels documented under the laws of the United States and operating or to be operated in the domestic or foreign commerce of the United States,

"(B) the economic soundness of the applications referred to in subparagraph (A), and

"(C) the amount of guarantee authority available,

the Secretary determines, in the sole discretion of the Secretary, that the issuance of a commitment to guarantee obligations for an eligible export vessel will not result in the denial of an economically sound application to issue a commitment to guarantee obliga-

tions for vessels documented under the laws of the United States operating in the domestic or foreign commerce of the United States.

"(2) The Secretary may not issue commitments to guarantee obligations for eligible export vessels under this section after the later of—

"(A) the 5th anniversary of the date on which the Secretary publishes final regulations setting forth the application procedures for the issuance of commitments to guarantee obligations for eligible export vessels,

"(B) the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export vessels have been continuously available, or

"(C) the last date on which those commitments may be issued under any treaty or convention entered into after the date of the enactment of the National Shipbuilding and Shipyard Conversion Act of 1993 that prohibits guarantee of those obligations.".

(3) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is amended—

(A) by amending so much of subsection (a)(1) as precedes the proviso to read as follows:

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel (including an eligible export vessel), which is designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade as defined in section 905 of this Act for purposes of title V of this Act; or (D) as an ocean thermal energy conversion facility or plantship; (E) with respect to floating drydocks in the construction, reconstruction, reconditioning, or repair of vessels; or (F) with respect to an eligible export vessel, in world-wide trade;";

(B) by amending subsection (b)(2)—

(i) by striking "subject to the provisions of paragraph (1) of subsection (c) of this section," and inserting "subject to the provisions of subsection (c)(1) and subsection (i),", and

(ii) by inserting before the semicolon at the end the following: ": *Provided further,* That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ of the actual cost or depreciated actual cost of the eligible export vessel";

(C) by amending subsection (b)(6) by inserting after "United States Coast Guard" the following: "or, in the case of an eligible export vessel, of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party";

(D) in subsection (d), by adding at the end the following new paragraph:

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this title for the construction, reconstruction, or reconditioning of an eligible export vessel unless—

"(A) the Secretary finds that the construction, reconstruction, or reconditioning of that vessel will aid

in the transition of United States shipyards to commercial activities or will preserve shipbuilding assets that would be essential in time of war or national emergency, and

"(B) the owner of the vessel agrees with the Secretary of Transportation that the vessel shall not be transferred to any country designated by the Secretary of Defense as a country whose interests are hostile to the interests of the United States."; and

(E) by adding at the end the following new subsections:

"(i) The Secretary may not, with respect to—

"(1) the general 75 percent or less limitation in subsection (b)(2);

"(2) the 87½ percent or less limitation in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or section 1112(b); or

"(3) the 80 percent or less limitation in the 3rd proviso to such subsection;

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.

"(j)(1) Upon receiving an application for a loan guarantee for an eligible export vessel, the Secretary shall promptly provide to the Secretary of Defense notice of the receipt of the application. During the 30-day period beginning on the date on which the Secretary of Defense receives such notice, the Secretary of Defense may disapprove the loan guarantee based on the assessment of the Secretary of the potential use of the vessel in a manner that may cause harm to United States national security interests. The Secretary of Defense may not disapprove a loan guarantee under this section solely on the basis of the type of vessel to be constructed with the loan guarantee. The authority of the Secretary to disapprove a loan guarantee under this section may not be delegated to any official other than a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(2) The Secretary of Transportation may not make a loan guarantee disapproved by the Secretary of Defense under paragraph (1).".

(4) LIMITATION ON AUTHORITY TO ESTABLISH UNIFORM PERCENTAGE LIMITATION.—Section 1104B is amended by adding at the end of subsection (b) the following flush sentence:

"The Secretary may not by rule, regulation, or procedure establish any percentage within the 87½ percent or less limitation in paragraph (2) that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section.".

(5) CONFORMING AMENDMENT.—Section 1103(a) is amended in the first sentence by striking ", upon application by a citizen of the United States,".

SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZATION AND IMPROVEMENT.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

"SEC. 1112. (a) The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for advanced shipbuilding technology

and modern shipbuilding technology of a general shipyard facility located in the United States.

"(b) Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws, requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title, except that guarantees or commitments to guarantee made under this section may be in the aggregate principal amount that does not exceed 87½ percent of the actual cost of the advanced shipbuilding technology or modern shipbuilding technology.

"(c) The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) of making guarantees or commitments to guarantee loans entered into under this section.

"(d) For purposes of this section:

"(1) The term 'advanced shipbuilding technology' includes—

"(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving shipbuilding and related industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve shipbuilding quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(2) The term 'modern shipbuilding technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of shipyards.

"(3) The term 'general shipyard facility' means—

"(A) for operations on land—

"(i) any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment or rebuilding of any vessel (as defined in title 1, United States Code) and including graving docks, building ways, ship lifts, wharves, and pier cranes;

"(ii) the land necessary for any structure or appurtenance described in clause (i); and

"(iii) equipment that is for the use in connection with any structure or appurtenance and that is necessary for the performance of any function referred to in subparagraph (A);

"(B) for operations other than on land, any vessel, floating drydock or barge built in the United States and used for, equipped to be used for, or of a type that is normally used for activities referred to in subparagraph (A)(i) of this paragraph.".

(b) CONFORMING AMENDMENT.—Section 1101(n) of that Act (46 App. U.S.C. 1271(n)) is amended by striking "vessels." and inserting "vessels and general shipyard facilities (as defined in section 1112(d)(3)).".

SEC. 1358. ELIGIBLE SHIPYARDS.

To be eligible to receive loan guarantee assistance under title XI of the Merchant Marine Act, 1936, a shipyard must be a private shipyard located in the United States.

SEC. 1359. FUNDING FOR CERTAIN LOAN GUARANTEE COMMITMENTS FOR FISCAL YEAR 1994.

(a) FUNDING.—(1) The amount appropriated to the Secretary of Defense pursuant to the authorization of appropriations in section 108 shall be available only for transfer to the Secretary of Transportation and shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under (A) section 1104A(a)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(a)(1)), as amended by section 1356, or section 1111(a)(2) of such Act, as added by section 1355, for vessels of at least 5,000 gross tons that are commercially marketable on the international market (including eligible export vessels), and (B) section 1112 of the Merchant Marine Act, 1936, as added by section 1357.

(2) Of the amount referred to in paragraph (1) that is obligated in any year, not more than 12½ percent may be obligated for costs of new loan guarantee commitments under section 1112 of the Merchant Marine Act, 1936, as added by section 1357.

(3) In making loan guarantee commitments using funds referred to in paragraph (1) for the purpose described in paragraph (2), the Secretary of Transportation shall give priority to applications from shipyards that have engaged in naval vessel construction.

(b) TRANSFER TO SECRETARY OF TRANSPORTATION.—Subject to the provisions of appropriations Acts, amounts made available under subsection (a) shall be transferred to the Secretary of Transportation for use as described in that subsection. Any such transfer shall be made not later than 90 days after the date of the enactment of an Act appropriating the funds to be transferred.

(c) LIMITATIONS ON THE USE OF DEPARTMENT OF DEFENSE FUNDS.—(1) Funds available to the Secretary of Transportation from the Department of Defense under this section may be obligated only to the extent that an equal amount of funds is available for purposes of this section from non-Department of Defense sources.

(2) Funds available as of the date of the enactment of this Act under loan guarantee programs under title XI of the Merchant Marine Act, 1936, are considered non-Department of Defense funds for purposes of paragraph (1).

SEC. 1360. COURT SALE TO ENFORCE PREFERRED MORTGAGE LIENS FOR EXPORT VESSELS.

Section 31326(b) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting ", including a preferred mortgage lien on a foreign vessel whose mortgage has been guaranteed under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.)" after "preferred mortgage lien", and

(2) in paragraph (2), by inserting "whose mortgage has not been guaranteed under title XI of that Act" after "foreign vessel".

SEC. 1361. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR DEPARTMENT OF TRANSPORTATION.—There is authorized to be appropriated to the Secretary of Transpor-

tation for fiscal year 1994 the sum of $10,000,000 to pay administrative costs related to new loan guarantee commitments described in subsection (a) of section 1359.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under the authority of this section shall remain available until expended.

SEC. 1362. REGULATIONS.

(a) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations as necessary to carry out the Secretary's responsibilities under this title (including the amendments made by this title).

(b) INTERIM REGULATIONS.—The Secretary of Transportation may prescribe interim regulations necessary to carry out this title and for accepting applications under title XI of the Merchant Marine Act, 1936, as amended by this title. For that purpose, the Secretary is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All regulations prescribed under this subsection that are not earlier superseded by final rules shall expire 270 days after the date of the enactment of this Act.

SEC. 1363. SHIPYARD CONVERSION AND REUSE STUDIES.

(a) STUDIES REQUIRED.—The Secretary of Defense shall make community adjustment and diversification assistance available under section 2391(b) of title 10, United States Code, for the purpose of—

(1) conducting a study regarding the feasibility of converting and reutilizing the Charleston Naval Shipyard, South Carolina, as a facility primarily oriented toward commercial use; and

(2) conducting a study regarding the feasibility of converting and reutilizing the Mare Island Naval Shipyard, California, as a facility primarily oriented toward commercial use.

(b) FUNDING.—Of the amount made available pursuant to section 1302(a), $500,000 shall be available to carry out each of the studies required by subsection (a).

Subtitle E—Other Matters

SEC. 1371. ENCOURAGEMENT OF THE PURCHASE OR LEASE OF VEHICLES PRODUCING ZERO OR VERY LOW EXHAUST EMISSIONS.

From funds authorized to be appropriated in subtitle A of title I and section 301 for the purchase or lease of non-tactical administrative vehicles (such as automobiles, utility trucks, buses, and vans), the Secretary of Defense is encouraged to expend not less than 10 percent of such funds for the purchase or lease of vehicles producing zero or very low exhaust emissions.

SEC. 1372. REVISION TO REQUIREMENTS FOR NOTICE TO CONTRACTORS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

Section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2753; 10 U.S.C. 2501 note) is amended to read as follows:

"SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN MAJOR DEFENSE PROGRAMS.

"(a) NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Each year, in conjunction with the preparation of the budget for the next fiscal year to be submitted to Congress under section 1105 of title 31, United States Code, the Secretary of Defense shall determine which major defense programs (if any) are proposed to be terminated or substantially reduced under the budget. As soon as reasonably practicable after the date on which the budget is submitted to Congress under such section, and not more than 180 days after such date, the Secretary, in accordance with regulations prescribed by the Secretary, shall provide notice of the proposed termination of, or substantial reduction in, each such program—

"(1) directly to each prime contractor under that program; and

"(2) by general notice through publication in the Federal Register.

"(b) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Each year, as soon as reasonably practicable after the date of the enactment of an Act appropriating funds for the military functions of the Department of Defense, and not more than 180 days after such date, the Secretary of Defense, in accordance with regulations prescribed by the Secretary—

"(1) shall determine which major defense programs (if any) of the Department of Defense that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

"(2) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

"(A) directly to each prime contractor under that program;

"(B) directly to the Secretary of Labor; and

"(C) by general notice through publication in the Federal Register.

"(c) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under subsection (a) or (b) of the termination of, or substantial reduction in, that program, and not more than 45 days after such date, the prime contractor shall—

"(1) provide notice of that termination or substantial reduction to each person that is a first-tier subcontractor for that program under a contract in an amount not less than $500,000 for the program; and

"(2) require that each such subcontractor—

"(A) provide such notice to each of its subcontractors for the program under a contract in an amount in excess of $100,000; and

"(B) impose a similar notice and pass through requirement to subcontractors in an amount in excess of $100,000 at all tiers.

"(d) CONTRACTOR NOTICE TO EMPLOYEES AND STATE DISLOCATED WORKER UNIT.—Not later than two weeks after a defense contractor receives notice under subsection (a)(1) or (b)(1), as the case may be, of the termination of, or substantial reduction in,

a defense program, the contractor shall provide notice of such termination or substantial reduction to—

"(1)(A) each representative of employees whose work is directly related to the defense contract under such program and who are employed by the defense contractor; or

"(B) if there is no such representative at that time, each such employee; and

"(2) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur.

"(e) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a major defense program provided under subsection (d)(1) to an employee of a contractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d–1), except where the employer has specified that the termination of, or substantial reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act (29 U.S.C. 1661c(b)) and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act (29 U.S.C. 1661c(c)).

"(f) WITHDRAWAL OF NOTIFICATION UPON SUFFICIENT FUNDING FOR PROGRAM TO CONTINUE.—

"(1) NOTICE TO PRIME CONTRACTOR.—If the Secretary of Defense provides a notification under subsection (a) for a fiscal year with respect to a major defense program and the Secretary subsequently determines, upon enactment of an Act appropriating funds for the military functions of the Department of Defense for that fiscal year that due to a sufficient level of funding for the program having been provided in that Act there will not be a termination of, or substantial reduction in, that program, then the Secretary shall provide notice of withdrawal of the notification provided under subsection (a) to each prime contractor that received that notice under such subsection. Any such notice of withdrawal shall be provided as soon as reasonably practicable after the date of the enactment of the appropriations Act concerned. In any such case, the Secretary shall at the same time provide general notice of such withdrawal by publication in the Federal Register.

"(2) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under paragraph (1) of the withdrawal of a notification previously provided to the contractor under subsection (a), and not more than 45 days after that date, the prime contractor shall provide notice of such withdrawal to each person that is a first-tier subcontractor for the program under a contract in an amount not less than $500,000 for the program and shall require that each such subcontractor provide such notice to each subcontractor for the program under a contract in an amount not less than $100,000 at any tier.

"(3) NOTICE TO EMPLOYEES.—As soon as reasonably practicable after the date on which a prime contractor receives notice of withdrawal under paragraph (1) or a subcontractor receives such a notice under paragraph (2), and not more than two weeks after that date, the contractor or subcontractor shall provide notice of such withdrawal—

"(A) to each representative of employees whose work is directly related to the defense contract under the program and who are employed by the contractor or subcontractor or, if there is no such representative at that time, each such employee;

"(B) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

"(C) to each grantee under section 325(a) or 325A(a) of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d–1) providing training, adjustment assistance, and employment services to an employee described in this paragraph.

"(4) LOSS OF ELIGIBILITY.—An employee who receives a notice of withdrawal under paragraph (3) shall not be eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d–1) beginning on the date on which the employee receives the notice.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'major defense program' means a program that is carried out to produce or acquire a major system (as defined in section 2302(5) of title 10, United States Code).

"(2) The terms 'substantial reduction' and 'substantially reduced', with respect to a major defense program, mean a reduction of 25 percent or more in the total dollar value of contracts under the program.".

SEC. 1373. REGIONAL RETRAINING SERVICES CLEARINGHOUSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Labor, in consultation with the Secretary of Defense, may carry out a demonstration project to establish one or more regional retraining services clearinghouses to serve eligible persons described in subsection (b).

(b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERVICES.—The following persons shall be eligible to receive services through the clearinghouses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(c) INFORMATIONAL ACTIVITIES OF CLEARINGHOUSES.—The clearinghouses shall—

(1) collect educational materials that have been prepared for the purpose of providing information regarding available retraining programs, in particular those programs dealing with critical skills needed in advanced manufacturing and skill areas in which shortages of skilled employees exist;

(2) establish and maintain a data base for the purpose of storing and categorizing such materials based on the different needs of eligible persons; and

(3) furnish such materials, upon request, to educational institutions and other interested persons.

(d) FUNDING.—From the unobligated balance of funds made available pursuant to section 4465(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 29 U.S.C. 1662d–1 note) to carry out section 325A of the Job Training Partnership Act (29 U.S.C. 1662d–1), not more than $10,000,000 shall be available to the Secretary of Labor to carry out this section during fiscal year 1994. Funds made available under section 1302 for defense conversion, reinvestment, and transition assistance programs shall not be used to carry out this section.

SEC. 1374. USE OF NAVAL INSTALLATIONS TO PROVIDE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS.

(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of the Navy may conduct a demonstration project to test the feasibility of using Navy facilities to provide employment training to nonviolent offenders in a State penal system prior to their release from incarceration. The demonstration project shall be limited to not more than three military installations under the jurisdiction of the Secretary.

(b) AGREEMENTS WITH NONPROFIT ORGANIZATIONS.—The Secretary may enter into a cooperative agreement with one or more private, nonprofit organizations for purposes of providing at the military installations included in the demonstration project the prerelease employment training authorized under subsection (a).

(c) USE OF FACILITIES.—Under a cooperative agreement entered into under subsection (b), the Secretary may lease or otherwise make available to a nonprofit organization participating in the demonstration project at a military installation included in the demonstration project any real property or facilities at the installation that the Secretary considers to be appropriate for use to provide the prerelease employment training authorized under subsection (a). Notwithstanding section 2667(b)(4) of title 10, United States Code, the use of such real property or facilities may be permitted with or without reimbursement.

(d) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept voluntary services provided by persons participating in the prerelease employment training authorized under subsection (a).

(e) LIABILITY AND INDEMNIFICATION.—A nonprofit organization participating in the demonstration project shall be liable for any loss or damage to Government property that may result from, or in connection with, the provision of prerelease employment training by the organization under demonstration project. The nonprofit organization also shall hold harmless and indemnify the United

States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from or in connection with the demonstration project.

(f) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report evaluating the success of the demonstration project and containing such recommendations with regard to the termination, continuation, or expansion of the demonstration project as the Secretary considers to be appropriate.

TITLE XIV—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Defense Burden Sharing

SEC. 1401. DEFENSE BURDENS AND RESPONSIBILITIES.

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

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in constant fiscal year 1985 dollars.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and as a result of the following provisions of law:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which requires a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which provides that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which

directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed to reduce the costs incurred by the United States in basing military forces overseas in the following ways:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995 one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to share more fully the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(ii) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) REDUCING UNITED STATES OVERSEAS BASING COSTS.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the United States of all tax liability that, with respect to forces located in that country, is incurred by the Armed Forces of the United States under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) (relating

to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including construction and improvement of military family housing) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000), except to the extent provided by the Secretary of Defense under paragraph (3).

(2) For purposes of this subsection, the term ''overseas basing activities'' means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including construction and improvement of military family housing) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(3) The Secretary of Defense may increase the amount of the limitation under paragraph (1) by such amount or amounts as the Secretary determines to be necessary in the national interest, but not to exceed a total increase of $582,700,000. The Secretary may not increase the amount of such limitation under the preceding sentence until the Secretary provides notice to Congress of the Secretary's intent to authorize such an increase and a period of 15 days elapses after the day on which such notice is provided.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1402. BURDEN SHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end a new section 2350j consisting of—

(1) a heading as follows:

"§ 2350j. Burden sharing contributions by designated countries and regional organizations";

and

(2) a text consisting of the text of section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465), revised—

(A) in subsection (a)—

(i) by replacing "During fiscal years 1992 and 1993, the Secretary" with "The Secretary";

(ii) by inserting ", after consultation with the Secretary of State," after "Secretary of Defense";

(iii) by deleting "from Japan, Kuwait, and the Republic of Korea"; and

(iv) by inserting "from any country or regional organization designated for purposes of this section by the Secretary of Defense, in consultation with the Secretary of State"; and

(B) in subsection (f)—

(i) by replacing "each quarter of fiscal years 1992 and 1993" with "each fiscal year";

(ii) by replacing "congressional defense committees" with "Congress";

(iii) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)"; and

(iv) by replacing "the preceding quarter" in paragraphs (1) and (2) with "the preceding fiscal year".

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

"2350j. Burden sharing contributions by designated countries and regional organizations.".

Subtitle B—North Atlantic Treaty Organization

SEC. 1411. FINDINGS, SENSE OF CONGRESS, AND REPORT REQUIREMENT CONCERNING NORTH ATLANTIC TREATY ORGANIZATION.

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

(1) The North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security, and freedom of the United States and its NATO allies for more than 40 years.

(2) The national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework.

(3) Recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union.

(4) The military threats which NATO was established to deter have greatly diminished with the end of the Cold War.

(5) The post-Cold War security situation continues to present a wide array of challenges to United States national interests, many of which interests the United States shares with its allies in Europe and Canada.

(6) The international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression.

(7) The United States must share the responsibilities and the burdens of pursuing international security and stability with other nations.

(8) Several of the newly democratic nations of Central and Eastern Europe and the former Soviet Union have expressed interest in seeking membership in NATO.

(9) Many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses.

(10) The United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible.

(11) Military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others' operational procedures.

(12) NATO is currently the only organization with the experience, trained staff, and infrastructure necessary to support military cooperation with the major military allies of the United States.

(13) The NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace.

(14) Justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission, area of responsibility, and procedures to the new security environment.

(15) Justification of future United States support for the alliance and for a United States military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada.

(16) The meeting of the NATO heads of state scheduled for January 1994, presents an excellent opportunity for the President to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization having greatly diminished, and new, more diverse challenges having arisen (including ethno-religious conflict in Central and Eastern Europe and the former Soviet Union and the proliferation of weapons of mass destruction in regions proximate to alliance territory), NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) NATO should review its consultative mechanisms in order to maximize its ability to marshal political, diplomatic, social, and economic solidarity, buttressed by credible military capability, and to bring the full weight and scope of its cooperative efforts to bear in addressing the new challenges; and

(3) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit a report to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. The report shall contain recommendations on the following:

(1) The manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members.

(2) The manner in which NATO should continue to adapt its consultative process, including efforts to extend that process to the new democracies of Central and Eastern Europe and the former Soviet Union, so as to enhance its political, diplomatic, social, economic, and military efforts to project stability eastward and maximize its capabilities in crisis prevention and crisis management.

(3) The feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance.

(4) The manner in which NATO should restructure its forces, training and equipment for the new security environment, including with regard to multinational peacekeeping activities.

(5) The desirability of expanding the alliance to include traditionally neutral nations or the new democratic nations of Central and Eastern Europe and the former Soviet Union that wish to join NATO.

(6) The proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in United States military deployments in Europe in the event of the alliance's failure to adopt a new mandate.

(7) The structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee.

(8) The extent to which NATO liaison teams should be assigned to the United Nations and the Conference on Security and Cooperation in Europe so as to facilitate better coordination among these organizations, especially in regard to crisis prevention and crisis management.

(9) The desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy.

(10) The structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression.

(11) The levels of United States, European, and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

SEC. 1412. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) BIENNIAL NATO REPORT.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

(b) REPORT ON ALLIED CONTRIBUTIONS.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.".

(c) FINDING AND SENSE OF CONGRESS.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003(c) of the National Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

SEC. 1413. PERMANENT AUTHORITY TO CARRY OUT AWACS MEMORANDA OF UNDERSTANDING.

Section 2350e of title 10, United States Code, is amended by striking out subsection (d).

Subtitle C—Export of Defense Articles

SEC. 1421. EXTENSION OF AUTHORITY FOR CERTAIN FOREIGN GOVERNMENTS TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)(3)) is amended by inserting "or fiscal year 1992" after "fiscal year 1991".

SEC. 1422. REPORT ON EFFECT OF INCREASED USE OF DUAL-USE TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.

(a) REPORT REQUIREMENT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing what effect the increased use of dual-use and commercial technologies and items by the Department of Defense could have on the ability of the United States to control adequately the export of sensitive dual-use and military technologies and items to nations to whom the receipt of such technologies is contrary to United States national security interests.

(b) EFFECT ON DEFENSE PROGRAMS.—The report required by subsection (a) shall include—

(1) an assessment of the national security implications of any lowering of licensing controls on the export of dual-use items and technology, to include an assessment of the effect such lowering of controls could have on operational

United States defense programs and capabilities and planned United States defense programs and capabilities;

(2) a description of the steps the Secretary of Defense intends to take to ensure that any decontrol of dual-use items and technology does not place at risk the technology and defense capability lead that the United States currently enjoys; and

(3) a description of the steps the Department of Defense intends to take to mitigate any possible increase in the proliferation threat resulting from decontrol of dual-use items and technology.

(c) CONSULTATION.—The report required by subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

SEC. 1423. EXTENSION OF LANDMINE EXPORT MORATORIUM.

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

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The Department of State estimates that there are more than 10,000,000 landmines in Afghanistan, 9,000,000 in Angola, 4,000,000 in Cambodia, 3,000,000 in Iraqi Kurdistan, and 2,000,000 each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1,000 per hour. These mines, which are being produced by many industrialized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the 10 years from 1983 through 1992, the United States approved 10 licenses for the commercial export of anti-personnel landmines with a total value of $980,000 and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning

the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since October 23, 1992, when a one-year moratorium on sales, transfers, and exports by the United States of anti-personnel landmines was enacted into law (in section 1365 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 2778 note)), the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers, and exports of anti-personnel landmines and the Government of France has announced that it has ceased all sales, transfers, and exports of anti-personnel landmines.

(10) On December 2, 1993, 10 years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers, and exports of anti-personnel landmines for an additional three years. A moratorium of that duration would extend the prohibition on the sale, transfer, and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(b) STATEMENT OF POLICY.—

(1) It is the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use, of anti-personnel landmines.

(2) It is the sense of the Congress that—

(A) the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification; and

(B) the United States should—

(i) participate in a United Nations conference to review the Landmine Protocol; and

(ii) actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale,

transfer, or export of anti-personnel landmines and to further limit the manufacture, possession, and use of anti-personnel landmines.

(c) THREE-YEAR EXTENSION OF LANDMINE MORATORIUM.—Section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 2778 note) is amended by striking out "For a period of one year beginning on the date of the enactment of this Act" and inserting in lieu thereof "During the four-year period beginning on October 23, 1992".

(d) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means any of the following:

(1) Any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person.

(2) Any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

(3) Any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

Subtitle D—Other Matters

SEC. 1431. CODIFICATION OF PROVISION RELATING TO OVERSEAS WORKLOAD PROGRAM.

(a) CODIFICATION.—(1) Chapter 138 of title 10, United States Code, is amended by inserting after section 2348 the following new section:

"§ 2349. Overseas Workload Program

"(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

"(b) SITE OF PERFORMANCE.—A contract awarded to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

"(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

"(1) could adversely affect the military preparedness of the armed forces; or

"(2) would violate the terms of an international agreement to which the United States is a party.

"(d) DEFINITION.—In this section, the term 'major non-NATO ally' has the meaning given that term in section 2350a(i)(3) of this title.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2348 the following new item:

"2349. Overseas Workload Program.".

(b) CONFORMING AMENDMENTS.—(1) Section 1465 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1700) is repealed.

(2) Section 9130 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1935), is amended—

(A) in subsection (b), by striking out ", or thereafter,"; and

(B) in subsection (d), by striking out "or thereafter" each place it appears.

SEC. 1432. AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

(a) LIMITATION ON SOURCE OF FUNDS FOR NEW UNITED STATES DIPLOMATIC FACILITIES.—(1) As of January 1, 1995, the United States may not purchase, construct, lease, or otherwise occupy any facility as an embassy, chancery, or consular facility in Germany unless that facility is purchased, constructed, modified, or leased with funds provided by the Government of Germany as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the Status-of-Forces Agreement with the Government of Germany in effect on the date of the enactment of this Act.

(2) The limitation in paragraph (1) does not apply with respect to any facility occupied as of January 1, 1995, by United States diplomatic personnel.

(b) CERTIFICATION.—As of January 1, 1995, the Secretary of State (and any representative of the Secretary of State) may not enter into any legal instrument to purchase, construct, modify, or lease any facility described in subsection (a) until the Secretary of Defense certifies to the appropriate committees of Congress that the United States has received (or is scheduled to receive) cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the Status-of-Forces Agreement with the Government of Germany in effect on the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1433. CONSENT OF CONGRESS TO SERVICE BY RETIRED MEMBERS IN MILITARY FORCES OF NEWLY DEMOCRATIC NATIONS.

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

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONSENT OF CONGRESS.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired members with newly democratic nations: consent of Congress

"(a) CONSENT OF CONGRESS.—Subject to subsection (b), Congress consents to a retired member of the uniformed services—

"(1) accepting employment by, or holding an office or position in, the military forces of a newly democratic nation; and

"(2) accepting compensation associated with such employment, office, or position.

"(b) APPROVAL REQUIRED.—The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) DETERMINATION OF NEWLY DEMOCRATIC NATIONS.—The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(d) REPORTS TO CONGRESSIONAL COMMITTEES.—The Secretary concerned and the Secretary of State shall notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives of each approval under subsection (b) and each determination under subsection (c).

"(e) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(f) RETIRED MEMBER DEFINED.—In this section, the term 'retired member' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.

"(g) CIVIL EMPLOYMENT BY FOREIGN GOVERNMENTS.—For a provision of law providing the consent of Congress to civil employment by foreign governments, see section 908 of title 37.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired members with newly democratic nations: consent of Congress.".

(c) CONFORMING CROSS REFERENCE.—Section 908 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting "CONGRESSIONAL CONSENT.—" after "(a)";

(2) in subsection (b), by inserting "APPROVAL REQUIRED.—" after "(b)"; and

(3) by adding at the end the following:

"(c) MILITARY SERVICE IN FOREIGN ARMED FORCES.—For a provision of law providing the consent of Congress to service in the military forces of certain foreign nations, see section 1058 of title 10.".

(d) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

SEC. 1434. SEMIANNUAL REPORT ON EFFORTS TO SEEK COMPENSATION FROM GOVERNMENT OF PERU FOR DEATH AND WOUNDING OF CERTAIN UNITED STATES SERVICEMEN.

(a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the Government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C–130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

(b) SEMIANNUAL REPORT.—Not later than December 1 and June 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a report on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the Government of Peru has paid fair and equitable compensation as described in subsection (b).

TITLE XV—INTERNATIONAL PEACEKEEPING AND HUMANITARIAN ACTIVITIES

Subtitle A—Assistance Activities

SEC. 1501. GENERAL AUTHORIZATION OF SUPPORT FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZED SUPPORT FOR FISCAL YEAR 1994.—The Secretary of Defense may provide assistance for international peacekeeping activities during fiscal year 1994, in accordance with section 403 of title 10, United States Code, in an amount not to exceed $300,000,000. Any assistance so provided may be derived from

funds appropriated to the Department of Defense for fiscal year 1994 for operation and maintenance or (notwithstanding the second sentence of subsection (b) of that section) from balances in working capital funds.

(b) ADDITIONAL LIMITATIONS.—Subsection (c) of section 403 of title 10, United States Code, is amended—

(1) by striking out "RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS" in the subsection heading;

(2) by striking out "and" at the end of paragraphs (1) and (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

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

"(4) only if the United States has received written commitments that the United States will be fully and promptly reimbursed by the United Nations or the regional organization involved for outstanding obligations incurred through an arrangement designated under United Nations practices as a 'letter of assist' or a similar arrangement for logistics support, supplies, services, and equipment provided by the Department of Defense on a contract basis to the United Nations or the regional organization involved; and

"(5) only if the Department of Defense will receive any reimbursement to the United States from the United Nations or a regional organization for outstanding obligations incurred through an arrangement designated under United Nations practices as a 'letter of assist' or a similar arrangement for logistics support, supplies, services, and equipment provided by the Department of Defense on a contract basis to the United Nations or the regional organization involved, unless such reimbursement to the Department of Defense is otherwise precluded by law.".

(c) EXTENSION OF AUTHORITY.—Subsection (h) of such section is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 1502. REPORT ON MULTINATIONAL PEACEKEEPING AND PEACE ENFORCEMENT.

(a) REPORT REQUIRED.—Not later than April 1, 1994, the President, after seeking the views of the Secretary of State and the Secretary of Defense, shall submit to the committees specified in subsection (c) a report on United States policy on multinational peacekeeping and peace enforcement.

(b) CONTENT OF REPORT.—The report shall contain a comprehensive analysis and discussion of the following matters:

(1) Criteria for participation by the United States in multinational missions through the United Nations, the North Atlantic Treaty Organization, or other regional alliances and international organizations.

(2) Proposals for expanding peacekeeping activities by the North Atlantic Treaty Organization and the North Atlantic Cooperation Council, including multinational operations, multinational training, and multinational doctrine development.

(3) Proposals for establishing regional entities, on an ad hoc basis or a permanent basis, to conduct peacekeeping or peace enforcement operations under a United Nations mandate

as an alternative to direct United Nations involvement in such operations.

(4) A summary of progress made by the United States, in consultation with other nations, to develop doctrine for peacekeeping and peace enforcement operations and plans to conduct exercises with other nations for such purposes.

(5) Proposals for criteria for determining whether to commence new peacekeeping missions, including, in the case of any such mission, criteria for determining the threat to international peace to be addressed by the mission, the precise objectives of the mission, the costs of the mission, and the proposed endpoint of the mission.

(6) The principles, criteria, or considerations guiding decisions to place United States forces under foreign command or to decline to put United States forces under foreign command.

(7) Proposals to establish opportunities within the Armed Forces for voluntary assignment to duty in units designated for assignment to multinational peacekeeping and peace enforcement missions.

(8) Proposals to modify the budgetary and financial policies of the United Nations for peacekeeping and peace enforcement missions, including—

(A) proposals regarding the structure and control of budgetary procedures;

(B) proposals regarding United Nations accounting procedures; and

(C) specific proposals—

(i) to establish a revolving capital fund to finance the costs of starting new United Nations operations approved by the Security Council;

(ii) to establish a requirement that United Nations member nations pay one-third of the anticipated first-year costs of a new operation immediately upon Security Council approval of that operation;

(iii) to establish a requirement that United Nations member nations be charged interest penalties on late payment of their assessments for peacekeeping or peace enforcement missions;

(iv) regarding possible sources of international revenue for United Nations peacekeeping and peace enforcement missions;

(v) regarding the need to lower the United States peacekeeping assessment to the same percentage as the United States assessment to the regular United Nations budget; and

(vi) regarding a revision of the current schedule of payments per servicemember assigned to a peacekeeping mission in order to bring payments more in line with costs.

(9) Proposals to establish a small United Nations Rapid Deployment Force under the direction of the United Nations Security Council in order to provide for quick intervention in disputes for the purpose of preventing a larger outbreak of hostilities.

(10) Proposals for reorganization of the United Nations Secretariat to provide improved management of peacekeeping

operations, including the establishment of a Department of Peace Operations (DPO) and the transfer of the Operations Division from Field Operations into such a department.

(11) Requirement of congressional approval for participation of United States Armed Forces in multinational peacekeeping and peace enforcement missions, including the applicability of the War Powers Resolution and the United Nations Participation Act.

(12) Proposals that the United States and other United Nations member nations negotiate special agreements under article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the United Nations Security Council for the purposes stated in article 42 of that charter, not only on an ad hoc basis, but also on a permanent on-call basis for rapid deployment under Security Council authorization.

(13) A proposal that member nations of the United Nations commit to keep equipment specified by the Secretary General of the United Nations available for immediate sale, loan, or donation to the United Nations when required.

(14) A proposal that member nations of the United Nations make airlift and sealift capacity available to the United Nations without charge or at lower than commercial rates.

(15) An evaluation of the current capabilities and future needs of the United Nations for improved command, control, communications, and intelligence infrastructure, including facilities, equipment, procedures, training, and personnel, and an analysis of United States capabilities and experience in such matters that could be applied or offered directly to the United Nations.

(16) An evaluation of the potential role of the Military Staff Committee of the United Nations Security Council.

(17) Training requirements for foreign military personnel designated to participate in peacekeeping operations, including an assessment of the nation, nations, or organizations that might best provide such training and at what cost.

(18) Any other information that may be useful to inform Congress on matters relating to United States policy and proposals on peacekeeping and peace enforcement missions.

(c) COMMITTEES TO RECEIVE REPORT.—The committees to which the report under this section are to be submitted are—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1503. MILITARY-TO-MILITARY CONTACT.

(a) CONTINUATION OF CERTAIN MILITARY-TO-MILITARY PROGRAMS.—Of the amounts authorized to be appropriated pursuant to section 301 for Defense-wide activities, $10,000,000 shall be made available to continue efforts that were initiated by the commander of a United States unified command and approved by the chairman of the Joint Chiefs of Staff for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society.

(b) LIMITATION.—Subsection (a) applies only to activities initiated by September 30, 1993, and only in the case of countries with which those activities had been initiated by that date.

SEC. 1504. HUMANITARIAN AND CIVIC ASSISTANCE.

(a) REGULATIONS.—The regulations required to be prescribed under section 401 of title 10, United States Code, shall be prescribed not later than March 1, 1994. In prescribing such regulations, the Secretary of Defense shall consult with the Secretary of State.

(b) LIMITATION ON USE OF FUNDS.—Section 401(c)(2) of title 10, United States Code, is amended by inserting before the period the following: ", except that funds appropriated to the Department of Defense for operation and maintenance (other than funds appropriated pursuant to such paragraph) may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance".

(c) NOTIFICATIONS REGARDING HUMANITARIAN RELIEF.—Any notification provided to the appropriate congressional committees with respect to assistance activities under section 2551 of title 10, United States Code, shall include a detailed description of any items for which transportation is provided that are excess nonlethal supplies of the Department of Defense, including the quantity, acquisition value, and value at the time of the transportation of such items.

(d) REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the appropriate congressional committees a report on the activities planned to be carried out by the Department of Defense during fiscal year 1995 under sections 401, 402, 2547, and 2551 of title 10, United States Code. The report shall include information, developed after consultation with the Secretary of State, on the distribution of excess nonlethal supplies transferred to the Secretary of State during fiscal year 1993 pursuant to section 2547 of that title.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1995 to Congress pursuant to section 1105 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—The funds authorized to be appropriated by section 301(18) shall be available to carry out humanitarian and civic assistance activities under sections 401, 402, and 2551 of title 10, United States Code.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

Subtitle B—Policies Regarding Specific Countries

SEC. 1511. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions imposed on Serbia and Montenegro, as in effect on the date of the enactment of this Act, that were imposed by or pursuant

to the following directives of the executive branch shall (except as provided under subsections (d) and (e)) remain in effect until changed by law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92–5–38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—No funds appropriated or otherwise made available by law may be obligated or expended on behalf of the government of Serbia or the government of Montenegro.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance from that institution to the government of Serbia or the government of Montenegro, except for basic human needs.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against Serbia and Montenegro that are described in subsection (a) those United States-supported programs, projects, or activities that involve reform of the electoral process, the development of democratic institutions or democratic political parties, or humanitarian assistance (including refugee care and human rights observation).

(e) WAIVER AUTHORITY.—(1) The President may waive or modify the application, in whole or in part, of any sanction described in subsection (a), the prohibition in subsection (b), or the requirement in subsection (c).

(2) Such a waiver or modification may only be effective upon certification by the President to Congress that the President has determined that the waiver or modification is necessary (A) to meet emergency humanitarian needs, or (B) to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

SEC. 1512. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief oper-

ations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

TITLE XVI—ARMS CONTROL MATTERS

Subtitle A—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 1601. STUDY OF GLOBAL PROLIFERATION OF STRATEGIC AND ADVANCED CONVENTIONAL MILITARY WEAPONS AND RELATED EQUIPMENT AND TECHNOLOGY.

(a) STUDY.—The President shall conduct a study of (1) the factors that contribute to the proliferation of strategic and advanced conventional military weapons and related equipment and technologies, and (2) the policy options that are available to the United States to inhibit such proliferation.

(b) CONDUCT OF STUDY.—In carrying out the study the President shall do the following:

(1) Identify those factors contributing to global weapons proliferation which can be most effectively regulated.

(2) Identify and assess policy approaches available to the United States to discourage the transfer of strategic and advanced conventional military weapons and related equipment and technology.

(3) Assess the effectiveness of current multilateral efforts to control the transfer of such military weapons and equipment and such technology.

(4) Identify and examine methods by which the United States could reinforce these multilateral efforts to discourage

the transfer of such weapons and equipment and such technology, including placing conditions on assistance provided by the United States to other nations.

(5) Identify the circumstances under which United States national security interests might best be served by a transfer of conventional military weapons and related equipment and technology, and specifically assess whether such circumstances exist when such a transfer is made to an allied country which, with the United States, has mutual national security interests to be served by such a transfer.

(6) Assess the effect on the United States economy and the national technology and industrial base (as defined by section 2491(1) of title 10, United States Code) which might result from potential changes in United States policy controlling the transfer of such military weapons and related equipment and technology.

(c) ADVISORY BOARD.—(1) Within 15 days after the date of the enactment of this Act, the President shall establish an Advisory Board on Arms Proliferation Policy. The advisory board shall be composed of 5 members. The President shall appoint the members from among persons in private life who are noted for their stature and expertise in matters covered by the study required under subsection (a) and shall ensure, in making the appointments, that the advisory board is composed of members from diverse backgrounds. The President shall designate one of the members as chairman of the advisory board.

(2) The President is encouraged—

(A) to obtain the advice of the advisory board regarding the matters studied pursuant to subsection (a) and to consider that advice in carrying out the study; and

(B) to ensure that the advisory board is informed in a timely manner and on a continuing basis of the results of policy reviews carried out under the study by persons outside the board.

(3) The members of the advisory board shall receive no pay for serving on the advisory board. However, the members shall be allowed travel expenses and per diem in accordance with the regulations referred to in paragraph (6).

(4) Upon request of the chairman of the advisory board, the Secretary of Defense or the head of any other Federal department or agency may detail, without reimbursement for costs, any of the personnel of the department or agency to the advisory board to assist the board in carrying out its duties.

(5) The Secretary of Defense shall designate a federally funded research and development center with expertise in the matters covered by the study required under subsection (a) to provide the advisory board with such support services as the advisory board may need to carry out its duties.

(6) Except as otherwise provided in this section, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall apply to the advisory board. Subsections (e) and (f) of section 10 of such Act do not apply to the advisory board.

(7) The advisory board shall terminate 30 days after the date on which the President submits the final report of the advisory board to Congress pursuant to subsection (d)(2)(B).

(d) REPORTS.—(1) The Advisory Board on Arms Proliferation Policy shall submit to the President, not later than May 15, 1994, a report containing its findings, conclusions, and recommendations on the matters covered by the study carried out pursuant to subsection (a).

(2) The President shall submit to Congress, not later than June 1, 1994—

(A) a report on the study carried out pursuant to subsection (a), including the President's findings and conclusions regarding the matters considered in the study; and

(B) the report of the Advisory Board on Arms Proliferation Policy received under paragraph (1), together with the comments, if any, of the President on that report.

SEC. 1602. EXTENSION OF EXISTING AUTHORITIES.

(a) EXTENSION TO FISCAL YEAR 1994.—Section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended by striking out "fiscal year 1993" in subsections (a), (d)(1), and (e) and inserting in lieu thereof "fiscal year 1994".

(b) FUNDING.—Subsection (d)(3) of such section is amended—

(1) by striking out "40,000,000" and inserting in lieu thereof "$25,000,000, including funds used for activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq"; and

(2) by striking out the second sentence.

(c) REPEAL OF NOTICE-AND-WAIT REQUIREMENT.—Subsection (d) of such section is further amended by striking out paragraph (4).

SEC. 1603. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) AUTHORIZATION TO CONDUCT STUDIES.—During fiscal year 1994, the Secretary of Defense may conduct studies and analysis programs in support of the counterproliferation policy of the United States.

(b) COUNTERPROLIFERATION STUDIES.—Studies and analysis programs under this section may include programs intended to explore defense policy issues that might be involved in efforts to prevent and counter the proliferation of weapons of mass destruction and their delivery systems. Such efforts include—

(1) enhancing United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction;

(2) cooperating in international programs to enhance military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction; and

(3) otherwise contributing to Department of Defense capabilities to deter, identify, monitor, and respond to such terrorism, theft, and proliferation involving weapons of mass destruction.

(c) DESIGNATION OF COORDINATOR.—The Under Secretary of Defense for Policy, subject to the supervision and control of the Secretary of Defense, shall coordinate the policy studies and analysis of the Department of Defense on countering proliferation of weapons of mass destruction and their delivery systems.

(d) FUNDS.—Funds for programs authorized in this section shall be derived from amounts made available to the Department of Defense for fiscal year 1994 or from balances in working capital accounts of the Department of Defense. The total amount expended

for fiscal year 1994 to carry out studies and analysis programs under subsection (a) may not exceed $6,000,000.

(e) RESTRICTION.—None of the funds referred to in subsection (d) shall be available for the purposes stated in this section until 15 days after the date on which the Secretary of Defense submits to the appropriate congressional committees a report setting forth—

(1) a description of all of the activities within the Department of Defense that are being carried out or are to be carried out for the purposes stated in this section;

(2) the plan for coordinating and integrating those activities within the Department of Defense;

(3) the plan for coordinating and integrating those activities with those of other Federal agencies; and

(4) the sources of the funds to be used for such purposes.

(f) REPORT.—Not later than April 30 of each year, and not later than October 30 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report on the activities carried out under subsection (a). Each report shall set forth for the six-month period ending on the last day of the month preceding the month in which the report is due the following:

(1) A description of the studies and analysis carried out.

(2) The amounts spent for such studies and analysis.

(3) The organizations that conducted the studies and analysis.

(4) An explanation of the extent to which such studies and analysis contributes to the counterproliferation policy of the United States and United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction.

(5) A description of the measures being taken to ensure that such studies and analysis within the Department of Defense is managed effectively and coordinated comprehensively.

SEC. 1604. SENSE OF CONGRESS REGARDING UNITED STATES CAPABILITIES TO PREVENT AND COUNTER WEAPONS PROLIFERATION.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of State, the Department of Energy, the Arms Control and Disarmament Agency, and the intelligence community have important roles, as well as unique capabilities and expertise, in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(3) the Department of Defense, the Department of Energy, and the intelligence community have unique capabilities and expertise that contribute directly to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counterproliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defenses against ballistic missile attacks; and

(4) the United States should continue to maintain and improve its capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 1605. JOINT COMMITTEE FOR REVIEW OF PROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) There is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of State.

(C) The Secretary of Energy.

(D) The Director of Central Intelligence.

(E) The Director of the United States Arms Control and Disarmament Agency.

(F) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition and Technology the performance of the duties of the Chairman of the committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level officials and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pursuant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;

(B) battlefield surveillance;

(C) passive defenses;

(D) active defenses;

(E) counterforce capabilities;

(F) inspection support; and

(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) review the programs (including the crisis management program) developed by the Department of State to counter terrorism involving weapons of mass destruction and their delivery systems;

(4) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(5) identify deficiencies in existing capabilities and technologies;

(6) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(7) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, the Department of State, the Department of Energy, the intelligence community, and the Arms Control and Disarmament Agency that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendation regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

(f) TERMINATION OF COMMITTEE.—The committee shall cease to exist six months after the date on which the report of the Secretary of Defense under section 1606 is submitted to Congress.

SEC. 1606. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit to Congress a report on the findings of the committee on nonproliferation activities established by section 1605.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 1605(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to section 1605(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Department of Defense—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) FORMS OF REPORT.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 1607. DEFINITIONS.

For purposes of this subtitle:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

Subtitle B—International Nonproliferation Activities

SEC. 1611. NUCLEAR NONPROLIFERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has been seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons is now a leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring.

(4) Aside from the five declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) The IAEA is a valuable international institution to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by financial constraints.

(6) The Nuclear Non-Proliferation Treaty codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995.

(7) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continued strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(b) COMPREHENSIVE NUCLEAR NONPROLIFERATION POLICY.—In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it should be the policy of the United States to pursue a comprehensive policy to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world, with the following additional objectives:

(1) Successful conclusion of all pending nuclear arms control and disarmament agreements with all the republics of the former Soviet Union and their secure implementation.

(2) Full participation by all the republics of the former Soviet Union in all multilateral nuclear nonproliferation efforts and acceptance of IAEA safeguards on all their nuclear facilities.

(3) Strengthening of United States and international support to the IAEA so that the IAEA has the technical, financial, and political resources to verify that countries are complying with their nonproliferation commitments.

(4) Strengthening of nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(5) Reduction in incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(6) Support for the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(7) Reaching agreement with the Russian Federation to end the production of new types of nuclear warheads.

(8) Pursuing, once the START I treaty and the START II treaty are ratified by all parties, a multilateral agreement to significantly reduce the strategic nuclear arsenals of the United States and the Russian Federation to below the levels of the START II treaty, with lower levels for the United Kingdom, France, and the People's Republic of China.

(9) Reaching immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and working to achieve worldwide agreements to—

(A) end in the shortest possible time the production of weapons-usable fissile material;

(B) place existing stockpiles of such materials under bilateral or international controls; and

(C) require countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthening IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguard reforms.

(11) Conclusion of a multilateral comprehensive nuclear test ban treaty.

(c) REQUIREMENTS FOR IMPLEMENTATION OF POLICY.—(1) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report, in unclassified form, with a classified appendix if necessary, on the actions the United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this section.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report in unclassified form, with a classified appendix if necessary, which—

(A) addresses the implications of the adoption by the United States of a policy of no-first-use of nuclear weapons;

(B) addresses the implications of an agreement with the other nuclear weapons states to adopt such a policy; and

(C) addresses the implications of a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapons states this zero option for tactical nuclear weapons.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "IAEA" means the International Atomic Energy Agency.

(2) The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(3) The term "non-nuclear weapon state" means any country that is not a nuclear weapon state.

(4) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(5) The term "nuclear weapon state" means any country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(6) The term "weapons-usable fissile materials" means highly enriched uranium and separated or reprocessed plutonium.

(7) The term "policy of no first use of nuclear weapons" means a commitment not to initiate the use of nuclear weapons.

(8) The term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

SEC. 1612. CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY.

(a) LIMITATION.—Until a certification under subsection (b) is made, no funds may be obligated or expended by the United States for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons.

(b) CERTIFICATION OF RUSSIA'S COMMITMENT TO HALT CHEMICAL SEPARATION OF WEAPON-GRADE PLUTONIUM.—The prohibition in subsection (a) shall cease to apply upon a certification by the President to Congress that Russia—

(1) is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

(2) is taking all practical steps to halt such separation at the earliest possible date.

(c) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will (1) cease all production and separation of weapon-grade plutonium, and (2) halt chemical separation of plutonium produced in civil nuclear power reactors.

(d) REPORT.—Not later than June 1, 1994, the President shall submit to Congress a report on the status of efforts by the United States to secure the commitments and achieve the objective described in subsections (b) and (c). The President shall include in the report a discussion of the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.

SEC. 1613. NORTH KOREA AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) FINDINGS.—The Congress finds the following:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, to which 156 states are party, is the cornerstone of the international nuclear nonproliferation regime.

(2) Any nonnuclear weapon state that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons is obligated to accept International Atomic Energy Agency safeguards on all source or special fissionable material that is within its territory, under its jurisdiction, or carried out under its control anywhere.

(3) The International Atomic Energy Agency is permitted to conduct inspections in a nonnuclear weapon state that is a party to the Treaty at any site, whether or not declared by that state, to ensure that all source or special fissionable material in that state is under safeguards.

(4) North Korea acceded to the Treaty on the Non-Proliferation of Nuclear Weapons as a nonnuclear weapons state in December 1985.

(5) North Korea, after acceding to that Treaty, refused until 1992 to accept International Atomic Energy Agency safeguards as required under the Treaty.

(6) Inspections of North Korea's nuclear materials by the International Atomic Energy Agency suggested discrepancies in North Korea's declarations regarding special nuclear materials.

(7) North Korea has not given a scientifically satisfactory explanation for those discrepancies.

(8) North Korea refused to provide International Atomic Energy Agency inspectors with full access to two sites for the purposes of verifying its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons.

(9) When called upon by the International Atomic Energy Agency to provide such full access as required by the Treaty, North Korea announced its intention to withdraw from the Treaty, effective after the required three months notice.

(10) After intensive negotiations with the United States, North Korea agreed to suspend its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and begin consultations with the International Atomic Energy Agency on providing access to its suspect sites.

(11) In an attempt to persuade North Korea to abandon its nuclear weapons program, the United States has offered to discuss with North Korea specific incentives that could be provided for North Korea once (A) outstanding inspection issues between North Korea and the International Atomic Energy

Agency are resolved, and (B) progress is made in bilateral talks between North Korea and South Korea.

(b) CONGRESSIONAL STATEMENTS.—The Congress—

(1) notes that the continued refusal of North Korea nearly eight years after ratification of the Treaty on the Non-Proliferation of Nuclear Weapons to fully accept International Atomic Energy Agency safeguards raises serious questions regarding a possible North Korean nuclear weapons program;

(2) notes that possession by North Korea of nuclear weapons (A) would threaten peace and stability in Asia, (B) would jeopardize the existing nuclear non-proliferation regime, and (C) would undermine the goal of the United States to extend the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 review conference;

(3) urges continued pressure from the President, United States allies, and the United Nations Security Council on North Korea to adhere to the Treaty and provide full access to the International Atomic Energy Agency in the shortest time possible;

(4) urges the President, United States allies, and the United Nations Security Council to press for continued talks between North Korea and South Korea on denuclearization of the Korean peninsula;

(5) urges that no trade, financial, or other economic benefits be provided to North Korea by the United States or United States allies until North Korea has (A) provided full access to the International Atomic Energy Agency, (B) satisfactorily explained any discrepancies in its declarations of bomb-grade material, and (C) fully demonstrated that it does not have or seek a nuclear weapons capability; and

(6) calls on the President and the international community to take steps to strengthen the international nuclear non-proliferation regime.

SEC. 1614. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR), which restricts the transfer of missiles or equipment or technology that could contribute to the design, development, or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from, and interchangeable with, space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1738), has explicitly supported the policy described in paragraph (4) through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR

Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has been successful in dissuading other countries from pursuing space launch vehicle programs in part by offering to cooperate with those countries in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) STRICT INTERPRETATION OF MTCR.—The Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(1) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(2) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of the diversion of such technology to military purposes.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government and the governments of other nations adhering to the Missile Technology Control Regime should be recognized by the international community for—

(1) the success of those governments in restricting the export of space launch vehicle technology and of missile technology; and

(2) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(d) DEFINITION.—For purposes of this section, the term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

SEC. 1701. CONDUCT OF THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.

(a) GENERAL.—The Secretary of Defense shall carry out the chemical and biological defense program of the United States in accordance with the provisions of this section.

(b) MANAGEMENT AND OVERSIGHT.—In carrying out his responsibilities under this section, the Secretary of Defense shall do the following:

(1) Assign responsibility for overall coordination and integration of the chemical and biological warfare defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

(2) Take those actions necessary to ensure close and continuous coordination between (A) the chemical and biological warfare defense program, and (B) the chemical and biological medical defense program.

(3) Exercise oversight over the chemical and biological defense program through the Defense Acquisition Board process.

(c) COORDINATION OF THE PROGRAM.—The Secretary of Defense shall designate the Army as executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation, and acquisition, requirements of the military departments for chemical and biological warfare defense programs of the Department of Defense.

(d) FUNDING.—(1) The budget for the Department of Defense for each fiscal year after fiscal year 1994 shall reflect a coordinated and integrated chemical and biological defense program for the military departments.

(2) Funding requests for the program shall be set forth in the budget of the Department of Defense for each fiscal year as a separate account, with a single program element for each of the categories of research, development, test, and evaluation, acquisition, and military construction. Amounts for military construction projects may be set forth in the annual military construction budget. Funds for military construction for the program in the military construction budget shall be set forth separately from other funds for military construction projects. Funding requests for the program may not be included in the budget accounts of the military departments.

(3) All funding requirements for the chemical and biological defense program shall be reviewed by the Secretary of the Army as executive agent pursuant to subsection (c).

(e) MANAGEMENT REVIEW AND REPORT.—(1) The Secretary of Defense shall conduct a review of the management structure of the Department of Defense chemical and biological warfare defense program, including—

(A) research, development, test, and evaluation;
(B) procurement;
(C) doctrine development;
(D) policy;
(E) training;
(F) development of requirements;
(G) readiness; and
(H) risk assessment.

(2) Not later than May 1, 1994, the Secretary shall submit to Congress a report that describes the details of measures being taken to improve joint coordination and oversight of the program and ensure a coherent and effective approach to its management.

SEC. 1702. CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES.

The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.

SEC. 1703. ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall include in the annual report of the Secretary under section 113(c) of title

10, United States Code, a report on chemical and biological warfare defense. The report shall assess—

(1) the overall readiness of the Armed Forces to fight in a chemical-biological warfare environment and shall describe steps taken and planned to be taken to improve such readiness; and

(2) requirements for the chemical and biological warfare defense program, including requirements for training, detection, and protective equipment, for medical prophylaxis, and for treatment of casualties resulting from use of chemical or biological weapons.

(b) MATTERS TO BE INCLUDED.—The report shall include information on the following:

(1) The quantities, characteristics, and capabilities of fielded chemical and biological defense equipment to meet wartime and peacetime requirements for support of the Armed Forces, including individual protective items.

(2) The status of research and development programs, and acquisition programs, for required improvements in chemical and biological defense equipment and medical treatment, including an assessment of the ability of the Department of Defense and the industrial base to meet those requirements.

(3) Measures taken to ensure the integration of requirements for chemical and biological defense equipment and material among the Armed Forces.

(4) The status of nuclear, biological, and chemical (NBC) warfare defense training and readiness among the Armed Forces and measures being taken to include realistic nuclear, biological, and chemical warfare simulations in war games, battle simulations, and training exercises.

(5) Measures taken to improve overall management and coordination of the chemical and biological defense program.

(6) Problems encountered in the chemical and biological warfare defense program during the past year and recommended solutions to those problems for which additional resources or actions by the Congress are required.

(7) A description of the chemical warfare defense preparations that have been and are being undertaken by the Department of Defense to address needs which may arise under article X of the Chemical Weapons Convention.

(8) A summary of other preparations undertaken by the Department of Defense and the On-Site Inspection Agency to prepare for and to assist in the implementation of the convention, including activities such as training for inspectors, preparation of defense installations for inspections under the convention using the Defense Treaty Inspection Readiness Program, provision of chemical weapons detection equipment, and assistance in the safe transportation, storage, and destruction of chemical weapons in other signatory nations to the convention.

SEC. 1704. SENSE OF CONGRESS CONCERNING FEDERAL EMERGENCY PLANNING FOR RESPONSE TO TERRORIST THREATS.

It is the sense of Congress that the President should strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State, and

local agencies for development of a capability for early detection and warning of and response to—

(1) potential terrorist use of chemical or biological agents or weapons; and

(2) emergencies or natural disasters involving industrial chemicals or the widespread outbreak of disease.

SEC. 1705. AGREEMENTS TO PROVIDE SUPPORT TO VACCINATION PROGRAMS OF DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) AGREEMENTS AUTHORIZED.—The Secretary of Defense may enter into agreements with the Secretary of Health and Human Services to provide support for vaccination programs of the Secretary of Health and Human Services in the United States through use of the excess peacetime biological weapons defense capability of the Department of Defense.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing Department of Defense support for vaccination programs under subsection (a) and shall identify resource requirements that are not within the Department's capability.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$42,650,000
Alaska	Fort Wainwright	$740,000
	Fort Richardson	$10,000,000
Arizona	Fort Huachuca	$8,850,000
California	Fort Irwin	$5,900,000
Colorado	Fort Carson	$4,050,000
	Fitzsimons Medical Center	$4,400,000
Georgia	Fort Benning	$37,650,000

Army: Inside the United States

State	Installation or location	Amount
	Fort Stewart	$20,300,000
	Fort Gillem	$2,600,000
Hawaii	Schofield Barracks	$18,600,000
Kansas	Fort Riley	$14,642,000
Kentucky	Fort Campbell	$40,300,000
	Fort Knox	$41,350,000
Maryland	Aberdeen Proving Ground	$21,700,000
Missouri	Fort Leonard Wood	$1,000,000
Nevada	Hawthorne Army Ammunition Plant	$11,700,000
New Jersey	Fort Monmouth	$7,500,000
	Picatinny Arsenal	$10,500,000
New Mexico	White Sands Missile Range	$6,200,000
New York	Fort Drum	$2,950,000
	United States Military Academy, West Point	$13,800,000
North Carolina	Fort Bragg	$118,690,000
Oklahoma	Fort Sill	$27,000,000
Pennsylvania	Tobyhanna Army Depot	$750,000
South Carolina	Fort Jackson	$2,700,000
Texas	Fort Bliss	$29,600,000
	Fort Hood	$56,500,000
	Fort Sam Houston	$5,651,000
Utah	Dugway Proving Ground	$16,500,000
	Tooele Army Depot	$1,500,000
Virginia	Fort Belvoir	$8,860,000
	Fort Lee	$32,600,000
	Fort Myer	$6,800,000
Washington	Fort Lewis	$14,200,000
CONUS Various	Classified Locations	$1,852,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the location outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Kwajalein Atoll	Kwajalein	$21,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	$25,000,000
Hawaii	Schofield Barracks	348 units	$52,000,000
Maryland	Fort Meade	275 units	$26,000,000
Nevada	Hawthorne Army Ammunition Plant	Demolition	$500,000
New York	U.S. Military Academy, West Point	100 units	$15,000,000
North Carolina	Fort Bragg	224 units	$18,000,000
Wisconsin	Fort McCoy	16 units	$2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $77,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,378,919,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $650,585,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $21,200,000.

(3) For the construction of the Chemical Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat.

1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), $95,300,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $109,441,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $228,885,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,110,108,000 of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION PROJECT.—(1) The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2587) is amended by striking out the item relating to Tooele Army Depot, Utah.

(2) Section 2105(a) of such Act (106 Stat. 2588) is amended—

(A) by striking out "$2,127,397,000" and inserting in lieu thereof "$2,118,197,000"; and

(B) in paragraph (1), by striking out "$338,860,000" and inserting in lieu thereof "$329,660,000".

(b) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508) is amended—

(A) under the heading "NEW YORK", by striking out the item relating to Seneca Army Depot; and

(B) under the heading "VIRGINIA", by striking out the item relating to Vint Hill Farms Station.

(2) Section 2105(a) of such Act (105 Stat. 1511) is amended—

(A) by striking out "$2,576,674,000" and inserting in lieu thereof "$2,571,974,000"; and

(B) in paragraph (1), by striking out "$718,829,000" and inserting in lieu thereof "$714,129,000".

SEC. 2106. CONSTRUCTION OF CHEMICAL MUNITIONS DISPOSAL FACILITIES.

(a) LIMITATION ON CONSTRUCTION.—None of the amounts appropriated pursuant to the authorization of appropriations in section 2104(a) may be obligated for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama, until the Secretary of Defense submits a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the Johnston Atoll Chemical Agent Disposal System has operated successfully for a period of six months, has met all required environmental and safety standards, and has proven to be operationally effective; and

(2) if the Secretary of the Army awards a construction contract for the chemical munitions disposal facility at Anniston Army Depot, Alabama, the Secretary of the Army will schedule the award of a construction contract for a chemical munitions disposal facility at another non-low-volume chemical weapons storage site in the continental United States during the same 12-month period in which the construction contract for the facility at the Anniston Army Depot is awarded.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Barstow Marine Corps Logistics Base	$8,690,000
	Camp Pendleton Marine Corps Air Station	$3,850,000
	Camp Pendleton Marine Corps Base	$11,130,000
	Fallbrook Naval Weapons Station Annex	$4,630,000
	Lemoore Naval Air Station	$1,930,000
	San Diego Naval Hospital	$2,700,000
	San Diego Fleet Industrial Supply Center	$2,270,000
	San Diego Marine Corps Recruit Depot	$1,130,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$7,900,000
Connecticut	New London Naval Submarine Base	$40,940,000

Navy: Inside the United States

State	Installation or location	Amount
District of Columbia	Washington, Commandant, Naval District	$3,110,000
	Naval Research Laboratory	$2,380,000
Florida	Jacksonville Naval Air Station	$14,420,000
	Mayport Naval Station	$3,260,000
	Pensacola Naval Air Station	$6,420,000
Georgia	Albany Marine Corps Logistics Base	$940,000
	Kings Bay Naval Submarine Base	$10,920,000
	Kings Bay Trident Training Facility	$3,870,000
Hawaii	Barbers Point Naval Air Station	$2,700,000
	Honolulu, Naval Communications and Telecommunications Area Master Station, Eastern Pacific	$9,120,000
	Pearl Harbor Naval Inactive Ship Maintenance Facility	$2,620,000
	Pearl Harbor Naval Submarine Base	$54,140,000
	Pearl Harbor Public Works Center	$27,540,000
	Pearl Harbor, Commander, Oceanographic System Pacific, Berthing Pier	$16,780,000
Indiana	Crane Naval Surface Warfare Center	$9,600,000
Maine	Kittery Portsmouth Naval Shipyard	$4,780,000
Maryland	Bethesda National Naval Medical Center	$3,090,000
	Indian Head, Naval Surface Weapons Center	$3,400,000
	Patuxent River Naval Air Warfare Center	$9,300,000
Mississippi	Gulfport Naval Construction Battalion Center	$4,400,000
Nevada	Fallon Naval Air Station	$1,600,000
New Jersey	Earle Naval Weapons Station	$2,580,000
North Carolina	Camp Lejeune Marine Corps Base	$41,290,000
	Camp Lejeune Naval Hospital	$2,370,000
	Cherry Point Marine Corps Air Station	$7,500,000
Pennsylvania	Philadelphia Aviation Supply Office	$1,900,000
	Philadelphia Naval Inactive Ship Maintenance Facility	$8,660,000
	Philadelphia Naval Shipyard	$13,500,000
Rhode Island	Newport Naval Education and Training Center	$11,300,000
South Carolina	Beaufort Marine Corps Air Station	$10,900,000

Navy: Inside the United States

State	Installation or location	Amount
	Charleston Naval Weapons Station	$580,000
Tennessee	Memphis Naval Air Station	$1,450,000
Texas	Corpus Christi Naval Air Station	$1,670,000
Virginia	Chesapeake, Marine Corps Security Battalion	$5,380,000
	Craney Island Fleet and Industrial Supply Center Annex	$11,740,000
	Norfolk, Commander, Operational Test and Evaluation Force	$8,100,000
	Norfolk Naval Air Station	$12,270,000
	Norfolk Public Works Center	$5,330,000
	Oceana Naval Air Station	$7,100,000
	Portsmouth, Norfolk Naval Shipyard	$13,420,000
	Quantico, Combat Development Command	$7,450,000
	Wallops Island, Naval Surface Weapons Center Detachment	$10,170,000
Washington	Bangor Naval Submarine Base	$3,100,000
	Everett Naval Station	$34,000,000
	Keyport, Naval Undersea Warfare Center Division	$8,980,000
Various Locations	Wastewater Collection and Treatment Facilities	$3,260,000
	Land Acquisition	$540,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	Anderson Air Force Base Naval Air Facility	$7,310,000
	Naval Station	$14,520,000
	Fleet/Industrial Supply Center	$21,200,000
	Public Works Center	$7,230,000
Italy	Naples Naval Support Activity	$11,740,000
	Sigonella Naval Air Station	$3,460,000
Spain	Rota Naval Station	$2,670,000
Various Locations	Host Nation Infrastructure Support	$2,960,000
	Land Acquisition	$800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	$36,571,000
District of Columbia	Washington Navy Public Works Center	188 units	$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	$300,000
Georgia	Kings Bay Naval Submarine Base	Housing Office/ Self Help/ Warehouse	$790,000
Maine	Brunswick Naval Air Station	Mobile Home Spaces	$490,000
Virginia	Norfolk, Naval Public Works Center/Naval Amphibious Base Little Creek	392 units	$50,674,000
	Oceana Naval Air Station	Community Center	$860,000
Washington	Bangor Naval Submarine Base	290 units	$27,438,000
	Whidbey Island, Naval Air Station	106 units	$10,000,000
United Kingdom	London Naval Activities Support	81 units	$15,470,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy 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 $22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may

improve existing military family housing units in the amount of $183,135,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,858,505,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $514,100,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $74,350,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $64,373,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $370,208,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $819,974,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(6) For the construction of the large anachoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2590), $10,000,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended by striking out the items relating to the following installations:

(A) Mare Island Naval Shipyard, California.

(B) Miramar Naval Air Station, California.

(C) Cecil Field, Naval Air Station, Florida.

(D) Memphis, Naval Air Station, Tennessee.

(2) Section 2204(a) of such Act (106 Stat. 2592) is amended—

(A) by striking out "$1,450,529,000" and inserting in lieu thereof "$1,411,616,000";

(B) in paragraph (1), by striking out "$312,557,000" and inserting in lieu thereof "$274,897,000"; and

(C) in paragraph (5)(B), by striking out "$661,246,000" and inserting in lieu thereof "$659,993,000".

(b) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal

Year 1992 (division B of Public Law 102–190; 105 Stat. 1514) is amended—

(A) under the heading "ALASKA", by striking out the item relating to Adak, Naval Security Group Activity;

(B) under the heading "CALIFORNIA"—

(i) by striking out the item relating to Concord, Naval Weapons Station; and

(ii) by striking out the item relating to Vallejo, Mare Island Naval Shipyard;

(C) under the heading "DISTRICT OF COLUMBIA", in the item relating to Commandant Naval District Washington, by striking out "$5,570,000" and inserting in lieu thereof "$3,520,000";

(D) under the heading "FLORIDA"—

(i) in the item relating to Orlando, Naval Training Center, by striking out "$21,430,000" and inserting in lieu thereof "$13,450,000"; and

(ii) by striking out the item relating to Pensacola, Naval Supply Center;

(E) under the heading "GEORGIA", in the item relating to Kings Bay, Naval Submarine Base, by striking out "$9,780,000" and inserting in lieu thereof "$580,000";

(F) under the heading "MARYLAND", in the item relating to Annapolis, Naval Radio Transmitting Facility, by striking out "$5,220,000" and inserting in lieu thereof "$2,820,000";

(G) under the heading "SOUTH CAROLINA", by striking out the item relating to Charleston, Fleet and Mine Warfare Training Center;

(H) under the heading "VIRGINIA", by striking out the item relating to Norfolk, Naval Station; and

(I) under the heading "WASHINGTON", in the item relating to Whidbey Island, Naval Air Station, by striking out "$6,800,000" and inserting in lieu thereof "$3,451,000".

(2) Section 2205(a) of such Act (105 Stat. 1518) is amended—

(A) by striking out "$1,832,149,000" and inserting in lieu thereof "$1,759,990,000"; and

(B) in paragraph (1), by striking out "$739,859,000" and inserting in lieu thereof "$667,700,000".

(c) FISCAL YEAR 1991 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1763) is amended—

(A) under the heading "ALASKA", in the item relating to Amchitka, Fleet Surveillance Support Command, by striking out "$31,000,000" and inserting in lieu thereof "$25,344,000";

(B) under the heading "CALIFORNIA", by striking out the item relating to Point Mugu, Pacific Missile Test Center;

(C) under the heading "FLORIDA", in the item relating to Key West Naval Air Station, by striking out "$7,030,000" and inserting in lieu thereof "$4,020,000"; and

(D) under the heading "VIRGINIA", by striking out the item relating to Oceana, Naval Air Station.

(2) Section 2202(a) of such Act (104 Stat. 1767) is amended by striking out the item relating to Long Beach, Naval Station, California.

(3) Section 2205(a) of such Act (104 Stat. 1767), as amended by section 2209(a)(2) of the Military Construction Authorization

Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1520), is amended—

(A) by striking out "$1,954,513,000" and inserting in lieu thereof "$1,915,179,000";

(B) in paragraph (1), by striking out "$900,092,000" and inserting in lieu thereof "$885,686,000"; and

(C) in paragraph (7)(A), by striking out "$174,827,000" and inserting in lieu thereof "$149,899,000".

(d) FISCAL YEAR 1990 CONSTRUCTION AND FAMILY HOUSING PROJECTS; DEFENSE ACCESS ROADS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1621) is amended under the heading "NEW YORK", in the item relating to New York, Naval Station, by striking out "$25,640,000" and inserting in lieu thereof "$20,978,000".

(2) Section 2202(a) of such Act (103 Stat. 1626) is amended by striking out the item relating to El Toro, Marine Corps Air Station, California.

(3) Section 2204(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1627), as amended by section 2209(b)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521), is amended—

(A) by striking out "$1,939,375,000" and inserting in lieu thereof "$1,917,613,000";

(B) in paragraph (1), by striking out "$892,561,000" and inserting in lieu thereof "$883,237,000";

(C) in paragraph (5), by striking out "$5,810,000" and inserting in lieu thereof "$2,810,000"; and

(D) in paragraph (6)(A), by striking out "$191,290,000" and inserting in lieu thereof "$177,190,000".

(e) FISCAL YEAR 1989 PROJECT.—(1) Section 2202(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2098), is amended in the item relating to Naval Station, Long Beach, California, by striking out "$26,110,000" and inserting in lieu thereof "$17,038,000".

(2) Section 2205(a) of such Act (102 Stat. 2099), as amended by section 2206(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2593), is amended—

(A) by striking out "$2,361,555,000" and inserting in lieu thereof "$2,352,483,000";

(B) in paragraph (6)(A), by striking out "$250,770,000" and inserting in lieu thereof "$241,698,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex	$4,680,000
	Maxwell Air Force Base	$16,170,000
Alaska	Eielson Air Force Base	$13,300,000
	Elmendorf Air Force Base	$33,305,000
	Cape Roman Air Force Station	$3,350,000
	Fort Richardson	$5,500,000
Arizona	Davis Monthan Air Force Base	$6,150,000
	Luke Air Force Base	$12,750,000
	Navajo Army Depot	$7,250,000
Arkansas	Little Rock Air Force Base	$4,500,000
California	Beale Air Force Base	$3,150,000
	Edwards Air Force Base	$11,300,000
	McClellan Air Force Base	$10,200,000
	Travis Air Force Base	$19,140,000
	Vandenberg Air Force Base	$20,728,000
Colorado	Buckley Air National Guard Base	$39,000,000
	Cheyenne Mountain Air Force Base	$4,450,000
	Peterson Air Force Base	$21,030,000
	United States Air Force Academy	$11,680,000
Delaware	Dover Air Force Base	$7,760,000
District of Columbia	Bolling Air Force Base	$2,000,000
Florida	Cape Canaveral Air Force Station	$19,200,000
	Eglin Air Force Base	$12,050,000
	Eglin Auxiliary Field No. 9	$7,829,000
	Patrick Air Force Base	$3,850,000
	Tyndall Air Force Base	$2,600,000
Georgia	Moody Air Force Base	$13,700,000
	Robins Air Force Base	$43,370,000
Hawaii	Hickam Air Force Base	$13,800,000
	Kaena Point	$7,350,000
Illinois	Scott Air Force Base	$7,450,000
Kansas	McConnell Air Force Base	$1,900,000
Louisiana	Barksdale Air Force Base	$13,860,000
Maryland	Andrews Air Force Base	$17,990,000
Mississippi	Columbus Air Force Base	$2,900,000
	Keesler Air Force Base	$8,710,000
Missouri	Whiteman Air Force Base	$36,388,000
Montana	Malmstrom Air Force Base	$7,700,000
Nebraska	Offutt Air Force Base	$11,000,000
Nevada	Nellis Air Force Base	$10,100,000
New Mexico	Cannon Air Force Base	$11,915,000
	Holloman Air Force Base	$11,100,000
	Kirtland Air Force Base	$35,061,000
North Carolina	Pope Air Force Base	$8,600,000
	Seymour Johnson Air Force Base	$5,380,000
North Dakota	Grand Forks Air Force Base	$16,050,000

Air Force: Inside the United States

State	Installation or location	Amount
	Minot Air Force Base	$10,500,000
Ohio	Wright-Patterson Air Force Base	$44,680,000
Oklahoma	Altus Air Force Base	$7,710,000
	Tinker Air Force Base	$20,749,000
	Vance Air Force Base	$11,000,000
South Carolina	Charleston Air Force Base	$1,100,000
	Shaw Air Force Base	$5,870,000
South Dakota	Ellsworth Air Force Base	$6,830,000
Tennessee	Arnold Air Force Base	$1,500,000
Texas	Brooks Air Force Base	$8,400,000
	Dyess Air Force Base	$15,590,000
	Goodfellow Air Force Base	$3,700,000
	Kelly Air Force Base	$27,481,000
	Lackland Air Force Base	$30,093,000
	Laughlin Air Force Base	$8,650,000
	Randolph Air Force Base	$5,300,000
	Reese Air Force Base	$900,000
	Sheppard Air Force Base	$18,030,000
Utah	Hill Air Force Base	$14,580,000
Virginia	Langley Air Force Base	$12,450,000
Washington	Fairchild Air Force Base	$3,500,000
	McChord Air Force Base	$10,900,000
Wyoming	F.E. Warren Air Force Base	$12,640,000
Various Locations	Classified	$8,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	$1,000,000
Ascension Island	Ascension Auxiliary Air Field	$3,400,000
Germany	Ramstein Air Base	$3,100,000
Greenland	Thule Air Base	$5,492,000
Indian Ocean	Diego Garcia Air Base	$2,260,000
Turkey	Incirlik Air Base	$2,400,000
United Kingdom	RAF Mildenhall	$4,800,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	$4,080,000
Arkansas	Little Rock Air Force Base	Housing Office/ Maintenance Facility	$980,000
California	Vandenberg Air Force Base	166 units	$21,907,000
Florida	Patrick Air Force Base	155 units	$15,388,000
	Tyndall Air Force Base	Infrastructure	$5,732,000
Georgia	Robins Air Force Base	117 units	$7,424,000
Louisiana	Barksdale Air Force Base	118 units	$8,578,000
Massachusetts	Hanscom Air Force Base	48 units	$5,135,000
Montana	Malmstrom Air Force Base	Housing Office	$581,000
Texas	Dyess Air Force Base	Housing Maintenance Facility	$281,000
	Lackland Air Force Base	111 units	$8,770,000
Virginia	Langley Air Force Base	Housing Office	$452,000
Washington	Fairchild Air Force Base	1 unit	$184,000
Wyoming	F.E. Warren Air Force Base	104 units	$10,572,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(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 $11,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $75,070,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,040,031,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $877,539,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $22,452,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $6,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,180,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2594) for the construction of the climatic test chamber at Eglin Air Force Base, Florida, $37,000,000.

(7) For phase II of the relocation and construction of up to 1,068 family housing units at Scott Air Force Base, Illinois, authorized by section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2596), $10,000,000.

(8) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $177,035,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $838,831,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(2) Section 2303 of such Act (106 Stat. 2596) is amended by striking out "$150,000,000" and inserting in lieu thereof "$139,649,000".

(3) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out "$2,062,707,000" and inserting in lieu thereof "$2,014,005,000"; and

(B) in paragraph (5)(A), by striking out "$283,786,000" and inserting in lieu thereof "$235,084,000".

(b) FISCAL YEAR 1992 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended—

(A) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(B) under the heading "NEW YORK"—

(i) in the item relating to Griffiss Air Force Base, by striking out "$2,700,000" and inserting in lieu thereof "$1,200,000"; and

(ii) in the item relating to Plattsburgh Air Force Base, by striking out "$9,040,000" and inserting in lieu thereof "$960,000.".

(2) Section 2303 of such Act (105 Stat. 1525) is amended by striking out "$141,236,000" and inserting in lieu thereof "$134,836,000".

(3) Section 2305(a) of such Act (105 Stat. 1525), as amended by section 2308(a)(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2598), is amended—

(A) by striking out "$2,054,713,000" and inserting in lieu thereof "$2,033,833,000";

(B) in paragraph (1), by striking out "$744,380,000" and inserting in lieu thereof "$729,900,000"; and

(C) in paragraph (8)(A), by striking out "$161,538,000" and inserting in lieu thereof "$155,138,000".

(c) FISCAL YEAR 1991 CONSTRUCTION PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended—

(A) under the heading "CALIFORNIA", by striking out the item relating to March Air Force Base;

(B) under the heading "FLORIDA"—

(i) by striking out the item relating to Avon Park Range; and

(ii) in the item relating to Homestead Air Force Base, by striking out "$7,900,000" and inserting in lieu thereof "$2,400,000";

(C) under the heading "IDAHO", by striking out the item relating to Mountain Home Air Force Base;

(D) under the heading "MAINE", by striking out the item relating to Bangor Air National Guard Base; and

(E) under the heading "NEW YORK", by striking out the item relating to Griffiss Air Force Base.

(2) Section 2304(a) of such Act (104 Stat. 1773), as amended by section 2308(b)(3) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2598) and section 2310(a)(2) of the Military Construction

Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1527), is amended—

(A) by striking out "$1,905,075,000" and inserting in lieu thereof "$1,891,005,000"; and

(B) in paragraph (1), by striking out "$724,855,000" and inserting in lieu thereof "$710,785,000".

(d) FISCAL YEAR 1990 CONSTRUCTION PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1630) is amended—

(A) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(B) under the heading "OHIO", in the item relating to Newark Air Force Base, by striking out "$2,980,000" and inserting in lieu thereof "$2,300,000".

(2) Section 2304(a) of such Act (103 Stat. 1636), as amended by section 2310(b)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1528) and section 2306(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1774) is amended—

(A) by striking out "the total amount" and all that follows through "as follows:" and inserting in lieu thereof "the total amount of $2,057,118,000, as follows:"; and

(B) in paragraph (1), by striking out "section 2301(a)" and all that follows through the period and inserting in lieu thereof "section 2301(a), $809,316,000".

SEC. 2306. RELOCATION OF AIR FORCE ACTIVITIES FROM SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE AIR FORCE BASE, CALIFORNIA.

(a) STUDENT DORMITORY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, $3,650,000."; and

(2) by striking out "Beale Air Force Base, $6,300,000." and inserting in lieu thereof the following: "Beale Air Force Base, $9,950,000.".

(b) MUNITION MAINTENANCE FACILITY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, $2,700,000."; and

(2) by striking out "Beale Air Force Base, $2,250,000." and inserting in lieu thereof the following: "Beale Air Force Base, $4,950,000.".

SEC. 2307. COMBAT ARMS TRAINING AND MAINTENANCE FACILITY RELOCATION FROM WHEELER AIR FORCE BASE, HAWAII, TO UNITED STATES ARMY SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1770) is amended in the matter under the heading "HAWAII"—

(1) by striking out "Wheeler Air Force Base, $3,500,000." and inserting in lieu thereof the following: "Wheeler Air Force Base, $2,100,000."; and

(2) by inserting after the item relating to Hickam Air Force Base the following new item:

"United States Army Schofield Barracks Open Range, $1,400,000.".

SEC. 2308. AUTHORITY TO TRANSFER FUNDS AS PART OF THE IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) TRANSFER AUTHORITY.—The Secretary of the Air Force may transfer to the Flood Control District of Maricopa County, Arizona (in this section referred to as the "District"), funds appropriated for fiscal years beginning after September 30, 1993, for a project, authorized in section 2301(a), to widen and make other improvements to Dysart Channel. Such improvements may include the construction of necessary detention basins and other features that are needed to prevent flooding of Luke Air Force Base, Arizona.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the District only for the purpose of conducting the project described in such subsection.

(c) CONDITIONS ON TRANSFER.—Funds may not be transferred pursuant to subsection (a) until after the date on which the Secretary and the District enter into an agreement that addresses cost sharing for the widening and other improvements to be made to Dysart Channel and such other matters associated with the project as the Secretary considers to be appropriate.

(d) LIMITATION ON AIR FORCE COST SHARE.—The Air Force share of the costs of the project described in subsection (a) may not exceed the lesser of—

(1) 50 percent of the total project cost; or

(2) $6,000,000.

(e) CONSIDERATION.—As consideration for the financial assistance provided pursuant to subsection (a), the District shall convey to the United States all right, title, and interest of the District in and to the real property, if any, acquired by the District in widening Dysart Channel and making the other improvements, such as detention basins as referred to in subsection (a).

SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL CONSTRUCTION FOR LACKLAND AIR FORCE BASE, TEXAS.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the Lackland Independent School District, Texas, not more than $8,000,000 of the funds appropriated by the Military Construction Appropriations Act, 1993 (Public Law 102–380; 106 Stat. 1366), pursuant to the authorization of appropriations in section 2304(a)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2596) for military construction relating to Lackland Air Force Base, Texas, as authorized in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the Lackland Independent School District to pay for the design and construction of a new secondary school, the renovation of an elementary school, and the design and construction of a new kindergarten and special education facility.

SEC. 2310. TRANSFER OF FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) TRANSFER REQUIRED.—The Secretary of the Air Force shall transfer to the County of St. Clair, Illinois (in this section referred to as the "County"), all funds made available for the construction of military family housing at Scott Air Force Base, Illinois, as authorized in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595).

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County for the construction, at a location acceptable to the Secretary, of a family housing complex to replace the Cardinal Creek Housing Complex at Scott Air Force Base.

SEC. 2311. INCREASE IN AUTHORIZED UNIT COST FOR CERTAIN FAMILY HOUSING, RANDOLPH AIR FORCE BASE, TEXAS.

Section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1635) is amended in the item relating to Randolph Air Force Base, Texas, by striking out "$78,000" and inserting in lieu thereof "$95,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the project described in section 2403(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, Fairbanks, Alaska	$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California	$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii	$2,250,000
	Defense Construction Supply Center, Columbia, Ohio	$3,100,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	$1,700,000
	Defense General Supply Center, Richmond, Virginia	$17,000,000
	Fort Belvoir, Virginia	$5,200,000
Defense Medical Facility Office	Cannon Air Force Base, New Mexico	$13,600,000
	Edwards Air Force Base, California	$1,700,000

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
	Ellsworth Air Force Base, South Dakota	$1,400,000
	Fairchild Air Force Base, Washington	$8,250,000
	Fort Detrick, Maryland	$4,300,000
	Fort Eustis, Virginia	$3,650,000
	Fort Sam Houston, Texas	$4,800,000
	Grand Forks Air Force Base, North Dakota	$860,000
	Marine Corps Air Station, Yuma, Arizona	$6,000,000
	Naval Education Training Center, Rhode Island	$4,000,000
	Offutt Air Force Base, Nebraska	$1,100,000
National Security Agency	Fort Meade, Maryland	$58,630,000
Office Secretary of Defense	CONUS Classified	$5,600,000
Section 6 Schools	Camp Lejeune, North Carolina	$1,793,000
	Fort Bragg, North Carolina	$8,838,000
	Fort Campbell, Kentucky	$13,182,000
	Fort Knox, Kentucky	$7,707,000
	Fort McClellan, Alabama	$2,798,000
	Fort Polk, Louisiana	$4,950,000
	Quantico Marine Corps Base, Virginia	$422,000
	Robins Air Force Base, Georgia	$3,160,000
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	$19,582,000
	Fort Campbell, Kentucky	$6,950,000
	Fort Bragg, North Carolina	$38,450,000
	Little Creek Naval Amphibious Base, Virginia	$7,500,000
	Olmstead Field, Pennsylvania	$1,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Diego Garcia	$9,558,000

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Office Secretary of Defense	Classified location	$10,755,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $3,268,394,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $266,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $20,313,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4035), $50,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $20,000,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $15,000,000.

(6) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $37,000,000.

(7) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $35,000,000.

(8) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $5,000,000.

(9) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(12) For energy conservation projects authorized by section 2402, $50,000,000.

(13) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $12,830,000.

(14) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note):

(A) For military installations approved for closure or realignment in 1991, $1,526,310,000.

(B) For military installations approved for closure or realignment in 1993, $1,144,000,000.

(15) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $17,720,000 (the balance of the amount authorized under section 2401(a) for the construction of a supercomputer facility at Fort Meade, Maryland).

SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1528) is amended by striking out the following items:

(1) Under the heading "DEFENSE LOGISTICS AGENCY", the item relating to Dayton Defense Electronics Supply Station, Ohio.

(2) Under the heading "DEFENSE MEDICAL FACILITIES OFFICE", the items relating to—

(A) Homestead Air Force Base, Florida; and

(B) Dallas Naval Air Station, Texas.

(b) CONFORMING AMENDMENTS.—Section 2404 of such Act (105 Stat. 1531) is amended—

(1) in subsection (a)—

(A) by striking out "$1,680,940,000" and inserting in lieu thereof "$1,665,440,000"; and

(B) by striking out "$434,500,000" in paragraph (1) and inserting in lieu thereof "$419,000,000"; and

(2) in subsection (c)—

(A) by inserting "and" in paragraph (1) after the semicolon;

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $140,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $283,483,000; and

(B) for the Army Reserve, $101,433,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,013,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $236,341,000; and

(B) for the Air Force Reserve, $73,927,000.

SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1993 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602) is amended—

(1) in paragraph (2), by striking out "$17,200,000" and inserting in lieu thereof "$10,700,000"; and

(2) in paragraph (3)(B), by striking out "36,580,000" and inserting in lieu thereof "34,880,000".

(b) FISCAL YEAR 1992 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1534) is amended by striking out "$56,900,000" and inserting in lieu thereof "$31,800,000".

(c) FISCAL YEAR 1991 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1781) is amended—

(1) in paragraph (2), by striking out "$80,307,000" and inserting in lieu thereof "$78,667,000";

(2) in paragraph (3)(A), as amended by section 2602(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), by striking out "$176,290,000" and inserting in lieu thereof "$171,090,000"; and

(3) in paragraph (3)(B), as amended by section 2602(a)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535) and section 2602(c) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), by striking out "(B)" and all that follows through the period and inserting in lieu thereof "(B) for the Air Force Reserve, $32,350,000".

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1645) is amended—

(1) in paragraph (2), by striking out "$56,600,000" and inserting in lieu thereof "$54,250,000"; and

(2) in paragraph (3)(A), as amended by section 2602(b)(1) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), by striking out "$195,628,000" and inserting in lieu thereof "$195,088,000".

SEC. 2603. UNITED STATES ARMY RESERVE COMMAND HEADQUARTERS FACILITY.

(a) PROJECT AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(B), and other amounts appropriated pursuant to authorizations enacted after this Act for this project, the Secretary of the Army may construct at Fort McPherson, Georgia, a headquarters facility for the United States Army Reserve Command and may contract for architectural and engineering services and construction design services in connection with such construction project.

(b) LIMITATION ON TOTAL COST OF PROJECT.—The cost of the construction project authorized by subsection (a) may not exceed $36,400,000.

(c) MULTIYEAR CONTRACT AUTHORIZED.—In order to carry out the construction project authorized in subsection (a), the Secretary may enter into a multiyear contract in advance of appropriations therefor.

(d) FUNDING.—Of the amount authorized to be appropriated pursuant to section 2601(1)(B), $15,000,000 shall be available to carry out the project authorized by subsection (a).

SEC. 2604. LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.

Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total amount of all projects carried out under section 2601(1)(B) may not exceed the total amount authorized to be appropriated under such section and $21,400,000 (the balance of the amount authorized for the construction of a command headquarters facility at Fort McPherson, Georgia).

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Falcon Air Force Base	Satellite Control Certification Facility	$1,450,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

Navy: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Connecticut	New London Naval Submarine Base	Thames River Dredging	$5,300,000

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	$5,000,000
	King Salmon Airport	Vehicle Refuel Maintenance Shop	$2,500,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
	United States Air Force Academy	Consolidated Education & Training Facility	$15,000,000
Hawaii	Hickam Air Force Base	Dormitory	$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	$1,400,000

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	$2,750,000
Texas	Dyess Air Force Base	Corrosion Control Facility	$4,100,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

Defense Agencies: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act (103 Stat. 1631) and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2604), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation	Project	Amount
Colorado	Lowry Air Force Base	Computer operations facility	$15,500,000
		Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1993; and

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

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MILITARY FAMILY HOUSING LEASING PROGRAMS.

(a) LEASES IN UNITED STATES, PUERTO RICO, OR GUAM.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for under paragraphs (2) and (3) for the previous fiscal year by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.".

(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e) of such section is amended—

(1) in the first sentence of paragraph (1), by striking out "as adjusted for foreign currency fluctuation from October 1, 1987." and inserting in lieu thereof ", except that 300 units may be leased in foreign countries for not more than $25,000 per unit per year.";

(2) in the second sentence of paragraph (1), by striking out "That maximum lease amount" and inserting in lieu thereof "These maximum lease amounts"; and

(3) by redesignating paragraph (2) as paragraph (4); and

(4) by inserting after paragraph (1) the following new paragraphs:

"(2) In addition to the 300 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Navy may lease not more than 2,000 units of family housing in Italy subject to that maximum lease amount.

"(3) The Secretary concerned shall adjust the maximum lease amounts provided for under paragraphs (1) and (2) for the previous fiscal year—

"(A) for foreign currency fluctuations from October 1, 1987; and

"(B) at the beginning of each fiscal year, by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.".

SEC. 2802. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

(a) AVAILABILITY OF PROCEEDS FOR CERTAIN CONSTRUCTION PROJECTS.—Subsection (b) of section 2483 of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

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

"(2) Subject to the availability of appropriations for this purpose, proceeds credited under paragraph (1) may be used to carry out military construction projects under the energy performance plan developed by the Secretary of Defense under section 2865(a) of this title, including minor military construction projects authorized under section 2805 of this title that are designed to increase energy conservation.".

(b) NOTIFICATION REGARDING PROJECTS.—Such section is further amended by adding at the end the following new subsection:

"(c) Before carrying out a military construction project described in subsection (b) using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of the project, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.".

SEC. 2803. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2866. Water conservation at military installations

"(a) WATER CONSERVATION ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by a utility for the management of water demand or for water conservation.

"(2) The Secretary of Defense may authorize a military installation to accept a financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a utility, for the purpose of adopting technologies and practices that—

"(A) relate to the management of water demand or to water conservation; and

"(B) as determined by the Secretary, are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into an agreement with a utility to design and implement a cost-effective program that provides incentives for the management of water demand and for water conservation and that addresses the requirements and circumstances of the installation. Activities under the program may include the provision of water management services, the alteration of a facility, and the installation and maintenance by the utility of a water-saving device or technology.

"(4)(A) If an agreement under paragraph (3) provides for a utility to pay in advance the financing costs for the design or

implementation of a program referred to in that paragraph and for such advance payment to be repayed by the United States, the cost of such advance payment may be recovered by the utility under terms that are not less favorable than the terms applicable to the most favored customer of the utility.

"(B) Subject to the availability of appropriations, a repayment of an advance payment under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to a water-saving device or technology installed at a military installation pursuant to the agreement shall vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

"(b) USE OF WATER COST SAVINGS.—Water cost savings realized under this section shall be used as provided in section 2865(b)(2) of this title.

"(c) WATER CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for water conservation, not previously authorized, using funds appropriated or otherwise made available to the Secretary for water conservation.

"(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. Such project may be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.".

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

"2866. Water conservation at military installations.".

SEC. 2804. CLARIFICATION OF ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.

(a) ENERGY EFFICIENT MAINTENANCE.—Subsection (a) of section 2865 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ", including energy efficient maintenance," after "conservation measures"; and

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

"(4) In paragraph (3), the term 'energy efficient maintenance' includes—

"(A) the repair by replacement of equipment or systems, such as lighting, heating, or cooling equipment or systems or industrial processes, with technology that—

"(i) will achieve the most cost-effective energy savings over the life-cycle of the equipment or system being repaired; and

"(ii) will meet the same end needs as the equipment or system being repaired; and

"(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in reduced costs through energy savings".

(b) USE OF SAVINGS AND USE OF PROCEEDS FROM ELECTRICITY SALES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(B) by striking out "for any fiscal year beginning after fiscal year 1990"; and

(2) in paragraph (2), by striking out "(2) The amount" and all that follows through "the Secretary of Defense." and inserting in lieu thereof the following:

"(2) The Secretary shall provide that the amount that remains available for obligation under paragraph (1) and section 2866(b) of this title, and the funds made available under section 2483(b)(2) of this title, shall be used as follows:

"(A) One-half of the amount shall be used for the implementation of additional energy conservation measures and for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations prescribed by the Secretary of Defense) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or in section 2866(b) of this title.".

(c) COVERED UTILITIES.—Subsection (d)(1) of such section is amended by adding before the period the following: "or by any utility for water conservation activities".

SEC. 2805. AUTHORITY TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) ACQUISITION AUTHORITY.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2813. Acquisition of existing facilities in lieu of authorized construction

"(a) ACQUISITION AUTHORITY.—Using funds appropriated for a military construction project authorized by law for a military installation, the Secretary of the military department concerned may acquire an existing facility (including the real property on which the facility is located) at or near the military installation instead of carrying out the authorized military construction project if the Secretary determines that—

"(1) the acquisition of the facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(2) it is in the best interests of the United States to acquire the facility instead of carrying out the authorized military construction project.

"(b) MODIFICATION OR CONVERSION OF ACQUIRED FACILITY.—(1) As part of the acquisition of an existing facility under subsection (a), the Secretary of the military department concerned may carry out such modifications, repairs, or conversions of the facility as the Secretary considers to be necessary so that the facility satisfies the requirements for which the military construction project was authorized.

"(2) The costs of anticipated modifications, repairs, or conversions under paragraph (1) are required to remain within the authorized amount of the military construction project. The Secretary concerned shall consider such costs in determining whether the acquisition of an existing facility is—

"(A) more cost effective than carrying out the authorized military construction project; and

"(B) in the best interests of the United States.

"(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the acquisition of a facility under subsection (a) until the end of the 30-day period beginning on the date the Secretary concerned transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a written notification of the determination to acquire an existing facility instead of carrying out the authorized military construction project. The notification shall include the reasons for acquiring the facility.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2813. Acquisition of existing facilities in lieu of authorized construction.".

(b) APPLICABILITY OF SECTION.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to military construction projects authorized on or after the date of the enactment of this Act.

SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS.

Section 2834(b) of title 10, United States Code, is amended to read as follows:

"(b) The maximum lease amounts specified in section 2828(e)(1) of this title for the rental of family housing in foreign countries shall not apply to housing made available to the Department of Defense under this section. To the extent that the lease amount for units of housing made available under this subsection exceeds such maximum lease amounts, such units shall not be counted in applying the limitation contained in such section on the number of units of family housing for which the Secretary concerned may waive such maximum lease amounts.".

SEC. 2807. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Section 2680(d) of title 10, United States Code, is amended by striking out "September 30, 1993." and inserting in lieu thereof "September 30, 1995.".

(b) EXTENSION OF REPORTING REQUIREMENT.—Section 2863(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amended by striking out "March 1, 1993, and March 1, 1994," and inserting in lieu thereof "March 1 of each of the years 1994, 1995, and 1996,".

Subtitle B—Land Transactions Generally

SEC. 2811. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—The County shall provide the United States with consideration for the real property conveyed under subsection (a) that is equal to at least the fair market value of the property conveyed. The County shall provide consideration by one of the following methods, to be selected by the Secretary:

(1) Constructing (or paying the costs of constructing) at a location selected by the Secretary within Broward County, Florida, a suitable facility to replace the improvements conveyed under subsection (a).

(2) Paying to the United States an amount equal to the fair market value of the real property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONSTRUCTION.—If the County constructs (or pays the costs of constructing) a replacement facility under subsection (b)(1), the County shall pay to the United States the amount, if any, by which the fair market value of the property conveyed under subsection (a) exceeds the fair market value of the replacement facility.

(d) REPLACEMENT FACILITY.—If the County pays the fair market value of the real property under subsection (b)(2) as consideration for the conveyance authorized under subsection (a), the Secretary shall use the amount paid by the County to construct a suitable facility to replace the improvements conveyed under subsection (a).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) any amount paid to the United States under this section that is not used for the purpose of constructing a replacement facility under subsection (d).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the improvements, if any, constructed under subsection (b)(1). Such determination shall be final.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2812. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property included on the real property inventory of Naval Air Station Oceana in Virginia Beach, Virginia, and consisting of approximately 3.5 acres. As part of the conveyance of such parcel, the Secretary shall grant the City an easement on such additional acreage as may be necessary to provide adequate ingress and egress to the parcel.

(b) CONSIDERATION.—As consideration for the conveyance and easement under subsection (a), the City shall pay to the United

States an amount equal to the fair market value of the property to be conveyed and the fair market value of the easement to be granted. The Secretary shall determine the fair market value of the property and easement, and such determination shall be final.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City may use the property conveyed only for the following purposes:

(1) The maintenance, repair, storage, and berthing of erosion control and beach replenishment equipment and materiel, including a dredge.

(2) The berthing of police boats.

(3) The provision of operational and administrative personnel space related to the purposes specified in paragraphs (1) and (2).

(d) REVERSION.—All right, title, and interest of the City in and to the property conveyed under subsection (a) (including any improvements thereon) and the easement granted under such subsection shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines—

(1) at any time, that the property conveyed under subsection (a) is not being used for the purposes specified in subsection (c); or

(2) at the end of the 10-year period beginning on the date of the conveyance, that no significant improvements associated with the purposes specified in subsection (c) have been constructed on the property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) and the easement to be granted under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance and easement under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2813. LAND CONVEYANCE, CRANEY ISLAND FUEL DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the City of Portsmouth, Virginia, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 135.7 acres, including improvements thereon, comprising a portion of the Craney Island Fuel Depot, Naval Supply Center, Norfolk, Virginia. However, the parcel of real property to be conveyed under this section shall not include sites 3 and 12, as defined in Item 6 of the General Lease No. LO–267 N62470–89–RP–00156 between the City and the United States, dated December 15, 1992.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "City" means the City of Portsmouth, Virginia.

(2) The term "Craney Island parcel" means the real property described in subsection (a) that is required to be conveyed under this section.

(3) The term "sites 3 and 12" means the parcels specifically excluded by subsection (a) from the conveyance.

(c) CONDITIONS OF CONVEYANCE.—(1) The City shall accept conveyance of the Craney Island parcel under subsection (a) as a potentially responsible party with respect to such parcel pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to—

(A) the Craney Island parcel; or

(B) sites 3 and 12.

(d) CONSIDERATION.—As consideration for the conveyance of the Craney Island parcel under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the Craney Island parcel. Using normal and customary procedures for determining the fair market value of real property, the Secretary shall determine the fair market value of the Craney Island parcel in consultation with the City Manager of the City. Such determination shall be final.

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit amounts received as consideration for the conveyance under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the Craney Island parcel and sites 3 and 12 shall be determined by a survey satisfactory to the Secretary and the City Manager of the City. The cost of each survey shall be borne by the City.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of the Craney Island parcel as the Secretary considers appropriate to protect the interests of the United States and are agreed to by the City.

SEC. 2814. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Peck Iron and Metal Company, Inc. (in this section referred to as "Peck"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.45 acres, including improvements thereon, located in Portsmouth, Virginia, that, on the date of the enactment of this Act, is leased to Peck pursuant to Department of the Navy lease N62470–91–RP–00261, effective August 1, 1991.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Peck shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) the amount received from Peck under subsection (b).

(d) CONDITIONS OF CONVEYANCE.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that Peck accept conveyance of the property as a potentially responsible party

with respect to the property pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to the property conveyed under subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Peck.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2815. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middletown, Iowa (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 127 acres at the Iowa Army Ammunition Plant, Iowa.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine the fair market value of the property, and such determination shall be final.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, RADAR BOMB SCORING SITE, CONRAD, MONTANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Conrad, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 42 acres located in Conrad, Montana, which has served as the location of a support complex, recreational facilities, and family housing for the Radar Bomb Scoring Site, Conrad, Montana, together with any improvements thereon.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with subsection (b) all right, title, and interest in and to the property conveyed pursuant to such subsection, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Railway shall pay to the United States an amount equal to the fair market value of the conveyed property, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) CONVEYANCE AUTHORIZED.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may convey all right, title, and interest of the United States in and to the property to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana and held to be exempt from

taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of the enactment of this Act.

SEC. 2819. LAND ACQUISITION, NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including improvements thereon, consisting of approximately 88 acres and located on President's Island, Memphis, Tennessee, the site of the Navy Large Cavitation Channel.

(b) COST OF ACQUISITION.—In acquiring the real property authorized to be acquired under subsection (a), the Secretary shall pay no more than the fair market value of the property, as determined by an appraisal satisfactory to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) SOURCE OF FUNDS FOR ACQUISITION.—Funds for the acquisition of the real property authorized to be acquired under subsection (a) shall be available to the Secretary as provided in section 264.

SEC. 2820. RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release the reversionary interest of the United States in and to approximately 6.89 acres of real property, including improvements thereon, containing the Old Spanish Trail Armory in Harris County, Texas. The United States acquired the reversionary interest by virtue of a quitclaim deed dated June 18, 1936.

(b) CONDITION.—The Secretary may effectuate the release authorized in subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a parcel of real property that—

(1) is at least equal in value to the real property referred to in subsection (a), and

(2) beginning on the date on which the State first obtains the new parcel of real property, is subject to the same restrictions and covenants with respect to the United States as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary.

SEC. 2821. GRANT OF EASEMENT, WEST LOCH BRANCH, NAVAL MAGAZINE LUALUALEI, HAWAII.

(a) IN GENERAL.—The Secretary of the Navy may grant to the City and County of Honolulu, Hawaii (in this section referred to as "Honolulu"), an easement on a parcel of real property consisting of not more than approximately 70 acres and located at West Loch Branch, Naval Magazine Lualualei, Hawaii. The purpose of the easement is to permit Honolulu to carry out drainage activities on such real property, and for other public purposes (as determined by the Secretary).

(b) CONSIDERATION.—(1) As consideration for the grant of an easement to Honolulu under subsection (a), Honolulu shall pay to the United States an amount equal to the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from Honolulu, in lieu of payment under paragraph (1), such improvements (including road, fencing, property security, and other improvements) to West Loch Branch, Naval Magazine Lualualei, Hawaii, as the Secretary determines to be equal in fair market value to the easement granted under subsection (a).

(c) USE OF PROCEEDS.—The Secretary shall utilize any funds paid to the United States under subsection (b)(1) for the construction of improvements referred to in subsection (b)(2).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfac-

tory to the Secretary. The cost of the survey shall be borne by Honolulu.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. REVIEW OF PROPOSED LAND EXCHANGE, FORT SHERIDAN, ILLINOIS, AND ARLINGTON COUNTY, VIRGINIA.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review a proposed exchange of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, located at Fort Sheridan, Illinois, for a parcel of real property, consisting of approximately 7.1 acres, located in Arlington County, Virginia, and commonly known as the "Twin Bridges" parcel. The review shall include an evaluation of the use of the "Twin Bridges" parcel for the location of the National Museum of the United States Army, which is proposed to be constructed and operated on the parcel using only donated funds.

(b) REPORT.—Not later than September 24, 1993, the Secretary shall submit to Congress a report describing the results of the review required under subsection (a).

Subtitle C—Changes to Existing Land Transaction Authority

SEC. 2831. MODIFICATION OF LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) CONVEYANCE WITHOUT CONSIDERATION.—Subsection (a) of section 2841 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1557) is amended by inserting after "convey" the following: ", without consideration,".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking out paragraph (4);

(2) by striking out subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2832. MODIFICATION OF TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) CONSIDERATION.—Subsection (b) of section 2846 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2623) is amended by striking out "aggregate" and all that follows through "subsection (a)(2)" and inserting in lieu thereof "lesser of the cost of expanding the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in accordance with subsection (c)(1), or $3,000,000".

(b) USE OF FUNDS.—Subsection (c) of such section is amended—

(1) by striking out paragraph (2);

(2) in paragraph (1)—

(A) by striking out "(A)";

(B) by striking out "subparagraph (B)" and inserting in lieu thereof "paragraph (2)"; and

(C) by redesignating subparagraph (B) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) LEASEBACK OF FACILITIES.—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d) LEASEBACK OF FACILITIES.—The Secretary may lease from the Institute, at fair market rental value, the facilities referred to in subsection (a)(2) after the sale of such facilities referred to in that subsection. The term of such lease may not exceed 2 years.".

SEC. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) EXPANSION OF LEASE AUTHORITY.—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614) is amended by striking out "not more than 195 acres of real property" and all that follows through the period and inserting in lieu thereof "those portions of the Naval Supply Center, Oakland, California, that the Secretary determines to be available for lease.".

(b) CONSIDERATION.—Paragraph (2) of such subsection is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph: "(C) be for nominal consideration.".

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (2)(B), by striking out "shall";

(2) by striking out paragraphs (3), (4), and (5); and

(3) by redesignating paragraph (6) as paragraph (3).

SEC. 2834. EXPANSION OF LAND TRANSACTION AUTHORITY INVOLVING HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1790) is amended by adding at the end the following new paragraph:

"(3) In lieu of entering into a lease under paragraph (1), the Secretary may convey the property described in such paragraph to the City (or a local reuse organization approved by the City) for such consideration and under such terms as the Secretary considers appropriate.".

Subtitle D—Land Transactions Involving Utilities

SEC. 2841. CONVEYANCE OF NATURAL GAS DISTRIBUTION SYSTEM, FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Washington Gas Company, Virginia (in this section referred to as "Washington Gas Company"), all right, title, and interest of the United States in and to the natural gas distribution system described in paragraph (2).

(2) The natural distribution gas system referred to in paragraph (1) is the natural gas distribution system located at Fort Belvoir, Virginia, consisting of approximately 15.6 miles of natural gas distribution lines and the equipment, fixtures, structures, and other improvements owned and utilized by the Federal Government at Fort Belvoir in order to provide natural gas to and distribute natural gas at Fort Belvoir. The natural gas distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Washington Gas Company the following easements relating to the conveyance of the natural gas distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to provide access to the natural gas distribution system for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the natural gas distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the natural gas distribution system authorized in subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the natural gas distribution system authorized by subsection (a) is subject to the following conditions:

(1) That Washington Gas Company provide natural gas to and distribute natural gas at Fort Belvoir at a rate that is no less favorable than the rate Washington Gas Company would charge a public or private consumer of natural gas similar to Fort Belvoir for the provision and distribution of natural gas.

(2) That Washington Gas Company maintain, repair, conduct safety inspections, and conduct leak test surveys required for the natural gas distribution system.

(3) That Washington Gas Company, at no cost to the Federal Government, expand and upgrade the natural gas distribution system as necessary to meet the increasing needs of Fort Belvoir for natural gas that will result from conversion, to the extent anticipated by the Secretary at the time of conveyance, of oil-burning utilities at Fort Belvoir to natural gas-burning utilities.

(4) That Washington Gas Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing natural gas to Fort Belvoir through the natural gas distribution system.

(5) That Washington Gas Company not commence any expansion of the natural gas distribution system without approval of such expansion by the commander of Fort Belvoir.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Washington Gas Company in accordance with subsection (d) is at least equal to the fair market value of the natural gas distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Washington Gas Company is not complying with the conditions set forth in subsection (d), all right, title, and interest of Washington Gas Company in and to the natural gas distribution system conveyed pursuant to subsection (a), including improvements thereto and any modifications made to the system by Washington Gas Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate possession, including the right to operate the system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment, fixtures, structures, and improvements to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Washington Gas Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. CONVEYANCE OF WATER DISTRIBUTION SYSTEM, FORT LEE, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the American Water Company, Virginia (in this section referred to as "American Water Company"), all right, title, and interest of the United States in and to the water distribution system described in paragraph (2).

(2) The water distribution system described in paragraph (1) is the water distribution system located at Fort Lee, Virginia, consisting of approximately 7 miles of transmission lines, 85 miles of distribution and service lines, fire hydrants, elevated storage tanks, pumping stations, and other improvements, owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Lee. The water distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to American Water Company the following easements relating to the conveyance of the water distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and American Water Company jointly determine are necessary in order to provide for access by American Water Company to the water distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and American Water Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized by subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the water distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That American Water Company provide water to and distribute water at Fort Lee at a rate that is no less favorable than the rate American Water Company would charge a public or private consumer of water similar to Fort Lee for the provision and distribution of water.

(2) That American Water Company maintain, repair, and conduct safety inspections of the water distribution system.

(3) That American Water Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing water at Fort Lee through the water distribution system.

(4) That American Water Company not commence any expansion of the water distribution system without approval of such expansion by the commander of Fort Lee.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by American Water Company in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that American Water Company is not complying with the conditions specified in subsection (d), all right, title, and interest of American Water Company in and to the water distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by American Water Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the immediate right of possession, including the right to operate the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the water distribution system to be conveyed pursuant to subsection (a), including any easements granted with respect to such system under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by American Water Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with

the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF WASTE WATER TREATMENT FACILITY, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon, located at Fort Pickett, Virginia.

(b) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town design and carry out such expansion or improvement of the waste water treatment facility as the Secretary and the Town jointly determine necessary in order to ensure operation of the facility in compliance with all applicable Federal and State environmental laws (including any permit or license requirements).

(2) That the Town operate the waste water treatment facility in compliance with such laws.

(3) That the Town provide disposal services, waste water treatment services, and other related services to Fort Pickett at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Fort Pickett for the provision of such services.

(4) That the Town reserve 75 percent of the operating capacity of the waste water treatment facility for use by the Army in the event that such use is necessitated by a realignment or change in the operations of Fort Pickett.

(5) That the Town accept liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any environmental restoration or remediation required at the facility by reason of the provision of waste water treatment services at the facility to entities other than the Army.

(c) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (b) is at least equal to the fair market value of the waste water treatment facility conveyed pursuant to subsection (a).

(d) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (b), all right, title, and interest of the Town in and to the real property (including the waste water treatment system) conveyed under subsection (a), including any improvements thereto and any modifications made to the system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the waste water treatment system.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(f) ENVIRONMENTAL COMPLIANCE.—(1) The Town shall be responsible for compliance with all applicable environmental laws and regulations, including any permit or license requirements, relating to the real property (and any facilities thereon) conveyed under subsection (a). The Town shall also be responsible for executing and constructing environmental improvements to the plant as required by applicable law.

(2) The Secretary, subject to the availability of appropriated funds for this purpose, and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity, as determined by the Secretary.

(3) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the real property conveyed under this section before carrying out the conveyance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. CONVEYANCE OF WATER DISTRIBUTION SYSTEM AND RESERVOIR, STEWART ARMY SUBPOST, NEW YORK.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of New Windsor, New York (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at the Stewart Army Subpost, New York:

(A) A parcel of real property consisting of approximately 7 acres, including a reservoir and improvements thereon, the site of the Stewart Army Subpost water distribution system.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are owned and utilized by the Federal Government in order to provide water to and distribute water at Stewart Army Subpost.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not carry out the conveyance of the water distribution system authorized in subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(d) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town provide water to and distribute water at Stewart Army Subpost at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Stewart Army Subpost for the provision and distribution of water.

(2) That the Town operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(3) That the Town not commence any expansion of the water distribution system without approval of such expansion by the commander of Stewart Army Subpost.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (d), all right, title, and interest of the Town in and to the property (including the water distribution system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the water distribution system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence, shall be borne by the Town.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) and the easements granted under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. CONVEYANCE OF ELECTRIC POWER DISTRIBUTION SYSTEM, NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Navy may convey to the Bureau of Electricity of the City of Alameda, California (in this section referred to as the "Bureau"), all right, title, and interest of the United States in and to the electric power distribution system described in paragraph (2). The actual conveyance of the system shall be subject to negotiation by and approval of the Secretary.

(2) The electric power distribution system referred to in paragraph (1) is the electric power distribution system located at the Naval Air Station, Alameda, California, including such utility easements and right of ways as the Secretary and the Bureau consider to be necessary or appropriate to provide for ingress to and egress from the electric power distribution system.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electric power distribution system authorized by subsection (a) unless the Bureau agrees to accept the system in its existing condition at the time of the conveyance.

(c) CONDITIONS.—The conveyance of the electric power distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That the Bureau provide electric power to the Naval Air Station at a rate that is no less favorable than the rate the Bureau would charge a public or private consumer of electricity similar to the Naval Air Station for the provision and distribution of electricity.

(2) That the Bureau comply with all applicable environmental laws and regulations, including any permit or license requirements, in providing and distributing electricity at the Naval Air Station through the electric power distribution system.

(3) That the Bureau not commence any expansion of the electric power distribution system without the approval of the expansion by the Secretary.

(4) That the Bureau assume the responsibility for ownership, operation, maintenance, repair, and safety inspections for the electric power distribution system.

(d) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Navy of the actions taken by the Bureau in accordance with subsection (c) is at least equal to the fair market value of the electric power distribution system conveyed pursuant to subsection (a).

(e) REVERSION.—If the Secretary determines at any time that the Bureau is not complying with the conditions specified in subsection (c), all right, title, and interest of the Bureau in and to the electric power distribution system conveyed pursuant to subsection (a), including any improvements or modifications to the system, shall revert to the United States and the United States shall have the right of immediate access to the system, including the right to operate the system.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the electric power distribution system to be conveyed pursuant to subsection (a), including any easements granted as part of the conveyance, shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by the Bureau.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement as part of the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Jersey Central Power and Light Company, New Jersey (in this section referred to as "Jersey Central"), all right, title, and interest of the United States in and to the electricity distribution system described in paragraph (2).

(2) The electricity distribution system referred to in paragraph (1) is the electricity distribution system located at Fort Dix, New Jersey, consisting of approximately 145.6 miles of electricity distribution lines, as well as electricity poles, transformers, electricity substations, and other electricity distribution improvements owned and utilized by the Federal Government in order to provide electricity to and distribute electricity at Fort Dix. The electricity distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Jersey Central the following easements relating to the conveyance of the electricity distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Jersey Central jointly determine are necessary in order to provide for the access by Jersey Central to the electricity distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Jersey Central jointly determine are necessary in order to satisfy the requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the electricity distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electricity distribution system authorized by subsection (a) unless Jersey Central agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the electricity distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That Jersey Central provide electricity to and distribute electricity at Fort Dix at a rate that is no less favorable than the rate Jersey Central would charge a public or private consumer of electricity similar to Fort Dix for the provision and distribution of electricity.

(2) That Jersey Central carry out safety upgrades to permit the distribution system to carry electricity at up to 13,800 volts.

(3) That Jersey Central improve the electricity distribution system by installing additional lightning protection devices in such a manner as to permit the installation of air conditioning in family housing units.

(4) That Jersey Central maintain and repair, and conduct safety inspections and power factor surveys, of the electricity distribution system.

(5) That Jersey Central comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing electricity at Fort Dix through the electricity distribution system.

(6) That Jersey Central not commence any expansion of the electricity distribution system without approval of such expansion by the commander of Fort Dix.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Jersey Central in accordance with subsection (d) is at least equal to the fair market value of the electricity distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Jersey Central is not complying with the conditions specified in subsection (d), all right, title, and interest of Jersey Central in and to the electrical distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by Jersey Central after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right to operate the electricity distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the electricity distribution system to be conveyed pursuant to subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Jersey Central.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. LEASE AND JOINT USE OF CERTAIN REAL PROPERTY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to Tri-Cities Municipal Water District, a special governmental district of the State of California (in the section referred to as the "District"), such interests in real property located on, under, and within the northern portion of the Marine Corps Base, Camp Pendleton, California, as the Secretary determines to be necessary for the District to develop, operate, and maintain water extraction and distribution facilities for the mutual benefit of the District and Camp Pendleton. The lease may be for a period of up to 50 years, or such additional period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the District shall—

(1) construct, operate, and maintain such improvements as are necessary to fully develop the potential of the lower San Mateo Water Basin for sustained yield and storage of imported water for the joint benefit of the District and Camp Pendleton;

(2) assume operating and maintenance responsibilities for the existing water extraction, storage, distribution, and related infrastructure within the northern portion of Camp Pendleton; and

(3) pay to the United States, in the form of cash or additional services, an amount equal to the amount, if any, by which the fair market value of the real property interests leased under subsection (a) exceeds the fair market value of the services provided under paragraphs (1) and (2).

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall establish a system of accounts to establish the relative costs and benefits accruing to the District and the United States under the lease under subsection (a) and to ensure that the United States receives at least fair market value for such lease, as determined by an independent appraisal acceptable to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. CONVEYANCE OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

(a) EXERCISE OF AUTHORITY BY ADMINISTRATOR OF GSA.—Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out "Secretary of the Air Force" and inserting in lieu thereof "Administrator of General Services";

(2) in subsection (c), by striking out "Secretary" and inserting in lieu thereof "Administrator";

(3) in subsection (e)—

(A) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Secretary of the Air Force"; and

(B) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Administrator"; and

(4) in subsection (f), by striking out "Secretary" and inserting in lieu thereof "Administrator".

(b) ELIGIBLE LANDS.—Subsection (a)(2) of such section is amended by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners.".

(c) DISPOSITION.—Subsection (b) of such section is amended to read as follows:

"(b)(1)(A) Whenever the interest of the United States in a tract of real property or easement referred to in subsection (a) is available for disposition under this section, the Administrator shall transmit a notice of the availability of the real property or easement to each person described in subsection (a)(2)(D)(i) who owns lands adjacent to that real property or easement.

"(B) The Administrator shall convey, for fair market value, the interest of the United States in a tract of land referred to in subsection (a), or in any easement in connection with such a tract of land, to any person or persons described in subsection (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest.

"(2)(A) In the case of a tract of real property referred to in subsection (a) that is surrounded by adjacent lands that are owned

separately by two or more owners, the Administrator shall dispose of that tract of real property in accordance with this paragraph. In disposing of the real property, the Administrator shall satisfy the requirements specified in paragraph (1) regarding notice to owners, sale at fair market value, and the determination of the qualifications of the purchaser.

"(B) The Administrator shall dispose of such a tract of real property through a sealed bid competitive sale. The Administrator shall afford an opportunity to compete to acquire the interest of the United States in the real property to all of the persons described in subsection (a)(2)(D)(ii) who own lands adjacent to that real property. The Administrator shall restrict to these persons the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to subparagraph (D), the Administrator shall convey the interest of the United States in the tract of real property to the highest bidder.

"(D) If all of the bids received by the Administrator in the sealed bid competitive sale of the tract of real property are less than the fair market value of the real property, the Administrator shall dispose of the real property in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN OF DEPARTMENT OF DEFENSE VACCINE PRODUCTION FACILITY.

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1994 may be obligated for architectural and engineering services or for construction design in connection with the Department of Defense vaccine production facility.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report containing a complete explanation of the necessity for constructing within the United States a Department of Defense facility for the production of vaccine for the Department of Defense.

SEC. 2853. GRANT RELATING TO ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL, FORT BELVOIR, VIRGINIA.

(a) GRANT AUTHORIZED.—The Secretary of the Army may make a grant to the Fairfax County School Board, Virginia, in order to assist the School Board in constructing a public elementary school facility, to be owned and operated by the School Board, in the vicinity of Fort Belvoir, Virginia.

(b) CAPACITY REQUIREMENT.—The school facility constructed with the grant made under subsection (a) shall be sufficient (as determined by the Secretary) to accommodate the dependents of members of the Armed Forces assigned to duty at Fort Belvoir and the dependents of employees of the Department of Defense employed at Fort Belvoir.

(c) MAXIMUM AMOUNT OF GRANT.—The amount of the grant under this section may not exceed $8,000,000.

(d) REQUIREMENTS RELATING TO CONSTRUCTION OF SCHOOL.—(1) The Fairfax County School Board shall establish the design and function specifications applicable to the elementary school facility constructed with the grant made under this section.

(2) The Fairfax County School Board shall be responsible for soliciting bids and awarding contracts for the construction of the school facility and shall undertake responsibility for the timely construction of the school facility under such contracts.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the grant authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 percent of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

SEC. 2855. FLOOD CONTROL PROJECT FOR COYOTE AND BERRYESSA CREEKS, CALIFORNIA.

(a) COYOTE AND BERRYESSA CREEKS, SANTA CLARA COUNTY, CALIFORNIA.—The Secretary of the Army is directed to construct a flood control project for Coyote and Berryessa Creeks in Santa Clara County, California, using amounts appropriated for civil works activities of the Corps of Engineers for fiscal year 1994.

(b) MAXIMUM COST REQUIREMENT.—Section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4183) shall not apply with respect to the project described in subsection (a).

SEC. 2856. RESTRICTIONS ON LAND TRANSACTIONS RELATING TO THE PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

The Secretary of Defense (or the Secretary of the Army as the designee of the Secretary of Defense) may not transfer any parcel of real property (or any improvement thereon) located at the Presidio of San Francisco, California, from the jurisdiction and control of the Department of the Army to the jurisdiction and control of the Department of the Interior unless and until—

(1) the Secretary of the Army determines that the parcel proposed for transfer is excess to the needs of the Army; and

(2) the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the terms and conditions—

(A) under which transfers of real property at the Presidio will take place; and

(B) under which the Army will continue to use facilities at the Presidio after such transfers.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Subtitle A—Base Closure Community Assistance

SEC. 2901. FINDINGS.

Congress makes the following findings:

(1) The closure and realignment of military installations within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A military installation is a significant source of employment for many communities, and the closure or realignment of an installation may cause economic hardship for such communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as a result of the closure or realignment of a military installation.

(4) It is in the interest of the United States that the Federal Government assist communities that experience adverse economic circumstances as a result of the closure of military installations by working with such communities to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner or of otherwise revitalizing such communities and the economies of such communities.

(5) The Federal Government may best identify and implement such means by requiring that the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization and redevelopment of such an installation, designate for each installation to be closed an individual in such department or agency who shall provide information and assistance to the transition coordinator for the installation designated under section 2915 on the assistance, programs, or other activities of such department or agency with respect to the closure or reutilization and redevelopment of the installation.

(6) The Federal Government may also provide such assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations, in a manner that best ensures the beneficial reutilization and redevelopment of such installations by such communities.

(7) The Federal Government may best contribute to such reutilization and redevelopment by making available real and personal property at military installations to be closed to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

SEC. 2902. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realign-

ment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(A) in paragraph (2)(E), by striking out "paragraphs (3) and (4)" and inserting in lieu thereof "paragraphs (3) through (6)";

(B) by redesignating paragraph (4) as paragraph (7); and

(C) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

"(3)(A) Not later than 6 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary, in consultation with the redevelopment authority with respect to each military installation to be closed under this title after such date of enactment, shall—

"(i) inventory the personal property located at the installation; and

"(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

"(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

"(i) the local government in whose jurisdiction the installation is wholly located; or

"(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

"(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

"(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

"(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

"(III) twenty-four months after the date referred to in subparagraph (A); or

"(IV) ninety days before the date of the closure of the installation.

"(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this title as follows:

"(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

"(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this title to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(E) This paragraph shall not apply to any related personal property located at an installation to be closed under this title if the property—

"(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

"(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

"(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

"(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

"(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

"(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.".

(2) Section 204(b)(7)(A)(ii) of such Act, as redesignated by paragraph (1)(B), is amended by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) through (6)".

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in paragraph (2)(A), by inserting "and paragraphs (3), (4), (5), and (6)" after "Subject to subparagraph (C)"; and

(2) by adding at the end the following:

"(3)(A) Not later than 6 months after the date of approval of the closure of a military installation under this part, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

"(i) inventory the personal property located at the installation; and

"(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

"(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

"(i) the local government in whose jurisdiction the installation is wholly located; or

"(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

"(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

"(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

"(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

"(III) twenty-four months after the date of approval of the closure of the installation; or

"(IV) ninety days before the date of the closure of the installation.

"(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this part as follows:

"(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

"(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this part to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(E) This paragraph shall not apply to any personal property located at an installation to be closed under this part if the property—

"(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

"(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

"(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

"(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

"(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

"(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.".

(c) APPLICABILITY.—For the purposes of section 2905(b)(3) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), the date of approval of closure of any installation approved for closure before the date of the enactment of this Act shall be deemed to be the date of the enactment of this Act.

SEC. 2903. AUTHORITY TO TRANSFER PROPERTY AT CLOSED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

(a) AUTHORITY UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as amended by section 2902(a), is further amended by adding after paragraph (3), as so added, the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this title to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(II) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (1) or (2)).

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this title will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer personal property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States.".

(b) AUTHORITY UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2902(b), is further amended by adding at the end the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this part to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(II) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (1) or (2)).

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this part will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States.".

(c) CONSIDERATION OF ECONOMIC NEEDS.—In order to maximize the local and regional benefit from the reutilization and redevelopment of military installations that are closed, or approved for closure, pursuant to the operation of a base closure law, the Secretary of Defense shall consider locally and regionally delineated economic development needs and priorities into the process by which the Secretary disposes of real property and personal property as part of the closure of a military installation under a base closure law. In determining such needs and priorities, the Secretary shall take into account the redevelopment plan developed for the military installation involved. The Secretary shall ensure that the needs of the homeless in the communities affected by the closure of such installations are taken into consideration in the redevelopment plan with respect to such installations.

(d) COOPERATION.—The Secretary of Defense shall cooperate with the State in which a military installation referred to in subsection (c) is located, with the redevelopment authority with respect to the installation, and with local governments and other interested persons in communities located near the installation in implementing the entire process of disposal of the real property and personal property at the installation.

SEC. 2904. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) DETERMINATIONS UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as amended by section 2903(a), is further amended by adding after paragraph (4), as so added, the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed under this title after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, or will accept transfer of any portion of such installation, are made not later than 6 months after such date of enactment.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement

is in the best interests of the communities affected by the closure of the installation.".

(b) DETERMINATIONS UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2903(b), is further amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation.".

(c) APPLICABILITY.—The Secretary of Defense shall make the determinations required under section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), in the case of installations approved for closure under such Act before the date of the enactment of this Act, not later than 6 months after the date of the enactment of this Act.

SEC. 2905. AVAILABILITY OF PROPERTY FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as amended by section 2904(a), is further amended by adding after paragraph (5), as so added, the following:

"(6)(A) Except as provided in this paragraph, nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this title.

"(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this title, the Secretary shall—

"(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

"(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

"(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal

department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

"(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

"(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

"(ii) notify the Secretary of Defense of the buildings and property that are so identified;

"(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

"(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

"(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

"(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

"(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

"(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

"(iii) the Secretary of Health and Human Services—

"(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

"(II) approves the application under section 501(e) of such Act.

"(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to in subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

"(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

"(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

"(III) In the case of building and property for which such application is so received, if the Secretary of Health and Human

Services rejects the application under section 501(e) of such Act.

"(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

"(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

"(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

"(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

"(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

"(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

"(ii) If a redevelopment authority does not express an interest in the use of buildings or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.".

(b) AVAILABILITY OF PROPERTY UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2904(b), is further amended by adding at the end the following:

"(6)(A) Except as provided in this paragraph, nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this part.

"(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this part, the Secretary shall—

"(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

"(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

"(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

"(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

"(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

"(ii) notify the Secretary of Defense of the buildings and property that are so identified;

"(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

"(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

"(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

"(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

"(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

"(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

"(iii) the Secretary of Health and Human Services—

"(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

"(II) approves the application under section 501(e) of such Act.

"(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

"(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

"(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

"(III) In the case of buildings and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

"(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

"(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

"(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

"(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

"(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

"(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

"(ii) If a redevelopment authority does not express an interest in the use of buildings or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.".

SEC. 2906. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—Subsection (f) of section 2667 of title 10, United States Code, is amended to read as follows:

"(f)(1) Notwithstanding subsection (a)(3), pending the final disposition of real property and personal property located at a military installation to be closed or realigned under a base closure law, the Secretary of the military department concerned may lease the property to any individual or entity under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

"(2) Notwithstanding subsection (b)(4), the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease interest if the Secretary concerned determines that—

"(A) a public interest will be served as a result of the lease; and

"(B) the fair market value of the lease is (i) unobtainable, or (ii) not compatible with such public benefit.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental condition of the property proposed for leasing is such that the lease of the property is advisable. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.".

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

"(g) In this section, the term 'base closure law' means each of the following:

"(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title.".

SEC. 2907. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as amended by section 2902(a)(1)(B), is further amended by adding at the end the following:

"(8)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2905(b) of this Act, is further amended by adding at the end the following:

"(7)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to

the extent that professionals are available in the area under the jurisdiction of such government.".

SEC. 2908. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS PAYING THE COST OF ENVIRONMENTAL RESTORATION ACTIVITIES ON THE PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this title that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note)

shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this part that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note)

shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe any regulations necessary to carry out subsection (d) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (e) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).

SEC. 2909. SENSE OF CONGRESS ON AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense take all actions that the Secretary determines practicable to make available the military equipment referred to in subsection (b) to communities suffering significant adverse economic circumstances as a result of the closure of military installations.

(b) COVERED EQUIPMENT.—The equipment referred to in subsection (a) is surplus military equipment that—

(1) is scheduled for retirement or disposal as a result of reductions in the size of the Armed Forces or the closure or realignment of a military installation under a base closure law;

(2) is important (as determined by the Secretary) to the economic development efforts of the communities referred to in subsection (a); and

(3) has no other military uses (as so determined).

SEC. 2910. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The identification by the Secretary of Defense required under section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)), and the concurrence required under section 120(h)(4)(B) of such Act, shall be made not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation concerned of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date specified in section 120(h)(4)(C)(iii) of such Act.

SEC. 2911. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

Not later than 12 months after the date of the submittal to the Secretary of Defense of a redevelopment plan for an installation approved for closure under a base closure law, the Secretary of Defense shall, to the extent practicable, complete any environmental impact analyses required with respect to the installation, and with respect to the redevelopment plan, if any, for the installa-

tion, pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 2912. PREFERENCE FOR LOCAL AND SMALL BUSINESSES.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the greatest extent practicable, to qualified businesses located in the vicinity of the installation and to small business concerns and small disadvantaged business concerns. Contracts for which this preference shall be given shall include contracts to carry out activities for the environmental restoration and mitigation at military installations to be closed or realigned.

(b) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern meeting the requirements of section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "small disadvantaged business concern" means the business concerns referred to in section 637(d)(1) of such Act (15 U.S.C. 637(d)(1)).

(3) The term "base closure law" includes section 2687 of title 10, United States Code.

SEC. 2913. CONSIDERATION OF APPLICATIONS OF AFFECTED STATES AND COMMUNITIES FOR ASSISTANCE.

Section 2391(b) of title 10, United States Code, is amended by adding at the end the following:

"(6) To the extent practicable, the Secretary of Defense shall inform a State or local government applying for assistance under this subsection of the approval or rejection by the Secretary of the application for such assistance as follows:

"(A) Before the end of the 7-day period beginning on the date on which the Secretary receives the application, in the case of an application for a planning grant.

"(B) Before the end of the 30-day period beginning on such date, in the case of an application for assistance to carry out a community adjustments and economic diversifications program.

"(7)(A) In attempting to complete consideration of applications within the time period specified in paragraph (6), the Secretary of Defense shall give priority to those applications requesting assistance for a community described in subsection (f)(1).

"(B) If an application under paragraph (6) is rejected by the Secretary, the Secretary shall promptly inform the State or local government of the reasons for the rejection of the application.".

SEC. 2914. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2700) may by utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

SEC. 2915. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for an installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of the installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the redevelopment plan for the installation;

(5) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to the transferability of property at the installation under section 204(b)(5) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as added by section 2904(a) of this Act, and under section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2904(b) of this Act, as the case may be;

(7) assist the local redevelopment authority with respect to the installation in identifying real property or personal property at the installation that may have significant potential for reuse or redevelopment in accordance with the redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of assistance

under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying property located at the installation that may be leased in a manner consistent with the redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real property or personal property at the installation that may be utilized to meet the needs of the homeless by consulting with the Secretary of Housing and Urban Development and the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2916. SENSE OF CONGRESS ON SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

It is the sense of Congress that the Secretary of Defense conduct seminars for each community in which is located a military installation to be closed under a base closure law. Any such seminar shall—

(1) be conducted within 6 months after the date of approval of closure of the installation concerned;

(2) address the various Federal programs for the reuse and redevelopment of the installation; and

(3) provide information about employment assistance (including employment assistance under Federal programs) available to members of such communities.

SEC. 2917. FEASIBILITY STUDY ON ASSISTING LOCAL COMMUNITIES AFFECTED BY THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility of assisting local communities recovering from the adverse economic impact of the closure or major realignment of a military installation under a base closure law by reserving for grants to the communities under section 2391(b) of title 10, United States Code, an amount equal to not less than 10 percent of the total projected savings to be realized by the Department of Defense in the first 10 years after the closure or major realignment of the installation as a result of the closure or realignment.

(b) REPORT.—Not later than March 1, 1994, the Secretary shall submit to Congress a report containing the results of the study required by this subsection. The report shall include—

(1) an estimate of the amount of the projected savings described in subsection (a) to be realized by the Department of Defense as a result of each base closure or major realignment approved before the date of the enactment of this Act; and

(2) a recommendation regarding the funding sources within the budget for the Department of Defense from which amounts for the grants described in subsection (a) could be derived.

SEC. 2918. DEFINITIONS.

(a) SUBTITLE A OF TITLE XXIX.—In this subtitle:

(1) The term "base closure law" means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(3) The term "redevelopment authority", in the case of an installation to be closed under a base closure law, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

(4) The term "redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.

(b) BASE CLOSURE ACT 1988.—Section 209 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(10) The term 'redevelopment authority', in the case of an installation to be closed under this title, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

"(11) The term 'redevelopment plan' in the case of an installation to be closed under this title, means a plan that—

"(A) is agreed to by the redevelopment authority with respect to the installation; and

"(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse or redevelopment as a result of the closure of the installation.".

(c) BASE CLOSURE ACT 1990.—Section 2910 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(8) The term 'date of approval', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.

"(9) The term 'redevelopment authority', in the case of an installation to be closed under this part, means any entity (including an entity established by a State or local government)

recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

"(10) The term 'redevelopment plan' in the case of an installation to be closed under this part, means a plan that—

"(A) is agreed to by the local redevelopment authority with respect to the installation; and

"(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.".

Subtitle B—Other Matters

SEC. 2921. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title shall be deposited directly into the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note)."; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

(c) TECHNICAL CORRECTION.—Paragraphs (2) and (3) of section 2906(c) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) are each amended by striking out "after the termination of the Commission" and inserting in lieu thereof "after the termination

of the authority of the Secretary to carry out a closure or realignment under this part".

SEC. 2922. LIMITATION ON EXPENDITURE OF FUNDS FROM THE DEFENSE BASE CLOSURE ACCOUNT 1990 FOR MILITARY CONSTRUCTION IN SUPPORT OF TRANSFERS OF FUNCTIONS.

(a) LIMITATION.—If the Secretary of Defense recommends to the Defense Base Closure and Realignment Commission pursuant to section 2903(c) of the 1990 base closure Act that an installation be closed or realigned, the Secretary identifies in documents submitted to the Commission one or more installations to which a function performed at the recommended installation would be transferred, and the recommended installation is closed or realigned pursuant to such Act, then, except as provided in subsection (b), funds in the Defense Base Closure Account 1990 may not be used for military construction in support of the transfer of that function to any installation other than an installation so identified in such documents.

(b) EXCEPTION.—The limitation in subsection (a) ceases to be applicable to military construction in support of the transfer of a function to an installation on the 60th day following the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a notification of the proposed transfer that—

(1) identifies the installation to which the function is to be transferred; and

(2) includes the justification for the transfer to such installation.

(c) DEFINITIONS.—In this section:

(1) The term "1990 base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "Defense Base Closure Account 1990" means the account established under section 2906 of the 1990 base closure Act.

SEC. 2923. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES UNDER THE DEFENSE BASE CLOSURE ACCOUNT 1990.

Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) The report for a fiscal year shall include the following:

"(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding

levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were so proposed; and

"(II) any expenditures for military construction projects that were not so proposed.".

SEC. 2924. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.

(a) ANNUAL REPORTS.—Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1), by inserting "by installation" after "basing plan";

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) both—

"(A) the status of negotiations, if any, between the United States and the host government as to (i) United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and (ii) any claims of the host government for damages or restoration of the installation; and

"(B) the representative of the United States in any such negotiations;";

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs (5) and (6):

"(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

"(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and".

(b) OMB REVIEW OF PROPOSED SETTLEMENTS.—Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(g) OMB REVIEW OF PROPOSED SETTLEMENTS.—The Secretary of Defense may not enter into an agreement of settlement with a host country regarding the release to the host country of improvements made by the United States to facilities at an installation located in the host country until 30 days after the date on which the Secretary submits the proposed settlement to the Director of the Office of Management and Budget. The Director shall evaluate the overall equity of the proposed settlement. In evaluating the proposed settlement, the Director shall consider such factors as the extent of the United States capital investment in the improvements being released to the host country, the depreciation of the

improvements, the condition of the improvements, and any applicable requirements for environmental remediation or restoration at the installation.".

SEC. 2925. SENSE OF CONGRESS ON DEVELOPMENT OF BASE CLOSURE CRITERIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense consider, in developing in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note) amended criteria, whether such criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) REPORT ON AMENDMENT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any amended criteria developed by the Secretary under section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 after the date of the enactment of this Act. Such report shall include a discussion of the amended criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the amended criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2926. INFORMATION RELATING TO RECOMMENDATIONS FOR THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) SUBMITTAL OF REPORT TO COMMISSION.—Subsection (c)(1) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out "March 15, 1995," and inserting in lieu thereof "March 1, 1995,".

(b) SUMMARY OF SELECTION PROCESS AND JUSTIFICATION OF RECOMMENDATIONS.—Subsection (c)(2) of such section is amended by adding at the end the following: "The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1).".

(c) SUBMITTAL OF INFORMATION TO CONGRESS.—Subsection (c)(6) of such section is amended to read as follows:

"(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House or Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 24 hours after the submission of the information to the Commission.".

(d) PUBLICATION OF INFORMATION ON CHANGES RECOMMENDED BY COMMISSION.—Subsection (d)(1)(2)(C)(iii) of such section is amended by striking out "30 days" and inserting in lieu thereof "45 days".

SEC. 2927. PUBLIC PURPOSE EXTENSIONS.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

(1) in subsection (o) in the first sentence by inserting "or (q)" after "subsection (p)"; and

(2) by adding at the end the following:

"(q)(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense, in the case of property located at a military installation closed or realigned pursuant to a base closure law, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

"(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

"(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

"(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;

"(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

"(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under subsection (e)(6).

"(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

"(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

"(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

"(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

"(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

"(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

"(6) In this section, the term 'base closure law' means the following:

"(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(C) Section 2687 of title 10, United States Code.".

SEC. 2928. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.

(a) INCLUSION OF OTHER DEPOSITORY INSTITUTIONS WITH CREDIT UNIONS.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) is amended—

(1) by striking "credit union" each place it appears and inserting in lieu thereof "depository institution";

(2) in subsection (c), by striking "business"; and

(3) by adding at the end the following new subsection:

"(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term 'depository institution' has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED.".

(2) The table of contents in section 2(b) of such Act is amended by striking out the item relating to section 2825 and inserting in lieu thereof the following:

"2825. Disposition of facilities of depository institutions on military installations to be closed.".

(c) AMENDMENT FOR STYLISTIC CONSISTENCY.—Subsection (c) of such section 2825 is amended by striking out "plan for the reuse of the installation developed in coordination with the community in which the facility is located" and inserting in lieu thereof "redevelopment plan with respect to the installation".

SEC. 2929. ELECTRIC POWER ALLOCATION AND ECONOMIC DEVELOPMENT AT CERTAIN MILITARY INSTALLATIONS TO BE CLOSED IN THE STATE OF CALIFORNIA.

For a 10-year period beginning on the date of the enactment of this Act, the electric power allocations provided as of that date by the Western Area Power Administration from the Central Valley Project to military installations in the State of California approved for closure pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or selected for closure pursuant to that Act. To the extent power reserved by this section is not disposed of pursuant to this section, it shall be made available on a temporary basis during such period to military installations in the State of California through short-term contracts. Within one year of the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to Congress a report with recommendations regarding the disposition of electric power allocations provided by the Federal Power Marketing Administrations to other military installations closed or approved for closure. The report shall consider the option of using such power to promote economic development at closed military installations.

SEC. 2930. TESTIMONY BEFORE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

(a) OATHS REQUIRED.—Section 2903(d)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after the date of the enactment of this Act.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $3,642,297,000, to be allocated as follows:

(1) For research and development, $1,129,325,000.
(2) For testing, $217,326,000.
(3) For stockpile support, $1,792,280,000.
(4) For program direction, $177,466,000.
(5) For complex reconfiguration, $168,500,000.
(6) For stockpile stewardship, $157,400,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD–101, general plant projects, various locations, $16,500,000.

Project GPD–121, general plant projects, various locations, $7,700,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $4,000,000.

Project 94–D–124, hydrogen fluoride supply system, Oak Ridge Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93–D–123, complex–21, various locations, $25,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92–D–126, replace emergency notification systems, various locations, $10,500,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88–D–122, facilities capability assurance program, various locations, $27,100,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $20,000,000.

Project 85–D–121, air and water pollution control facilities, Y–12 Plant, Oak Ridge, Tennessee, $3,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $118,034,000, to be allocated as follows:

(1) For research and development, $82,879,000.

(2) For testing, $19,400,000.

(3) For stockpile support, $12,136,000.

(4) For program direction, $3,619,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c)—

(1) reduced by—

(A) $443,641,000, for use of prior year balances; and

(B) $50,000,000, for salary reductions; and

(2) increased by $100,000,000, for contractor employment transition.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,918,878,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,362,106,000.

(4) For technology development, $371,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $48,180,000.

Project 94–D–122, underground storage tanks, Rocky Flats, Colorado, $700,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $600,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $2,114,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94–D–405, central neutralization facility pipeline extension project, K–25, Oak Ridge, Tennessee, $1,714,000.

Project 94–D–406, low-level waste disposal facilities, K–25, Oak Ridge, Tennessee, $6,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94–D–408, office facilities—200 East, Richland, Washington, $1,200,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $7,100,000.

Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,100,000.

Project 94–D–414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,110,000.

Project 94–D–416, solvent storage tanks installation, Savannah River, South Carolina, $1,500,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93–D–175, industrial waste compaction facility, Y–12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–25 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $1,000,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $6,000,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $45,660,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $3,000,000.

Project 93–D–188, new sanitary landfill, Savannah River, Aiken, South Carolina, $1,020,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $7,000,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92–D–183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92–D–186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $3,888,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90–D–172, aging waste transfer line, Richland, Washington, $5,000,000.

Project 90–D–175, landlord program safety compliance–I, Richland, Washington, $1,800,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $1,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $12,974,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $40,000,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $2,169,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition and management, $24,726,000.

(d) GENERAL REDUCTION IN OPERATING EXPENSES.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount authorized to be appropriated in that subsection reduced by $280,000,000.

(e) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a), (b), and (c) reduced by $86,600,000. In determining the amount authorized to be appropriated pursuant to subsection (a) for the purposes of this subsection, subsection (d) shall be taken into account.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $2,182,315,000, to be allocated as follows:

(1) For nuclear materials support, $873,123,000.

(2) For verification and control technology, $341,941,000.

(3) For nuclear safeguards and security, $82,700,000.

(4) For security investigations, $49,000,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, including enrichment materials, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials support and other defense programs necessary for national security programs as follows:

(1) For materials support:

Project GPD–146, general plant projects, various locations, $23,000,000.

Project 93–D–147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, $7,720,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN–101, general plant projects, various locations, $7,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $2,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials support and other defense programs necessary for national security programs as follows:

(1) For materials support, $65,000,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by—

(1) $100,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(2) $409,132,000, for use of prior year balances for materials support and other defense programs; and

(3) $18,937,000, for salary reductions.

(e) ECONOMIC ADJUSTMENT ASSISTANCE.—Of the amount provided under subsection (a)(7) for worker training and adjustment, $6,000,000 shall be available for providing economic assistance and development funding for local counties or localities surrounding the property of the Department of Energy defense nuclear facility at the Savannah River Site, South Carolina. To the extent prac-

ticable, the amount of assistance to be provided should be distributed as follows:

(1) $1,000,000 to plan community adjustments and economic diversification.

(2) $5,000,000 to carry out a community adjustments and economic diversification program.

(f) USE OF TECHNOLOGY TRANSFER FUNDS AT THE SAVANNAH RIVER SITE.—Of amounts authorized to be appropriated in subsection (a)(1) for nuclear materials support, there are hereby authorized to be appropriated $4,000,000 for technology transfer activities at the Department of Energy defense production facility at the Savannah River Site, South Carolina.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $120,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the action and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Federal Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000,

funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and plant and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

SEC. 3132. PAYMENT OF PENALTY ASSESSED AGAINST HANFORD PROJECT.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9601 et seq.) and the Hanford Consent Agreement and Compliance Order for Department of Energy Hanford.

SEC. 3133. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102(a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $11,300,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3134. TECHNOLOGY TRANSFER.

(a) IN GENERAL.—(1) The Secretary of Energy may use for technology transfer activities described in paragraph (2), and for cooperative research and development agreements and partnerships to carry out such activities, funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 under sections 3101 and 3103.

(2) The activities that may be funded under this paragraph are those activities determined by the Secretary of Energy to facilitate the maintenance and enhancement of critical skills required for research on, and development of, any dual-use critical technology.

(b) APPLICABILITY OF CERTAIN LAWS.—The Secretary of Energy shall conduct the activities funded under subsection (a) in accordance with applicable laws and regulations relating to grants, contracts, and cooperative agreements of the Department of Energy, including the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), the National Competitiveness Technology Transfer Act of 1989 (15 U.S.C. 3701 note), and section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123).

(c) DEFINITION.—For purposes of this section, the term "dual-use critical technology" has the meaning given such term by section 3136(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123(b)).

SEC. 3135. TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT ACTIVITIES FOR COMMUNITIES SURROUNDING SAVANNAH RIVER SITE.

(a) PLAN.—(1) The Secretary of Energy shall submit to the Congress a plan for the expenditure of funds in an equitable manner to foster technology transfer to, and economic development activities in, the communities surrounding the Savannah River Site, South Carolina.

(2) The plan required under paragraph (1)—

(A) shall be based on a report on the matters referred to in that paragraph that is prepared by the appropriate official of the Department of Energy at the Savannah River Site and submitted to the Secretary; and

(B) shall be submitted to the Congress by the Secretary within 30 days after the date on which the report referred to in subparagraph (A) is submitted to the Secretary.

(b) LIMITATION.—The Secretary of Energy may not, for the purpose of fostering technology transfer to, and economic develop-

ment activities in, the communities referred to in subsection (a)(1), obligate more than $5,000,000 of the $30,000,000 appropriated to the Department of Energy for such purpose pursuant to the authorization of appropriations in section 3102 until 30 days after the date on which the Secretary submits to the Congress the plan required under that subsection.

SEC. 3136. PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) UNITED STATES POLICY.—It shall be the policy of the United States not to conduct research and development which could lead to the production by the United States of a new low-yield nuclear weapon, including a precision low-yield warhead.

(b) LIMITATION.—The Secretary of Energy may not conduct, or provide for the conduct of, research and development which could lead to the production by the United States of a low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(c) EFFECT ON OTHER RESEARCH AND DEVELOPMENT.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, research and development necessary—

(1) to design a testing device that has a yield of less than five kilotons;

(2) to modify an existing weapon for the purpose of addressing safety and reliability concerns; or

(3) to address proliferation concerns.

(d) DEFINITION.—In this section, the term ''low-yield nuclear weapon'' means a nuclear weapon that has a yield of less than five kilotons.

SEC. 3137. TESTING OF NUCLEAR WEAPONS.

(a) IN GENERAL.—Of the funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing, $211,326,000 shall be available for infrastructure maintenance at the Nevada Test Site, and for maintaining the technical capability to resume underground nuclear testing at the Nevada Test Site.

(b) ATMOSPHERIC TESTING OF NUCLEAR WEAPONS.—None of the funds appropriated pursuant to this Act or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.

SEC. 3138. STOCKPILE STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(b) PROGRAM ELEMENTS.—The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States with respect to the detonation of nuclear weapons.

(2) An increased level of effort for above-ground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics, and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for above-ground experiments to assess nuclear weapons effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, $157,400,000 shall be available for the stewardship program established under subsection (a).

(d) REPORT.—Each year, at the same time the President submits the budget under section 1105 of title 31, United States Code, the President shall submit to the Congress a report covering the most recently completed calendar year which sets forth—

(1) any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory; and

(2) if such concerns have been raised, the President's evaluation of each concern and a report on what actions are being or will be taken to address that concern.

SEC. 3139. NATIONAL SECURITY PROGRAMS.

Notwithstanding any other provision of law, not more than 95 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1994 required under section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271b).

SEC. 3140. EXPENDED CORE FACILITY DRY CELL.

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, until shipment of spent naval nuclear fuel from United States naval surface ships and submarines to the Idaho Engineering Laboratory, Idaho, is resumed.

SEC. 3141. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $1,000,000 shall be available for the Scholarship and Fellowship Program for Environmental Restoration and Waste Management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274e).

SEC. 3142. HAZARDOUS MATERIALS MANAGEMENT AND HAZARDOUS MATERIALS EMERGENCY RESPONSE TRAINING PROGRAM.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3102, not more than $10,000,000 shall be available to carry out a hazardous materials management and hazardous materials emergency response training program.

SEC. 3143. WORKER HEALTH AND PROTECTION.

(a) HANFORD HEALTH INFORMATION NETWORK.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3101(a), $1,750,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834).

(b) PROTECTION OF NUCLEAR WEAPONS FACILITIES WORKERS.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $11,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3144. VERIFICATION AND CONTROL TECHNOLOGY.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses for activities relating to verification and control technology, not more than $334,441,000 may be obligated until the Secretary of Defense submits the report required by section 1606.

SEC. 3145. TRITIUM PRODUCTION REQUIREMENTS.

(a) EVALUATION.—(1) The Secretary of Energy shall evaluate—

(A) a range of contingency options for meeting potential tritium requirements of the United States before 2008; and

(B) long-term options for the production of tritium to meet the tritium requirements of the United States after 2008.

(2) Among the long-term options evaluated under paragraph (1)(B), the Secretary of Energy shall consider—

(A) those technologies and reactors that are evaluated by the Secretary for plutonium disposition and are appropriate for the production of tritium, for the feasibility and cost-effectiveness of using such technologies and reactors for the production of tritium; and

(B) any proposals for the private financing of tritium production facilities or for the commercial production of tritium that the Secretary considers promising.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to the Congress a report on the contingency options evaluated under subsection (a)(1)(A) which sets forth the Secretary's plan for meeting, through 2008, the requirements of the United States for tritium for national security purposes. The report shall include an assessment of the effect of the closing of the K reactor at the Savannah River Site, South Carolina, on the ability of the Department of

Energy to meet such requirements. The report shall be submitted in unclassified form, with a classified appendix if necessary.

(c) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary of Energy shall include an assessment of the capacity of the Department of Energy to produce tritium after 2008 in the Secretary's programmatic environmental impact statement under 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) on the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary shall issue the programmatic environmental impact statement not later than March 1, 1995.

Subtitle D—Other Matters

SEC. 3151. LIMITATIONS ON THE RECEIPT AND STORAGE OF SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS.

(a) PURPOSE.—It is the purpose of this section to regulate the receipt and storage of spent nuclear fuel at the Department of Energy defense nuclear facility located at the Savannah River Site, South Carolina (in this section referred to as the "Savannah River Site").

(b) RECEIPT IN EMERGENCY CIRCUMSTANCES.—When the Secretary of Energy determines that emergency circumstances make it necessary to receive spent nuclear fuel, the Secretary shall submit a notification of that determination to the Congress. The Secretary may not receive spent nuclear fuel at the Savannah River Site until the expiration of the 30-day period beginning on the date on which the Congress receives the notification.

(c) LIMITATION ON STORAGE IN NON-EMERGENCY CIRCUMSTANCES.—The Secretary of Energy may not, under other than emergency circumstances, receive and store at the Savannah River Site any spent nuclear fuel in excess of the amount that (as of the date of the enactment of this Act) the Savannah River Site is capable of receiving and storing, until, with respect to the receipt and storage of any such spent nuclear fuel—

(1) the completion of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) the expiration of the 90-day period (as prescribed by regulation pursuant to such Act) beginning on the date of such completion; and

(3) the signing by the Secretary of a record of decision following such completion.

(d) LIMITATIONS ON RECEIPT.—The Secretary of Energy may not, under emergency or non-emergency circumstances, receive spent nuclear fuel if the spent nuclear fuel—

(1) cannot be transferred in an expeditious manner from its port of entry in the United States to a storage facility that is located at a Department of Energy facility and is capable of receiving and storing the spent nuclear fuel; or

(2) will remain on a vessel in the port of entry for a period that exceeds the period necessary to unload the fuel from the vessel pursuant to routine unloading procedures.

(e) CRITERIA FOR PORT OF ENTRY.—The Secretary of Energy shall, if economically feasible and to the maximum extent practicable, provide for the receipt of spent nuclear fuel under this

section at a port of entry in the United States which, as determined by the Secretary and compared to each other port of entry in the United States that is capable of receiving the spent nuclear fuel—

(1) has the lowest human population in the area surrounding the port of entry;

(2) is closest in proximity to the facility which will store the spent nuclear fuel; and

(3) has the most appropriate facilities for, and experience in, receiving spent nuclear fuel.

(f) DEFINITION.—In this section, the term "spent nuclear fuel" means nuclear fuel that—

(1) was originally exported to a foreign country from the United States in the form of highly enriched uranium; and

(2) was used in a research reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

SEC. 3152. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year periods".

SEC. 3153. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.

(a) ANNUAL ENVIRONMENTAL RESTORATION REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on the activities and projects necessary to carry out the environmental restoration of all Department of Energy defense nuclear facilities.

(2) Reports under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than March 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995 during which the Secretary of Energy conducts, or plans to conduct, environmental restoration activities and projects, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(b) ANNUAL WASTE MANAGEMENT REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on all activities and projects for waste management, transition of operational facilities to safe shutdown status, and technology research and development related to such activities and projects that are necessary for Department of Energy defense nuclear facilities.

(2) Reports required under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than June 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(c) CONTENTS OF REPORTS.—A report required under subsection (a) or (b) shall be based on compliance with all applicable provisions of law, permits, regulations, orders, and agreements, and shall—

(1) provide the estimated total cost of, and the complete schedule for, the activities and projects covered by the report; and

(2) with respect to each such activity and project, contain—

(A) a description of the activity or project;

(B) a description of the problem addressed by the activity or project;

(C) the proposed remediation of the problem, if the remediation is known or decided;

(D) the estimated cost to complete the activity or project, including, where appropriate, the cost for every five-year increment; and

(E) the estimated date for completion of the activity or project, including, where appropriate, progress milestones for every five-year increment.

(d) ANNUAL STATUS AND VARIANCE REPORTS.—(1)(A) The Secretary of Energy shall (in the years and at the time specified in subparagraph (B)) submit to the Congress a status and variance report on environmental restoration and waste management activities and projects at Department of Energy defense nuclear facilities.

(B) A report under subparagraph (A) shall be submitted in 1995 and in each year thereafter during which the Secretary of Energy conducts environmental restoration and waste management activities, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(2) Each status and variance report under paragraph (1) shall contain the following:

(A) Information on each such activity and project for which funds were appropriated for the fiscal year immediately before the fiscal year during which the report is submitted, including the following:

(i) Information on whether or not the activity or project has been completed, and information on the estimated date of completion for activities or projects that have not been completed.

(ii) The total amount of funds expended for the activity or project during such prior fiscal year, including the amount of funds expended from amounts made available as the result of supplemental appropriations or a transfer of funds, and an estimate of the total amount of funds required to complete the activity or project.

(iii) Information on whether the President requested an amount of funds for the activity or project in the budget for the fiscal year during which the report is submitted, and whether such funds were appropriated or transferred.

(iv) An explanation of the reasons for any projected cost variance between actual and estimated expenditures of more than 15 percent or $10,000,000, or any schedule delay of more than six months, for the activity or project.

(B) For the fiscal year during which the report is submitted, a disaggregation of the funds appropriated for Department of Energy defense environmental restoration and waste management into the activities and projects (including discrete

parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(C) For the fiscal year for which the budget is submitted, a disaggregation of the Department of Energy defense environmental restoration and waste management budget request into the activities and projects (including discrete parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(e) COMPLIANCE TRACKING.—In preparing a report under this section, the Secretary of Energy shall provide, with respect to each activity and project identified in the report, information which is sufficient to track the Department of Energy's compliance with relevant Federal and State regulatory milestones.

SEC. 3154. LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsections:

"(c) The Secretary may lease, upon terms and conditions the Secretary considers appropriate to promote national security or the public interest, acquired real property and related personal property that—

"(1) is located at a facility of the Department of Energy to be closed or reconfigured;

"(2) at the time the lease is entered into, is not needed by the Department of Energy; and

"(3) is under the control of the Department of Energy.

"(d)(1) A lease entered into under subsection (c) may not be for a term of more than 10 years, except that the Secretary may enter into a lease that includes an option to renew for a term of more than 10 years if the Secretary determines that entering into such a lease will promote the national security or be in the public interest.

"(2) A lease entered into under subsection (c) may provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is less than the fair market rental value of the leasehold interest. Services relating to the protection and maintenance of the leased property may constitute all or part of such consideration.

"(e)(1) Before entering into a lease under subsection (c), the Secretary shall consult with the Administrator of the Environmental Protection Agency (with respect to property located on a site on the National Priorities List) or the appropriate State official (with respect to property located on a site that is not listed on the National Priorities List) to determine whether the environmental conditions of the property are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment.

"(2) Before entering into a lease under subsection (c), the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency or the appropriate State official, as the case may be, in the determination required under paragraph (1). The Secretary may enter into a lease under subsection (c) without obtaining such concurrence if, within 60 days after the Secretary requests the concurrence, the Administrator or appropriate State official, as the case may be, fails to submit to the

Secretary a notice of such individual's concurrence with, or rejection of, the determination.

"(f) To the extent provided in advance in appropriations Acts, the Secretary may retain and use money rentals received by the Secretary directly from a lease entered into under subsection (c) in any amount the Secretary considers necessary to cover the administrative expenses of the lease, the maintenance and repair of the leased property, or environmental restoration activities at the facility where the leased property is located. Amounts retained under this subsection shall be retained in a separate fund established in the Treasury for such purpose. The Secretary shall annually submit to the Congress a report on amounts retained and amounts used under this subsection.".

SEC. 3155. AUTHORITY TO TRANSFER CERTAIN DEPARTMENT OF ENERGY PROPERTY.

(a) AUTHORITY TO TRANSFER.—(1) Notwithstanding any other provision of law, the Secretary of Energy may transfer, for consideration, all right, title, and interest of the United States in and to the property referred to in subsection (b) to any person if the Secretary determines that such transfer will mitigate the adverse economic consequences that might otherwise arise from the closure of a Department of Energy facility.

(2) The amount of consideration received by the United States for a transfer under paragraph (1) may be less than the fair market value of the property transferred if the Secretary determines that the receipt of such lesser amount by the United States is in accordance with the purpose of such transfer under this section.

(3) The Secretary may require any additional terms and conditions with respect to a transfer of property under paragraph (1) that the Secretary determines appropriate to protect the interests of the United States.

(b) COVERED PROPERTY.—Property referred to in subsection (a) is the following property of the Department of Energy that is located at a Department of Energy facility to be closed or reconfigured:

(1) The personal property and equipment at the facility that the Secretary determines to be excess to the needs of the Department of Energy.

(2) Any personal property and equipment at the facility (other than the property and equipment referred to in paragraph (1)) the replacement cost of which does not exceed an amount equal to 110 percent of the costs of relocating the property or equipment to another facility of the Department of Energy.

SEC. 3156. IMPROVED CONGRESSIONAL OVERSIGHT OF DEPARTMENT OF ENERGY SPECIAL ACCESS PROGRAMS.

(a) IN GENERAL.—Chapter 9 of the Atomic Energy Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding at the end the following new section:

"SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

"(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on special access programs of

the Department of Energy carried out under the atomic energy defense activities of the Department.

"(2) MATTERS TO BE INCLUDED.—Each such report shall set forth—

"(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

"(B) for each such program in that budget, the following:

"(i) A brief description of the program.

"(ii) A brief discussion of the major milestones established for the program.

"(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

"(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

"(A) notice of the designation of the program as a special access program; and

"(B) justification for such designation.

"(2) MATTERS TO BE INCLUDED.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) NEW SPECIAL ACCESS PROGRAM DEFINED.—In this subsection, the term 'new special access program' means a special access program that has not previously been covered in a notice and justification under this subsection.

"(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—

"(1) NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever a change in the classification of a special access program of the Department of Energy is planned to be made or whenever classified information concerning a special access program of the Department of Energy is to be declassified and made public, the Secretary of Energy shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) TIME FOR NOTICE.—Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted

not less than 14 days before the date on which the proposed change or public announcement is to occur.

"(3) TIME WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Energy, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

"(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Energy as a special access program, the Secretary of Energy shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

"(e) WAIVER AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Energy may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. The Secretary may waive the report-and-wait requirement in subsection (f) if the Secretary determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

"(2) LIMITED NOTICE REQUIRED.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

"(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

"(1) the congressional defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.

"(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 92 the following new item:

"Sec. 93. Congressional oversight of special access programs.".

SEC. 3157. REAUTHORIZATION AND EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2074) is amended—

(1) in subparagraph (A)—

(A) by striking out "and" at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to any community-based organization; and

"(iv) at the Oak Ridge Reservation, Tennessee, to loan personnel in accordance with this section to any community-based organization."; and

(2) in subparagraph (B)—

(A) by striking out "and the Idaho" and inserting in lieu thereof ", the Idaho"; and

(B) by adding before the period at the end the following: ", the Savannah River Site, and the Oak Ridge Reservation".

(b) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such Act is amended—

(1) by striking out "or the Idaho" and inserting in lieu thereof "the Idaho"; and

(2) by inserting "the Savannah River Site, South Carolina, or the Oak Ridge Reservation, Tennessee," before "to any community-based organization".

(c) DURATION OF PROGRAM.—Subsection (c) of such section is amended—

(1) by striking out "Reservation, and" and inserting in lieu thereof "Reservation,"; and

(2) by inserting after "Idaho National Engineering Laboratory" the following: ", and September 30, 1995, with respect to the Savannah River Site, and to the Oak Ridge Reservation".

SEC. 3158. MODIFICATION OF PAYMENT PROVISION.

Section 1532(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 42 U.S.C. 2391 note) is amended by striking out "1996" and inserting in lieu thereof "1995".

SEC. 3159. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) GOAL.—Except as provided in subsection (c), a goal of 5 percent of the amount described in subsection (b) shall be the objective of the Department of Energy in carrying out national security programs of the Department in each of fiscal years 1994 through 2000 for the total combined amount obligated for contracts and subcontracts entered into with—

(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

(2) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986; and

(3) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)).

(b) AMOUNT.—(1) Except as provided in paragraph (2), the requirements of subsection (a) for any fiscal year apply to the combined total of the funds obligated for contracts entered into by the Department of Energy pursuant to competitive procedures for such fiscal year for purposes of carrying out national security programs of the Department.

(2) In computing the combined total of funds under paragraph (1) for a fiscal year, funds obligated for such fiscal year for contracts for naval reactor programs shall not be included.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Energy determines that compelling national security considerations require otherwise; and

(2) if the Secretary notifies the Congress of such a determination and the reasons for the determination.

SEC. 3160. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(1) in paragraph (2)(B)—

(A) by inserting "(including a weapon production facility of the Department of Energy)" after "facilities"; and

(B) by inserting ", or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components," after "research and development";

(2) in paragraph (2)(C)—

(A) by inserting "(including a weapon production facility of the Department of Energy)" after "facility"; and

(B) by inserting ", or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components," after "research and development";

(3) in paragraph (2), by striking out "propulsion program; and" in the matter following subparagraph (C) and inserting in lieu thereof "propulsion program;";

(4) in paragraph (3), by striking out the period and inserting in lieu thereof "; and"; and

(5) by adding at the end the following new paragraph:

"(4) the term 'weapon production facility of the Department of Energy' means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in the production, maintenance, testing, or dismantlement of a nuclear weapon or its components.".

SEC. 3161. CONFLICT OF INTEREST PROVISIONS FOR DEPARTMENT OF ENERGY EMPLOYEES.

(a) REPEAL.—Sections 603, 604, 605, 606, and 607 of the Department of Energy Organization Act (42 U.S.C. 7213 through 7217) are repealed.

(b) WAIVER.—Subsection (c) of section 602 of such Act (42 U.S.C. 7212) is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating paragraphs (1), (2), and (3), as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Secretary may, on a case-by-case basis, waive the requirements of this section for a supervisory employee covered if the Secretary finds that the waiver is in the best interests of the Department. A waiver under this paragraph is effective for that supervisory employee only if that supervisory employee establishes a qualified trust as provided in subparts D and E of 5 Code of Federal Regulations part 2634, as in effect on the date of the enactment of this provision. The provisions of section 2634.403(b)(3) of such part shall not apply to this paragraph.

"(B) A waiver under this paragraph shall be published in the Federal Register and shall contain the basis for the finding required by this paragraph. The waiver shall be for such period as the Secretary shall prescribe and may be renewed by the Secretary.".

(c) CONFORMING AMENDMENTS.—(1) Part A of title VI of such Act (42 U.S.C. 7211 et seq.) is amended—

(A) in section 601(c)(1), by striking out "sections 602 through 606" and inserting in lieu thereof "section 602";

(B) in section 601(d)—

(i) by striking out "sections 602(a), 603(a), 605(a), and 606" and inserting in lieu thereof "section 602(a)"; and

(ii) by striking out the third sentence;

(C) in section 602(d), by striking out "pursuant to section 603" and inserting in lieu thereof "to the extent known";

(D) by redesignating section 608 as section 603; and

(E) in section 603, as redesignated by subparagraph (D)—

(i) by striking out subsections (a) and (c);

(ii) by redesignating subsections (b) and (d) as subsections (a) and (b), respectively; and

(iii) in subsection (a), as redesignated by clause (ii), by striking out "section 602, 603, 604, 605, or 606" and inserting in lieu thereof "section 602".

(2) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 603, 604, 605, 606, 607, and 608 and inserting in lieu thereof the following:

"Sec. 603. Sanctions.".

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the application of part A of title VI of the Department of Energy Organization Act (42 U.S.C 7211 et seq.) to the Department of Energy and its officers and employees. The report shall—

(1) take into consideration the amendments to part A of title VI of such Act made by subsections (a), (b), and (c) of this section;

(2) examine whether the provisions of part A of title VI of such Act are necessary, taking into consideration other provisions of law regarding conflicts of interest and other statutes and requirements similar to part A that are applicable to

other Federal agencies, including offices and bureaus of the Department of the Interior and the Federal Communications Commission;

(3) examine the scope of coverage under the provisions of part A of title VI of such Act for supervisory employees of the Department of Energy, and the definition of the term 'energy concern' under section 601(b) of such Act, taking into consideration changes in responsibilities and duties of the Department of Energy under the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) and under other laws enacted after the establishment of the Department, and advise whether such provisions are adequate, overly broad, or too limiting, as applied to the Department;

(4) examine whether the divestiture provisions of part A of title VI of such Act are needed, in addition to other applicable provisions of law and regulations relating to divestiture, to protect the public interest;

(5) identify the provisions of law and regulations referred to in paragraph (4) and explain the manner and extent to which such provisions are adequate for all of the employees covered by part A of title VI of such Act; and

(6) include any recommendations that the Secretary considers appropriate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1994, $16,560,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CONGRESS OF CERTAIN INFORMATION PREPARED BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) REQUIREMENT.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) by redesignating section 320 as section 321; and

(2) by inserting after section 319 the following new section 320:

"SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO CONGRESS.

"Whenever the Board submits or transmits to the President or the Director of the Office of Management and Budget any legislative recommendation, or any statement or information in preparation of a report to be submitted to the Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to the Congress.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by striking out the item relating to section 320 and inserting in lieu thereof the following:

"Sec. 320. Transmittal of certain information to Congress.
"Sec. 321. Annual authorization of appropriations.".

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorizations of Disposals and Use of Funds

SEC. 3301. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Analgesics	53,525 pounds of anhydrous morphine alkaloid
Antimony	32,140 short tons
Diamond Dies, Small	25,473 pieces
Manganese, Electrolytic	14,172 short tons
Mica, Muscovite Block, Stained and Better	1,866,166 pounds
Mica, Muscovite Film, 1st & 2d quality	158,440 pounds
Mica, Muscovite Splittings	12,540,382 pounds
Quinidine	2,471,287 avoirdupois ounces
Quinidine, Non-Stockpile Grade	1,691 avoirdupois ounces
Quinine	2,770,091 avoirdupois ounces
Quinine, Non-Stockpile Grade	475,950 avoirdupois ounces
Rare Earths	504 short dry tons
Vanadium Pentoxide	718 short tons of contained vanadium

(b) CONDITIONS ON DISPOSAL.—The authority of the President under subsection (a) to dispose of materials stored in the National Defense Stockpile may not be used unless and until the Secretary of Defense certifies to Congress that the disposal of such materials will not adversely affect the capability of the stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5(b)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

Subject to such limitations as may be provided in appropriations Acts, during fiscal year 1994, the National Defense Stockpile Manager may obligate up to $67,300,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling

Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

SEC. 3303. REVISION OF AUTHORITY TO DISPOSE OF CERTAIN MATERIALS AUTHORIZED FOR DISPOSAL IN FISCAL YEAR 1993.

(a) CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade under the authority of section 3302(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2649; 50 U.S.C. 98d note) may be made only for processing within the United States and the territories and possessions of the United States.

(b) CHROMIUM AND MANGANESE FERRO.—Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2651; 50 U.S.C. 98d note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1994".

SEC. 3304. CONVERSION OF CHROMIUM ORE TO HIGH PURITY CHROMIUM METAL.

(a) UPGRADE PROGRAM AUTHORIZED.—Subject to subsection (b), the National Defense Stockpile Manager may carry out a program to upgrade to high purity chromium metal any stocks of chromium ore held in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) if the National Defense Stockpile Manager determines that additional quantities of high purity chromium metal are needed in the stockpile.

(b) INCLUSION IN ANNUAL MATERIALS PLAN.—Before entering into any contract in connection with the upgrade program authorized under subsection (a), the National Defense Stockpile Manager shall include a description of the upgrade program in the report containing the annual materials plan for the operation of the National Defense Stockpile required to be submitted to Congress under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2(b)) or in a revision of the report made in the manner provided by section 5(a)(2) of such Act (50 U.S.C. 98d(a)(2)).

Subtitle B—Programmatic Changes

SEC. 3311. STOCKPILING PRINCIPLES.

Section 2(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)) is amended—

(1) in paragraph (2), by striking out "The quantities" and inserting in lieu thereof "Before October 1, 1994, the quantities"; and

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

"(3) On and after October 1, 1994, the quantities of materials stockpiled under this Act should be sufficient to meet the needs of the United States during a period of a national emergency that would necessitate an expansion of the Armed Forces together with a significant mobilization of the economy of the United States under planning guidance issued by the Secretary of Defense.".

SEC. 3312. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR DEVIATIONS FROM ANNUAL MATERIALS PLAN.

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out "and a period of 30 days" and all that follows through "more than three days to a day certain." and inserting in lieu thereof "and a period of 45 days has passed from the date of the receipt of such statement by such committees.".

SEC. 3313. ADDITIONAL AUTHORIZED USES OF THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) EMPLOYEE PAY AND OTHER EXPENSES.—Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraphs:

"(J) Pay of employees of the National Defense Stockpile program.

"(K) Other expenses of the National Defense Stockpile program.".

(b) CONFORMING AMENDMENT.—Section 9(b) of such Act (50 U.S.C. 98h(b)) is amended by striking out paragraph (4).

SEC. 3314. NATIONAL EMERGENCY PLANNING ASSUMPTIONS FOR BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.

Section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5(b)) is amended—

(1) in the first sentence, by striking out ", based upon" and all that follows through "three years." and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: "Before October 1, 1994, such assumptions shall be based upon the total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years. On and after October 1, 1994, such assumptions shall be based on an assumed national emergency involving military conflict that necessitates an expansion of the Armed Forces together with a significant mobilization of the economy of the United States.".

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $146,391,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYSTEM.

(a) DECLARATION OF POLICY.—Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"The purpose of this Act is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure

established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this Act.".

(b) DEFINITION OF HAZARD.—Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(2) by inserting before subsection (b), as so redesignated, the following new subsection (a):

"(a) The term 'hazard' means an emergency or disaster resulting from—

"(1) a natural disaster; or

"(2) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.";

(3) in subsection (b), as so redesignated—

(A) by striking out "attack" the first place it appears and inserting in lieu thereof "attack-related disaster"; and

(B) by striking out "atomic" and inserting in lieu thereof "nuclear";

(4) in subsection (c), as so redesignated, by striking out "and, for the purposes of this Act" and all that follows through "natural disaster;" and inserting in lieu thereof a period; and

(5) by striking out subsection (d), as so redesignated, and inserting in lieu thereof the following new subsection:

"(d) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

"(1) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

"(2) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(3) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).".

(c) CONFORMING AMENDMENTS TO REFLECT DEFINITION OF HAZARD.—(1) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(A) in subsection (c), by striking out "an attack or natural disaster" and inserting in lieu thereof "a hazard";

(B) in subsection (d), by striking out "attacks and natural disasters" and inserting in lieu thereof "hazards"; and

(C) in subsection (g)—

(i) by striking out "an attack or natural disaster" the first place it appears and inserting in lieu thereof "a hazard"; and

(ii) by striking out "undergoing an attack or natural disaster" and inserting in lieu thereof "experiencing a hazard".

(2) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by striking out "natural disasters" and inserting in lieu thereof "hazards".

(d) STATE USE OF FUNDS FOR PREPARATION AND RESPONSE.—(1) Section 207 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2289) is amended to read as follows:

"SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act for civil defense activities and measures related to hazards.".

(2) The item relating to section 207 in the table of contents in the first section of such Act is amended to read as follows:

"Sec. 207. Use of funds to prepare for and respond to hazards.".

(e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301-2303) is repealed.

(2) The table of contents in the first section of such Act is amended by striking out the items related to title V.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of contents in the first section of the Federal Civil Defense Act of 1950 is amended—

(A) by inserting after the item relating to section 204 the following new item:

"Sec. 205. Contributions for personnel and administrative expenses."; and

(B) by inserting after the item relating to section 412 the following new item:

"Sec. 413. Applicability of Reorganization Plan Numbered 1.".

(2) Section 3 of such Act (50 U.S.C. App. 2252), as amended by subsection (b) of this section, is further amended—

(A) in each of subsections (b), (e), (f), and (g), as redesignated by subsection (b)(1) of this section, by striking out the semicolon at the end and inserting in lieu thereof a period; and

(B) in subsection (h), as so redesignated, by striking out "; and" and inserting in lieu thereof a period.

(3) Section 205 of such Act (50 U.S.C. App. 2286) is amended by striking out "SEC. 205." and inserting in lieu thereof the following:

"SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.".

(g) AMENDMENT FOR STYLISTIC CONSISTENCY.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is further amended so that the section designation and section heading of each section of such Act shall be in the same form and typeface as the section designation and heading of section 2 of such Act, as amended by subsection (a) of this section.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1994".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1994.

(b) LIMITATIONS.—Expenditures under subsection (a) for administrative expenses may not exceed $51,742,000, of which not more than—

(1) $11,000 may be expended for official reception and representation expenses of the Supervisory Board of the Commission;

(2) $5,000 may be expended for official reception and representation expenses of the Secretary of the Commission; and

(3) $30,000 may be expended for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Available funds may be used, under the authority of subsection (a), for the purchase of not more than 35 passenger motor vehicles (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama). A vehicle may be purchased under the authority of the preceding sentence only as necessary to replace a passenger motor vehicle of the Commission that is disposed of by the Commission. The purchase price of each vehicle may not exceed $18,000.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3504. EMPLOYMENT OF COMMISSION EMPLOYEES BY THE GOVERNMENT OF PANAMA.

(a) CONSENT OF CONGRESS.—Subject to subsection (b), the Congress consents to employees of the Panama Canal Commission

who are not citizens of the United States accepting civil employment with agencies and organizations affiliated with the Government of Panama (and compensation for that employment) for which the consent of Congress is required by the 8th clause of section 9 of article I of the Constitution of the United States, relating to acceptance of emolument, office, or title from a foreign State.

(b) CONDITION.—Employees described in subsection (a) may accept employment described in such subsection (and compensation for that employment) only if the employment is approved by the designated agency ethics official of the Panama Canal Commission designated pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App.), and by the Administrator of the Panama Canal Commission.

SEC. 3505. LABOR-MANAGEMENT RELATIONS.

Section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)) is amended—

(1) in paragraph (1), by striking out "and" after the semicolon;

(2) in paragraph (2), by striking out "supervisors." and inserting in lieu thereof "supervisors; and"; and

(3) by adding at the end the following:

"(3) any negotiated grievance procedures under section 7121 of title 5, United States Code, including any provisions relating to binding arbitration, shall, with respect to any personnel action to which subchapter II of chapter 75 of such title applies (as determined under section 7512 of such title), be available to the same extent and in the same manner as if employees of the Panama Canal Commission were not excluded from such subchapter under section 7511(b)(8) of such title.".

SEC. 3506. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect as of October 1, 1993.

(b) SPECIAL RULE.—Paragraph (3) of section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)), as added by section 3505(3), shall take effect on the date of the enactment of this

Act and shall apply with respect to grievances arising on or after such date.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.